

**SUPREME COURT CASE STUDY****Background of the Case**

In May 1983 the principal of Hazelwood East High School in St. Louis County, Missouri, ordered that two pages from an issue of *Spectrum*, a student newspaper, be deleted. The two pages included an article on students' experiences with pregnancy and another about the impact of divorce on students at the school.

The principal objected to the story on pregnancy because he believed the girls described in the story could easily be identified even if their names were left out of the story. In addition, he said, the references in the story to sexual activity were not suitable for the younger students at the school.

The principal objected to the story on divorce because it named a student who complained about her father's behavior. The principal believed the parents should have been given a chance to respond to the story.

The school paper was written and edited by the school's journalism class as part of the school curriculum. The principal also said he had "serious doubts" that the two articles fit the journalistic rules of fairness and privacy taught in the course. Three former students who worked on the student paper in 1983 then filed a suit against the principal, the school district, and other school officials. They claimed that the principal's action had violated their First Amendment rights to free speech.

In May 1985 a federal district court judge ruled against the students. In July 1986, however, a federal appeals court overturned that ruling. The appeals court said the *Spectrum* was a public forum for student expression and was fully protected by the First Amendment. In 1987 the United States Supreme Court agreed to hear the case.

**Constitutional Issue**

Clashes between high school students and school administrators are not uncommon. Students tend to resent being told what they cannot do or say. In some instances, such disputes reach the courts, as in the case of *Bethel School District v. Fraser*. In that case the Supreme Court ruled that under the circumstances of the case, the students were not protected by the First Amendment right of free speech.

In the *Hazelwood* case, the principal's decision to censor the school newspaper raised a basic constitutional question. Does the First Amendment guarantee of freedom of speech prevent school administrators from regulating student speech in school-sponsored publications, such as newspapers and yearbooks?

**The Supreme Court's Decision**

The Court ruled 5 to 3 against the students. (The Court had only 8 justices during this time.) Justice Byron R. White wrote the majority opinion.

White stated that the First Amendment rights of students in public schools are not exactly the same as the rights of adults in other settings. White explained that a school "must be able to set high standards for student speech . . . under [its] auspices—standards that may be higher than those demanded by some newspaper publishers and

**SUPREME COURT CASE STUDY *continued***

theatrical producers in the 'real' world—and may refuse to . . . [publish] student speech that does not meet those standards.”

In the case of *Tinker v. Des Moines* in 1969, the Court had ruled the First Amendment gave students the right to wear black armbands to school to protest the Vietnam War. Justice White said that while the *Tinker* decision protected students’ rights to personally express their political ideas, speech in school-sponsored newspapers was different because it occurred “as part of the school curriculum.”

A school newspaper like the *Spectrum*, the Court decided, was not “a forum for public expression” but rather a tool for teaching and learning. As a result, “educators are entitled to exercise greater control over this form of student expression to assure that participants learn whatever lessons the activity is designed to teach.” Thus, the Court held “that educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities....”

**Dissenting Opinion**

Justice William H. Brennan, joined by Justices Marshall and Blackmun, dissented. Brennan noted that the *Tinker* decision said school officials could limit student speech only if the speech threatened to “materially disrupt” schoolwork or violate the rights of others. He argued, “*Tinker* teaches us that the state educator’s undeniable . . . mandate to inculcate moral and political values is not a general warrant to act as ‘thought police’ stifling discussion of all but state-approved topics and advocacy of all but the official position.”

Brennan added that “instead of teaching children to respect the diversity of ideas that is fundamental to the American system . . . the Court today teaches youth to discount important principles of our government as mere platitudes.”

School officials across the nation praised the Court’s decision. They believed it gave them more authority to regulate student conduct. One official said the decision meant that schools, like “any other publisher, have the right to decide what will and will not be published.” Civil libertarians, on the other hand, viewed the decision as an unwarranted curtailment of students’ rights.



**Questions**



**DIRECTIONS:** Answer the following questions on a separate sheet of paper.

1. What reason did the Court give for allowing school officials to censor the school paper?
2. How did the Court distinguish between its decision in the *Tinker* case and the present case?
3. What danger did Justice Brennan see in the Court’s decision?
4. If you had been the principal in the Hazelwood school, how would you have reacted after seeing the articles the students wished to publish? Give reasons for your answer.