

# FREEDOM OF THE PRESS: IS IT GUARANTEED FOR HIGH SCHOOL NEWSPAPERS? *Hazelwood v. Kuhlmeier* (1988)—High Drama in Missouri

Twenty years ago, Hazelwood, a suburb of St. Louis, was the scene for the landmark Freedom of the Press case for school newspapers. In May of 1983, journalism students at Hazelwood East High School were getting ready to print the end-of-school edition of their school newspaper. Following the established procedure, the class gave the paper to the principal to review before printing it.

The principal expressed concerns about two articles—one on teen pregnancy and one on the effects of divorce on teen children. The principal said the two articles did not do enough to protect the privacy of the interviewees and their families. Since it was the end of the school year, the principal decided there was not enough time for the students to revise the articles and told the students to delete the article. The students felt that the principal had censored their articles and, therefore, had violated their First Amendment right to free press.

The students' parents agreed with the students that the principal's actions violated their First Amendment rights so they took the students' case to court. The federal trial court ruled against the students, on the grounds that a school "may impose limits on students' rights if the school has a reasonable and substantial basis." The students then appealed their case to the Court of Appeals for the Eighth Circuit, which ruled for the students on the grounds that a school newspaper is a public forum where the school could only interfere if it was "necessary to avoid material and substantial interference with school work or discipline ... or the rights of others."

Now the school was unhappy and asked the Supreme Court of the United States to hear the case. Five years after this case began, the school won, but narrowly—five judges to four. The Court held that "a school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school," and "that school facilities may be deemed to be public forums only if the school has opened its facilities for "indiscriminate use by the general public." Since the school paper was a product of an academic class and since it did not allow outside advertising, the newspaper was not considered a public forum.



## Consider

1. If you had been a Supreme Court Justice in 1988, how would you have ruled and why?
2. Do you think the Supreme Court would have decided differently if the school newspaper had been an extracurricular activity and accepted outside advertising as many newspapers do?
3. Tabloids, news programs and newspapers regularly report on subjects that expose the private lives of people and are allowed to do so without fear of censorship and lawsuit (if what they report is true). The *Hazelwood v. Kuhlmeier* court clearly felt high school students need protection from that kind of reporting. Do you agree or disagree?
4. As a procedural matter, explore why the parents of the students brought the lawsuit instead of the students themselves. Note: Kuhlmeier is name of just one of the parties who brought the suit.

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