

Hazelwood v. Kuhlmeier/ Background •—Answer Key

As you read the background summary of the case below, look for the **important vocabulary terms**. You can find definitions for these terms on the separate vocabulary handout.

The First Amendment protects the right to free speech and a free press. This means that people have the right to express themselves without **interference** or punishment from the government. This freedom is one of the most important freedoms because it helps people to obtain information, share ideas, make decisions, and communicate those decisions to the government. It protects expression of popular and unpopular ideas.

The freedom of speech is not always guaranteed. The government can generally limit the time and places where people can speak. With few exceptions, however, the government cannot limit or punish speech based on what is being said.

The freedom of press protects people from government **censorship** of newspapers, magazines, books, radio, television, and film. This means that the government cannot try to **censor** publications before they are published unless they were very likely to cause serious harm and stopping the publication is the only way to prevent the harm.

There are some special places where the rules about free speech are different, including schools. The U.S. Supreme Court has ruled that public schools (which are run by the government) can limit speech more than the government can outside of school. In schools, students do have some free speech rights. But student speech can also be limited when it disrupts the learning environment or interferes with rights of others.

The journalism class at Hazelwood East High School wrote articles and put them together for the school paper. They gave the newspaper to their teacher, Howard Emerson to review before it was printed. Mr. Emerson showed the newspaper to the principal. He asked the principal if it was okay to make copies and hand them out to students at the school.

Principal Reynolds did not like what he read. First, there was an article about pregnant students. It described the students, but it did not give their names. Principal Reynolds was afraid that students would be able to figure out who the pregnant students were. He also noticed that the article mentioned sex and birth control. He did not think that students in ninth grade should be reading about sex and birth control.

There was another article that Principal Reynolds did not like. This one was about divorce. In it, one student said things about her father. For example, she said that her father went out too

much and did not spend enough time with his family. The father did not get a chance to tell his side of the story. Principal Reynolds thought this was unfair.

Principal Reynolds thought the paper needed to be changed. But it was almost the end of the school year. He was afraid that it would take the class a long time to change it. If it took too long, the school year would be over and the other students would not get the paper. So he told Mr. Emerson to remove the pages that had the articles about pregnancy and divorce. He said to make copies of the rest of the paper.

The students were very angry. They had spent a lot of time writing the articles. They could have fixed them if Principal Reynolds had given them a chance. Instead, he deleted two pages that also contained other articles. They felt that this **violated** their First Amendment rights. They went to the U.S. District Court. The court did not agree with them. It said that school officials may limit students' speech in the school newspaper if they have a good reason for doing it.

The students **appealed** the decision. The Court of Appeals **reversed** the decision of the U.S. District Court. This court said that the school paper was a "public forum," or place where people could express their views. The judges said that the school could not censor the paper except to prevent interference with student learning or the rights of others. They did not think that the articles about pregnancy would have **interfered** with schoolwork. They thought the articles should have been printed.

The school **appealed** the decision of the Court of Appeals. The Supreme Court of the United States thought that this was an important case. It dealt with the rights of students. It agreed to hear arguments from both sides.

Questions to Consider

1. In the article about the pregnant students, what was Principal Reynolds worried about?

Principal Reynolds was concerned that people would be able to identify the pregnant teens who were interviewed for one of the articles.

2. What did Principal Reynolds say was wrong with the article about divorce?

Principal Reynolds was concerned that a father who was criticized was not given the opportunity to respond to the accusations made against him in the article.

3. What did Principal Reynolds do to fix the problem? Did he have any other choices?

Principal Reynolds told the newspaper sponsor to remove the pages that had the articles about pregnancy and divorce.

4. What rights did the students say had been violated?

The students felt this violated their First Amendment rights of freedom of speech and press.

5. Do you think a principal should be allowed to limit what is said in a school newspaper? Why or why not?

Student answers will vary. Students who argue that a principal should be able to silence other forms of student speech might say that certain forms of speech can disrupt the educational process. The government can regulate the time, place, and manner of protests. Speech and expression can be forms of protest and should be regulated in the same manner. School officials should be allowed to regulate speech in an emergency situation, or when the speech would infringe upon an individual's rights to privacy or to have an orderly learning environment. Those who say no might argue that students do not shed their constitutional rights at the schoolhouse gate (*Tinker v. Des Moines*) and therefore, students should have the same rights to free speech and free press as adults do. The government cannot stop people from expressing their opinion, even if that opinion is unpopular, so the school should not be able to do so either. Speech by individual students differs from speech by a school newspaper in that the former is not school-sponsored and cannot be mistaken as being endorsed by the school, unless it is a speech made at an official school function.