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WHAT IS THE STUDENT PRESS LAW CENTER?

Mission and History

The Student Press Law Center is an advocate for student First Amendment rights, for freedom of online speech and for open government on campus. The SPLC provides free information, training and legal assistance to student journalists and the educators who work with them. The Student Press Law Center's mission is to improve the climate for student journalism in all forms, by breaking down the barriers that prevent students from gathering and distributing news, and by educating young people about their responsibilities as journalists.

The SPLC was founded in 1974 by the Robert F. Kennedy Memorial as a means of involving young people in civic affairs through journalism. The need for such an organization was dramatized by *Los Angeles Times* journalist Jack Nelson's book, *Captive Voices*, which concluded that students were abandoning journalism because unjustified censorship prevented them from discussing topics of importance. The SPLC was created to help the public understand the value of uncensored student journalism, and to help those who work in journalism assert and protect their legal rights.

Leadership and Organization

The SPLC is a 501(c)(3) nonprofit based in Washington, D.C. It is run by a 15-member volunteer board of directors, with members drawn from the legal, journalism and education sectors. The current executive director, attorney Frank D. LoMonte, took over

leadership of the organization in January 2008.

The organization is funded by charitable donations from individuals, companies and foundations. Its largest contributors are the Ethics and Excellence in Journalism Foundation, the McCormick Foundation, and the Yellow Chair Foundation.

Programs and Services

The SPLC has both a legal and an educational function. On the legal side, the SPLC offers a free attorney hotline that fields about 2,500 phone and e-mail inquiries from across the country each year. Callers who have complex legal problems requiring representation by a local attorney licensed in their state are matched up with one of the 150 volunteers in the SPLC's Attorney Referral Network. In addition to helping resolve individual clients' cases, these attorneys also regularly file friend-of-the-court briefs in federal and state appeals courts speaking for the larger interests of the journalism community.

On the educational side, the SPLC offers classroom presentations, legal reference materials, quizzes and tutorials on www.splc.org, as well as dozens of in-person training sessions every year at campuses and conventions across the country.

The SPLC also works as an advocate to mobilize support for reform of laws impacting student journalists and journalism education, including greater access to records and meetings important for school accountability.

WHAT RIGHTS DO STUDENT JOURNALISTS HAVE?

The First Amendment protects the rights of students at public institutions to express themselves non-disruptively, even on school grounds during school time. Student speech rights generally are protected under the Supreme Court's 1969 *Tinker* standard, which prohibits censorship unless students' speech is unlawful (libelous, threatening, obscene) or will imminently provoke a substantial disruption of school activities.

The Supreme Court's 1988 *Hazelwood* ruling reduced, but did not eliminate, First Amendment protection for student speech in "curricular" publications in K-12 schools, such as newspapers that are "laboratory" publications prepared during class time under close supervision of school personnel. Even in a *Hazelwood* publication, the burden is on the school to justify any censorship

with a legitimate educational reason. This means more than just protecting the school against negative publicity.

Dozens of journalism educators are fired, demoted or reassigned each year for retaliatory reasons. While three states (California, Kansas and North Dakota) have laws making it illegal to punish teachers for what their students say or write, such retaliation almost certainly violates the students' First Amendment rights as well. Any state action that would intimidate a student from engaging in legally protected expression is a violation of the First Amendment.

Other conduct that has been found to violate the First Amendment includes penalizing editors' decisions by removing or reassigning editors, or cutting a publication's funding.

WHAT OBSTACLES ARE STUDENT JOURNALISTS FACING?

In addition to censorship, college and high-school students face significant barriers that impede them from doing their best journalistic work. Among the issues on which the SPLC is helping to seek reforms are:

1. Inadequate shield-law protection for confidential sources and information. Most states have reporter's privilege laws that allow anyone engaged in legitimate news-gathering to withhold unpublished material from disclosure in court and to refuse to give testimony about confidential sources. But some states – including Texas and Florida – extend shield protection only to those making “substantial” income from their journalistic work, which leaves students at risk.
2. Irrational application of the federal FERPA privacy law to conceal public documents in which there is no legitimate student privacy interest. Colleges have groundlessly cited the Family Educational Rights and Privacy Act as a basis for refusing to turn over what are obviously not confidential student records to the public. Examples include audio recordings and transcripts of public committee meetings, correspondence with the NCAA over academic violations, and even athletes' parking tickets.
3. Excessive online-privacy policies that prohibit publishing the names and faces of high school students on school-affiliated websites. There is no evidence that being seen on a newspaper website catching a touchdown pass or playing in the band leads to any harm, but many schools entirely prohibit students from publishing online, or allow it only with all identifying information redacted. This makes any legitimate attempt at journalism impossible, and – as schools cut costs by eliminating hard-copy print newspapers – will discourage involvement in journalism and lead to more poorly informed school communities.

WHY IS STUDENT JOURNALISM (STILL) IMPORTANT?

Journalism is a portal through which young people first become engaged in the life of the community, whether as journalists or as audience members. Working in journalism builds civic literacy (how government agencies work, where to find public records) as well as valuable workplace skills (gathering and organizing information, writing clearly and persuasively) that are proven to improve college readiness.

Journalistic skills and values are the antidote to uncivil online “attack speech.” Journalism trains young people to verify their facts, sign their names to what they write, correct their mistakes, take account of opposing points of view, and understand the dangers of publishing false accusations. These are foundational skills that every student with Internet access needs, not just those

working in newsrooms.

Shrinking newsroom staffs have decimated education coverage, leaving students as the only reporters regularly providing school news in many districts – if they are allowed to do so truthfully. As the Brookings Institution reported in December 2009, education coverage has shrunk to only 1.4 percent of the airtime and space in the mainstream media, and uncensored student journalism can be part of the solution.

“Some school officials discourage student reporters from asking difficult questions or raising controversial issues. In fact, student journalism of this kind should be encouraged. Student newspapers often lead the media to important education stories,” said the Brookings report.

HOW CAN YOU HELP?

- Contact your elected representatives about the need for student press rights laws to counteract the destructive impact of the *Hazelwood* ruling. Eleven states have reversed the impact of *Hazelwood*. The experience in each of these states has been favorable, with no evidence that students are abusing the modest amount of freedom that the law provides. Information about student press-rights laws is available at: <http://www.splc.org/page/model>.
- Start, or join, an alumni group and a parental-support group for your school's student media. If the editorial freedom of the student media is threatened, speak up – contact your school board representatives and let them know you support *Tinker*-based student media policies that strike a reasonable balance between student rights and school discipline, and not extremist *Hazelwood* policies. And if you are connected with a private institution unprotected by the First Amendment, press for voluntary rules that mirror the First Amendment rights at public institutions. Many of the nation's best private colleges – including Notre Dame and Tulane – have free-press rules on their books.
- Help spread the word about the SPLC's programs and the issues on which it works. Become a fan of the Student Press Law Center on Facebook, follow @SPLC on Twitter, and forward and share SPLC news stories and educational guides to your contacts.
- Donate – or purchase a gift sponsorship for the school or college of your choice – through the SPLC's secure portal at Network for Good, accessible on the www.splc.org site, or send your tax-deductible contribution to SPLC at the address below.

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