

"schools that dictate behavior destroy the opportunity for students to think critically, act responsibly, and react sensitively. Schools that stringently control freedom of speech, therefore, not only destroy present human rights, but also threaten the existence and the proper use of those rights in the future."<sup>19</sup> She joins many other educators, parents, students, and legislators in believing that efforts to restore First Amendment rights to high school students are consistent with the Constitutional protection against the suppression of ideas.

"The public school conveys to our young the information and tools required not merely to survive in, but to contribute to, civilized society. It also inculcates in tomorrow's leaders the fundamental values necessary to the maintenance of a democratic political system."<sup>20</sup> In other words, a major purpose of American education is to help students become socially responsible adults. Only a free student press can make a significant contribution to this noble goal. □

<sup>19</sup>*Hazelwood School District v. Kuhlmeier*, (1988), 484 U.S. 260, 108 S.Ct. 562,

98 L.Ed.2d 592 (43 Ed.Law 515).

<sup>20</sup>*Id.* at 276.

<sup>3</sup>K. B. Avery and R. J. Simpson, (Winter 1987), "The Constitution and Student Publications: A Comprehensive Approach," *Journal of Law and Education* 16, 1: 1-16.

<sup>4</sup>M. Goodman, "Iowa Legislature Rejects Supreme Court Decision, Upholds Free Expression Rights of Students," undated press release issued by the Student Press Law Center.

<sup>5</sup>Statement in Response to the Supreme Court's Decision in *Hazelwood v. Kuhlmeier*, (January 16, 1988), issued by the Association for Education in Journalism and Mass Communication, Secondary Education Division.

<sup>6</sup>*Tinker v. Des Moines Independent Community School District*, (1969), 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731.

<sup>7</sup>*Id.* at 511.

<sup>8</sup>A Bill to enact sections 3305.01 and 3005.02 of the Revised Code to guarantee the freedoms of speech, assembly, and press to public school students. Introduced to the 118th General Assembly of Ohio, Regular Session 1989-1990. No number assigned.

<sup>9</sup>"High Court's Student Censorship Ruling Prompts State Action," (September 1988), State Legislature, 10.

<sup>10</sup>"Iowa Rattles Hazelwood," Student Press Law Center Report, (Fall 1989), X, 3: 4.

<sup>11</sup>*Id.* at 4.

<sup>12</sup>*Board of Education Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. at 880, 102 S.Ct. at p. 2814 (plurality opinion, J. Blackmun, concurring).

<sup>13</sup>Baltimore County, Md., Dade County, Fla., and Clear Creek County, Colo., (Spring 1988), "Free Press Commitment Reaffirmed," *Student Press Law Center Report*: 11.

<sup>14</sup>Dade County Superintendent Joseph A. Fernandez, quoted in: (Spring 1988), "Free Press Commitment Reaffirmed," *Student Press Law Center Report*: 11.

<sup>15</sup>See *Supra* note 7.

<sup>16</sup>See *Supra* note 3 at pp. 4-5.

<sup>17</sup>Statement adopted at the 1988 National Convention, Society of Professional Journalists.

<sup>18</sup>Resolution in support of the student press. (August 1989), National Federation of Press Women, "Press Woman Agenda," p. 8.

<sup>19</sup>Conversation between Kansas State Representative Katha Hurt and the author on October 22, 1989.

<sup>20</sup>See *Supra* note 1. Justice W. J. Brennan (dissenting).

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## Response to Robert Shoop: But School Newspapers Are Part of the Curriculum

Why should student journalists possess a broader scope of rights than their adult counterparts?

“Olson, I have to admit that this is a pretty good piece of reporting,” Perry White, editor-in-chief of the *Daily Planet*, laid the sheaf of papers on his desk, clasping his hands behind his head. Jimmy Olson, cub reporter, sat nervously in front of White's great desk.

“I don't know where the idea came from,” White continued, “but a piece about the troubled children of unwed professional women, especially with the human interest angle of contrasting interviews with the mothers and children, is appealing. There are possibilities here for a series of articles.”

Jimmy Olson relaxed a little. Maybe he had finally hit on something his boss liked. His satisfaction, however, was short-lived.

“But—Great Caesar's ghost, Olson!” shouted the editor, punctuating his remark by slapping his desk. “Did you have to include the publisher's daugh-

ter? And Lois Lane?"

"But, Chief, I disguised their identities," Jimmy Olson feebly offered.

"Olson, you idiot! Anyone who knows either of them will recognize them immediately," said White. "Lois Lane will want your head, you know, and I've got a good mind to let her have it."

Olson hung his head.

"Of course," continued White resignedly, "as a journalist you have a constitutional right to a free press, so we'll have to go ahead and print it. I don't like it, but we'll do it . . ."

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An unlikely scenario? Perhaps, but it does illustrate something usually left unmentioned by those who champion a free student press. That is, the professional journalists, whose rights are

often brandished about like an impenetrable shield, are constrained not only by copyright and libel laws, but also by the whims and judgments of desk editors, editors-in-chief, publishers, and, occasionally, advertisers.

Freedom of the press may indeed mean the freedom to criticize and oppose, as Robert Shoop suggests, but how often does Tom Brokaw criticize on the air the divisional heads and programming decisions at NBC? Those who would argue that student journalists should be responsible only to their advisors are, in effect, providing their adults-in-training with a broader spectrum of rights than their real-life counterparts enjoy.

In addition, while journalism students may well be bright, conscientious, and honorable, as Shoop suggests, we should not forget that they are not yet adults. That they do enjoy a limited scope of rights is illustrated well by the fact that most high school students are not yet old enough to vote. In fact, we should not lose track of the fact that while most journalism students are juniors and seniors, especially in the larger schools, nearly two-thirds of the high schools across the country are small- or medium-sized schools, which may well have 14-year-old freshmen working along side their 18-year-old colleagues.

As I read the *Hazelwood* decision, the Court likens the role of the principal to that of an editor-in-chief. That is a role, given the responsibilities imposed by the courts and communities on principals, with which I am comfortable.

As a building administrator for 11 years, I make no apologies for my concerns about "running a smooth ship." The effective schools research emphasizes the need for a safe and orderly environment. Even without the research, however, the expectations of the superintendents, board members, parents, and patrons are more concerned with the orderly management of their schools than with issues such as student free press concerns. While this view may seem repressive to some, without first establishing a degree of order in a school, the principal will seldom be given the time or support to implement programs of his or her own.

### What Do You Think?

We welcome your comments on articles in *Educational Leadership*. Please send letters to: Executive Editor, ASCD, 1250 N. Pitt St., Alexandria, VA 22314-1403. Letters selected for publication may be edited for brevity and clarity.

## The best resolution may well lie in journalism sponsors' working closely with principals to channel student efforts into constructive articles and editorials.

For those who wish to legislate student free press rights, I would ask that they consider whether there is any reason to expect that attempts to legislate encouragement "to explore a variety of subjects and develop their powers of creative expression" will be any more successful than attempts to legislate morality? There is reason, I submit, to expect exactly the opposite effect. Because they are part of the curriculum and not an open forum, loss of editorial control may lead boards and principals to eliminate or curtail school newspapers and plays, thus offering students fewer opportunities to express themselves.

The best resolution for everyone concerned may well lie in journalism sponsors' working closely with principals to channel student efforts into constructive articles and editorials. For those who wish only to criticize or for topics inappropriate for school newspapers, there remains that bastion of free expression open to all citizens, the Letters to the Editor columns in local newspapers, if their editors will print them.

School newspapers will, under the guidelines established by *Hazelwood*, remain part of the curriculum, and, while there should be no reason to expect them to become house propaganda organs, neither should there be any reason for them to become open forums for students to criticize other students, faculty, or programs. □

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