

Writing History

The Development of Student Free Speech and Freedom of the Press

“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

Tinker v. Des Moines 393 U.S. 503 (1969)

LEGAL PRECEDENT

Before *Hazelwood v. Kuhlmeier*, the Supreme Court found that the First Amendment protected students’ right to free speech in public schools. In *Tinker v. Des Moines* (1969), the Court recognized the right of students to wear black armbands to protest the Vietnam War. Later, in *Bethel v. Fraser* (1986), the Court clarified student free speech rights by allowing a school to punish a student for lewd speech that the administration found disruptive and offensive.

Just two years later, the Supreme Court further clarified student free speech rights in *Hazelwood v. Kuhlmeier*.

JOURNALISM AT HAZELWOOD EAST HIGH SCHOOL

Spectrum was the newspaper produced by the students of the Journalism II class at Hazelwood East High School. Students researched, wrote, selected, and laid out the articles in the paper. Their journalism advisor, Robert Stergos, gave input and advice. Final approval of each issue came from the principal, Robert “Gene” Reynolds. Funding for the publication came from both the school board and newspaper sales. *Spectrum* was circulated within Hazelwood East and the surrounding community.

Mr. Stergos ensured his students received real-world journalism experience. He arranged field trips to the *St. Louis Post-Dispatch* offices where students spoke with professional journalists. Students followed established journalism guidelines. Stories covered matters of interest to the entire Hazelwood community, such as race relations, teenage drug use, and the death penalty.



May 13, 1983 issue of *Spectrum* as published, Hazelwood East High School Library Archives

SPECTRUM UNDER FIRE

In the spring of 1983, the Journalism II students chose to write articles about teen pregnancy, divorce, and runaways—topics they felt were relevant to teenagers—in the May 13 issue. The Hazelwood East principal, Mr. Reynolds, believed these subjects were too sensitive and inappropriate. Without informing the staff of *Spectrum*, Mr. Reynolds removed two full pages of the paper that contained these stories.

Three students, Cathy Kuhlmeier, Leslie Smart, and Leanne Tippet, were angered and believed the deletion of their work violated their First Amendment rights. They contacted the American Civil Liberties Union to express their concerns. The dispute gained publicity quickly, and the three students sued the school district for violating their freedom of speech.

“We just got disgusted with the whole thing and we decided to stand up for our rights.”

Cathy Kuhlmeier, Plaintiff

Suit Over Hazelwood School Paper Censorship

By Robert L. Koenig
Of the Post-Dispatch Staff

A dispute between a group of determined student journalists and the administrators of Hazelwood East Senior High School has boiled over into a full-fledged legal battle in U.S. District Court here.

It began in May as an argument over censorship of several articles in the student newspaper, *The Spectrum*, and developed in ensuing months into a controversy involving the School Board, angry parents and the American Civil Liberties Union.

Friday, three of the Hazelwood journalism students, backed by the ACLU, filed suit against the Hazelwood School District in an attempt to force the district to allow publication of the controversial articles and to develop written guidelines for student publications.

The suit also asks for actual damages of \$1,000 and punitive damages of \$10,000 for each of the three students who filed suit. The case had been assigned to Chief U.S. District Judge John F. Nangle.

"We just got disgusted with the whole thing and we decided to stand up for our rights," said Cathy Kuhlmeier, a layout editor for *The Spectrum* and one of the plaintiffs. "We want the school to recognize that students have certain rights under the Constitution."

The case centers on the decision in May by Hazelwood East's principal, Robert E. Reynolds, to delete several student-written articles before publication of *The Spectrum's* May 13 issue. The lawsuit said Reynolds had censored the articles without informing the newspaper's staff.

The articles in question dealt with teen-age marriage, runaways, teenage pregnancy and the effects of divorce on children. The topics had been suggested by journalism students last fall and were written under supervision of a faculty adviser for publication in a special two-page section of *The Spectrum*.

Leanne Tippet
"Dealt with important topics"

The *Spectrum*, published six times a semester, is financed by contributions from the Hazelwood School Board and by sales of the paper at 25 cents apiece.

"I think we dealt with some very important topics in that two-page section," said Leanne Tippet, 18, a former artist and writer for *The Spectrum* who was one of the plaintiffs in the suit. She said issues such as teen-age marriage and pregnancy are topical and should be discussed in student forums.

The third plaintiff is Leslie Smart, who was a news writer and movie reviewer.

Both Miss Tippet and Miss Kuhlmeier said they think most of the students at the high school at 11300 Dunn Road and many of the district's parents support the journalism students in their disagreement with the administration.

Miss Kuhlmeier's mother, Marilyn, said she supports her daughter's efforts to score a point for the constitutional rights of high school students.

"I'm behind her all the way," Mrs. Kuhlmeier said. "I think the school district was in the wrong, and I think

Cathy Kuhlmeier
A plaintiff in suit

somebody had to stand up.

"The kids worked for months on these articles. I read them and I think they dealt with very pertinent issues. Evidently, the (school) administration is living in the dark ages."

But Reynolds and other Hazelwood officials say they are following established school policies in supervising student publications.

"Our position on these articles is that the content was personal and highly sensitive," Reynolds said in an interview in May. "It was inappropriate to be used in a school newspaper."

Hazelwood Superintendent Thomas J. Lawson agreed and said the school district has no intention of changing its policies. "We haven't changed anything — we haven't changed our

Leslie Smart
A plaintiff in suit

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St. Louis Post-Dispatch, August 21, 1983, *Personal Collection of Cathy Kuhlmeier*