

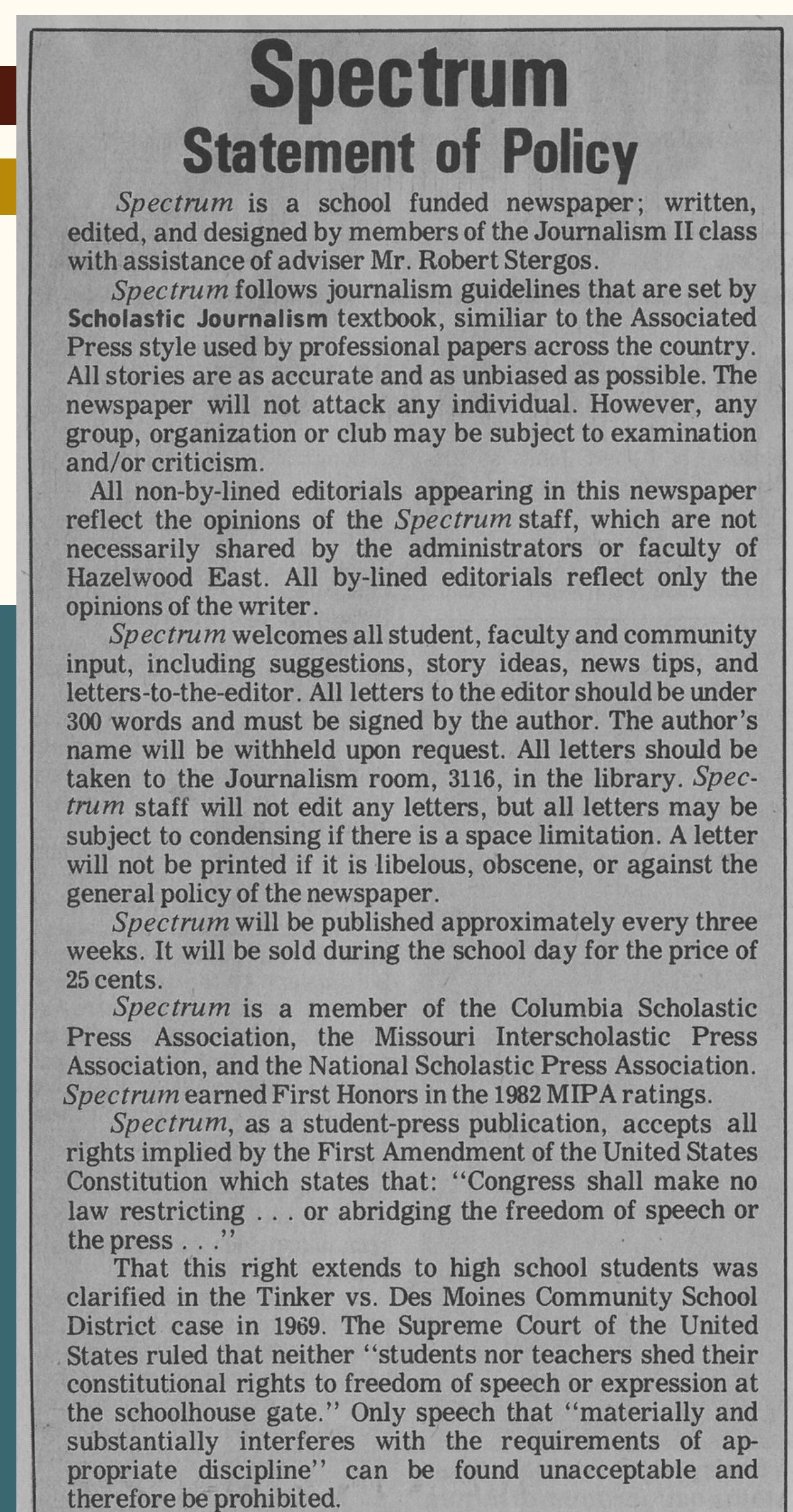
# Eighth Circuit Sides With Students

## THE DECISION

In 1986, the Eighth Circuit Court of Appeals—sitting in St. Louis—reversed the district court and found that *Spectrum* was a public forum, meaning that:

- The censorship was not justified; the district court's reasoning was invalid.
- Schools may censor school newspapers only in the case of extreme circumstances.

The school district then petitioned the Supreme Court of the United States for certiorari.



Eighth Circuit Judges, 1986, Eighth Circuit Court Archives

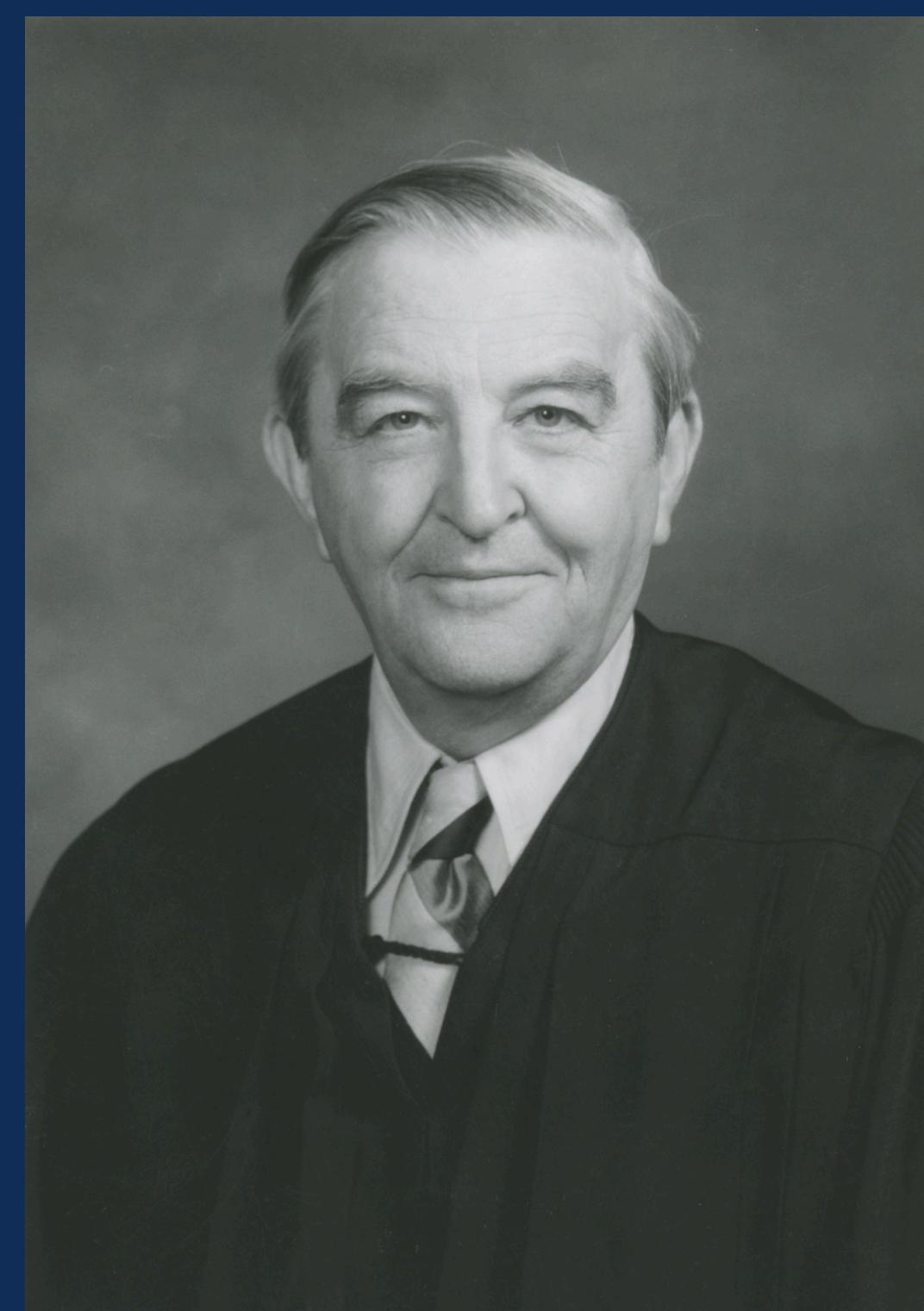
## THE MAJORITY RATIONALE

The Eighth Circuit rejected the school's justification for censorship—class disruption, lack of time, and privacy violations—and thus ruled in favor of the students, whose actions passed the *Tinker* disruption test. *Tinker v. Des Moines* had been previously mentioned in *Spectrum*'s policy.

Statement of policy, *Spectrum* September 14, 1982,  
Hazelwood East High School Library Archives

**"We hold that *Spectrum* is a public forum for the expression of student opinion... Accordingly, we hold that the deletion of the two pages violated the First Amendment rights of the student staff."**

- Judge Gerald W. Heaney, Majority Opinion,  
*Kuhlmeier v. Hazelwood* (8th Cir. 1986)

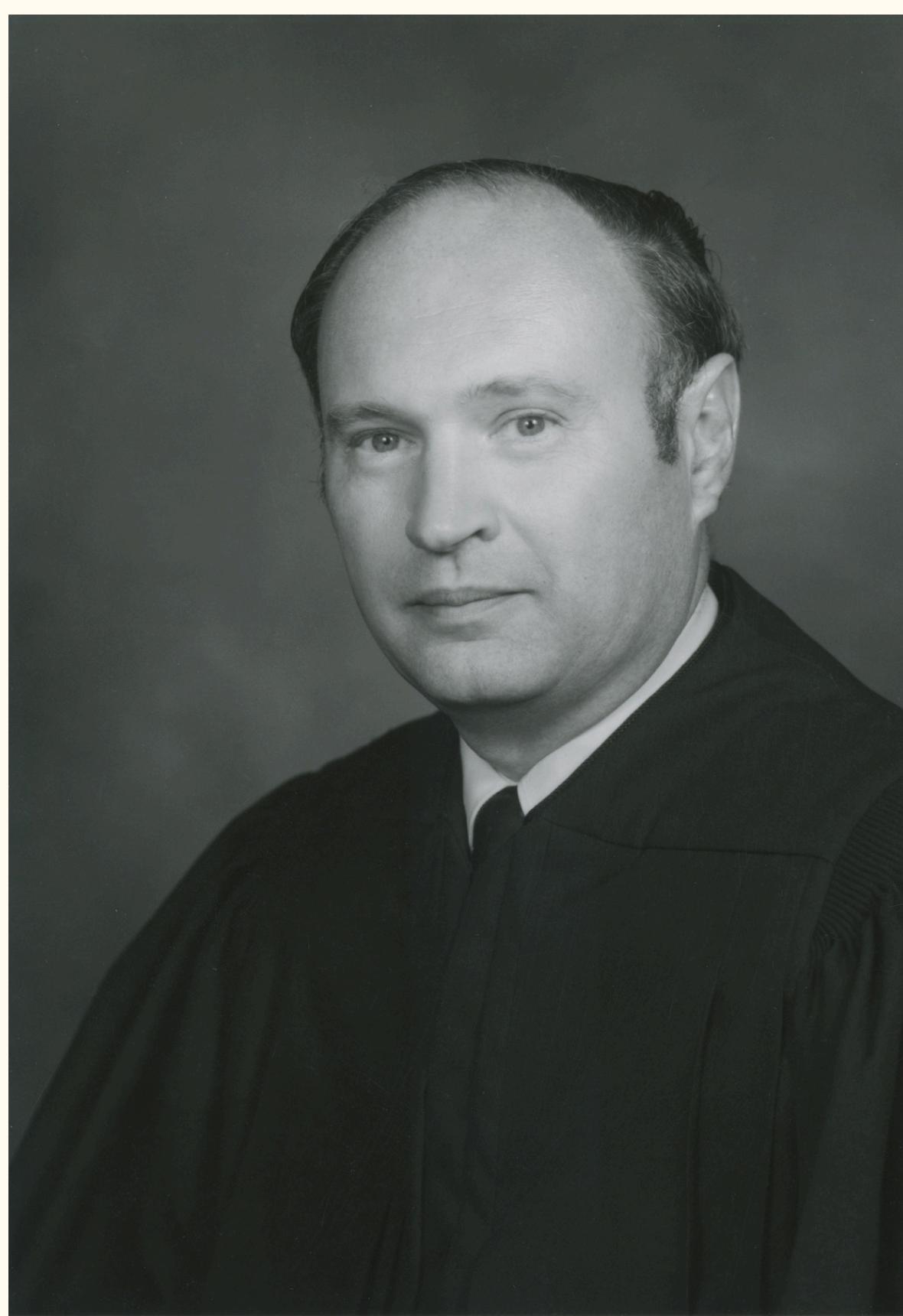


Judge Gerald W. Heaney,  
Eighth Circuit Court Archives



## RESONDING RESISTANCE

Judge Wollman issued a dissent expressing his opinion that the district court's ruling should stand. He feared the case might create an environment in which students and school officials battled over control. He wanted to grant Hazelwood School District deference to make its own decisions. The majority's ruling left the U.S. Supreme Court as the only avenue of appeal for the school.



Judge Roger L. Wollman,  
Eighth Circuit Court Archives



Leanne Tippett, Leslie Smart, Cathy Kuhlmeier, unknown publication, early 1980s,  
Personal Collection of Cathy Kuhlmeier

**IF YOU WERE A JUDGE ON THE COURT OF APPEALS, HOW WOULD YOU RULE?**