

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.

Spectrum Statement of Policy

Spectrum is a school funded newspaper; written, edited, and designed by members of the Journalism II class with assistance of adviser Mr. Robert Stergos.

Spectrum follows journalism guidelines that are set by *Scholastic Journalism* textbook, similar to the Associated Press style used by professional papers across the country. All stories are as accurate and as unbiased as possible. The newspaper will not attack any individual. However, any group, organization or club may be subject to examination and/or criticism.

All non-by-lined editorials appearing in this newspaper reflect the opinions of the *Spectrum* staff, which are not necessarily shared by the administrators or faculty of Hazelwood East. All by-lined editorials reflect only the opinions of the writer.

Spectrum welcomes all student, faculty and community input, including suggestions, story ideas, news tips, and letters-to-the-editor. All letters to the editor should be under 300 words and must be signed by the author. The author's name will be withheld upon request. All letters should be taken to the Journalism room, 3116, in the library. *Spectrum* staff will not edit any letters, but all letters may be subject to condensing if there is a space limitation. A letter will not be printed if it is libelous, obscene, or against the general policy of the newspaper.

Spectrum will be published approximately every three weeks. It will be sold during the school day for the price of 25 cents.

Spectrum is a member of the Columbia Scholastic Press Association, the Missouri Interscholastic Press Association, and the National Scholastic Press Association. *Spectrum* earned First Honors in the 1982 MIPA ratings.

Spectrum, as a student-press publication, accepts all rights implied by the First Amendment of the United States Constitution which states that: "Congress shall make no law restricting . . . or abridging the freedom of speech or the press . . ."

That this right extends to high school students was clarified in the *Tinker vs. Des Moines Community School District* case in 1969. The Supreme Court of the United States ruled that neither "students nor teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Only speech that "materially and substantially interferes with the requirements of appropriate discipline" can be found unacceptable and therefore be prohibited.

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



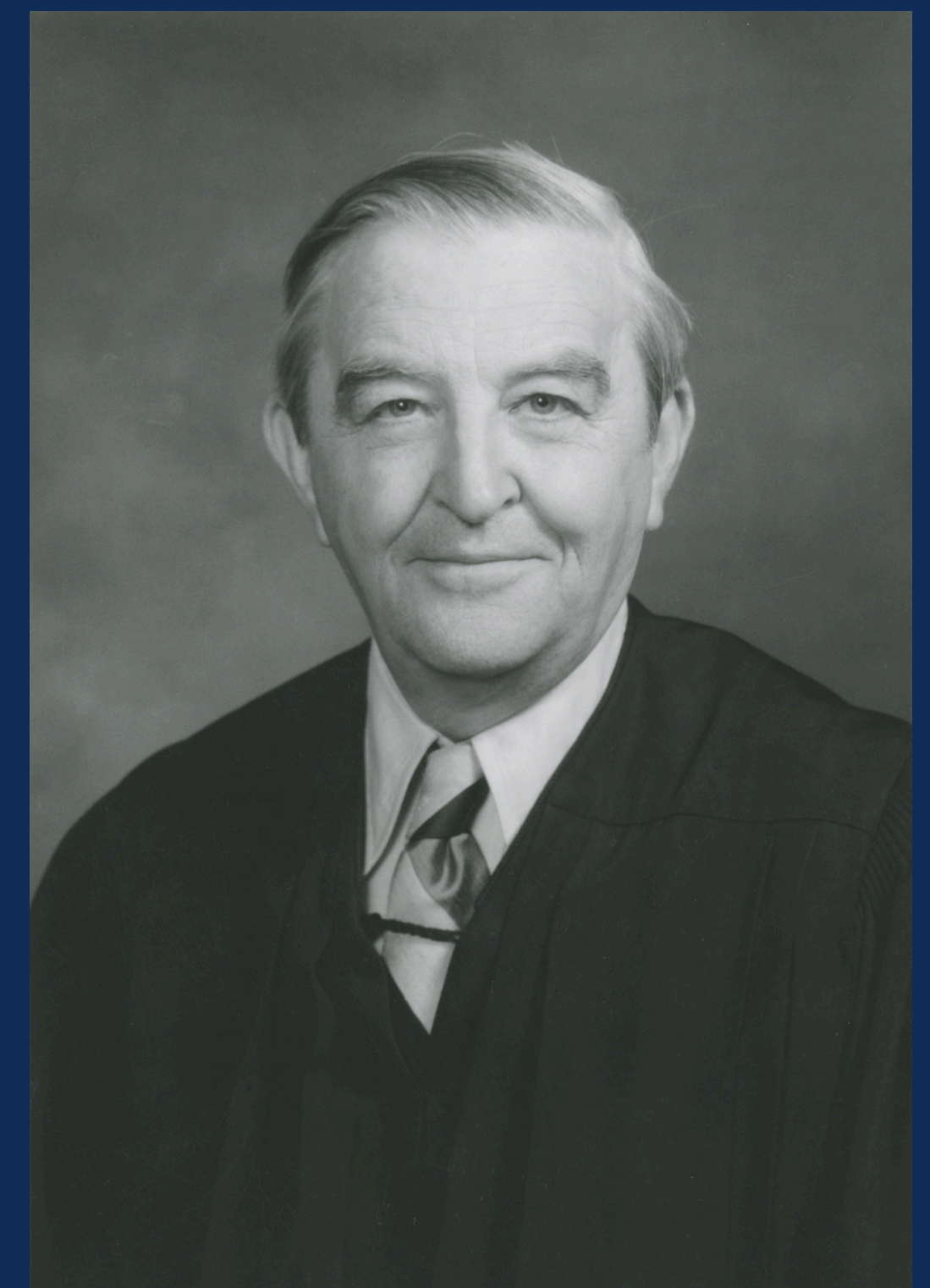
Eighth Circuit Judges, 1986, Eighth Circuit Court Archives

THE MAJORITY RATIONALE

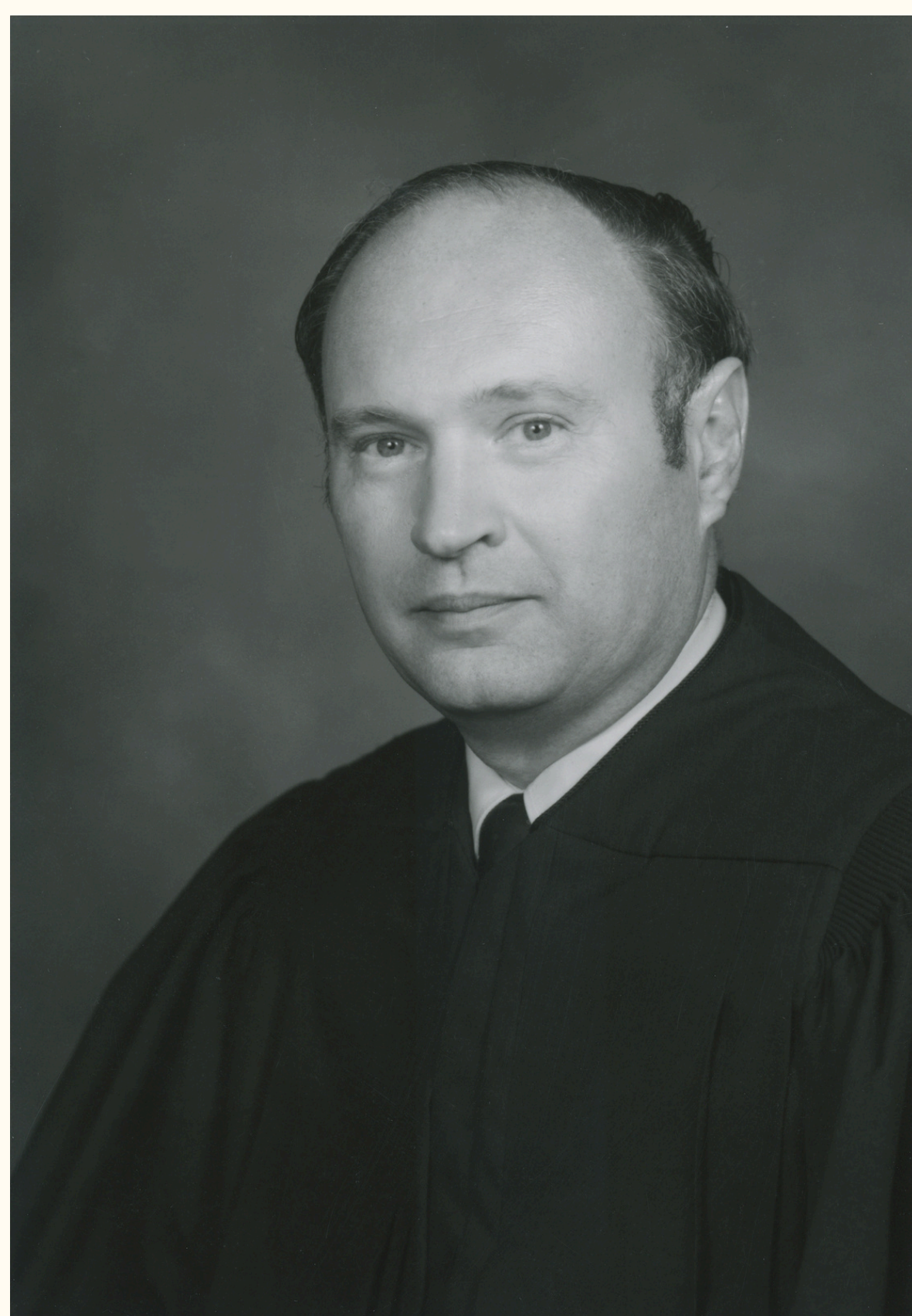
The Eighth Circuit rejected the school’s justification for censorship—class disruption, lack of time, and privacy violations—and thus ruled in favor of the students, whose actions passed the *Tinker* disruption test. *Tinker v. Des Moines* had been previously mentioned in *Spectrum*’s policy.

“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



Judge Roger L. Wollman,
Eighth Circuit Court Archives

RESOUNDING 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.



Leanne Tippet, 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?