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The Status of Student Press Freedom in Nebraska's High Schools

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THE STATUS OF STUDENT PRESS FREEDOM
IN NEBRASKA'S HIGH SCHOOLS

by

Robin W. Hadfield

A THESIS

Presented to the Faculty of
The Graduate College in the University of Nebraska
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School of Journalism

Under the Supervision of Professor Jim Patten

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CHAPTER 1

INTRODUCTION

Almost a decade has passed since certain free expression rights of high school students were established by the U.S. Supreme Court in the 1969 landmark case of Tinker v. Des Moines Independent Community School District.¹

Have student rights to a free press advanced during that period? Are students censored in what they print in their high school newspapers? And if they are, who is doing the censoring--principals, advisers or the student themselves?

In an attempt to examine these questions, the author undertook a study of student press rights in Nebraska's high schools. Previous cases and literature on the topic were studied and a survey was taken of Nebraska high school principals and high school press advisers to determine their attitudes toward the rights of the student press. The results of that study are reported in this thesis.

Attention to student press rights has gained momentum in recent years. In 1974, the Commission of Inquiry into High School Journalism produced a report of its study into the subject. Convened by the Robert F. Kennedy Memorial foundation, the commission "undertook the

1

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).

single largest national inquiry into American high school journalism so far conducted," according to its chairman.²

In the report, entitled Captive Voices, Chairman Franklin Patterson said "journalism is the central organized means for information and communication in our general society, and its freedom and quality are inextricable from the public interest. . . It would be instructive to investigate what high schools are doing and failing to do in providing students with the experience of journalism as part of their education."³

The Kennedy Memorial foundation formed the Commission and sponsored the study of high school press "because of the Memorial's commitment to youth in American society." The Memorial supports the late senator's work in the problems of the young and poor in the areas of discrimination and civil liberties.⁴

The Memorial's concern with high school journalism was in part brought about by a survey which showed that "most high school faculty advisers to newspapers in one way or another favored censorship."⁵

²
Captive Voices: The Report of the Commission of Inquiry into High School Journalism (New York: Schocken Books, 1974), p. xix.

³ Ibid. ⁴ Ibid., p. xiii.

⁵ Ibid., p. xiv.

The Memorial was also concerned with what was called the poor quality of entries in its annual writing awards program for high school students.

The Commission focused on four major areas of study: censorship, minority participation, journalism and journalism education, and the established media. Information was gathered through public hearings, consultations, meetings, surveys, content analyses of high school newspapers and research.

Robert Trager, professor of journalism at Southern Illinois University, has written extensively on student press rights. He says student rights are "still a growing and complex area of law, one fostering disagreement and varying interpretations." Each decision must be looked at individually to see where each judge draws his own line. Interpretation of judges' decisions must not be overbroad, because "students' freedom of press is not yet sufficiently defined to allow attempts to outguess the judiciary."⁶

The American Civil Liberties Union (ACLU) has also addressed First Amendment rights in its Handbook on Student Rights. The "right to express one's opinions freely is the most important of all rights guaranteed in our society," according to the guide.⁷

6

Robert Trager, Student Press Rights (Urbana, Illinois: Journalism Education Association and ERIC Clearinghouse on Reading and Communication Skills, 1974), p. 2.

7

Alan Levine with Eve Cary and Dianne Divoky, The Rights of Students--An American Civil Liberties Union Handbook (New York, New York: Sunrise Books, Inc., 1973), p. 24.

The right to free expression is "no less important for students than for adults," according to the handbook. "If students have to wait until they graduate to (make their views known), it may be too late for their opinions to have any impact." The handbook outlines possible points of censorship and answers questions about students' rights to expression.⁸

According to Stevens and Webster, "Censorship of student publications is one of the most emotional issues in the controversy over student rights in high schools and colleges."⁹

Many of the problems faced by high school students--and, indeed, by advisers and administrators--in dealing with press freedoms may be traced to a failure to establish one comprehensive First Amendment doctrine nationally.¹⁰ "No one concerned with freedom of expression in the U.S. today can fail to be alarmed by the unsatisfactory state of First Amendment doctrine," according to Robbins in a *Journalism Quarterly* article. "Despite the mounting number of decisions and a

8

Levine, op. cit., p. 24.

9

George E. Stevens and John B. Webster, Law and the Student Press (Ames, Iowa: Iowa State University Press, 1973), p. 3.

10

J. C. Robbins, "Deciding First Amendment Cases: Part 1," Journalism Quarterly, V. 49 #2, Summer, 1972 (Minneapolis, Minnesota: Association for Education in Journalism), pp. 263-270.

greater volume of comment, no really adequate or comprehensive theory of the First Amendment has been enunciated, much less agreed upon."¹¹

Laurence R. Campbell conducted a survey of principals' attitudes toward student press rights in the high school. He concluded that the First Amendment to the Constitution "would not be adopted today if it were left up to representatives of the participating principals and advisers. . . ."¹²

Few of the studies that the author read have considered the plight of the high school principal and adviser. The principal must satisfy teachers, students and administration, as well as the journalism adviser, in dealing with the knotty issue of student expression. The adviser must also satisfy the demands of administration, teachers and students, while trying to educate today's young people of their rights and accompanying responsibilities. There is a difficult task to accomplish in light of court rulings, which sometimes seem to guarantee student press rights and in other cases seem to guarantee the teacher or principal the right to limit the student press.

11

Robbins, op. cit.

12

Laurence R. Campbell, "Principals' Attitudes Toward Freedom of the Press," Quill and Scroll, V. 50 #3, February-March, 1976, pp. 19-23.

The established media have not been helpful in the area of student
13 press rights. The Kennedy Commission found that professional jour-
nalists have not made themselves aware of high school journalists' legal rights and asserts that the high school press is so isolated from the media that "in most cases professional journalists are not
14 even aware that problems exist."

Because of the varying views on the rights of high school students to a free press and the author's personal interest in the topic, this study was undertaken to examine the status of student press rights in Nebraska. Included is a review of the literature on the subject of press rights of high school students, the methodology of the study, results of the study, conclusions and recommendations.

13

Captive Voices, op. cit., p. 117.

14

Ibid.

CHAPTER 2

REVIEW OF THE LITERATURE

A 1969 case before the U.S. Supreme Court brought high school students' and teachers' attention to the considerations of high school students and their rights of expression.

In *Tinker v. Des Moines Independent Community School District*,¹⁵ the U.S. Supreme Court ruled that students had the right to wear black armbands as a form of protest. As a symbol of protest against the Vietnam War, John and Mary Tinker and three other students wore black armbands to school. Wearing of armbands previously had been prohibited by the school administration. The students were suspended from school, and they then brought suit against the district, saying¹⁶ their constitutional rights of free expression had been abridged.

Justice Abe Fortas wrote the majority opinion, which said in part:

"It can hardly be argued that either students or teachers shed their constitutional rights at the schoolhouse gate. . . Our problem lies in the area where students in the exercise of First Amendment rights collide with rules of school authorities."¹⁷

¹⁵
Tinker, loc. cit.

¹⁶
Ibid.

¹⁷
Ibid.

The school system had argued that the suspensions were justified "based upon its fear of a disturbance from the wearing of the armbands."

Fortas replied:

"...undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. . .Any word spoken. . . that deviates from the views of another person may start an argument or cause a disturbance. . . Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible.

"Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. Students are entitled to freedom of expression of their views. Freedom of expression would not truly exist if the right could be exercised only in an area that a benevolent government has provided as a safe haven for crackpots." ¹⁸

Justice Hugo L. Black dissented, and said he was "exasperated with high school students' involvement in controversial political issues." He said secondary school students "are not wise enough, even with the Court's expert help from Washington, to run the 23,390 public school systems in our 50 states." He also suggested a "return to old-fashioned school discipline and old-fashioned parental control." ¹⁹

¹⁸
Tinker, loc. cit.

¹⁹
Ibid.

This case, while not dealing directly with the student press, established the anti-prior restraint rule used by some courts in some student press cases. This rule sets up guidelines for school administrators to use in dealing with material before it is published. According to Trager, some courts have read *Tinker* "as allowing prior restraint if required to prevent material and substantial interference with school operations."²⁰

Trager pointed out that by 1973, four Courts of Appeals, for the First,²¹ Second,²² Fourth²³ and Fifth²⁴ Circuits, had held that prior restraint was "constitutionally permissible to maintain school decorum and prevent disruption of school activities." The Seventh Circuit held that "prior restraint was no more acceptable in public high schools than for citizens generally."²⁵

20

Robert Trager, "Recent Developments in Secondary Students' Press Rights," unpublished paper, School of Journalism, Southern Illinois University at Carbondale, for presentation to the Secondary Education Division of the Association for Education in Journalism in College Park, Maryland, Aug. 2, 1976, p. 1.

21

Riseman v. School Committee, 439 F. 2d 148 (1971).

22

Eisner v. Stamford Board of Education, 314 F. Supp. 832 (1970).

23

Quarterman v. Byrd, 453 F. 2d 54 (1971).

24

Shanley v. Northeast Independent School District, 462 F. 2d 960 (1972).

25

Fujishima v. Board of Education, 460 F. 2d 1355 (1972).

Prior Restraint and Underground Newspapers

Prior restraint has become the issue in many high school press freedom cases. Although some of these cases involve underground newspapers, decisions by the courts in these cases also have been applied to school-sponsored newspapers.

In *Eisner v. Stamford Board of Education*,²⁶ students who distributed an underground newspaper at Rippowam High School on school grounds were warned by school authorities that they would be suspended for "violating a rule requiring prior submission of all materials before dissemination." Students challenged, saying that "advance approval was constitutionally prohibited 'prior restraint' on expression."²⁷

The District Court which heard the case found in favor of the students, asserting that the board had the "duty and right. . .to punish significantly disruptive behavior." That duty and right, however, "does not include prior restraint; the risk taken if a few abuse their First Amendment rights of free speech and press is outweighed by the far greater risk run by suppressing free speech and press among the young."²⁸

26

Eisner, loc. cit.

27

Ibid.

28

Ibid.

The Second Circuit Court of Appeals would not allow the guidelines proposed by the District Court and "refused to adopt the position. . . that prior restraint would never be allowable in public high schools." The court said that in all cases of prior restraint, the "burden of proof would be on school officials to show their actions comported with Tinker guidelines."²⁹

The court said, "The greater the generosity of the Board in fostering--not merely tolerating--students' free exercise of their constitutional rights, the less likely it will be that local officials will find their rulings subjected to unwieldy constitutional litigation."³⁰

An underground newspaper containing a satirical speech, supposedly delivered by the high school principal, was the issue in Sullivan v. Houston Independent School District.³¹ The students were asked by the administration to stop distributing the newspaper. They refused. The administrators then made rules prohibiting the distribution, and the students were suspended for violating the rules.

29

Eisner, loc. cit.

30

Ibid.

31

Sullivan v. Houston Independent School District, 307 F. Supp. 1328 (1969).

The students were expelled solely for involvement with the newspaper and not for any previous misconduct, as the school administration had argued, according to the court. The school officials said the distribution of the newspaper caused "disruption to the point of complete turmoil and advocated incitement to disregard policies and procedures."³²

The District Court said the student has a right to express himself while on school premises in a non-disruptive manner, "subject to reasonable limitations concerning 'time,' 'place,' 'manner,' and 'duration.'" The students were disciplined because school officials disliked the contents--an action that is prohibited by the Constitution.³³

The court "found the students had been denied their First Amendment rights." School activities must be disrupted before distribution of a newspaper may be halted, the court said.³⁴

"The high school too is changing and generalities can no longer serve as standards of behavior when the right to obtain an education hangs in the balance," according to the court.³⁵

32

Sullivan, loc. cit.

34

Ibid.

33

Ibid.

35

Ibid.

Scoville v. Board of Education

According to Lumpp, "The most celebrated case following Tinker³⁶ and which applied Tinker's principles" was Scoville v. Board of Education of Joliet Township High School.³⁷ An underground newspaper which contained material critical of school rules was distributed and the students handing it out were suspended.

After appeals, earlier decisions were reversed, with the argument that the lower court and panel of judges had no way of determining actual disruption or interference resulting from the sale of the newspapers. This took the Tinker decision "one step further, declaring that the intention to disrupt is insufficient evidence to justify suppressing students' freedom of speech and press."³⁸

Administrators were cautioned "not to invade the First and Fourteenth Amendment rights of students without clear evidence of probable disruption."³⁹

36

James A. Lumpp, "High School Press Restrictions," Freedom of Information Center Report #329, (Columbia, Missouri: School of Journalism, University of Missouri at Columbia, October, 1974), p. 3.

37

Scoville v. Board of Education of Joliet Township High School, 425 F. 2d 10 (1970) cert. denied 400 U.S. 826 (1970).

38

Ibid.

39

Ibid.

In Chicago, students were suspended for distributing an underground newspaper, disobeying a Chicago Board of Education rule which barred distribution without prior approval from the General Superintendent of Schools. The students took the case to court, and in *Fujishima v. Board of Education*⁴⁰ the Eisner standard of prior restraint was rejected⁴¹ in the Seventh Circuit Court of Appeals.

The rule was held by the court to be unconstitutional. The court said "the Tinker forecast rule is . . . properly a formula for determining when the requirements of school discipline justify punishment of students for exercise of their First Amendment rights. . . not a basis for establishing a system of censorship and licensing designed to prevent⁴² the exercise of First Amendment rights."

The court said:

"Tinker in no way suggests that students may be required to announce their intentions of engaging in certain conduct beforehand so school authorities may decide whether to prohibit the conduct. Such a concept of prior restraint is even more offensive when applied to the long-protected area of publication."⁴³

⁴⁰
Fujishima, loc. cit.

⁴¹
Ibid.

⁴²
Ibid.

⁴³
Ibid.

Since several decisions have been made by the same court, but contradict each other, Trager says that only the Supreme Court can provide resolution.⁴⁴

Advertising Problems

Students also have run into problems with advertising in school newspapers. A key case in this area is Zucker v. Panitz.⁴⁵ Trager cites this as the case which "opened the door for high school students who want to run 'editorial' advertising in school newspapers."⁴⁶

An advertisement opposing the Vietnam War was barred from a school newspaper by the principal because the school's policy limited advertisements and news articles to matters directly related to school activities. The principal added that only purely commercial advertising was⁴⁷ allowed.

A U.S. District Court decided the "First Amendment rights were violated by the ban and that other issues of the paper had previously

⁴⁴

Trager, "Recent Developments," op. cit., p. 5.

⁴⁵

Zucker v. Panitz, 299 F. Supp. 102 (1969).

⁴⁶

Trager, "Recent Developments," op. cit..

⁴⁷

Zucker, loc. cit.

included material on so-called controversial topics, such as the draft." The court said the prohibition constituted a constitutionally proscribed⁴⁸ abridgement of their freedom of speech.

According to press law casebook authors Gillmor and Barron, the "presence of articles concerning the draft and student opinion of U.S. participation in the war shows that the war is considered to be a school-related subject. There is no logical reason to permit news stories on the subject and preclude student ads."⁴⁹

The court said, "It is patently unfair in light of the free speech doctrine to close to the students the forum which they deem effective⁵⁰ to present their ideas."

Advisers Face Controversy

School journalism advisers also have found themselves in the middle of the press rights controversy in high schools. Three instances of advisers who lost their jobs because of "strong First Amendment stands" were noted in a Quill and Scroll study by Mary Ruth Kahl of

48

Zucker, loc. cit.

49

Donald M. Gillmor and Jerome A. Barron, Mass Communications Law: Cases and Comment, Second Edition (St. Paul, Minnesota: West Publishing Company, 1974), p. 578.

50

Zucker, loc. cit.

Iowa State University.

Don Nicholson, ex-adviser in the Torrance, California, Unified School District, was fired in 1970 for "insubordination." After being instructed by the principal to use four questions as the newspaper's guidelines, Nicholson and his editors proposed an alternative set of questions.⁵²

Nicholson then began approving articles without submitting them to the principal for prior review and he was dismissed. By late 1978, the case had not been resolved, because of the judge's illness.

In Wyoming, a journalism teacher and newspaper adviser lost his job because of alleged incompetency--he failed to censor the paper's April Fool edition. In *Jergeson v. Board of Trustees of School District #7*,⁵³ the adviser argued his First Amendment rights had been abridged and his advisory responsibilities were not specified by any rules.

51

Mary Ruth Kahl, "A Case-Law Look at First Amendment Rights of the Publications Adviser," Quill and Scroll, V. 50 #2, (December-January, 1975), p. 22.

52

Ibid.

53

Jergeson v. Board of Trustees of School District #7, Wyoming, 476 P. 2d 481 (1970).

The Wyoming Supreme Court upheld the dismissal on the basis that some material in the issue "collided with the rights of others, namely the teachers and administrators of the school and was sufficient evidence to show incompetence." The court held that the school board was entitled to consider the contents of the school newspaper and the teacher's responsibility as adviser for the newspaper. The school board said Jergeson's philosophy and practice of education was detrimental to the best interests of high school students.⁵⁴

A dissenting opinion noted that the paper "was obviously the April Fool edition and that the board had not given Jergeson any standards as to what should or should not be published."⁵⁵

Kahl also cites the case of Wilmer Calvin, Jr., who was fired in Brookfield, Missouri, because he did not show his principal a particular issue of the school newspaper.⁵⁶

In Calvin v. Rupp,⁵⁷ Calvin argued his protection of the high school newspaper from school board censorship angered the school administration and was an important factor in his contract not being renewed. The Appeals Court said this "argument was wholly frivolous."

54

Jergeson, loc. cit.

55

Ibid.

56

Kahl, op. cit., p. 23

57

Calvin v. Rupp, 471 F. 2d 1346 (1973).

The school administration had expressed dissatisfaction only with the variety of subject matter. The court said Calvin had failed to demonstrate any free speech issue whatsoever with respect to his supervision of the school newspaper. The record showed a history of Calvin's inability to conform his personal behavior and professional techniques to the ". . . chain of ⁵⁸command that is a necessary part of the public school administration."

Trager comments, however, that only the Nicholson case can "best clarify the limits of adviser responsibility" because the other two cases involved more than the individual's actions as newspaper ⁵⁹advisers.

Censorship disputes have been involved in other adviser cases, where the advisers have found themselves caught between students and administration and are forced to choose which side to take. The position of the high school newspaper adviser is an awkward one--being asked to teach students their rights and responsibilities, yet being concerned with cooperating with the administration in order to keep his or her job.

58

Calvin, loc. cit.

59

Trager, "Recent Developments," op. cit., p. 6.

Advisers Surveyed

In a survey of high school newspaper advisers, Laurence Campbell identified five major problems for the advisers. These included: (1) financing school newspapers; (2) providing adequate facilities; (3) winning faculty cooperation; (4) training newspaper staff; and (5) qualifying as advisers.⁶⁰

Some of the problems high school journalism advisers face may be caused in part by the minimal background needed for high school journalism teachers, according to another study.⁶¹ The authors of that study compiled the requirements for journalism teachers in the 50 States and the District of Columbia. They found that about 70 percent of the states have some kind of requirement, but only 30 percent require a journalism major or minor. No specific journalism certification standards are required in 14 states and the District of Columbia. The other states range from a requirement of only six college semester hours in some states to Colorado and Texas, where the equivalent to a college journalism major is needed.⁶²

According to a handbook of teachers' rights published by the American Civil Liberties Union (ACLU), a teacher may not be fired nor

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Laurence R. Campbell, "Study in Six States Analyzes Problems of Newspaper Advisers," Quill and Scroll, V. 41 #1 (October-November, 1966), pp. 8-11.

61

J. W. Click and John W. Windhauser, "Minimal Background Needed for High School Journalism Teachers," Editor and Publisher, March 18, 1972, p. 8.

62

Ibid.

may his or her certificate be canceled because "he has exercised a right which he does possess." The Supreme Court also has ruled "that a school system cannot refuse to re-employ a teacher because he has exercised a right secured by the Constitution."⁶³

In the case of insubordination, the ACLU says it can only be based on "a refusal to obey some order which a superior officer is entitled to give and entitled to have obeyed."⁶⁴

When a school system dismisses or disciplines a faculty adviser of a student newspaper or magazine, the ACLU states that there has been some conflict in court decisions. ". . . The courts have given increased constitutional protection to student publications--particularly protections against prior restraint. At least to the extent that the activity of the student publication is constitutionally protected, its faculty adviser would appear to share its immunity from sanctions."⁶⁵

Student Press Law Center = Student Advocate

Since 1976, student journalists and their advisers have had an advocate in the form of the Student Press Law Center (SPLC) in Washington,

63

David Rubin, The Rights of Teachers--An American Civil Liberties Union Handbook (New York, New York: Discus Books, 1972), p. 13.

64

Ibid.

65

Ibid., pp. 14, 68.

D.C. The SPLC is "the only national organization collecting, analyzing and distributing information on the First Amendment as it affects student journalists and journalism teachers in high school and college."⁶⁶ The Center also offers "direct legal assistance and advice to students and teachers facing censorship problems and to attorneys defending student expression." Tri-annual reports issued by the Center have⁶⁷ chronicled recent student expression rights cases.

Gambino v. Fairfax County School Board

Students in Fairfax, Virginia, enlisted the aid of the SPLC and its director, Christopher Fager, in a 1977 highly publicized case involving student press rights.

In Gambino v. Fairfax County School Board,⁶⁸ student editors in Fairfax County battled in court for eleven months and were awarded the right to publish a story on contraception in the school newspaper.

The ruling which allowed publication came from the U.S. Court of Appeals for the Fourth Circuit, which "upheld the students' claim that their First Amendment rights had been violated."⁶⁹

The case revolves around an article titled "Sexually Active Students Fail to Use Contraception." The assistant editor of the Farm News, Gina

⁶⁶

Student Press Law Center Report #3, (Winter, 1976-1977), p. 1.

⁶⁷

Ibid.

⁶⁸

Gambino v. Fairfax County School Board, 429 F. Supp. 731 (1977).

⁶⁹

Ibid.

Gambino, and editor Lauren Boyd, authors of the article, were told by their adviser that the article would have to be cleared through the principal. The principal refused to allow publication because parts of the article that dealt with the availability and effectiveness of contraceptives violated a school board policy prohibiting the teaching of information on birth control.⁷⁰

The students first contacted the SPLC, and Fager helped them present a written appeal and oral argument to the school board, which rejected the appeal by a 6-4 vote.⁷¹

The next step involved a suit filed in U.S. District Court in Alexandria, Virginia. District Judge Albert V. Bryan decided in favor of the students, saying that the Farm News was "conceived, established, and operated as a conduit for student expression on a wide variety of topics. It falls clearly within the parameters of the First Amendment."⁷²

The judge said the article was innocuous, and that the school board's fears of "irresponsible journalism are met first by the fact that no evidence of it has surfaced in the past or in the article here

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Gambino, loc. cit.

71

Student Press Law Center Report #6, (Winter, 1977-1978), p. 3.

72

Gambino, loc. cit.

in question, nor has there been any demonstrated likelihood of it in the future." Bryan said the newspaper was entitled to First Amendment protection afforded a public forum and publication of the proposed article could not be suppressed solely because its subject matter was not in accord with the school board's notion of appropriate course content, so the prohibition was constitutionally invalid.⁷³

According to the school board, because students received credit for newspaper work, the school had the right to control the newspaper. The judge rejected that argument and said:

"The Farm News was established as a vehicle for First Amendment expression and not as an official publication and the newspaper cannot be construed objectively as an integral part of the curriculum. . . . Rather it occupies a position more akin to the school library where more extensive and explicit information on birth control philosophy and methodology is available."⁷⁴

According to the SPLC, Bryan's opinion was the first by a federal court which outlined reasons why students writing for official, school-financed newspapers are protected by the First Amendment.⁷⁵ Bryan wrote: "Once a publication is determined to be in substance a free speech forum, constitutional protections attach and the state may restrict the content of that instrument only in accordance with First Amendment dictates."⁷⁶

⁷³
Gambino, loc. cit.

⁷⁴
Ibid.

⁷⁵
Student Press Law Center Report #6, op. cit., p. 3.

⁷⁶
Gambino, loc. cit.

The judge issued an order prohibiting interference with publication of the article and awarded the students court costs and attorneys' fees.⁷⁷

The School Board then appealed Bryan's ruling to the U.S. Court of Appeals for the Fourth Circuit and was granted a stay of the order allowing publication while the appeal was in progress.⁷⁸

The three-judge appellate panel rejected the school board's view and affirmed Bryan's ruling by a 2-1 vote. The majority opinion supported Bryan's findings on both the evidence and the law.⁷⁹

The Appeals Court said that:

" . . . upon an actual reading of the article, the court is surprised at its innocuousness and that it could spawn the controversy at hand. A controversy, which, given the normal curiosity and ingenuity of youth, has assured that copies of the offending article now have been secured by many if not most of the students sought to be protected."⁸⁰

In the dissenting opinion, Judge Donald S. Russell said:

"A school administration certainly has a legitimate concern in eliminating from its curriculum material which may reasonably

77

Gambino, loc. cit.

78

Student Press Law Center Report #6, op. cit., p. 3.

79

Gambino, loc. cit.

80

Ibid.

be considered as conducive to immorality and not appropriate to proper academic education: by the same token, it would seem equally clear that it would not be required to wink at the same material being taught in a backhanded way through the columns of a school paper, sponsored and largely financed by it."⁸¹

Almost a year after it was written, Boyd's article was printed on the front page of the Nov. 14, 1977, issue of the Farm News, according to the SPLC. An editorial in the same issue said, "It is not the intention of the Farm News to interpret the court's decision as an invitation to print controversial articles for the sake of sensationalism. We will not hesitate, however, to print any article which is deemed ⁸² by the staff to be newsworthy."

According to the SPLC, the decision in the Gambino case and Judge Bryan's opinion "are important precedents for student journalists and their advisers. Courts ruling on student press censorship in the future will be able to use Gambino as a guide to resolution of student ⁸³ censorship controversies."

Technically, however, the decision is legally binding only in the Fourth Judicial Circuit of the Federal court system, which includes Maryland, West Virginia, Virginia, North and South Carolina. All

81

Gambino, loc. cit.

82

Student Press Law Center Report #6, op. cit., p. 3.

83

Ibid., p. 4.

federal courts in those states must follow that decision, while other federal courts may decide not to follow the case when ruling on students' First Amendment rights. Under the federal system, any conflicting decisions by the Courts of Appeals from other circuits are resolved by the U.S. Supreme Court.

Effects of Farm News Decision

The Farm News article had far-reaching effects, according to the SPLC. In Bristol, Rhode Island, all copies of a school newspaper were confiscated and destroyed because the editor had reprinted the Farm News article dealing with contraception and abortion.⁸⁴

The co-editor contacted an ACLU attorney, who got in touch with the SPLC. It was discovered, however, that the editor had secretly inserted the article against the wishes of the staff and editorial board, the SPLC reported. Because of these facts, the editor and attorney decided not to take the issue to court, "fearing that his [the editor's] actions would obscure the issue of freedom of the press."⁸⁵

In Friendswood, Texas, "censorship was a fact of life," with the principal reviewing all material before publication, according to the SPLC. In a story about the Farm News student press freedom case, the principal objected to references to the "same sex-related topics that had been censored out of the Virginia paper."⁸⁶

84

Student Press Law Center Report #5, (Fall, 1977), p. 8.

85

Ibid.

86

Ibid.

The student editor contacted the ACLU, which agreed to represent him and take the case to court if necessary. The principal agreed to allow another controversial story and cover illustration, but still wanted two paragraphs rewritten and another paragraph deleted, according to the SPLC's report. The students accepted the compromise, with the editor saying: ". . .the relaxing of standards of censorship [is] a victory," the SPLC said.⁸⁷

After the Farm News controversy, amendments to the Fairfax County (Virginia) Student Rights and Responsibilities Code were written.⁸⁸

Because of the new code, students won a victory in Chantilly, Virginia. In an account by the SPLC, an article titled "The Art of Bitching" was deleted by the adviser, principal and another administrator because it was considered obscene. An appeal to the county superintendent was a victory for the students, because the new guidelines included a tightened definition of obscenity, the SPLC said.⁸⁹

Sex-related questionnaires and topics have caused problems for other students around the United States.

School authorities in New York City were upheld in their right

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Student Press Law Center Report #5, op. cit., p. 8.

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Student Press Law Center Report #6, op. cit., p. 5.

89

Ibid.

to prohibit the distribution of a survey questionnaire which probed⁹⁰ the sexual attitudes and habits of high school students.

In November, 1975, the student staff of the Stuyvesant High School Voice wanted to circulate a questionnaire which included topics such as homosexuality, abortion and masturbation. The principal denied permission and the students appealed within the school system. Board of Education Chancellor Irving Anker refused to answer the staff's inquiries⁹¹ and the Board also denied permission, according to the SPLC report.

The editor, Jeff Trachtman, filed suit on behalf of the staff. In⁹² Trachtman v. Anker, a district judge ruled that the survey could be conducted of juniors and seniors, but not of younger students. Both Trachtman and the school officials appealed, on the basis that it provided inadequate relief to both sides. In August, 1977, a three-judge panel ruled in favor of the school officials. The court said the school "had proven that distribution of the survey might cause⁹³ 'significant psychological harm' to some students."

The U.S. Supreme Court decided not to review the case, after being asked to do so by the students. The Second Circuit Court of Appeals had

90

Student Press Law Center Report #6, op. cit., p. 7.

91

Ibid.

92

Trachtman v. Anker, 426 F. Supp. 198 (1977).

93

Ibid.

held that high school officials may lawfully prohibit a student from conducting a poll of the sexual attitudes of fellow students.⁹⁴ The denial by the highest court, according to the SPLC, does not mean the Supreme Court agrees with or affirms the Trachtman decision. Rather, the holding is limited to the states within the Second Circuit: New York, Connecticut and Vermont.⁹⁵

Student Survey Not Allowed

The staff of the high school newspaper in Manchester, Virginia, tried to distribute a survey of student opinion on sex-related issues, according to the SPLC. The principal and superintendent would not allow the polls. A suit was filed in U.S. District Court charging school officials with illegal and unconstitutional censorship. The school board later decided to permit the poll and settled out of court, the SPLC said. A few months later, however, the school board voted to quit paying salary supplements for teachers who were sponsors of activities with fewer than 15 members; the school newspaper had a staff of 14, according to the Center's report.⁹⁶

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Trachtman, loc. cit.

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Student Press Law Center Report #7, (Spring, 1978), p. 12.

96

Student Press Law Center Report #4, (Spring, 1977), p. 6.

Nebraska and Student Press Rights

Student press rights have been tested in Nebraska. In Peterson v. Board of Education,⁹⁷ high school principals and the superintendent of schools in Lincoln refused to allow an underground newspaper's distribution on school grounds.

Editions of the newspaper had been distributed outside public high schools prior to the decision of the administrators. The school officials said the "distribution violated district rules against commercialism in the schools, soliciting funds from students, visitors in the schools, and selection of instructional materials." Editors of the newspaper, the Lincoln Gazette, asked for permission to distribute outside the buildings in a nondisruptive manner.⁹⁸

The District Court saw the matter as a prior restraint case, refusing "to accept any of the administrator's rationales for forbidding disruption." First, the court said the newspaper was "primarily a vehicle for dissemination of news and opinion" and the ads were minor, so the "anti-commercialism rule did not apply." The distributors were not soliciting money because the paper was distributed free or by donation only. The court also ruled the officials had not even-handedly

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Peterson v. Board of Education, 370 F. Supp. 1208 (1973).

98

Ibid.

enforced the anti-commercialism rule, by "allowing ads in the school papers and permitting some charitable organizations to solicit funds. . . ."⁹⁹

Second, the administrators' claim that the newspaper affected their "prerogative in the selection of [instructional] material" was struck down by the court, which said there was "no indication that the paper would become an instructional tool."¹⁰⁰

Third, the court said it was permissible to have all school visitors report to the school office, "but banning newspaper distribution on the assumption that such visitors might disrupt school activities was not permissible."¹⁰¹

Finally, the court said when the "paper contained only otherwise protected material, school officials could not prohibit its distribution without showing [as in *Tinker*] that it would cause material and substantial interference with school work or discipline." Distribution of the Gazette was allowed.¹⁰²

In another Nebraska incident, the Nebraska Civil Liberties Union (NCLU) has helped pursue a case in O'Neill, according to NCLU Executive Director Barbara Gaither. Two students "challenged the actions of the

99

Peterson, loc. cit.

101

Ibid.

100

Ibid.

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Ibid.

administration censoring articles written for the school newspaper." 103

Co-editors Mark Asimus and Timothy Abart were told by the principal they could not publish an article which discussed a lack of leadership in student government and an article which criticized school board policies forbidding mid-term graduates to attend commencement exercises and the senior prom, according to a report by the SPLC. 104

The students contacted the SPLC and were told in a legal opinion by director Michael Simpson that the school newspaper was a forum for student expression and as such, entitled to protection by the First Amendment. 105

According to SPLC reports, an NCLU attorney contacted the school's attorney and warned that efforts to prevent censorship might "develop into an elaborate and costly case unless the students' demands were met." 106

As a result of the letter and a decision by school board members in May, 1978, the board advised the students that they could print the editorials, the SPLC said. The co-editors decided against running the articles, which, after months of negotiations, were no longer current. In late 1978, the administration at O'Neill was drafting guidelines for

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"O'Neill, Bartlett Students Say Rights Were Violated," Omaha World-Herald, May 9, 1978, p. 8.

104

Student Press Law Center Report #8, (Fall, 1978), p. 6.

105

Ibid.

106

Ibid.

student publications, and according to the NCLU attorney, "understood¹⁰⁷ that it cannot censor the paper any longer," the SPLC report said.

Other student press rights cases have been recorded on such topics as homosexuality, publishing vote totals, protecting confidential sources and endorsement of candidates and in at least nine other states. Court decisions have varied, sometimes upholding the students' right to publish and other times upholding the right of the administration to exercise control over the student press.

Guidelines Developed

Student press guidelines have been developed in some areas to ease student rights problems. In California, the nation's first state statutes guaranteeing freedom of expression for the student press were adopted by the California legislature in August, 1977, according to¹⁰⁸ the SPLC.

The law states that public school students "shall have the right to exercise freedom of speech and of the press. . .and the right of expression in official publications, whether or not such publications or other means of expression are supported financially by the school or by use of school facilities. . . ." ¹⁰⁹

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Student Press Law Center Report #8, op. cit., p. 6.

108

Student Press Law Center Report #6, op. cit., p. 9.

109

California Legal Code, Chapter 776, an act to amend Sec. 48916 of the Education Code, 9/13/77.

Any material that is obscene, libelous or slanderous or may incite students is prohibited under the law. It states that each board of education shall adopt a written publications code, which would include reasonable provisions for distribution.¹¹⁰

The law dictates that:

" . . . student editors of official school publications shall be responsible for assigning and editing the . . . content. . . . However, it shall be the responsibility of a journalism adviser. . . to supervise the production of the student staff, to maintain professional standards of English and journalism, and to maintain the provisions of the law."¹¹¹

Prior restraint is prohibited by the law, which says the burden of showing justification for prior restraint is the school officials.¹¹²

"Official school publications" are defined in the law as material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to students either free or for a fee.¹¹³

According to the SPLC, the most controversial of the law's sections is the "prior restraint" or the "censoring or previewing of material prior to publication."¹¹⁴

One of the journalism teachers who headed the campaign for the law said the law "filled a definite void and answered a lot of questions

¹¹⁰

California Legal Code, loc. cit.

¹¹¹

Ibid.

¹¹²

Ibid.

¹¹³

Ibid.

¹¹⁴

Student Press Law Center Report #6, op. cit., p. 9.

about governing the use of school newspapers," according to the SPLC
 115 report.

The SPLC said the law became possible because advocates obtained support from student, teacher, journalism and school board organizations. "The only public opposition" came from the Long Beach Unified High School District and the ACLU. The ACLU objected to the section which allows prior restraint of obscene, libelous or disruptive material. The group said that section "presents severe First Amendment problems. We anticipate a proliferation of litigation and administrative headaches that will be caused by the inclusion" of those exceptions, according
 116 to the SPLC report.

A teacher who campaigned for the bill, according to the SPLC, said a bill with no prior restraint clause would not have passed, but if it had, most school districts would discontinue all student publications--
 117 "a case of curing the disease by killing the patient."

The bill passed the State Senate by a vote of 22-5 and the State Assembly by 40-2. It was signed by Gov. Edmund Brown, Jr. and went
 118 into effect Jan. 1, 1978, the SPLC said.

115

Student Press Law Center Report #6, op. cit.

116

Ibid.

117

Ibid.

118

Ibid.

Captive Voices

The topic of student press rights has become one which is studied and considered by professionals in many disciplines. As discussed in the introduction, one of the largest national inquiries into American high school journalism was the study by the Commission of Inquiry into High School Journalism, convened by the Robert F. Kennedy Memorial foundation. Its report, entitled "Captive Voices," was published in 1974.

The Commission said it hoped educators who read the report "will conclude with us that any censorship of journalism is a dangerous thing. . . that the quality of educational experience in journalism should be higher than it is, and that the established media have a major responsibility to work cooperatively with schools and students in journalism. We believe that high school journalism for too long has existed in a gray, shadowy area of public concern. We believe it is time to bring it forth as one of the most potential, most educational, most exciting means available for young people to meet and come to understand their world and ours."

The report said that "students should have ultimate authority of and responsibility for high school media."

The Commission charged. . . "with rare exceptions, high school journalism fails to live up to the potential it has to prepare students for

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Captive Voices, op. cit., pp. xix-xxi.

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Ibid., p. 141.

journalism careers." The report said, "Unconstitutional and arbitrary restraints are so deeply embedded in high school journalism as to¹²¹ overshadow its achievements."

The report said ". . . censorship generally is accepted by students, teachers and administrators as a routine part of the school process. This has developed into the most pervasive kind of censorship, that imposed by students upon themselves. . . self-censorship. . . has created passivity among students and made them cynical about the guarantees¹²² of a free press under the First Amendment."

Eight programs were recommended by the Commission. It suggested programs should be operated by a National Youth Journalism Project. The programs would include regional workshops to discuss the Commission's findings, a national center advocating First Amendment guarantees for young journalists, organizing local associations of high school editors, organizing regional workshops with school administrators and encouraging journalism awards programs to emphasize content of stories entered, as¹²³ well as design.

Advisers "who in private favor a free student press often succumb to bureaucratic and community pressures to censor school newspapers,"¹²⁴ according to the report.

¹²¹
Captive Voices, op. cit., p. 47.

¹²²
Ibid., p. 48.

¹²³
Ibid., pp. 145-148.

¹²⁴
Ibid., p. 48.

Professional media also were attacked by the commission, which said the professional news media "[do] not take seriously the First Amendment problems of high school journalists and [do] little to help protect the free press rights of students." In most cases, "professionals are not aware that censorship problems exist," the report said.¹²⁵

The report said that "censorship, more than any other factor, has the greatest adverse effect on the quality and relevance of high school journalism."¹²⁶

The Commission said that "the censored high school newspaper is exactly what most administrators and teachers want it to be--a house organ reporting only those things that give the school a favorable image." Advisers censor because they "believe in it and see it as a duty to the school."¹²⁷

"Captive Voices" received an unfavorable reaction from many, including Louis E. Inglehart, chairman of the journalism department at Ball State University and chairman of the Secondary Education Division of the Association for Education in Journalism. Inglehart pointed out what he described as some inadequacies of the report in an article in the National Association of Secondary School Principals Bulletin.¹²⁸

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Captive Voices, op. cit., pp. 48, 117.

126

Ibid., p. 44.

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Ibid., p. 29.

128

Louis E. Inglehart, "A Look At Captive Voices," National Association of Secondary School Principals Bulletin, (February, 1975), pp. 7-13.

Inglehart complained that the report based its recommendations on inadequate data. He said the strongest achievement of the Commission is "the insistence that First Amendment rights of free speech. . . be known by high school students, teachers, and administrators." The Commission urged that all educators accept, endorse and allow to be practiced a free press in a free nation for its high school students, according to Inglehart.¹²⁹

Inglehart said the Commission's report "contains a far too brief legal guide" and "points toward the need for a more complete document of current information concerning legal matters affecting the high school press."¹³⁰

The Commission's report sounded alarms and reached conclusions with too little evidence, Inglehart said. The report should have included information from state and regional press associations and from colleges and universities maintaining preparation programs for teacher-advisers. Regional association accreditation procedures and state teacher licensing requirements also should have been examined, Inglehart said.¹³¹

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Inglehart, op. cit.

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Ibid.

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Ibid.

The weakest part of the report, according to Inglehart, is its interpretation of survey results, which he said were incorrectly computed.¹³²

Inglehart said the "hasty look taken by the Commission. . .will help. . .educators focus their attention on the improvement of high school journalism. . ."¹³³

Freedom of Information Center Addresses Issue

The publication of the Commission's report brought about more active concern with high school press freedoms. The Freedom of Information Center at the University of Missouri at Columbia addressed the issue in a report entitled "High School Press Restrictions." The stated goal of the report was to help "clarify just where [high school] students stand with respect to this important constitutional right."¹³⁴

In the report, Trager is quoted as saying that high school students in the late 1960s and early 1970s became "sufficiently media-wise to realize that putting their thoughts on paper, duplicating them, and distributing them was an efficient and effective method of voicing their opinions."¹³⁵ Trager said this began "an era of confrontation

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Inglehart, op. cit., p. 13.

133

Ibid.

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Lumpp, op. cit., p. 1.

135

Ibid.

and challenge, a struggle between students' rights of expression and school administrators' authority to restrict those rights," according to the Freedom of Information Center Report.¹³⁶

In his book, Trager summarized the areas of general agreement concerning student press rights:¹³⁷

1. Students may disseminate printed material on high school campuses unless "administrators can prove material and substantial interference with the educational process. . ."
2. Administrators must prove disruption occurred or would have occurred.
3. "Expression cannot be suppressed because of disagreement with or dislike for its content."
4. "Administrators have no more, and perhaps less, control over student expression off school grounds and during non-school hours. . ."
5. Administrators' responsibility is to "curtail disruption. . . instead of suppressing the expression itself."
6. Obscene material is not given First Amendment protection and "may be prohibited."
7. Student publications are subject to reasonable regulations.
8. Administrators may prohibit publications which "incite violence or lawlessness."

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Lumpp, op. cit., p. 1.

137

Trager, Student Press Rights, op. cit., pp. 74-75.

9. Students showing "gross disrespect or disobedience" will result in courts "not reaching the constitutional question of free expression."

10. "Prior restraint of student-distributed materials is permitted if such a regulation contains acceptable procedural guidelines."¹³⁸

In a 1969 article in Quill and Scroll, Ronald L. Watson examined administrative attitudes toward high school journalism.¹³⁹

Watson said it is important for the adviser to create a harmonious relationship between the teacher and the high school principal concerning the position of the journalism program in the high school.¹⁴⁰

Watson's hypothesis is that a superior journalism curriculum and publications will be possible only when the administrators and teachers act as partners in the enterprise. Both must give their full support and hold nearly compatible attitudes concerning the role journalism can play in the development of the high school student, he said.¹⁴¹

Watson conducted a study of journalism teachers and found that, in an "excellent" journalism program, the teacher is more independent

¹³⁸

Trager, Student Press Rights, op cit., pp. 74-75.

¹³⁹

Ronald L. Watson, "Administrative Attitudes Toward High School Journalism," Quill and Scroll, V. 44 #1, October-November, 1969, pp. 10-11.

¹⁴⁰

Ibid.

¹⁴¹

Ibid.

than the teacher in an average program. In the excellent program, the principal cooperates, encourages and gives support, allowing the journalism teacher to do his or her job, he wrote.¹⁴²

In the average program, Watson found both the principal and teacher see the principal's function as a policy maker. He said the success or failure of a journalism program may "well hinge upon the relationship of the teacher and principal."¹⁴³

Laurence Campbell conducted a survey in 1971 for Quill and Scroll Studies on the role of the high school newspaper. He found that the school newspaper "consists of what advisers approve or approve strongly and it does not consist of what they disapprove or disapprove strongly."¹⁴⁴

Campbell found that four out of five (80 percent) of the advisers believe the school newspaper should inform, influence, entertain and advertise. In the survey, 47 percent of the advisers said that nothing should be put in the newspaper that may hurt the school or impair the school's image. More than half of the advisers said that content that either the principal or adviser does not like should be eliminated.¹⁴⁵

¹⁴²

Watson, op. cit., p. 11.

¹⁴³

Ibid.

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Laurence R. Campbell, "The Role of the High School Newspaper," Quill and Scroll, V. 45 #3, February-March, 1971, pp. 22-23.

¹⁴⁵

Ibid.

Campbell said it was "saddening to note" that 28 percent of the advisers believe the adviser should be a censor who decides what copy to accept or reject.
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The advisers seemed to contradict themselves, however. Campbell found it shocking that 75 percent believe the adviser should invariably read all editorial copy, and 70 percent endorse the "authoritarian practice of having the editor appointed by the adviser." But 60 percent or more of the advisers agreed that student journalists should be free to exercise their craft with no restraints beyond the limits of legal and ethical responsibility.
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Campbell also reported that the advisers believe they should be charged with defending the students' right to journalistic truth and that student journalists should defend their beliefs and convictions.
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Financial independence is the cornerstone of true responsibility for the student press, according to 63 percent of the advisers. Ninety percent of the advisers agree with the First Amendment, Campbell reported.
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146

Campbell, "Role," op. cit.

147

Ibid.

148

Ibid.

149

Ibid.

Principals' Attitudes

In 1975, Campbell conducted a survey to discover principals' attitudes toward freedom of the student press. He compared his findings with the advisers' opinions from his earlier survey.

He found that "one principal in eight believes that the School Board has the authority to set aside the U. S. Constitution and First Amendment at its discretion for security reasons." As for advisers, only one in twenty "recognizes this unique power."¹⁵⁰

In the study, "68 percent of the principals and 59 percent of the advisers disagreed with the statement that 'censorship and lack of freedom in open and responsible journalism' characterized their respective schools."¹⁵¹

Fifty-seven percent of the principals and 49 percent of the advisers reported that "there is no censorship in our school," but it is "understood that some kinds of content will not be published in student publications."¹⁵²

Campbell asked the educators which of a list of topics were "unnecessary, undesirable or objectionable." Criticism of faculty or athletic teams brought a negative reaction from 20 to 25 percent of

¹⁵⁰

Campbell, "Principals' Attitudes," op. cit., p. 23.

¹⁵¹

Ibid.

¹⁵²

Ibid.

the respondents, as did coverage of local labor unions, faculty meetings, and birth control and abortion. "From 16 to 19 percent objected to coverage of criticism of the principal, local politics and sexism. From 10 to 14 percent objected to coverage of school board meetings, venereal disease counseling, the city council and criticism of the student council."¹⁵³

"Eighty-three percent of the principals and 68 percent of the newspaper advisers asserted that 'no student publication in our school has created a clear and present danger of the immediate and substantial disruption of our school.'" Campbell explained that "clear and present danger" has more than one definition, but the publications staff and adviser generally interpret it to mean that the "principal or school board was displeased by the publication and the staff."¹⁵⁴

In the Texas, California and Western States portion of the study, Campbell found that 9 of 62 newspaper advisers reported "that the principal ordered newspaper content to be altered or expunged because of his disapproval." The same study found that 28 newspaper advisers had required content changes or omissions because of their disapproval. "Students on three newspaper staffs were disciplined, suspended or expelled because of their participation..." and in half of the reports, "the newspaper adviser was subjected to criticism because of newspaper content which others disliked or disapproved."¹⁵⁵

153

Campbell, "Principals' Attitudes," op. cit., p. 19.

154

Ibid.

155

Ibid, p. 22.

Campbell found almost one-half of the principals and 61 percent of the advisers agree that "giving students a free hand promotes responsibility and creativity."¹⁵⁶

Concerning aspects of freedom, Campbell found that 81 percent of the principals, "but only 62 percent of the newspaper advisers agree that students should be afforded experiences in exercising concepts in the freedom of the press." Of the principals, 81 percent agreed that students who are editors and reporters "should be given the opportunity to gain educational and realistic experience in the concepts of the First Amendment. . . which asserts the freedom of speech and press." Sixty-four percent of the advisers agreed with this statement.¹⁵⁷

Campbell found that "only 41 percent of the principals and 49 percent of the newspaper advisers agree that 'students should be free of external forces which seek to restrict these freedoms.'"¹⁵⁸

Campbell points out that the principals and advisers, to some extent, seem to repudiate their earlier contention that students should be given the chance to exercise freedom of the press. He suggests several interpretations of this problem: (1) principals and advisers do not really believe what they said they believed; (2) they do not "really believe that teenagers are capable of understanding the principles;" (3) they "fear internal pressures. . . or external pressures"

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Campbell, "Principals' Attitudes," op. cit., p. 22.

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Ibid.

158

Ibid.

from teachers, parents, the board and others who want teenagers to
 "respond favorably" to the local secondary education program. ¹⁵⁹

Campbell says the data he has reported "do not justify sweeping
 generalizations" but they may be "the basis for regional inquiries. . ."
 He points out that the attitudinal differences between the principals
 and advisers "are not so great as might have been pictured. Certainly,
 they are not on a collision course." ¹⁶⁰

He concludes that the First Amendment to the Constitution "would
 not be adopted today if it were left up to representatives of the par-
 ticipating principals and advisers. . . ." ¹⁶¹

How principals judge First Amendment cases which affect high
 school newspapers was examined by Dr. E. Joseph Broussard and Dr. C.
 Robert Blackmon of Louisiana State University in 1977. Their findings
 were published in the LSU School of Journalism Research Bulletin. ¹⁶²

The purpose of the study was to "survey principals, sponsors/
 advisers, and student editors concerning their knowledge of communica-
 tion law. . . ." The researchers took court decisions concerning freedom

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Campbell, "Principals' Attitudes," op. cit., p. 22.

160

Ibid.

161

Ibid.

162

Dr. E. Joseph Broussard and Dr. C. Robert Blackmon, "On the
 Basis of Knowledge or Values? Principals Judge First Amendment Cases
 that Affect High School Newspapers," Louisiana State University
School of Journalism Research Bulletin, V. 1 #1, July, 1977.

of the press and "digested [them] into ten composite cases" which were then submitted to selected principals, advisers and student editors. The respondents were given some details of the selected cases and then asked how the judge should rule. Their responses were compared with the actual decisions.

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In the percentage of correct responses (those who gave the same response as the judge did in the actual case), the student editors scored the highest on five of the cases, with the advisers scoring highest on four case items. The principals received the highest score on only one of the case items.

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Broussard and Blackmon concede that "because every case is unique, no one can say with certainty how a judge will rule." Therefore, the response considered "correct" on each of the items used in the study is "a subjective judgment of the authors," based on a study of the cases, the literature on the cases and the expert opinions received.

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The principals received the lowest mean score, which tends to "indicate a lack of knowledge of the principles of law." It appears in examining the principals' open-ended statements, however, that the

163

Broussard and Blackmon, op. cit., p. 8.

164

Ibid.

165

Ibid.

principals were aware of the correct response, "but frequently answered in terms of their personal values or their perception of the mores of the community. . .the principals answered in terms of how they felt rather than what they knew," Broussard and Blackmon said. 166

The authors found that principals who had either worked as journalists or had taken courses or earned a degree in journalism seemed to respond more knowledgeably. Scores were not affected in the cases where the principal had served as a high school newspaper adviser, Broussard and Blackmon said.

Few of the principals reported they had experienced similar problems to those in the case items, but those who had had problems did not score as well, the authors found.

The article concludes that, if the lack of knowledge shown by the principals was not due to answering the cases on the "basis of their values or perceptions. . .then more attention needs to be given in education law courses to First Amendment freedom and the student press." In-service education programs appear to be needed, the authors said. 167

Broussard and Blackmon suggest that "principals could forestall many potentially litigious situations" by [using] editorial advisory boards, by employing journalism-educated advisers, by "developing legal and implementable guidelines," and by using in-service programs. 168

166

Broussard and Blackmon, op. cit., p. 8.

167

Ibid.

168

Ibid.

Other Studies

Several other studies of student press freedom and the law affecting it have been carried out for master's theses.

In 1970, Duane Obermier took a national random sample of high school newspaper advisers. ¹⁶⁹ He found that only 19 percent had taken a college-level course in press law and that almost one-half (48.8 percent) had not studied press law in any way. Almost 40 percent said press law instruction was included in their schools.

The advisers were asked if there had ever been litigation against their school or if a situation had ever been settled out of court. All said no to these questions. However, 7 percent said there had been a threat of litigation--in four cases against the yearbook and in ten cases against the newspaper. All of the yearbook cases involved pictures, either omitted photos or unflattering poses. In the newspaper cases, three involved stories, two involved pictures, two involved columns, and one each resulted from a letter to the editor, an editorial and a cartoon. ¹⁷⁰

When the advisers were asked if they had ever decided not to print an item because of concern about the legality of printing it, 37 percent said yes. Reasons for the deletion included criticism,

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Duane A. Obermier, "A Study of Press Law in High School Journalism," unpublished M.S. thesis (Manhattan, Kansas: Kansas State University, 1971), p. 32.

170

Ibid.

inappropriate humor, copyright violations, gossip, obscenity, invasion¹⁷¹ of privacy and miscellaneous topics.

Only about 2 percent of the advisers reported that a printer had ever refused an item for the paper because he felt it violated press law.

Two problems may arise in situations where the adviser is not acquainted with press law, according to Obermier. "It is potentially dangerous for the adviser to be unaware of the legal consequences of a violation of press law" and "when the adviser knows little or nothing about press law, it is doubtful the students will learn anything about the subject." Students who receive no instruction in press law "are playing the game while being ignorant of the rules."¹⁷²

Obermier concluded that there is not as much attention paid press law in the smaller schools as in the larger ones. He speculated that this is because of the modest journalism programs in the smaller schools and because most of the advisers have a minor interest¹⁷³ in journalism with a major interest in another area.

171

Obermier, op. cit., pp. 43-45.

172

Ibid., p. 56.

173

Ibid., pp. 43-45.

Sandra Russell conducted a master's thesis survey to see if students were receiving the freedom of the press apparently afforded them by the courts. She sent surveys to the principal, adviser and student editor of 120 randomly selected schools. ¹⁷⁴

Russell found that 45 percent of the newspapers were included as part of the school curriculum, while 51 percent were considered extracurricular activities. Financing was generally provided by an allotment from the school board, with 40 percent of the newspapers also accepting paid advertising. ¹⁷⁵

The typical newspaper adviser in the high school is generally inexperienced, Russell found. More than one-half had fewer than 3 years experience, and one-third were in their first year as an adviser.

Most of the advisers' knowledge of journalism came through actual advising, according to Russell. Sixty percent of the advisers had completed fewer than 6 hours of college journalism courses. Of this group, 40 percent had no college journalism courses. ¹⁷⁶

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Sandra W. Russell, "Freedom of the Press: The Status and Implications of First Amendment Theory for the High School Press," unpublished M.S. thesis (Central Missouri State University, Warrensburg, Missouri, April, 1974), p. 132.

175

Ibid.

176

Ibid.

Russell examined the censorship activity in the high school and found that 39 percent of the advisers and 48 percent of the editors said some type of censorship was typical in their school. Of the advisers, 37 percent reported they read copy before publication, as a precaution. Russell says this might suggest that the reading, if not required by the administration, was necessary because of potential censorship or trouble. "Surely, such fear, real or perceived, operated as a prior restraint, inhibiting the flow of information through
177
the school newspaper," she said.

A majority of the respondents said their newspapers were allowed to print news which could be best described as either favorable or at least neutral, Russell reported.

"Most revealing of all were the replies on the prohibitions that did exist in the high school newspaper," Russell said. More than half of the editors and advisers reported they did not or could not deal with social issues. "Parents and teachers cry out for more education of young people in facing life around them, and yet they restrain the student press from serving that very function," Russell
178
added.

177

Russell, op. cit., p. 133A.

178

Ibid., p. 142.

Advisers in her study seem to be generally content with their principals' policies, with 70 percent reporting they felt the policies were about right. Seventy-two percent said they generally agreed with their principal on issues, and 12 percent said they strongly agreed with their principal, Russell reported.

Russell pointed out that the study showed that there "existed in the high school press a great deal of authoritarian control, though exactly where that control emanated from wasn't so clear." She identified four types of controls operating in the high school press: direct prohibitions, understood prohibitions, reading of copy before publication and pressure exerted through criticism and/or the threat of censorship.¹⁷⁹

A 1977 study in Illinois shows that high school students in that state have "a limited amount of journalistic freedom," according to James J. Nyka. Newspaper advisers and administrators "appear to be either unaware of students' constitutionally protected rights of free expression, or have simply chosen to ignore them, hoping that the legal pendulum will swing the other way. . ."¹⁸⁰

Three percent of the advisers and administrators said "all material in the school newspaper is reviewed by administrators before

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Russell, op. cit., p. 143.

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James J. Nyka, "Censorship of Illinois High School Newspapers," unpublished M.S. thesis, 1978 (Northern Illinois University, DeKalb, Illinois), p. 37.

distribution." But 40 percent said any material considered "contro-¹⁸¹versial" does not escape the attention of the administrators.

"All respondents agreed that guidance from an adviser is necessary to publish the high school newspaper," Nyka reported. Half of the advisers and administrators said they believe First Amendment rights to freedom of expression are the same under the law for high school and professional journalists, while 37 percent said that was not true.¹⁸²

Nyka said many of the principals and advisers implied that the high school newspaper is "an extension of the school's public relations arm." He asserts that abuses of freedom of the press will have to be avoided "if high school journalists nationwide are to look upon First Amendment freedom as anything more than fancy rhetoric. . . ."¹⁸³

Varied Opinions

As the review of the literature suggests, there is a lack of total agreement about what the First Amendment means as it applies to high school journalists. Courts around the country have issued varying opinions, some allowing the students to publish almost anything and others giving the authority over what is published to administrators and advisers.

Although the student press rights picture remains muddy and unsettled, one thing seems reasonably clear: taken as a whole, recent court rulings add up to increased judicial support for student press rights.

¹⁸¹
Nyka, op. cit., p. 38.

¹⁸²
Ibid.

¹⁸³
Ibid.

CHAPTER 3

METHODOLOGY AND BACKGROUND STATISTICS

In an attempt to determine the status of the First Amendment as it relates to student press rights in Nebraska high schools, a three-page survey was mailed to every high school principal and journalism adviser in the state in April, 1977. A total of 748 surveys was sent to 371 public and parochial schools.

The questions were based on background information and other surveys taken in the area of student press rights. A copy of the questionnaire appears in Appendix A.

A problem exists with the construction of the questionnaire. Several items in the questionnaire asked the respondents about "censorship." However, nowhere was the word "censorship" defined within the questionnaire. The reader needs to be alert to this deficiency.

A total of 336 surveys were returned, with 293 containing usable responses, for a response rate of 39.2 percent. Surveys were returned from 159 principals and 134 advisers, with an additional 43 surveys returned from schools where there is no journalism program. Principals represented 54 percent of the response and advisers made up 46 percent of the response.

A majority (58 percent) of the schools include grades 7-12, and an additional 23 percent include grades 9-12. Schools with grades 10-12 made up 14 percent of the response, with the remainder of the schools made up of grades kindergarten through 12, grades 6-12 or grades 8-12.

Of the schools, 59 percent had a secondary enrollment of less than 250. An additional 25 percent had an enrollment of from 251 to 500 and 7.5 percent had an enrollment of between 501 and 1,000. Schools with an enrollment of between 1,001 and 1,500 made up 5 percent of the survey response and 4 percent had an enrollment of more than 1,500 students.

The population of the towns surveyed was evenly divided from under 500 to more than 20,000. The breakdown of populations is as follows:

under 500	- 26 percent
501 - 1,000	- 23 percent
1,001 - 2,000	- 17 percent
2,001 - 5,000	- 13 percent
5,001 - 20,000	- 10 percent
over 20,000	- 11 percent

This population reflects the character of Nebraska, a state which spans 400 miles and has only two cities with a population greater than 150,000. Nebraska has more school districts (more than 1,200) than any other state and is dotted with small towns and villages.

The respondents were asked for their years of experience as either an adviser or principal. More than half (51 percent) of the advisers had from one to three years of experience, while an additional 22 percent reported from four to six years of experience. Sixteen percent had from seven to 10 years of experience. Six percent reported from 11-15 years experience and five percent had more than 15 years experience.

Of the principals, 32 percent had from one to three years of experience and 24 percent reported from seven to ten years of experience. An additional 17 percent had from four to six years of experience, 14

percent had more than 15 years experience, and 13 percent had from 11 to 15 years experience.

CHAPTER 4

PRESENTATION OF THE DATA

This survey was designed to examine the status of student press freedom in Nebraska high schools. Principals and high school journalism advisers were asked about their experiences with student press rights and censorship in high schools.

Almost all respondents, 96 percent, said the adviser has the authority to censor the school newspaper. But when asked if the principal or school board has that authority, a discrepancy appeared. Of the advisers, 60 percent agreed and 85 percent of the principals agreed.

In all cases, except one adviser, the respondents agreed that the adviser sees articles before publication in the newspaper. When asked if the adviser has the final say on what is published in the newspaper, 86 percent of the advisers agreed and 80 percent of the principals agreed. They also were asked if the principal has the final say on what is published. Another discrepancy appeared here--22 percent of the advisers agreed and 57 percent of the principals said yes. The percentage that agreed that the school board has the final say on what is published dropped even further, with almost 9 percent of the advisers agreeing and almost 20 percent of the principals agreeing.

Asked if the school board is the publisher of the newspaper, the majority of the respondents disagreed. Of the advisers, about 23 percent said yes the school board is the publisher and about 24 percent of the principals agreed.

The respondents were asked if students study the First Amendment, either in journalism class or in another class. Forty-six percent of both the principals and advisers said the amendment is studied in journalism. Of the advisers, about 91 percent said students study the amendment in another class, and almost all (98 percent) of the principals agreed that it is studied in another class.

Most respondents agreed to some extent that the newspaper is a class project, so students should have every article approved before publication. In the adviser group, 55.7 percent strongly agreed with this statement, and 27.5 percent agreed somewhat. Of the principals, 62.8 percent strongly agreed and 27.6 percent agreed somewhat.

"The newspaper is an extracurricular activity, so the school board and principal should have no authority over it." When given this statement, 4.8 percent of the advisers strongly agreed and 12.8 percent agreed somewhat. Of the principals, 5 percent agreed strongly and 3.2 percent agreed somewhat. However, 16 percent of the advisers and 4.4 percent of the principals said they were uncertain on this question.

Most respondents agreed that the adviser should see all articles before publication. Of the advisers, 78.4 percent agreed strongly and 16.4 percent agreed somewhat. Of the principals, 87.4 percent agreed strongly and 10.7 percent agreed somewhat.

Almost 10 percent (9.9 percent) of the advisers strongly agreed that the adviser should provide advice only on journalistic style and rules, not on content. An additional 10.7 percent agreed somewhat.

Almost 2 percent (1.9 percent) of the principals agreed strongly and 12 percent agreed somewhat to that statement. More than 8 percent of both groups said they were uncertain about the statement.

A small group agreed that the principal should approve all articles before publication. Of the advisers, 2.3 percent agreed strongly and 5.3 percent agreed somewhat, with 8.9 percent of the principals strongly agreeing and 12.1 percent agreed somewhat. Almost 7 percent (6.8 percent) of the advisers and 21 percent of the principals said they were uncertain, however.

There was greater agreement that the principal should approve some articles before publication. Of the advisers, 12.4 percent strongly agreed and 34.8 percent agreed somewhat. In the group of principals, 34.4 percent strongly agreed and 38.9 percent agreed somewhat. However, an additional 14 percent of the advisers and almost 9 percent (8.9 percent) of the principals reported they were uncertain.

More advisers than principals agreed that the principal should not see any articles before publication. Fourteen percent (14.3 percent) of the advisers strongly agreed and 12.1 percent agreed somewhat with that statement. Of the principals, 4.4 percent strongly agreed and 1.9 percent agreed somewhat. In the group of advisers, 17.4 percent said they were uncertain and 7 percent of the principals said they were uncertain on this question.

More than 20 percent of both groups agreed to some extent that the school board should be consulted on any questionable articles. Of the principals, 13.5 percent were strongly in agreement and 12.8 percent agreed somewhat. An additional 11.2 percent of the advisers and 19.2

percent of the principals said they were uncertain.

A majority of both principals and advisers agreed to some extent that censorship is necessary for high school students and their newspapers. Of the advisers, 29.5 percent strongly agreed that it is necessary and an additional 39.4 percent agreed somewhat. In the group of principals, 41.8 percent strongly agreed and 33.5 percent agreed somewhat. In the group of principals, 41.8 percent strongly agreed and 33.5 percent agreed somewhat. However, 14.4 percent of the advisers and 12.1 percent of the principals reported they were uncertain.

None of the principals agreed strongly that censorship should never be used for high school newspapers, and 2.5 percent agreed somewhat that it should never be used. Only two (1.5 percent) of the advisers strongly agreed and 3.8 percent agreed somewhat. An additional 7.6 percent of the advisers and 2.5 percent of the principals said they were uncertain.

The respondents also were asked if they had had any cases in which the principal or adviser has refused to or threatened not to allow publication of an article. More than half (56 percent) of the principals said no, while 40.2 percent said yes. The rest gave no response. More than 70 percent (70.1 percent) of the advisers said no, with 28.4 percent replying yes and the remainder not responding. This might indicate that fewer problems exist than an outsider might suspect.

The respondents were also asked to describe the circumstances involved, if there had been any instances of censorship. Of those who said yes, many gave no circumstances or wrote their philosophy of student press rights, with no explanation of the circumstances.

Most cases of problems in publishing in high school newspapers involved an attack on an individual or what was described as objectionable language. Other circumstances included cases of incorrect or questionable information, criticism of a teacher, poorly-written articles, violation of school board policies, rumors or gossip, stories advocating a violation of the law, sexual activities, criticism of the administration and complaints. Community controversy, prophecies and class wills, letters to the editor, old news and play reviews also were cited by at least one respondent as a problem area.

Advisers and principals also were asked for any comments they would like to make on the press rights of high school students.

Teaching of student rights was mentioned by one adviser, who said a student's rights end where another's begins, and that this needs to be taught to high school students. A principal said freedom of the press is the basis of any journalism course and asked, "How can you teach something guaranteeing freedom and then censor it?"

Another adviser asked, "If I didn't think it [press freedom] was important, why would I be a journalism teacher?"

One adviser told about some problems she had with an article critical of new athletic letters. She said a system of approval of articles was worked out with the principal: ". . . We only take one or two articles to them [the administration] and they think they are approving all of them. . . ."

The adviser reported that as long as the students act responsibly and keep communication lines open, "we will be able to print most of what we want." She said the superintendent has been helpful on several

occasions in advising how to write a controversial article. "If we allow him to believe he is helping, we get further than to defy him," the adviser said.

Another adviser said she always consults her principal when she isn't sure about an article. "I don't like [censoring] but kids don't usually look ahead to see what consequences the stories might have," she said.

Advisers told of some of the topics which have caused problems in their schools. In one case, a survey on student drinking and drug use was disapproved by the superintendent, who felt a survey and story on the survey brought unnecessary attention to that subject. He asked that it not be reported, and it was not.

Principals also explained their opinions on censorship. A principal with 20 years experience said he had censored criticism of a teacher which he believed could hurt a reputation. "First Amendment or no First Amendment, students in high school are not qualified to make all judgments they think they should make. Adults must use some common sense when it comes to working with youth. Youth need guidance, not permissiveness."

Another principal asked: "Isn't it about time that someone started demanding discipline and respect from students and stopped yelling about students' rights?"

Importance of Press Freedom

Both principals and advisers were asked, "How important is freedom of the press in high school?" Answers ranged from "essential" to "not important at all." Among advisers who said press freedom is most

important, one added that students are young and sometimes too emotional or radical, so they need advice and control.

Other advisers commented that freedom of the press is important, but "our kids aren't responsible enough to handle it" and said, "However, in a small town many times discretion is the better part of valor." Another adviser said freedom of the press is important, "but virtually impossible in a small community." A principal commented that "good solid advice and firm directions are worth more in their [students] lives than a free press in high school."

Several advisers related high school freedom of the press to the commercial press, saying students should have the "same limitations as in professional newspapers." One said that in high school, freedom is important "to a point. Even in a daily newspaper, the editor and publisher have the right to refuse an article for publication. As high schoolers, students aren't always the best judge of good news."

Yet another adviser said freedom of the press is of utmost importance: "It's time people realize high school papers should be and many are controlled by the same guidelines as regular papers. Therefore, they should be able to exercise the same freedom as a daily community paper."

Another adviser said freedom of the press is fairly important "in the sense that the national press is free and therefore it is only judicious to have a free high school press. However, high school people are still learning and this youthful enthusiasm can sometimes get in the way of responsible journalism."

A principal said: "He who pays the fiddler calls the tune. When students pay the bills they can determine what goes in the newspaper."

Another adviser said, "The high school newspaper staff is as close as most students will get to the real thing. For those who go into journalism, this is a stepping stone. They must be given freedom to develop their own ideas, but they must be taught to respect this freedom also."

One adviser said he does not censor "because I have never had to censor, but if faced with bad language or an open attack, I would censor without blinking an eye. Someone must teach or dictate fair reporting and good taste and in my school, I will take that responsibility."

Other comments on censorship included one principal, who said he and the adviser will read articles before they are printed, because "I can't imagine what would be printed if there was no control."

An adviser said ". . .at this age level, some censorship must be used."

Freedom of the press, according to another adviser, "does not exist in the absolute sense. Some limiting factors continually encroach on the freedom."

One adviser said, "there are many other pressing issues in the high school which overshadow freedom of the press." One of these issues might be the readiness of students to accept responsibility, he said.

Comments on the relationship between freedom of the press and responsibility to others were mentioned by many of the respondents. A principal said, "Freedom is juxtaposed with responsibility." Another principal said ". . .I believe with the freedom comes a responsibility of professional presentation and commitment to proclaiming truth and facts."

Freedom of the press is okay, said another principal, "but people

of this age sometimes forget that freedom also means responsibility--the responsibility to respect the rights of others."

Other principals' comments on responsibility:

"Responsibility and accountability are fully as important as freedom in all aspects of our society, including the press."

"Freedom of the press must exist within the context of responsibility, journalistic principals and community values if it is to be printed in the schools. . . Freedom of the press is not freedom from responsibility."

"Freedom of the press and responsibility to report factual information are inseparable responsibilities of all members of the school community, students and staff."

"Freedom of the press is important on any level, but the responsibility for fair, accurate reporting is of paramount importance. . . if the safeguards are used and accuracy sought, then censorship becomes less and less of a necessity."

"As with any other right or freedom, it [freedom of the press] should be guarded with zeal, but should also be tempered with a mature sense of responsibility."

An adviser said freedom is not highly important in the high school because students have much to learn and are "not qualified to insist on their interpretation of the First Amendment." Another adviser said, "We do not or should not allow children to steal; therefore, we do not allow children to defame, be obscene or be irresponsible in the freedom of the First Amendment."

Advisers commented that students learn about the First Amendment in government class, but they do not see it in action. "I find it hard

to teach democracy in a system that is anything but democratic. Teaching about freedom in a basically restricted environment [school] is a hard task. The same can be said about relating freedom of the press to the high school situation."

Another adviser said he tells all his students that "in no way is high school a democracy" and that freedom of the press in the high school is "debatable."

Authority was mentioned by the respondents in several cases.

One adviser said authority has been questioned too often. "If there is no authority, there is no order and consequently little learning," the adviser said.

Another said: "No wonder students have a deep-seated dislike for authority. . ." and said "If you silence the high school newspaper, you foster resentments and mistrust that will be harbored for a long time."

Principals voice support for authority. One said, "Teachers and administrators have to have a say in student affairs--after all, that is our job." Another principal said "students want to be disciplined and censored, even though they will never admit it."

Freedom of the press "allows students to express their feelings, thoughts and opinions about subjects of interest to their age group and may give adults more insight to the student's world," according to another adviser.

"If students are to develop proper values and respect for later years," freedom of the press is important, said another adviser. "How can they be expected to respect other people's rights if their own

rights are not equally respected?"

One adviser said he feels freedom of the press is important in the high school as a constitutional right and that students "must understand and uphold the [First] Amendment. As future professional journalists, these students may be confused as to what freedom of the press is if they have not had the exposure during their high school days."

Many of the advisers who made comments, however, were positive. They spoke of cooperation among teachers, principals and students in publishing their newspapers and most have not faced problems. Where problems have appeared, most mentioned a willingness on the part of all involved to settle the dispute on friendly terms.

CHAPTER 5

CONCLUSIONS

Does censorship of high school newspapers remain, and if so, how extensive is it? Does it exist in Nebraska? What is being done to fight it, or is it a great enough problem to merit concern? These questions and more brought about this study.

Based on the information obtained in the research, it appears that despite recent court decisions across the country which appear to have expanded the press rights of high school students, those students in Nebraska and elsewhere are still exercising only a limited amount of journalistic freedom.

The limited freedom, however, may be partially due to advisers' reluctance to turn over complete control of the newspaper to the student. The plight of the journalism adviser cannot be dismissed lightly. On one side, students are reaching for rights to free expression. On the other hand, the adviser must answer to the principal and school administration. The adviser's livelihood often depends on doing what the administration expects.

The adviser is charged with allowing students to exercise press freedom, while also being expected to teach students the responsibilities and concern for the rights of others.

Advisers are not responsible for all censorship on the high school level, however. On all levels, students, teachers, advisers and principals may censor themselves and others by not exploring issues which may lead to problems.

From the cases cited in the review of the literature, it is clear that more and more students in the public schools who believe their rights have been violated are becoming willing to exercise their rights and take the offenders to court, if necessary. Most of the first student press rights cases dealt with underground newspapers, those written and published outside the realm of the public school. With additional cases being tested, students and advisers may be able to learn the extent of their freedom in their schools--and the lessons learned from that knowledge could go a long way toward settling disputes inside school corridors.

As the cases showed, Nebraska is not insulated from student press rights problems, nor is it a forger of student press rights. But cases have developed in the state and all those involved may want to become aware of the local cases and be prepared to apply them to their individual situations.

All aspects of the student media have been tested in the courts--
 from advertising, in Zucker v. Panitz,¹⁸⁴ where the prohibition of an
 advertisement in a school newspaper was ruled a "constitutionally
 proscribed abridgement of freedom of speech,"¹⁸⁵ to the Tinker v. Des
 Moines Independent Community School District,¹⁸⁶ in which it was ruled

¹⁸⁴
 Zucker, loc. cit.

¹⁸⁵
 Ibid.

¹⁸⁶
 Tinker, loc. cit.

that the prohibition of an expression of opinion, without evidence of disruption or interference of others, was not permissible under the First and Fourteenth Amendments.¹⁸⁷ Although this thesis emphasized the newspaper cases, student radio stations, school libraries and yearbooks have all felt the impact of increased interest in student rights. Students, teachers, principals and school boards would be wise to be aware of all test cases and understand how each case may apply to their individual situations.

A major problem faced by all groups of students, teachers, advisers, principals, administrators and parents is that censorship is a tool which may be used to benefit and which may be abused to attack or destroy. A definition of "censorship" as well as of "student rights" is needed and awareness of censorship and the problems involved with it is necessary.

The readers are asked, before determining which side of the student press rights issue to stand on, to attempt to place themselves in the place of the journalism adviser. Would you censor? Would you read articles before publication? Would you allow the students to have total control? Or would you retain control as adviser? These questions are difficult ones, and questions that should be considered.

The area of student press rights and responsibilities is not one of black and white issues. Many court decisions have hedged and ended up creating as many problems as they have solved. Because of the constant changes in education, in the legal system and in society in general, the issues will most likely never be clear. Student press rights remain in a gray area.

CHAPTER 6

RECOMMENDATIONS

Because student press rights have come a long way since the Tinker decision ten years ago, research is needed to continue studying each case and the changes brought about.

Every case involving a question of student press rights should be documented and reported for reference of all interested in the subject. The Student Press Law Center is carrying out this task through the publication of its quarterly Student Press Law Center Report. Funding is a problem for the organization, however, and assistance is needed.

Differences in opinion among varying courts should be considered to see what effect each decision has on the rights of students and teachers.

Colleges and universities should work to assure press rights to their students and to assist future teachers and advisers in learning what their students' rights are and in training competent advisers to take on the education of student journalists.

A nationwide survey of student, teacher and principal attitudes and beliefs is needed to assess exactly where the question of student press rights stands. With this information, the status of the student press can be measured and steps to improve that status can be taken.

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APPENDIX A

QUESTIONNAIRE

Number _____

Grades in your school: 7-12 9-12 10-12

Secondary enrollment: _____ Population of town: _____

Years experience as principal/adviser: _____

Other experience: _____

Please check the appropriate column following these questions:

	YES	NO
1. Does the adviser see any articles before publication in the newspaper?	_____	_____
2. Does the adviser have the final say on what is published in the newspaper?	_____	_____
3. Does the principal have the final say on what is published in the newspaper?	_____	_____
4. Does the School Board have the final say on what is published in the newspaper?	_____	_____
5. Does the adviser have the authority to censor what is published?	_____	_____
6. Do the principal or School Board have the authority to censor what is published?	_____	_____
7. Is the School Board the publisher of the newspaper?	_____	_____
8. Do students in your school study the First Amendment in journalism class?	_____	_____

9. Do students in your school study the
First Amendment in another class? _____

Please circle the numbers following these questions according to the following scale:

1--Strongly agree

2--Agree somewhat

3--Uncertain

4--Disagree somewhat

5--Strongly disagree

- | | | | | | |
|--|---|---|---|---|---|
| 10. The newspaper is a class project,
so students should have every article
approved before publication. | 1 | 2 | 3 | 4 | 5 |
| 11. The newspaper is an extracurricular
activity, so the School Board and
principal should have no authority
over it. | 1 | 2 | 3 | 4 | 5 |
| 12. The adviser should see all articles
before publication. | 1 | 2 | 3 | 4 | 5 |
| 13. The adviser should provide advice only
on journalistic style and rules, not
on content. | 1 | 2 | 3 | 4 | 5 |
| 14. The principal should approve all articles
before publication. | 1 | 2 | 3 | 4 | 5 |
| 15. The principal should approve some
articles before publication. | 1 | 2 | 3 | 4 | 5 |

- | | | | | | | |
|-----|---|---|---|---|---|---|
| 16. | The principal should not see any articles | 1 | 2 | 3 | 4 | 5 |
| | before publication. | | | | | |
| 17. | The School Board should be consulted on | 1 | 2 | 3 | 4 | 5 |
| | any questionable articles. | | | | | |
| 18. | Censorship is necessary for high school | 1 | 2 | 3 | 4 | 5 |
| | students and their newspapers. | | | | | |
| 19. | Censorship should never be used for | 1 | 2 | 3 | 4 | 5 |
| | high school newspapers. | | | | | |

Please answer these questions based on the following scale:

1--Definitely would seek advice

2--Probably would seek advice

3--Probably would not seek advice

4--Definitely would not seek advice

- | | | | | | |
|-----|--|---|---|---|---|
| 20. | Of the following topics, on which would you be most likely to con- | | | | |
| | sult a higher authority for permission or advice on publication: | | | | |
| a. | a story reporting the results of a | 1 | 2 | 3 | 4 |
| | student survey on drug use | | | | |
| b. | a story reporting the results of a | 1 | 2 | 3 | 4 |
| | student survey on sex | | | | |
| c. | a story reporting the results of a | 1 | 2 | 3 | 4 |
| | student survey on birth control | | | | |
| d. | an informational story about venereal | 1 | 2 | 3 | 4 |
| | disease | | | | |
| e. | a story on a student demonstration | 1 | 2 | 3 | 4 |
| f. | a story on a controversial national | 1 | 2 | 3 | 4 |
| | figure who visited your community | | | | |

- | | | | | |
|--|---|---|---|---|
| g. an editorial criticizing administration policies | 1 | 2 | 3 | 4 |
| h. an editorial criticizing a teacher's methods of teaching | 1 | 2 | 3 | 4 |
| i. a story concerning a controversial new course | 1 | 2 | 3 | 4 |
| j. an editorial criticizing textbooks | 1 | 2 | 3 | 4 |
| k. an editorial criticizing a teacher | 1 | 2 | 3 | 4 |
| l. an editorial praising a student or student group | 1 | 2 | 3 | 4 |
| m. an editorial criticizing a student group's activities | 1 | 2 | 3 | 4 |
| n. an editorial praising the administration for an action | 1 | 2 | 3 | 4 |
| o. a story or editorial which contains questionable language | 1 | 2 | 3 | 4 |
| p. an editorial criticizing athletics | 1 | 2 | 3 | 4 |
21. Have you had any cases where the adviser or principal have refused to or threatened not to allow publication of an article?

Yes _____ No _____

If so, please describe the circumstances:

How would you handle any future similar cases, based on past experience?

22. How important is freedom of the press in the high school?

If you have any additional comments or need more room to answer these questions, please feel free to continue on another page.

Thank you for your help.

APPENDIX B

SURVEY RESPONSES

	<u>Total</u>	<u>Advisers</u>	<u>Principals</u>
GRADES IN SCHOOL			
K-12	8 (3.2%)	5 (4.3%)	3 (2.3%)
6-12	2 (0.8%)		2 (1.5%)
7-12	143 (57.9%)	57 (49.6%)	86 (65.1%)
8-12	1 (0.4%)		1 (0.7%)
9-12	58 (23.4%)	33 (28.7%)	25 (18.9%)
10-12	35 (14.2%)	20 (17.4%)	15 (11.4%)
Total	247	115	132
No response	48	21	27
SECONDARY ENROLLMENT			
Under 250	164 (58.6%)	69 (56.1%)	95 (60.5%)
251-500	70 (25.0%)	31 (25.2%)	39 (24.8%)
501-750	16 (5.7%)	7 (5.7%)	9 (5.7%)
751-1,000	5 (1.8%)	3 (2.4%)	2 (1.3%)
1,000-1,250	11 (1.1%)	6 (0.8%)	5 (1.3%)
1,251-1,500	11 (3.9%)	6 (4.9%)	5 (3.2%)
Over 1,500	11 (3.9%)	6 (4.9%)	5 (3.2%)
Total	288	128	160
TOWN POPULATION			
Under 500	71 (26.1%)	33 (26.8%)	38 (25.5%)
501-1,000	62 (22.8%)	28 (22.7%)	34 (22.8%)
1,001-2,000	45 (16.5%)	17 (13.8%)	28 (18.8%)
2,001-5,000	36 (13.2%)	16 (13.0%)	20 (13.4%)
5,001-20,000	27 (9.9%)	14 (11.4%)	13 (8.7%)
Over 20,000	31 (11.4%)	15 (12.2%)	16 (10.7%)
Total	272	123	149
YEARS EXPERIENCE			
1-3	114 (40.7%)	66 (51.2%)	48 (31.8%)
4-6	54 (19.3%)	28 (21.7%)	26 (17.2%)
7-10	57 (20.3%)	21 (16.2%)	36 (23.8%)
11-15	28 (10.0%)	8 (6.2%)	20 (13.2%)
Over 15	27 (9.6%)	6 (4.6%)	21 (13.9%)
Total	280	129	151

1. Does the adviser see any articles before publication in the newspaper?

	Total Responses	Total YES	Total NO
	286	285 (99.6%)	1 (0.4%)
Advisers	132	131 (99.2%)	1 (0.8%)
Principals	154	154 (100.0%)	0

2. Does the adviser have the final say on what is published in the newspaper?

	Total Responses	Total YES	Total NO
	281	233 (82.9%)	48 (17.1%)
Advisers	129	111 (86.0%)	18 (14.0%)
Principals	152	122 (80.3%)	30 (19.7%)

3. Does the principal have the final say on what is published in the newspaper?

	Total Responses	Total YES	Total NO
	284	117 (41.2%)	167 (58.8%)
Advisers	130	29 (22.3%)	101 (77.7%)
Principals	154	88 (57.1%)	66 (42.9%)

4. Does the School Board have the final say on what is published in the newspaper?

	Total Responses	Total YES	Total NO
	279	41 (14.7%)	238 (85.3%)
Advisers	127	11 (8.7%)	116 (91.3%)
Principals	152	30 (19.7%)	122 (80.3%)

5. Does the adviser have the authority to censor what is published?

	Total Responses	Total YES	Total NO
	285	273 (95.8%)	12 (4.2%)
Advisers	133	127 (95.5%)	6 (4.5%)
Principals	152	146 (96.0%)	6 (4.0%)

6. Do the principal or School Board have the authority to censor what is published?

	Total Responses	Total YES	Total NO
	277	204 (73.6%)	73 (26.4%)
Advisers	128	77 (60.2%)	51 (39.8%)
Principals	149	127 (85.2%)	22 (14.8%)

7. Is the School Board the publisher of the newspaper?

	Total Responses	Total YES	Total NO
	279	65 (23.3%)	214 (76.7%)
Advisers	127	29 (22.8%)	98 (77.2%)
Principals	152	36 (23.7%)	116 (76.3%)

8. Do students in your school study the First Amendment in journalism class?

	Total Responses	Total YES	Total NO
	267	124 (46.4%)	143 (53.6%)
Advisers	130	60 (46.2%)	70 (53.8%)
Principals	137	64 (46.7%)	73 (53.3%)

9. Do students in your school study the First Amendment in another class?

	Total Responses	Total YES	Total NO
	273	260 (95.2%)	13 (4.8%)
Advisers	120	109 (90.8%)	11 (9.2%)
Principals	153	151 (98.7%)	2 (1.3%)

- Questions 10-19:
- 1--Strongly agree
 - 2--Agree somewhat
 - 3--Uncertain
 - 4--Disagree somewhat
 - 5--Strongly disagree

10. The newspaper is a class project, so students should have every article approved before publication.

Total Responses	1	2	3	4	5
287	171 (59.6%)	79 (27.5%)	11 (3.9%)	19 (6.6%)	7 (2.4%)
Advisers					
131	73 (55.7%)	36 (27.5%)	5 (3.8%)	12 (9.2%)	5 (3.8%)
Principals					
156	98 (62.8%)	43 (27.6%)	6 (3.8%)	7 (4.5%)	2 (1.3%)

11. The newspaper is an extracurricular activity, so the School Board and principal should have no authority over it.

Total Responses	1	2	3	4	5
284	14 (4.9%)	21 (7.4%)	27 (9.5%)	60 (21.1%)	162 (57.1%)
Advisers					
125	6 (4.8%)	16 (12.8%)	20 (16.0%)	41 (32.8%)	42 (33.6%)
Principals					
159	8 (5.0%)	5 (3.2%)	7 (4.4%)	19 (11.9%)	120 (75.5%)

12. The adviser should see all articles before publication.

Total Responses	1	2	3	4	5
293	244 (83.3%)	39 (13.3%)	2 (0.7%)	6 (2.0%)	2 (0.7%)
Advisers					
134	105 (78.4%)	22 (16.4%)	2 (1.5%)	3 (2.2%)	2 (1.5%)
Principals					
159	139 (87.4%)	17 (10.7%)		3 (1.9%)	

13. The adviser should provide advice only on journalistic style and rules, not on content.

Total Responses	1	2	3	4	5
289	16 (5.5%)	33 (11.4%)	24 (8.3%)	91 (31.5%)	125 (43.3%)
Advisers					
131	13 (9.9%)	14 (10.7%)	11 (8.4%)	41 (31.3%)	52 (39.7%)
Principals					
158	3 (1.9%)	19 (12.0%)	13 (8.2%)	50 (31.7%)	73 (46.2%)

Questions 10-19 (continued): 1--Strongly agree
 2--Agree somewhat
 3--Uncertain
 4--Disagree somewhat
 5--Strongly disagree

14. The principal should approve all articles before publication.

Total Responses	1	2	3	4	5
289	17 (5.9%)	26 (9.0%)	42 (14.5%)	82 (28.4%)	122 (42.2%)
Advisers					
132	3 (2.3%)	7 (5.3%)	9 (6.8%)	27 (20.5%)	86 (65.1%)
Principals					
157	14 (8.9%)	19 (12.1%)	33 (21.0%)	55 (35.0%)	36 (23.0%)

15. The principal should approve some articles before publication.

Total Responses	1	2	3	4	5
286	70 (24.5%)	106 (37.1%)	32 (11.2%)	35 (12.2%)	43 (15.0%)
Advisers					
129	16 (12.4%)	45 (34.8%)	18 (14.0%)	18 (14.0%)	32 (24.8%)
Principals					
157	54 (34.4%)	61 (38.9%)	14 (8.9%)	17 (10.8%)	11 (7.0%)

16. The principal should not see any articles before publication.

Total Responses	1	2	3	4	5
290	26 (9.0%)	19 (6.6%)	34 (11.7%)	68 (23.4%)	143 (49.3%)
Advisers					
132	19 (14.3%)	16 (12.1%)	23 (17.4%)	37 (28.1%)	37 (28.1%)
Principals					
158	7 (4.4%)	3 (1.9%)	11 (7.0%)	31 (19.6%)	106 (67.1%)

17. The School Board should be consulted on any questionable articles.

Total Responses	1	2	3	4	5
289	27 (9.3%)	42 (14.5%)	45 (15.6%)	62 (21.5%)	113 (39.1%)
Advisers					
133	6 (4.5%)	22 (16.5%)	15 (11.2%)	26 (19.5%)	64 (48.1%)
Principals					
156	21 (13.5%)	20 (12.8%)	30 (19.2%)	36 (23.1%)	49 (31.4%)

Questions 10-19 (continued): 1--Strongly agree
 2--Agree somewhat
 3--Uncertain
 4--Disagree somewhat
 5--Strongly disagree

18. Censorship is necessary for high school students and their newspapers.

Total Responses	1	2	3	4	5
290	105 (36.2%)	105 (36.2%)	38 (13.1%)	23 (7.9%)	19 (6.6%)
Advisers					
132	39 (29.5%)	52 (39.4%)	19 (14.4%)	10 (7.6%)	12 (9.1%)
Principals					
158	66 (41.8%)	53 (33.5%)	19 (12.1%)	13 (8.2%)	7 (4.4%)

19. Censorship should never be used for high school newspapers.

Total Responses	1	2	3	4	5
291	2 (0.7%)	9 (3.1%)	14 (4.8%)	58 (19.9%)	208 (71.5%)
Advisers					
132	2 (1.5%)	5 (3.8%)	10 (7.6%)	34 (25.7%)	81 (61.4%)
Principals					
159		4 (2.5%)	4 (2.5%)	24 (15.1%)	127 (79.9%)

Question 20: 1--Definitely would seek advice
 2--Probably would seek advice
 3--Probably would not seek advice
 4--Definitely would not seek advice

Of the following topics, on which would you be most likely to consult a higher authority for permission or advice on publication:

a. a story reporting the results of a student survey on drug use

Total Responses	1	2	3	4
287	52 (18.1%)	86 (30.0%)	102 (35.5%)	47 (16.4%)
Advisers				
131	23 (17.6%)	40 (30.5%)	43 (32.8%)	25 (19.1%)
Principals				
156	29 (18.6%)	46 (29.5%)	59 (37.8%)	22 (14.1%)

Question 20 (continued):

- 1--Definitely would seek advice
 2--Probably would seek advice
 3--Probably would not seek advice
 4--Definitely would not seek advice

b. a story reporting the results of a student survey on sex

	Total Responses	1	2	3	4
	287	89 (31.0%)	106 (37.0%)	62 (21.6%)	30 (10.4%)
Advisers	132	43 (32.5%)	52 (39.4%)	21 (16.0%)	16 (12.1%)
Principals	155	46 (29.7%)	54 (34.8%)	41 (26.5%)	14 (9.0%)

c. a story reporting the results of a student survey on birth control

	Total Responses	1	2	3	4
	285	87 (30.5%)	107 (37.5%)	63 (22.1%)	28 (9.9%)
Advisers	131	44 (33.6%)	54 (41.2%)	19 (14.5%)	14 (10.7%)
Principals	154	43 (27.9%)	53 (34.4%)	44 (28.6%)	14 (9.1%)

d. an informational story about venereal disease

	Total Responses	1	2	3	4
	290	49 (16.9%)	88 (30.3%)	92 (31.7%)	61 (21.1%)
Advisers	133	22 (16.5%)	43 (32.3%)	34 (25.6%)	34 (25.6%)
Principals	157	27 (17.2%)	45 (28.7%)	58 (36.9%)	27 (17.2%)

e. a story on a student demonstration

	Total Responses	1	2	3	4
	287	30 (10.4%)	60 (20.9%)	119 (41.5%)	78 (27.2%)
Advisers	132	12 (9.1%)	30 (22.7%)	47 (35.6%)	43 (32.6%)
Principals	155	18 (11.6%)	30 (19.4%)	72 (46.4%)	35 (22.6%)

Question 20 (continued):

- 1--Definitely would seek advice
 2--Probably would seek advice
 3--Probably would not seek advice
 4--Definitely would not seek advice

f. a story on a controversial national figure who visited your community

	Total Responses	1	2	3	4
	299	20 (6.7%)	52 (17.4%)	127 (42.5%)	100 (33.4%)
Advisers	143	6 (4.2%)	30 (21.0%)	55 (38.4%)	52 (36.4%)
Principals	156	14 (9.0%)	22 (14.1%)	72 (46.1%)	48 (30.8%)

g. an editorial criticizing administration policies

	Total Responses	1	2	3	4
	294	66 (22.4%)	79 (26.9%)	92 (31.3%)	57 (19.4%)
Advisers	134	38 (28.4%)	33 (24.6%)	41 (30.6%)	22 (16.4%)
Principals	160	28 (17.5%)	46 (28.7%)	51 (31.9%)	35 (21.9%)

h. an editorial criticizing a teacher's methods of teaching

	Total Responses	1	2	3	4
	281	128 (45.6%)	71 (25.3%)	44 (15.6%)	38 (13.5%)
Advisers	128	69 (53.9%)	26 (20.3%)	16 (12.5%)	17 (13.3%)
Principals	153	59 (38.6%)	45 (29.4%)	28 (18.3%)	21 (13.7%)

i. a story concerning a controversial new course

	Total Responses	1	2	3	4
	291	26 (8.9%)	76 (26.1%)	123 (42.3%)	66 (22.7%)
Advisers	136	10 (7.4%)	40 (29.4%)	54 (39.7%)	32 (23.5%)
Principals	155	16 (10.3%)	36 (23.2%)	69 (44.5%)	34 (22.0%)

Question 20 (continued): 1--Definitely would seek advice
 2--Probably would seek advice
 3--Probably would not seek advice
 4--Definitely would not seek advice

j. an editorial criticizing textbooks

	Total Responses	1	2	3	4
	287	19 (6.6%)	61 (21.3%)	129 (44.9%)	78 (27.2%)
Advisers	131	8 (6.1%)	29 (22.1%)	55 (42.0%)	39 (29.8%)
Principals	156	11 (7.0%)	32 (20.5%)	74 (47.5%)	39 (25.0%)

k. an editorial criticizing a teacher

	Total Responses	1	2	3	4
	281	82 (29.2%)	64 (22.8%)	77 (27.4%)	58 (20.6%)
Advisers	131	8 (6.1%)	29 (22.1%)	55 (42.0%)	39 (29.8%)
Principals	150	74 (49.3%)	35 (23.3%)	22 (14.7%)	19 (12.7%)

l. an editorial praising a student or student group

	Total Responses	1	2	3	4
	282	14 (5.0%)	13 (4.6%)	69 (24.5%)	186 (65.9%)
Advisers	127	7 (5.5%)	5 (4.0%)	20 (15.7%)	95 (74.8%)
Principals	155	7 (4.5%)	8 (5.2%)	49 (31.6%)	91 (58.7%)

m. an editorial criticizing a student group's activities

	Total Responses	1	2	3	4
	285	32 (11.2%)	80 (28.1%)	112 (39.3%)	61 (21.4%)
Advisers	132	13 (9.9%)	37 (28.0%)	47 (35.6%)	35 (26.5%)
Principals	153	19 (12.4%)	43 (28.1%)	65 (42.5%)	26 (17.0%)

Question 20 (continued):

- 1--Definitely would seek advice
 2--Probably would seek advice
 3--Probably would not seek advice
 4--Definitely would not seek advice

n. an editorial praising the administration for an action

	Total Responses	1	2	3	4
	287	22 (7.7%)	29 (10.1%)	74 (25.8%)	162 (56.4%)
Advisers	133	8 (6.0%)	11 (8.3%)	20 (15.0%)	94 (70.7%)
Principals	154	14 (9.1%)	18 (11.7%)	54 (35.1%)	68 (44.1%)

o. a story or editorial which contains questionable language

	Total Responses	1	2	3	4
	306	94 (30.7%)	87 (28.4%)	78 (25.5%)	47 (15.4%)
Advisers	144	40 (27.7%)	41 (28.5%)	37 (25.7%)	26 (18.1%)
Principals	162	54 (33.3%)	46 (28.4%)	41 (25.3%)	21 (13.0%)

p. an editorial criticizing athletics

	Total Responses	1	2	3	4
	299	35 (11.7%)	68 (22.7%)	106 (35.5%)	90 (30.1%)
Advisers	133	15 (11.3%)	30 (22.5%)	46 (34.6%)	42 (31.6%)
Principals	166	20 (12.0%)	38 (22.9%)	60 (36.2%)	48 (28.9%)

Note: Responses over 293 total, 134 for advisers, and 159 for principals are due to multiple responses by respondents.

Question 21: Have you had any cases where the adviser or principal have refused to or threatened not to allow publication of an article? If so, please describe the circumstances.

<u>Principals</u>	Yes	64	(40.2%)
	No	89	(56.0%)
	No response	6	(3.8%)

Of those who said yes:

No circumstances given	18
Attack on an individual	12
Stated philosophy but gave no example	7
Language of story was objectionable	7
Incorrect or questionable information	5
Teacher was criticized	5
Story was poorly written	5
Violated school board policy (including school wills)	3
Rumors or gossip	3
Advocated violation of law	2
Sexual activities	2
Administration was criticized	1
Complaints	1

<u>Advisers</u>	Yes	38	(28.4%)
	No	94	(70.1%)
	No response	2	(1.5%)

Of those who said yes:

Critical of principal	8
No circumstances given	5
Critical of teachers	4
Survey with poor results	4
Stated philosophy with no example	4
Community controversy	3
Poorly written story	2
Prophecy and class wills	2
Letter to editor	2
Language was objectionable	2
Incorrect information or old news	2
Critical of athletics	1
Play review	1
Gossip	1