

Supreme Court Opinions and Student Rights Conquer It Excerpts

Excerpt #1 - Majority Opinion written by Justice Byron White in the Hazelwood v. Kuhlmeier decision

"We have nonetheless recognized that the First Amendment rights of students in the public schools "are not automatically coextensive with the rights of adults in other settings" . . . and must be "applied in light of the special characteristics of the school environment" . . . A school need not tolerate student speech that is inconsistent with its "basic educational mission." . . . even though the government could not censor similar speech outside the school.

...Hence, school facilities may be deemed to be public forums only if school authorities have "by policy or by practice" opened those facilities "for indiscriminate use by the general public," . . . If the facilities have instead been reserved for other intended purposes, "communicative or otherwise," then no public forum has been created, and school officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community.

...educators' authority over school-sponsored publications, theatrical productions, and other expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school. These activities may fairly be characterized as part of the school curriculum, whether or not they occur in a traditional classroom setting, so long as they are supervised by faculty members and designed to impart particular knowledge or skills to student participants and audiences.

Educators are entitled to exercise greater control over this... form of student expression to assure that participants learn whatever lessons the activity is designed to teach, that readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously attributed to the school.

...we hold that educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns."

- Justice Byron White, 1988

Excerpt #2 - Dissenting Opinion written by Justice William Brennan in the Hazelwood v. Kuhlmeier decision

When the young men and women of Hazelwood East High School registered for Journalism II, they expected a civics lesson. Spectrum, the newspaper they were to publish, ". . . was a . . . forum established to give students an opportunity to express their views while gaining an appreciation of their rights and responsibilities under the First Amendment to the United States Constitution. . . .

"If mere incompatibility with the school's pedagogical message were a constitutionally sufficient justification for the suppression of student speech, school officials could censor each of the students or student organizations in the foregoing hypotheticals, converting our public schools into "enclaves of totalitarianism," . . . that "strangle the free mind at its source," . . . The First Amendment permits no such blanket censorship authority. . . public educators must accommodate some student expression even if it offends them or offers views or values that contradict those the school wishes to inculcate.

Official censorship of student speech on the ground that it addresses "potentially sensitive topics" is . . . impermissible. . . . The case before us aptly illustrates how readily school officials (and courts) can camouflage viewpoint discrimination as the "mere" protection of students from sensitive topics.

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- Justice William Brennan, 1988