

***Hazelwood v. Kuhlmeier* / Summary of Decision**

The Supreme Court ruled against the students in a 5–3 decision. Justice White wrote the majority opinion, concluding that the First Amendment does not prevent school officials from exercising reasonable authority over the content of school-sponsored publications. Justice Brennan wrote a dissenting opinion, which was joined by Justices Marshall and Blackmun.

The majority opinion first considered whether school-sponsored student newspapers are public forums. If they were public forums, school officials would not be allowed to exercise editorial control over the content of the paper. Referring to Supreme Court precedent, the decision noted that school facilities are only considered to be public forums when school authorities have “by policy or by practice” opened those facilities “for indiscriminate use by the general public.” If the facilities are used for other purposes, however, they do not constitute a public forum, and “school officials may impose reasonable restrictions on the speech of students.” The school newspaper in this case was not open to the unlimited contribution of students, teachers, and other members of the community, but was instead published as part of the curriculum of a journalism class. Therefore, its primary function was for educational purposes, and the newspaper did not constitute a public forum.

The Court then addressed the question of whether the First Amendment “requires a school affirmatively to promote particular student speech.” They concluded that it does not. The First Amendment rights of students in public schools are not necessarily equal to those of adults outside of schools. “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.”

The Court decided that the issues involved in this case differ from those the Court ruled on in *Tinker v. Des Moines*. In that case, the Court questioned whether school officials could “silence a student’s personal expression that happens to occur on the school premises.” *Hazelwood*, however, forced the Court to consider the extent of school officials’ control over “school-sponsored publications ... and other expressive activities that students, parents, and members of the public might reasonably perceive to bear the [approval] of the school.” *Tinker* asked whether schools must tolerate certain student speech, while this case questioned whether schools must endorse student speech.

The Supreme Court concluded that the First Amendment does not force schools to endorse student speech in their school-sponsored publications. School officials have authority and control over these publications in order to ensure 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.” Therefore, as long as the editorial control of school

officials was “reasonably related to legitimate pedagogical concerns” such as those mentioned above, it did not offend the First Amendment.

Justice Brennan disagreed. In his dissenting opinion, Brennan acknowledged that inside public schools, students’ rights are not necessarily equal to those they enjoy outside of school, but he also argued that as the Court said in *Tinker*, “students in the public schools do not ‘shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.’” There must be a balance struck between the free expression rights of students and the interests of school officials in maintaining order and discipline, he declared, and that balance was already struck in *Tinker*. School officials must refrain from interfering with student speech unless it causes a “material and substantial disruption.” Justice Brennan concluded that the *Tinker* standard should have been applied in this case, and that the Court should have ruled in favor of the students because “public educators must accommodate some student expression even if it offends them or offers views or values that contradict those the schools wishes to inculcate.”