



**Andy  
Guess**

*The Last  
Boy Scout*

## Censorship and You 101

**R**aise your hand if you were a newspaper dork in high school! (Yaay!)

Now you, with your hand up: Answer this High School Newspaper Dork Quiz. Ready? Go!

Which court decision limits the rights of student publications in public schools?

- a) *Tinker*
- b) *Hazelwood*
- c) *Tinklewood*
- d) What limits? This is America, you moron!

If you chose (d), you're a moron. High schoolers don't have rights! School is free in the "We Don't Pay Tuition but Actually We Do Through Taxes" sense, but it's definitely not free in the "Thomas Jefferson and James Madison Equal Rights for All Except Those We Deem to Be Property" sense. For one thing, there's all that homework. You can't chew gum or wear a hat. Evil Mr. Zarchin is always peering at you through his spectacles, ready to pounce at the slightest hint of mischief.

And you can't speak, say or print your mind unless the ideas are Approved for Consumption by Principal Tronzano. That is, thanks to (b) *Hazelwood School District v. Kuhlmeier*, a 1988 Supreme Court decision, school administrators can lawfully regulate what goes into a school-sponsored newspaper. That's because, as the Legalese like to put it, the First Amendment rights of students in the public schools "are not automatically coextensive with the rights of adults in other settings." Anyone who's gotten caught sneaking out of school to drive maniacally to the nearest Taco Bell for lunch knows this.

*Hazelwood* partially overrode the 1969 Supreme Court decision in (a) *Tinker v. Des Moines Independent Community School District*. That case, for those who were wondering, concluded that students who wore black armbands to school in protest of the Vietnam War were protected under the First Amendment. Students, Justice Abe Fortas wrote, do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

But *Hazelwood* isn't an imaginary barrier to free expression. This isn't about being able to print the word "fuck" to amuse yourself. Ithaca High School's student paper, *The Tattler*, had significant trouble last year with its own in-house administrators-cum-censors — resulting in a lawsuit, a resignation and the paper going underground (for those keeping score, it's now called *The Issue*). *The Tattler*, by the way, was better than *Turn Left*, *Black Perspectives*, *The Cornell Review* and *The Cornell American* rolled into one feuding flyswatter. Those ambitious tykes gave *The Sun* a serious run for its money.

But this isn't the time for us to look down from our perch on *The Hill* and laugh at those silly high schoolers who keep trying to speak Truth to Power but just can't thanks to pesky censors and that asshole Mr. Zarchin.

That's because, in the grand tradition of Every Exception That's Ever Been Made, the exception is becoming the rule.

Thank the 7th U.S. Circuit Court of Appeals. According to *The National Law Journal*, the case began when student editors of *The Innovator* at Governors State University outside Chicago launched a campaign of op-eds in 2000 against

the administration's decision not to renew their faculty advisor's contract. The newspaper, ostensibly independent, was financed by a mandatory student activity fee (sound familiar?). As a result of the editorials, the administration coerced the paper's printer not to publish more issues and assumed control. When Margaret Hosty and other students at the paper sued, they initially won both at the district level in 2001 and before a three-judge panel at the Court of Appeals in 2003.

That was reversed on June 20, 2005. First Amendment watchdogs and student press groups are already gearing up for the fight, hoping for the Supreme Court to pick up the case and strike it down before courts in other districts begin to make similar moves. According to the Student Press Law Center, over 30 groups — from David Horowitz's Students for Academic Freedom to Feminists for Free Expression — are represented in three amicus briefs urging Chief Justice John Roberts & Co. to take on the case.

*Hosty v. Carter*. Add those to the growing list of names you need to remember to track the government's restrictions of the First Amendment.

Lessons learned (aside from the lethargic pace of federal litigation): 1) Wait long enough, and a small exception (restrictions in high school) will find ways to grow ever more encompassing (restrictions in college). That's the Law of Slippery Slopes. 2) Don't take your press protections for granted. One day it's *The Tattler*; the next, it's *The Innovator* at a state university. 3) Don't trust any leadership — whether the government or Mr. Zarchin — to protect your freedom to express out of goodwill. A recent California State University internal memo suggested that administrators are poised to take advantage of any decision that would allow them "more latitude than previously believed to censor the content of subsidized student newspapers."

So what can you do about it? Prove that your rights are "coextensive with the rights of adults in other settings"! Don't shed your constitutional rights to freedom of speech or expression at the schoolhouse Big Red Arch! Continue reading and responding to student publications. Help produce them. Call attention to the slightest infringement on your and others' First Amendment rights. And naturally, attend the "Censor This!" forum on freedom of the press today at 5 p.m. in Goldwin Smith Hall's Lewis Auditorium, sponsored by StudPubs, the umbrella organization for all student publications at Cornell that are potentially affected by *Hosty*. (Part 2 is on Wednesday at 7 p.m. in Rockefeller 122.)

A decision that restricts the publication of a student-funded newspaper at a public university could affect others at schools across the country — and Cornell is partially public. That means you, *Turn Left*, *Black Perspectives*, *The Cornell Review* and *The Cornell American*. That could even mean you, Cornelian, and you, Kitsch, and you, *Rainy Day*, and you, *Public Journal*.

But everybody knows the yearbook and literary magazines are full of dorks anyway.

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