

## EDITORIAL

## Tattler troubles:

## Students and school must respect freedom

There are three names to keep in mind when thinking about the high-tension dispute between the students behind The Tattler and the administrators behind Ithaca High School: Tinker, Hazelwood and Castillo-Garsow.

The first two are famous landmarks in constitutional law.

Mary Beth Tinker was one of a handful of students in Iowa in 1965 who, facing a standing threat from that district's principals, came to school wearing black armbands to protest the Vietnam War. The students were threatened by other students, and by school officials. Ultimately, they were ordered not to wear the armbands. Showing the inextinguishable flame of youth, the students then showed up wearing all black. In a decision now known by Mary Beth's last name, the U.S. Supreme Court defended the students' right to free expression, issuing one of its classic one-liners, "Neither students nor teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

More than two decades later, in 1988, the Supreme Court turned around and set limits to student expression in *Hazelwood v. Kuhlmeier*. In that case, a school-sponsored student newspaper was set to go to press with stories about teen pregnancy and the impact of divorce on kids. Under an established procedure, the principal reviewed the content and nixed the two pages containing the stories. The court backed the principal, saying censorship is allowable if it is "reasonably related to legitimate pedagogical concerns." The court also said Hazelwood was different from Tinker, in that schools can control newspaper they sponsor as long as they don't undermine an established open forum for student expression.

True to form, the court left a pretty wide gulf in which student newspapers have navigated for years.

Fast forward to Ithaca, academic year 2004-05. Students at Ithaca High School's newspaper, The Tattler, began the year doing some pretty aggressive reporting about the administration and the practices of new principal Joe Wilson – including such headlines as "Study finds low approval for Wilson" and "Wilson's 'Food Nazi' remark draws ire." The issue with the front-page "Nazi" headline also included a center spread on cheating with some useful tips and a sophomoric giggle-fest food review of a local restaurant.

To be fair, the paper was operating as it always had, without written rules regarding content. The Tattler also was under the watch of a new faculty advisor.

As you might imagine, school officials were running out of patience.

In January, they issued the first-ever set of written guidelines for The Tattler, directly lifting language from the Hazelwood decision and putting great control in the hands of the faculty advisor. In February, after the paper tried to publish a story on sex education complete with stick figures fornicating in various positions, the advisor resigned. In March, the paper was shut down. Students were barred from the paper's office and stripped of the \$1,000 expense allowance from the school.

Showing that same spark as Tinker 30 years earlier, they finished the year publishing the underground newspaper they called The Issue.

Now, fans of constitutional law can find ready reason to grin over the debate. Was The Tattler, which ran for decades without formal guidelines, an open forum protected by Tinker? Or, is the school-supported newspaper with an academic advisor within the limits that Hazelwood defines? In borrowing Hazelwood's language for its January guidelines, it's clear what the administration thinks. In filing a lawsuit earlier this month, the students made it clear they see themselves on the Tinker side of the fence.

But there's another name to remember.

In May 2000, Tattler student reporter Melissa Castillo-Garsow did two weeks of investigative work and found out that a whole bunch of repairs and upgrades everyone assumed had been made to the high school hadn't been finished. A state Education Department inspector found a host of small violations in a September inspection. Some work was done, but after January, nothing more was addressed. The inspector conceded that, although the safety violations were relatively minor, the volume of them would make it impossible for the state to issue even a temporary occupancy permit. Castillo-Garsow's work moved the school to immediately address the problems and change procedures so the oversight could not happen again.

That's exactly why the press – even student press -- needs to be free.

Whether you're in the Tinker or the Hazelwood camp, it must be conceded that all those in power need to accept a healthy level of criticism from inquiring minds. Young minds in the early stages of asserting their intellectual independence may dwell on the salacious thrill of PG-13 humor, but the damage done to the essential habits every student needs to join our open democracy by gagging that expression is greater than any scar any stick figures can possibly inflict. As Justice William Brennan put it in his Hazelwood dissent, "Such unthinking contempt for individual rights ... is particularly insidious from one whom the public entrusts the task of inculcating in its youth an appreciation for the cherished democratic liberties that our Constitution guarantees."

And that's why the press – especially student press – needs to be responsible.

Students taking their first steps into freedoms also must take their first steps into responsibility. Because a thing can be done, it does not follow that it must be done. That's a lesson every newspaper editor learns when deciding what to cover and how that coverage should read. The gap between what the First Amendment allows journalists to do and what our readers find in these pages every morning is, in part, a testament to free judgment. Exercising that judgment is a way to honor the First Amendment, not an abandonment of it.

Parties on all sides of this dispute should remember that hard cases make bad law. Cracking down with a Hazelwood-esque written rulebook is the wrong move for Ithaca High School. The Tattler has a long tradition, and still delivers thick issues packed with the ideas and observations of intellectually vibrant students. Sometimes they make fun of the principal. Sometimes they spot safety issues that endanger lives. Whatever form they take, society needs more independent minds, and we all lose if that freedom is snuffed in its cradle.

Likewise, stick figure sex and bad collard greens jokes are a child's cheap ploy for attention. For most of its history, and, in fact, in most of the pages The Tattler published this year, a much higher standard of student journalism was on display. The students responsible for that publication need to remember the better parts of themselves and the profession they emulate.

Withdraw the guidelines. Trust the new faculty advisor and the student editors to return the balance that served The Tattler and IHS students for more than century. Honor that trust. And let's consider the whole episode an education for everyone.