

Opinion

Press rights don't stop at the school doors

Amendment I: Congress shall make no law... abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.



Sondra Pickard

The Constitution of the United States was signed 200 years ago, guaranteeing freedom of expression to all Americans. Well, maybe most Americans. It seems we haven't yet decided whether high school students should be included in this guarantee along with the rest of us.

In the next few months, the U.S. Supreme Court will rule on a case that will answer the question for us, or at least set a precedent for future use. The case is the first of its kind — the first the court has heard on the free-speech rights of high school journalists.

The case involves a Missouri high school newspaper, *Spectrum*, and a man who is supposedly of higher authority. It involves several journalism students at Hazelwood East High School who wanted to publish objective and useful information on teen-age pregnancy and divorce, and their principal, who took it upon himself to deem the newspaper's

content inappropriate. All said, the case is a clash between freedom of the press and direct censorship, and its outcome could have a dramatic impact on high school — and possibly college — newspapers across the country.

The Hazelwood journalism students wanted their newspaper to have some meaning. One student who was involved said the staff wanted to write about pertinent social issues instead of the most valuable football player or what was new at the snack bar. They wanted to make a difference, and for that I think they deserve to be commended, not censored.

The students and Principal Robert E. Reynolds disagreed on two articles, one dealing with personal accounts of three pregnant Hazelwood students and the other on the impact of divorce on a student at the school. All of those involved consented to the interviews, although fictitious names were used in the articles. For reasons of his own, Reynolds ordered the stories killed and, because it was too late to restructure the paper, the remaining stories on the two-page spread — which concerned teen marriage, juvenile delinquency and run-aways — were also deleted.

A landmark 1969 Supreme Court ruling says high school students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." There's a striking similarity between the two cases. But the

district judge who first ruled on the Hazelwood case said high school newspapers are part of the school curriculum, not a public forum protected by the First Amendment. He said the previous case dealt with symbolic speech — wearing black armbands as silent protest against the Vietnam War — and was not a school-sponsored event or activity as is a newspaper.

The 8th U.S. Circuit Court of Appeals heard the Hazelwood case and reversed the lower court's decision by a 2-1 vote. "Because it was intended to be and operated as a conduit for student viewpoint," the ruling said, the newspaper was a public forum. The school district then appealed to the Supreme Court.

Leslie Edwards, the attorney for the students, says, "The court has to think that there is a higher social value that would be destroyed by not applying the First Amendment, that would justify limiting school board control.

"Otherwise, it would be teaching kids that the First Amendment doesn't apply if you're a member of a certain group,

such as under the age of 18 — that it doesn't apply equally to all citizens of the United States."

The court has yet to decide its case, but whether in high school, college, or the real world, so to speak, the First Amendment should and traditionally has applied equally to all people — black, white, young or old. Just because high school students are considered underage by the state doesn't mean their ideas should be caged up until they grow up.

High school administrations and school boards across the country await the Supreme Court's decision, as do those at the college level. A decision has already been made in regard to the college-level press — censorship by faculty or administrators is illegal — and most will realize this. But the word is out, and if the court should rule in favor of the Hazelwood principal, many a college administrator might also feel he or she can practice censorship in similar college cases.

What's more dangerous? A few brightly-written, informative articles on real-life, everyday high school prob-

lems, or an attitude that tells students it's right to suppress ideas or information?

As a *Miami Herald* editor put it, "One of the most important activities of the student press. That press is a ward, not-quite-mature creature, the teen-agers themselves. But, also, them, it deserves our complete attention, plenty of growing room and much confidence and trust as possible."

I chose not to take advantage of journalism classes offered at my school, but I read the newspaper religiously and would hate to think this might affect its future content. With the First Amendment and all it entails, this column might have been read, changed by an A&M faculty member, administrator. Without freedom of speech, *The Battalion* might not exist. The thought of it outrages me, and school students, who are only a few years younger than I, probably feel different.

Sondra Pickard is a senior journalism major and editor of *The Battalion*.

'Leading indicator' just sold his stock

OK, you can come out now. It's over. The decline in the stock market has bottomed out. I expect stock prices to start rising right about now and keep on going right through Christmas and beyond. No, I don't have inside information, but I have a foolproof way to tell.



Donald Kaul

I just sold all my stock. I am what is known on the Street as a leading indicator with legs, one of those economic weather vanes stock brokers use to predict market trends. I'm right up there with consumer spending, interest rates, trade balances and the expression on Henry Kaufman's face. Whatever I do with my stocks, the market does the opposite. As soon as I liquidated my holdings this week, the word went out to stock brokerages across the nation: "It's OK to buy again; the lox has sold out."

I don't know how I got so notorious. I only got into the market as a kind of experiment. I had made a handsome profit on an old investment and decided to see if I could make it into a fortune and retire to the writing of bad novels. For the longest time it looked as though I could. My stocks kept going up. It wasn't a fortune, mind you, but it was a very pretty penny. I even started thinking about buying a three-piece suit.

Then came the recent slide. I sat there and watched the value of my portfolio slide day after day, sometimes up a little, then down a lot again. I kept saying to myself: "Now is no time to lose your nerve. You should have sold two weeks ago but, not having done it, it's better to hang in. After all, the market is probably at its bottom." I'd say that and the market would go down again.

Then I thought of those monkeys on the Pacific islands, the ones they capture by putting a nut in a narrow-necked gourd tied to a tree. The monkey comes along and slips his hand into the gourd and tries to grab the nut. With his fist clenched around the nut, however, he can't get his hand out. But he's too greedy to let go of the nut, so he sits there, holding on tightly to the nut, hoping something good will happen, until they come and collect him. It occurred to me that my position in the

stock market was much like that of the monkey. That's when I got out.

I called my broker and, in a calm voice, said; "Sell! Sell! For God's sake, sell!"

"You realize that you're selling at the very bottom of the market, don't you?" he said.

"Not until I sell, it isn't the bottom. If I keep my stocks it'll go down some more. Sell."

"Can't you hold on a little while longer? It's going up any day now."

"I don't care," I told him. "It's ruining my life. I can't sleep, I can't eat, the other day I found myself staring out of my office window, looking at the ground."

"I hadn't realized you were taking it this hard," he said. "But why? You haven't got that much invested."

"So OK, it was a basement window. The principle is the same. The other day when that Miami investor shot those two stockbrokers, then himself, the only thing that occurred to me was that he probably killed himself out of shyness. He didn't want the embarrassment of being voted a medal by his fellow investors. Is that sick or what? I'm losing it, I tell you."

"OK, I'll sell the stock," my broker said. And he did.

I should have gotten out last summer, of course; I should have read the signs. Donald Trump says he got out, so does Carl Icahn and T. Boone Pickens. Frank Sinatra says he got out.

Apparently I and a couple of close friends were the only ones who stayed in. No wonder the market seemed shaky.

They say that old Joe Kennedy, the patriarch of the political Kennedys, got out of the market in August of 1929, two months before the crash. Legend has it that the urge to take his profits struck him while getting his shoes shined. He overheard two bootblacks discussing their investments and how well they were doing. Kennedy later said that if the market was being fueled by the enthusiasm of bootblacks and others of equal sophistication, he knew it was time to leave it.

Similarly, I should have known that I shouldn't be in the market when I realized that it was attracting people like me.

No more. I leave the market poorer in worldly goods, richer in experience — but I leave. Goodbye.

Let the rally begin.

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...AND IN THE 'GUESS AGAIN!' DEPARTMENT....



BEN SARGENT... ©1987 The Austin American-Statesman... Universal Press Syndicate...

IMAGINE A GUY WITH ABOUT THE ETHICAL SENSIBILITY OF A WALNUT... DESPITE BEING THE NATION'S TOP LAW-ENFORCEMENT OFFICER, HE'S CURRENTLY UNDER INVESTIGATION BY A GRAND JURY, A SPECIAL PROSECUTOR AND A SENATE SUBCOMMITTEE FOR A COLORFUL ARRAY OF ALLEGED SLEAZINESS... AND ALTHOUGH HE'S THE COUNTRY'S CHIEF LAWYER, HIS READING OF THE CONSTITUTION IS SO BIZARRE AS TO RENDER ITS PROTECTIONS MEANINGLESS... WHAT DO YOU DO WITH A GUY LIKE THAT?

ER-UH-LET HIM PICK SUPREME COURT JUSTICES?



Mail Call

Support your beliefs

EDITOR:

A lack of reason seems to be prevalent in the news media, a neglect of proper support for conclusions and an incomplete line of questioning. *The Battalion* is promulgating such "journalism" as evinced by Brian Frederick's recent editorial on Robert Bork. Writers must do more than opine. I read editorials for their analysis and discussions, not for their testimonials and gushing exclamations.

Brian's emphasis on destruction of an unbiased, conservative (tradition-preserving) Supreme Court does not relate to his apotheosizing Bork. He spews forth these praises of Bork as if they were self-evident, needing no support. He discounts anything that the "lynch mob" had to say about Bork's judiciary tendencies by *ad hominem* argument: Brian never discusses or refutes what Biden and Kennedy said but concludes that these men can say nothing that is true because their intent is not honorable but is to use "the Court as a tool for remodeling society." Where is the definition of issues? the issuing of argument and proofs?

In another instance of insubstantial writing, he says that judges should not interpret but obey the written law and the original intent. Why? Why is original intent so good? No, he never supports this argument but only vituperates the voices of change as if change is unnatural or undemocratic. What does change represent, Brian? Certainly he does not hold that change is intrinsically wrong or evil. Yet he never argues, just states, his opinions

— as if we were a thoroughly embracing audience, swept along by his opinions and "flourish of eloquence."

I must concede to space and greatly simplify the argument, but perhaps I can point out that he needs to ask further questions. What the authors intended may not be what we want or need. Besides, how can we really know what their intentions were? Are our laws so dependent on people's intentions that we are here for their sakes? If the authors of the Constitution intended for rigorous observance of their intentions — thus making for a static, unchanging government — why would they have constructed a political framework that allows for ordered revolution and change through voting?

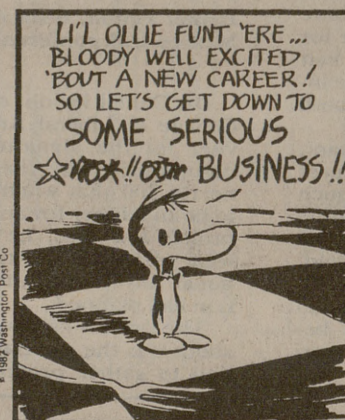
Our society is too caught up in what the artist intended, the writer intended, the law intended, the criminal intended, the president intended, God intended. Too many people argue with only proof of intention. In freshman writing courses, students are taught to recognize and avoid such argument, the intentional fallacy.

If writers are limited by space, they should learn economy and focus. Writers such as Brian are given a column; they shouldn't waste it by simply crying out their unsubstantiated opinions.

Gary Beason graduate student

Letters to the editor should not exceed 300 words in length. The editorial staff reserves the right to edit letters for style and length, but will make every effort to maintain the author's intent. Each letter must be signed and must include the classification, address and telephone number of the writer.

BLOOM COUNTY



The Battalion

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