

Law of the Student Press  
Third Edition, November 2008

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Published in the United States of America by the Student Press Law Center.

Design by Norman Mallard

Cover design by Liz White

Cover photographs by, clockwise from left: John Cooper (University of South Carolina's SGTV), Kayden D. Horwitz (Grand Junction High School, Colorado), James Brosher (Indiana University's *Indiana Daily Student*), and Tyler Batiste (Louisiana State University's KLSU)

Printing by Kirby Lithographic Company, Inc., Arlington, VA

The first edition of this book was published in 1985 (with an addendum added in 1988) by the Student Press Law Center. The second edition was published in 1994, with several reprints in succeeding years.

Additional copies of this book are available by contacting the Student Press Law Center at the address below:

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Arlington, VA 22209-2275

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On the Web: [www.splc.org](http://www.splc.org)

Library of Congress Catalog Card Number: 2008938953

ISBN 9780615229515

**LAW OF THE  
STUDENT PRESS**  
3RD EDITION

STUDENT PRESS LAW CENTER  
ARLINGTON, VIRGINIA

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# Foreword

In 1984, the Student Press Law Center published the first edition of *Law of the Student Press*. That book, which was written by former SPLC executive directors Marc Abrams and Mike Simpson over the course of four years, was the first book ever to describe in detail the legal rights and responsibilities of both the high school and college press.

The book was substantially updated and reissued in 1994 to take account of vast changes in the legal landscape, most especially the Supreme Court's 1988 decision in *Hazelwood School District v. Kuhlmeier*, which drastically changed the framework within which censorship claims at high school student publications are viewed. The second edition was the collaborative effort of literally dozens of writers, editors and reviewers, but the bulk of the responsibility was ably shouldered by Mike Hiestand, a longtime SPLC attorney, assisted by Executive Director Mark Goodman and by an exceptionally talented group of student interns, volunteers and staff, including Rick Peltz, Karen Graziano, Meghan Gourley, Signe Brunstad and Tracy Sisser.

This third edition of *Law of the Student Press* has been many years in the making, and again, Mark and most especially Mike — this time, with the additional help of SPLC Attorney Advocate Adam Goldstein — deserve the accolades for their careful and exhaustive study of the statutes and case law important to the student media. This book is a tribute to the many years of dedicated service that Mike, Mark and Adam have given, and continue giving, in support of the quietly heroic work of the nation's journalism teachers and advisers.

Part of the long passage of time between editions owes to the exceptional demand for the instructional services of the SPLC, which has greatly increased with the advent of new legal regimes — and new uncertainties — that surround online publishing. And part of the long passage of time owes to the rapid pace of change in both the legal and journalism fields; these changes are reflected in the greatly increased size of this volume (the second edition consumed 269 pages) and the addition of a distinct chapter focusing on unique legal issues posed by online publishing.

The Student Press Law Center is an advocate for the rights of the student media to publish free from censorship, and this book unmistakably reflects that advocacy position. It is intended in no small part to instruct students and educators in both the legal and the tactical considerations that apply when (as so often occurs) they are confronted with an order to refrain from broadcasting or publishing legitimate editorial content. The scholarship behind the legal research, however, is untainted by the Center's policy agenda. Where the law disfavors student rights, we prominently acknowledge it, without shading. Indeed, we believe it is vital that the public understand where the law's protection of speech is deficient, because pressure for reform will come only through understanding.

One of the most gratifying aspects of working in the field of student speech rights is the extraordinary eagerness of people to donate their time and talent for little or no reward, other than the knowledge that they have helped young people learn. We received significant volunteer support from several law firms whose attorneys donated their time to reviewing and updating chapters of the book: Frost Brown Todd LLC; Wiley Rein LLP; and Baker Donelson Bearman, Caldwell & Berkowitz, PC. We greatly appreciate the valuable expertise lent by these law firms and by their attorneys: Richard Goehler, Monica Dias, Joseph Tomain, Kathleen Kirby, Dineen Pashoukos Wasylik, Matt Gibson, Marla Hackett and Laura Merritt. Although many volunteers gave generously of their time, none were more valuable than Jeanette Jones and Dori Goldstein, who donated countless hours to cite-checking and proofreading the book; the work was grueling but it should not be thankless, and we thank Jeanette and Dori profusely.

We also recognize and appreciate the contributions of the following volunteers, who lent their research, editing and design skills to make this the best — and the best-looking — edition of the *Law of the Student Press*: Sarah Baxter, Susan Burgess, Ryan Dietrich, Mark Fiore, Jon Goldberg, Sean Kane, Norman Mallard, Alison Warden and Malissa Wilson.

A project of this magnitude requires significant financial support, and the Student Press Law Center has been blessed by the generosity of a number of sponsor organizations who gave earmarked support to enable the SPLC to research and publish this book. Special thanks go to the Ethics and Excellence in Journalism Foundation, which has been a stalwart supporter of programs to educate student journalists for many years. Others who made special contributions to ensure that the third edition made it into print include:

Gannett Foundation  
Western Association of University Publication Managers  
National Scholastic Press Association  
Associated Collegiate Press  
Alabama Scholastic Press Association  
Arizona Interscholastic Press Association  
Ball State University Journalism Workshops  
John P. Borger  
Bob Button  
Peter Canfield  
College Media Advisers  
Florida Scholastic Press Association  
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Michigan Interscholastic Press Association  
Missouri College Media Association  
Northeast Ohio Scholastic Press Association  
Northern Illinois School Press Association  
The Rivas Law Firm  
Southern California Journalism Education Association  
Texas Association of Journalism Educators  
Virginia Association of Journalism Teachers and Advisers

Finally, the real credit for this edition of *Law of the Student Press* belongs to the interns and staff of the Student Press Law Center, a bright and dedicated group who worked many long hours to make this book a reality. Michael Beder and Elizabeth White, who worked for the SPLC as publications fellows thanks to a grant from the McCormick Foundation, assisted in every aspect of the book from editing to design to layout. Others who made crucial contributions to the success of this project include: John (Rory) Eastburg, Jenny Fein, Sunjha Hattin, Nia McDonald, Laura Petelle, Sara Rose, Beverly Keneagy and Sam Wilder.

The law of the student press can be confusing and at times intimidating, but it is our hope that you come away from this book neither confused nor intimidated, but empowered. It is, in fact, exceedingly uncommon for student journalists to encounter serious legal difficulty because of what they have reported. To the contrary, the law more often will function as the friend of the student journalist — opening the door to information that would otherwise be off-limits, and protecting legitimate expression against censorship or retaliation. Knowing the law will put a journalist (whether student or full-time professional) in the best position to protect her rights and to recognize risks and opportunities.

Frank D. LoMonte  
Executive Director  
Student Press Law Center  
September 2008