

Administrators and the First Amendment:
What High School Administrators Know
(and think they know) about the Fourth Estate

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by

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Abstract

It is widely known that school administrators censor. However, explaining this phenomenon requires understanding their perceptions of the impact of the material they are censoring and their own individual differences that make them more prone to censor. And if we want to understand the underpinnings for censorship, we have to look at various factors that may help explain censorship behavior. Two factors of concern in this study are administrators' perceptions about how much they think they know about the First Amendment and their actual knowledge of the First Amendment.

If one follows the Student Press Law Center's "news flashes," which include reports about administrative censorship from around the country, he or she will see that administrators often cite legal precedent (e.g., Hazelwood) as their rationale for removing content from their school newspapers. The problem is that they often do so incorrectly. Still, they seem confident in their knowledge of legal precedent that they believe grants them carte blanche to censor. Thus, this question remains: Do they know about the First Amendment, or do they simply think they know?

In this study, I examined legal precedent that defines student expression. Then, I studied administrators' perceptions about how much they think they know about the First Amendment and this important legal precedent. In addition, I tested these administrators on their actual knowledge. Finally, I looked for relationships between perceived and actual knowledge, perceived knowledge and propensity to censor, actual knowledge and propensity to censor, and other important relationships.

Introduction

Since 1988, the Student Press Law Center, an organization dedicated to protecting students' free speech and offering free legal advice, has reported exponential growth in calls for help, from just more than 500 calls in 1987 to nearly 3,000 in 2003 (Student Press Law Center, 2004). Researchers in scholastic journalism attribute the increase to administrative damage control and misinterpretation of legal precedent as the leading causes of censorship (Click, 1989). Among the most popular reasons for administrative censorship include wishing to avoid harm that might be caused by controversial content, and a lack of understanding of students' legal rights.

With major Supreme Court decisions in the latter half of the 20th century placing school administrators in positions as overseers of the student press, it is imperative to better understand what these administrators know about First Amendment legal precedent. Legal scholars argue that contradictory opinions among different courts make it more difficult for administrators, teachers, and student journalists, to interpret the law (Ross, 2002). Below, I describe several of the key cases that have had a profound impact on how we define and regulate student expression. Then, I introduce several key variables that may ultimately help proponents of scholastic journalism better understand the administrators who so often control the student press.

Legal Precedent Defining Student Expression

Tinker v. Des Moines. Although not a student press case, *Tinker v. Des Moines* (1969) was the first involving student speech to reach the Supreme Court. This case climbed through the lower courts during the late 1960s, a period of uncertainty and political activism. In short, the school board in Des Moines suspended three students for refusing to remove black armbands, signifying their protesting the Vietnam War. Administrators claimed a school policy forbade

students from wearing protest armbands to school (Student Press Law Center, 1994). Although the lower courts upheld the school board's decision, scholars have suggested was "based on fear – specifically, fear of a disturbance, but beyond that, fear of the unknown and fear of what is different," (Russomanno, 2006, p. 371) the Supreme Court reversed, siding with the students. Justices argued students and teachers did not lose free speech Constitutional rights when they entered school (Student Press Law Center, 2008; *Tinker v. Des Moines*, 1969).

Hazelwood v. Kuhlmeier. After the landmark Supreme Court decision *Tinker v. Des Moines* (1969), students expressed themselves quite freely, even in the confines of the school. Likewise, the student press functioned relatively autonomously. However, in 1987, that all changed.

The first case involving censorship of high school publications reached the Supreme Court in the mid-1980s (Student Press Law Center, 2008; *Hazelwood v. Kuhlmeier*, 1988). This case involved an upcoming two-page spread of stories planned by student editors. The spread was to contain several stories covering issues teenagers faced. Topics included coping with pregnancy, dealing with parental divorce, and contemplating running away (Student Press Law Center, 2008). The principal, aware of the upcoming issues, opted to review the paper prior to its publication (i.e., prior review). The principal immediately removed the spread, amidst concern that the content might be harmful for young readers. Three of the student editors took the school to court, claiming the principal's decision violated their First Amendment free speech rights, as defined by *Tinker* (1969). The principal shot back, arguing that the pregnant students who had been interviewed in the piece could be identified and that their reputations would be harmed by the publication of the stories (the names had been changed). The school district won because the newspaper was part of the school's curriculum, and so the principal was correct to be

proactive in protecting his students from the content. At the next level, the Eighth Circuit Court of Appeals sided with the students, claiming the newspaper was a public forum for student speech. Thus, the school district recommended that the Supreme Court hear the case (Student Press Law Center, 2008). At the Supreme Court level, the school district prevailed. The Supreme Court ruled that because the publication was school-sponsored and because its content contained material that may have disrupted the educational process, the principal had a right to review and remove potentially disruptive or harmful material (Hazelwood v. Kuhlmeier, 1988). The Supreme Court language suggests that educators have a responsibility to exert control over student expression that might “substantially interfere with the work of the school or impinge upon the rights of other students” (Hazelwood v. Kuhlmeier, 1988, p. 509). Thus, school administrators became powerful dictators (Davison, 1983) of the content of their scholastic publications.

Dean v. Utica. Another case, in which justices asserted the lingering protection of the First Amendment for the student press, involved high school journalist Katy Dean’s coverage of the harmful effects of the district’s bus fumes. In 2002, Dean wrote an investigative piece about a lawsuit aimed at the district in which a husband and wife alleged that fumes being emitted from idling busses in the district’s bus lot had caused the husband’s lung cancer and other ailments. The principal censored her story, claiming that the story contained inaccurate information from unreliable sources. In 2004, a Michigan District Court ruled that the principal had no legal grounds for censoring the story, and could not justify censorship simply because he did not like the content (Dean v. Utica, 2004). This was the first and last free speech victory for scholastic journalists. Two additional cases, albeit not student press related, have also limited student speech in the schools since the landmark *Hazelwood* decision.

Bethel v. Fraser. During a 1983 speech, high school senior Matthew Fraser delivered a speech to his school, endorsing his classmate as the future student body vice president. The speech went as following:

I know a man who is firm - he's firm in his pants, he's firm in his shirt, his character is firm - but most [of] all, his belief in you the students of Bethel, is firm. Jeff Kuhlman is a man who takes his point and pounds it in. If necessary, he'll take an issue and nail it to the wall. He doesn't attack things in spurts - he drives hard, pushing and pushing until finally - he succeeds. Jeff is a man who will go to the very end - even the climax, for each and every one of you. So please vote for Jeff Kuhlman, as he'll never come [long pause] between us and the best our school can be. He is firm enough to give it everything (Bethel v. Fraser, 1986, para. 27).

Because of the sexual innuendo included in the speech, Fraser was suspended for two days and prohibited from attending his graduation ceremony because he violated a school policy against disruptive behavior. He appealed the school's policy and related decision. The Supreme Court heard the case in 1986, and ruled that the school policy and subsequent punishment did not violate the First Amendment because "to permit such a vulgar and lewd speech would undermine the school's basic educational mission" (para. 3). Consequently, the decision has been used by administrators to restrict what they consider to be "offensive" speech.

Morse v. Frederick. In 2002, Alaska high school student Joseph Frederick unfurled a banner that read "BONG HiTS 4 JESUS" while standing across the street from his school during the Olympic torch relay. After Principal Deborah Morse confiscated the banner and suspended Frederick, he sued Morse and the school board for violating his First Amendment rights. After a lengthy climb through the court system, The Supreme Court upheld Morse's actions, holding that

the nature of the school environment permitted Morse to remove speech that appeared to advocate the use of illegal drugs, and that any reasonable person would believe that was Frederick's intent (*Morse v. Frederick*, 2007). Despite some justices' warnings that the decision could lead to loose interpretation of precedent, there have been instances in which administrators have censored student press and speech that references (but does not condone using) illegal drugs. Thus, the Court's assertion that there is room for commentary in school settings about drug use and its impact on a variety of social problems has not prompted censors to reconsider their positions.

In the next section, I introduce research that relates to how knowledge of specific subject matter may influence would-be censors. In addition, I offer commentary about the importance of examining how the "correct" type of knowledge leads [or may lead] to censorship.

Legal Precedent, Knowledge, and Administrators

In media effects research, much attention has been paid to how people's perceptions of how media content will influence others might be related to support for restricting said content (i.e., censorship). We call this the third-person effect (Davison, 1983). In short, it is believed that individuals tend to think that others are more affected by media content than themselves (i.e., this is called the perceptual bias). And, when one thinks that others will be affected by media content, he or she is more likely to support censorship of that content (especially if the content is perceived to have a negative impact on its audience). Support for censorship or other content restrictions are common among the general populace. But this changes in a school setting where an administrator has the power to actually restrict the content. To make this more profound, administrators are highly educated, and typically possess more knowledge than the general populace. This, of course, is important to note because individuals who have greater

knowledge of a subject are also that much more likely to support (or engage in) censorship. In the following subsections, I outline the current study, drawing upon past research that has suggested that there is a significant relationship between knowledge and censorship.

Perceived First Amendment Knowledge. As briefly mentioned above, there has been a great deal of research evidence to suggest that those who are more educated (Willnat, 1996) or more knowledgeable (Driscoll & Salwen, 1997; Lasorsa, 1989; Salwen & Dupagne, 2003). are more likely to believe that others are more affected by media content than themselves and, thus more likely to support censorship. Despite the evidence for a significant relationship, there is a lot of criticism in terms of the way in which these variables are measured. One criticism is that respondents are asked to indicate how much they know about a given topic. Thus, they may have overinflated perceptions about their knowledge, and these perceptions cannot be tested as actual knowledge tests are not often given (Andsager & White, 2007; Perloff, 2002). Because of this scholars like Salwen and Dupagne (2001) have argued that measuring self-perceived knowledge might help to clarify the relationship between perceptions about media effects and general knowledge. They wrote:

People probably cannot easily judge others or compare themselves to others on sociodemographic traits. For example, people probably do not consider whether they are more educated than other people when they compare themselves to others. On the other hand, they may persistently regard themselves as smarter (i.e., more knowledgeable) than others. (p. 228)

Considering this suggestion, I asked administrators to indicate how much they thought they knew about the First Amendment. And I did this for a couple of reasons (1) the First Amendment guarantees our citizens' free press and speech rights, and (2) researchers in

scholastic journalism believe that it is incorrect or incomplete knowledge of the First Amendment that may lead to censorship.

Actual First Amendment Knowledge. In addition, I felt it was necessary to test administrators on their knowledge of the First Amendment, particularly aspects of the Amendment that define free press and speech rights. Past findings suggest that knowledge of First Amendment and legal precedent that defines free press and speech varies among administrators. For example, Click and Kopenhaver (1988) found that 97% of administrators believed that it was not the students' right to manage student-produced media content, but was instead the journalism advisers' responsibility. Thus, more than three decades have passed, and a new limitation (i.e., in the Morse decision) to student speech has been added since we gathered information from administrators themselves about what they know (and think they know) about the First Amendment. Before the study's sample and findings are reviewed, it is important to briefly discuss another important variable that was considered in allowing me to examine the relationships among perceived knowledge, actual knowledge, and the likelihood that an administrator would censor student-produced content.

Controversial Content and Propensity to Censor. As discussed previously, potentially "harmful" or otherwise negative content is typically at the forefront of what is censored. And, in order to accurately measure relationships among perceived knowledge, actual knowledge, and an administrator's propensity to censor, it was necessary to introduce a stimulus (i.e., a student-produced story). Drawing upon research by Bowen and Wagstaff (2008), who identified five areas that have been subject to past administrative censorship: teen sex/pregnancy, criticism of the school and its policies, politics, teen drug use, and teen alcohol use, I selected the most controversial: sexual content. In the questionnaire, I asked administrators to evaluate the social

desirability of a story about teenagers engaging in sexual activity (adapted from Hitchon, Chang, & Harris, 1997). On a 5-point Likert-type scale, (where 1 = not at all and 5 = very), administrators evaluated the potential story's social desirability, social benefit, social responsibility, and favorability (to students, parents of students, and school community members). After responses were summed and averaged, the overall index of message desirability indicated that administrators rated the story as not socially desirable ($M = 2.45$, $SD = 0.90$, Cronbach $\alpha = .91$). In addition, I asked them to indicate on a 5-point Likert-type scale (where 1 = not at all likely and 5 = highly likely) how likely they were to censor the potential story. Results suggest that administrators were likely to do so ($M = 3.54$, $SD = 1.31$). Next, I present detailed information about the sample, provide the results, and discuss my findings.

Sample

Sampling Procedure

In this study, I sampled public high school (i.e., grades nine through twelve) principals (i.e., only head principals) in school districts across the 50 states and the District of Columbia (Note: Respondents were offered the chance to win \$100 Amazon.com gift cards for completing the survey). In total, 401 responded. I omitted incomplete surveys (i.e., surveys in which the principal did not respond to all items), which left me with the sample ($N = 187$) used for all statistical analyses, sufficient for statistical power (Cohen, 1988; Hayes, 2005).

Principals from 42 states completed the questionnaire in full. Among the states with the highest percentage of completed surveys to the whole were California (8%), Ohio (8%), North Carolina (6.9%), Missouri (6.4%), Texas (6.4%), Illinois (5%), Pennsylvania (5%), and Wisconsin (4.8%). States with no completed surveys included the following: Delaware, Florida, Iowa, Louisiana, Mississippi, New Hampshire, South Dakota, West Virginia, and the District of

Columbia.

Sample Information

Respondents ranged in age from 31 to 68 years ($M = 48.31$, $SD = 9.82$), with one respondent not indicating age. Men comprised the majority of the respondents with 67.9% ($N = 127$) reporting; 31.6% were women ($N = 59$). One respondent did not indicate his or her sex. In addition to basic demographic information, I also was interested in the respondents' experience in teaching English or journalism, as well as whether they had served in a student media advisory capacity. Prior to becoming a principal, 26.2% of respondents had been English teachers, 7.5% had been journalism teachers, and 16% had advised a student-produced publication or media outlet (e.g., newspaper, newsmagazine, yearbook, TV, radio).

I also was interested in how much time the principals had spent in their administrative roles. Respondents in my sample served as principals ranging from 8 months to 37 years ($M = 13.8$ years, $SD = 5.28$). Finally, I was interested in how many principals had completed a graduate-level education, as many states require a master's degree for tenure. Among the principals in my sample, 97.9% had completed a graduate degree, while 2.1% had completed some graduate-level education.

Results

In this study, I was interested in examining how much administrators think they know and actually know about the First Amendment. I hoped to look at the relationship between perceived and actual knowledge of the First Amendment. In addition, I hoped to determine whether there was a relationship between perceived and actual knowledge and propensity to censor a seemingly controversial story.

Perceived Knowledge

To measure perceived knowledge, I adapted Driscoll and Salwen's (1997) perceived knowledge index (see Appendix A). In this index, I asked respondents to indicate on a 5-point Likert-type scale (where 5 = much more knowledgeable, and 1 = about as knowledgeable as them) how much they thought they knew about the First Amendment compared to the other target groups (i.e., most people, other educators, and other school administrators). Responses were summed and averaged to create an overall index of perceived knowledge of the First Amendment ($M = 3.54$, $SD = 1.15$, Cronbach $\alpha = .89$). See Table 1 for a summary of the means and standard deviations of the individual items. This suggests that the majority of administrators reported that they felt somewhere between somewhat less knowledgeable and somewhat more knowledgeable than most people ($M = 3.83$), other educators ($M = 3.54$), and other administrators ($M = 3.25$). Put more simply, the principals did not convey a great confidence in their knowledge of the First Amendment, especially when comparing their knowledge to the knowledge of their educator peers.

Table 1

Perceived First Amendment Knowledge: Means and Standard Deviations

| Items | <i>M</i> | <i>SD</i> |
|--|----------|-----------|
| Compared to most people, how knowledgeable do you feel you are about the First Amendment? | 3.83 | 1.16 |
| Compared to other people who work in the education field, how knowledgeable do you feel you are about the First Amendment? | 3.54 | 1.27 |
| Compared to other school administrators, how knowledgeable do you feel you are about the First Amendment? | 3.25 | 1.40 |

Note. $N = 187$

Actual Knowledge

To assess principals' actual knowledge of the First Amendment, I adapted (with permission) the Student Press Law Center's First Amendment Knowledge (2005) and Student Press Law Knowledge (2005) quizzes. Each quiz consists of 30 True/False and Multiple Choice questions. As to minimize the chance for respondent fatigue, I selected 10 of these questions, and, to ensure measures were consistent for statistical reasons, I converted all of them to multiple-choice questions (see Appendix B). To assess each principal's knowledge with a numerical score, I "dummy" coded answers for each item (correct answers = 1, incorrect answers = 0), and then summed and averaged the number of correct responses to each question answered to calculate an average score ($M = 6.50$, $SD = 1.61$, Cronbach $\alpha = .35$) out of the possible ten correct responses. In other words, the number of correct answers helped me to determine an aggregate score for administrators' knowledge of the First Amendment (out of 10 possible correct answers). See Table 2 for a summary of the percentage of administrators who answered each question correctly.

There are a couple of considerations necessary when examining the subsequent table. First, the Cronbach α was quite low. This suggests that knowledge test may not have been a reliable measure of First Amendment knowledge. There are a couple of plausible explanations for this. First, it seems likely that some of the questions on the test were substantially more difficult than others, which may contribute to decreasing the overall reliability of the measure. In other words, some of the questions may not assess true First Amendment knowledge as others. Second, converting these questions to multiple choice increases the likelihood that a respondent would choose the incorrect answer. In a True/False question, the test taker has a 50% chance of choosing the incorrect response. In a multiple choice with four possible answers, the test taker's

chance of selecting an incorrect response jumps to 75%. Finally, it also is possible that the test did not include enough questions to accurately assess First Amendment knowledge. As we know there is a plethora of legal precedent that defines and often restricts student press and speech, not to mention the other freedoms (religion, assembly, petition) that were not addressed in this knowledge test.

Table 2

Actual Knowledge Test: Frequencies and Percentages of Correct Responses

| Items | <i>Frequency Correct</i> | <i>Percentage Correct</i> |
|---|------------------------------|-------------------------------|
| 1. How does the First Amendment begin? | 138 | 73.8 |
| 2. The U.S. Supreme Court has recognized that the First Amendment protects public school students while in school. Neither “students nor teachers,” the Court said, “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” From which famous Supreme Court case did that language first come? | 170 | 90.9 |
| 3. At what age does the First Amendment officially begin to protect a person’s free speech rights? | 176 | 94.1 |
| 4. Which of the following categories of speech is never protected by the First Amendment? | 96 | 51.3 |
| 5. A local 14-year-old girl was recently found guilty of masterminding a dog-knapping ring, which had shaken the community for months. Though the legal proceedings were closed to the public because she was charged as a minor, a trusted source has confirmed that the judge today sentenced the girl to four years in a juvenile detention center. You are the editor of the community newspaper who must decide how to cover the story. Which of the following options would the First Amendment protect (question about reporting on minors)? | 32 | 17.1 |
| 6. Which student is most likely to prevail on his or her First Amendment claim (question about dress code claims)? | 149 | 79.7 |
| 7. Where a public school fully funds its student newspaper, public high school principals have (statements about administrative control over content): | 143 | 76.5 |
| 8. You have just heard that your school-sponsored student newspaper is planning to run a story and editorial about a recent proposal to cut music education from the school district’s curriculum. The proposal has stirred heated debate in your community and you do not want to create more waves. Which of the following acts would be illegal? (question about administrative prior review) | 94 | 50.3 |
| 9. You just received an e-mail from the principal of a nearby public high school who tells you that he/she has censored an article on teenage pregnancy from her newspaper because he/she felt the topic was “inappropriate.” The newspaper staff is claiming that this is a violation of the First Amendment. Is the staff correct? | 83 | 44.4 |
| 10. Over which of the following types of student media are public school officials most limited in their ability to censor or control content? | 134 | 71.7 |

Note. All ten questions contained four multiple choice items, which are available in Appendix B. The correct responses are marked with an asterisk in that Appendix. $N = 187$

It is important to look carefully at the questions missed most frequently, as this is perhaps the most telling. First, the dog-knapping ring question, which tests the principals' knowledge about laws about reporting on minors. Thinking back to the Hazelwood decision makes this even more interesting. Remember that the principal and justices agreed about the importance of protecting minors by censoring the controversial spread. The principal was concerned about the harm the stories might do to the subjects as well as the readers. The Supreme Court, of course, was concerned more about the spread's potential disruption, something that had little to do with minors. Thus, it seems that administrators may have some confusion about the reporting of accurate, newsworthy information about a minor.

In addition, the majority of principals also missed the question about censoring a story with teenage pregnancy as its subject. Recall that the principal who censored the story felt that it was "inappropriate" for the school audience. To accurately answer this question, more information is needed. First, the respondent needs to know about the forum status of the paper. A newspaper that is published as a public forum by policy (e.g., a stated editorial policy that indicates that students make content decisions) and/or by practice (e.g., students may generate their own revenue to support the paper or may work on the paper as part of an extracurricular activity) typically deserves more protection from administrative censorship than a newspaper the school supports through its own infrastructure. Again, without this knowledge, administrators may apply a surface-level understanding of Hazelwood or Bethel, and decide that censoring this type of "inappropriate" content is necessary to protect the school's educational mission.

Relationship Between Perceived and Actual Knowledge. Past research dealing with perceived media effects has not fully examined the relationship between perceived and actual knowledge. Thus, we cannot be certain that administrators might think they know more than

they actually do know about the First Amendment. Scholars of scholastic journalism think that the likelihood that an administrator will censor may be the product of overestimating one's knowledge of the First Amendment, coupled with incomplete or incorrect understanding of legal precedent (Student Press Law Center, 2008). Thus, it seems likely that administrators who understand and interpret the law correctly would be less likely to censor. But, is there a discrepancy between what administrators think they know about the First Amendment and what they actually know? To further examine this relationship between administrators' perceived and actual knowledge of the First Amendment, and their propensity to censor a seemingly controversial story, I asked the following:

RQ_{1a}: What is the relationship between administrators' perceived knowledge and actual knowledge of the First Amendment?

RQ_{1b}: Among school administrators, how will perceived knowledge of the First Amendment be related to propensity to censor controversial content?

RQ_{1c}: Among school administrators, how will actual knowledge of the First Amendment be related to propensity to censor controversial content?

To answer the above research questions, I ran Pearson's Product Moment Correlation between the variables. There was no significant relationship between perceived and actual knowledge ($r = .06, p = .41$). Due to this finding, I ran correlations for each of the individual knowledge items, and found that only question one ("How does the First Amendment begin?") correlated significantly and positively with perceived knowledge ($r = .16, p < .05$). This suggests some level of confidence among respondents in their knowledge of the language of the First Amendment.

In addition, I found no significant relationship between perceived knowledge and

propensity to censor ($r = -.06, p = .39$). Finally, I found no significant relationship between actual knowledge and propensity to censor ($r = -.08, p = .29$). Due to my lack of significant findings, I ran correlations for relationships between each of the individual knowledge items and propensity to censor. I identified one significant and negative relationship between the dog-knapping question and propensity ($r = -.16, p < .05$). This suggests that administrators who answered this question correctly (i.e., correctly understood how minors may be covered by media) were less likely to censor. This seems likely, as this was among the most difficult questions on the test (remember that this one was answered incorrectly most frequently). Thus, administrators who reported being less likely to censor seemed to possess a more sophisticated knowledge of the First Amendment.

Discussion and Remarks for the Future

Many scholars and educators interested in scholastic journalism have suggested that the censorship problem begins in schools, and is fueled by poor understanding of First Amendment freedoms (Student Press Law Center, 2006). This study, despite several findings being statistically insignificant, is meant to help illuminate the path to better understanding the administrative censorship phenomenon.

Perhaps administrators do not understand legal precedent and end up picking up the bits and pieces they remember or understand. And, perhaps, as this study suggests, administrators are not overly-confident in their understanding of First Amendment law. Although we cannot fully explain what is occurring in our schools (and in the schools where administrators are trained), we as educators must continue to try to understand. With Supreme Court decisions such as *Hazelwood v. Kuhlmeier* (1988), which gave educators discretion over content of student newspapers and *Morse v. Frederick* (2007), which restricted student speech interpreted to

promote illegal drug use, also have limited student free expression, comes more uncertainty. But, it is our responsibility to understand the law, accurately apply it, and stand up to administrators who may neither understand nor properly apply legal precedent. It is my hope that future researchers will continue to look at this phenomenon in innovative ways so that we can increase our knowledge to help us better serve aspiring young journalists.

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Appendix A

First Amendment Perceived Knowledge

Adapted from Driscoll & Salwen (1997)

Instructions: Below are several statements that ask you to indicate how much you feel you know about the First Amendment compared to others. Please indicate the degree to which you agree with the following statements, where 1 = about as knowledgeable as them, 2 = much less knowledgeable, 3 = somewhat less knowledgeable, 4 = somewhat more knowledgeable, and 5 = much more knowledgeable.

| | About as knowledgeable | Much less knowledgeable | Somewhat less knowledgeable | Somewhat more knowledgeable | Much more knowledgeable |
|---|------------------------|-------------------------|-----------------------------|-----------------------------|-------------------------|
| 1. Compared to most people, how knowledgeable do you feel you are about the First Amendment? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2. Compared to other people who work in the education field, how knowledgeable do you feel you are about the First Amendment? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3. Compared to other school administrators, how knowledgeable do you feel you are about the First Amendment? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Appendix B
First Amendment Knowledge

Adapted from the Student Press Law Center (2005)

Instructions: Below are a few questions about the First Amendment. Please work quickly, and choose the answer that best relates to your understanding of the First Amendment.

Note. In this document, the correct choices are in italics.

1. How does the First Amendment begin?
 - a. "Four score and seven years ago..."
 - b. "When, in the course of human events..."
 - c. "Freedom of speech and of the press shall not be abridged..."
 - d. *"Congress shall make no law..."*

2. The U.S. Supreme Court has recognized that the First Amendment protects public school students while in school. Neither "students nor teachers," the Court said, "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." From which famous Supreme Court case did that language first come?
 - a. *New York Times v. Sullivan*
 - b. *Tinker v. Des Moines Independent School District*
 - c. *Hazelwood School District v. Kuhlmeier*
 - d. *Roe v. Wade*

3. At what age does the First Amendment officially begin to protect a person's free speech rights?
 - 18
 - 21
 - 16
 - None of the above*

4. Which of the following categories of speech is never protected by the First Amendment?
 - a. Indecent speech on the Internet
 - b. Four-letter words
 - c. *Obscenity*
 - d. Nudity

5. A local 14-year-old girl was recently found guilty of masterminding a dog-knapping ring, which had shaken the community for months. Though the legal proceedings were closed to the public because she was charged as a minor, a trusted source has confirmed that the judge today

sentenced the girl to four years in a juvenile detention center. You are the editor of the school newspaper who must decide how to cover the story. Which of the following options would the First Amendment protect?

- a. Because the girl is a minor and the proceedings were closed to the public, you choose not to publish the story.
- b. You publish the story with accurate details of the crime and the girl's sentence but, because she is a minor, you would withhold her name.
- c. You run the story with accurate details of the crime, her sentence, her name, and a photo of her entering court with her parents.
- d. *All of the above options are legal.*

6. Which student is most likely to prevail on his or her First Amendment claim?

- a. Rebecca wants to change the school's dress code that prohibits students from wearing micro-mini-skirts in school.
- b. Rob wants to challenge a school policy that prohibits students from wearing flip-flops to class.
- c. *Rachel wants to challenge a school policy that prohibits her from wearing an anti-war T-shirt to school.*
- d. Reggie wants to challenge a school policy that prohibits students from dyeing their hair bright, non-natural colors.

7. Where a public school fully funds its student newspaper, public high school principals have:

- a. Unlimited authority to dictate its content
- b. Authority to censor some school-sponsored student publications if they choose to do so
- c. No authority to dictate or censor content
- d. *Authority to censor public forum publications only when they can show the publication will cause a "material and substantial disruption" of school activities*

8. You have just heard that your school-sponsored student newspaper is planning to run a story and editorial about a recent proposal to cut music education from the school district's curriculum. The proposal has stirred heated debate in your community and you do not want to create more waves. Which of the following acts would be illegal?

- a. You order the newspaper staff to submit the newspaper to you to read before they send it to the printer.
- b. *You order that the staff immediately ceases all work on the story and prohibit them from covering the topic in the future.*
- c. You order the staff members to submit the newspaper to their adviser, and require that he/she must sign a statement saying that he/she has read and approved the article prior to publication.

d. All of the above.

9. You just received an e-mail from the principal of a nearby public high school who tells you that he/she has censored an article on teenage pregnancy from her newspaper because he/she felt the topic was "inappropriate." The newspaper staff is claiming that this is a violation of the First Amendment. Is the staff correct?

- a. No. The principal's stated goal of protecting students from inappropriate material would likely be deemed "reasonable" under the Supreme Court's Hazelwood standard and the censorship allowed to stand.
- b. Yes. The Supreme Court's Tinker decision makes clear that the First Amendment protects the right of student editors at public high schools to publish such articles and -- assuming the stories are accurate, contain no unlawful material (libel, obscenity, etc.) and would not disrupt the school's activities.
- c. It doesn't matter. The students shouldn't waste time defending their press freedom. The editor should end any effort to cover the story.
- d. *You need more information before making a decision.*

10. Over which of the following types of student media are public school officials most limited in their ability to censor or control content?

- a. *Private websites created and viewed by students outside of the school.*
- b. School newspapers funded by the school and published as part of a class, for which the staff is graded.
- c. Student newspapers supported mainly by advertising sales and published as part of an extracurricular club that meets on campus after school.
- d. Independent, or "underground," student newspaper created and printed entirely outside of school but distributed to students on school grounds.

Appendix C
Propensity to Censor

Instructions: Please think about how likely you would be to remove a story published in your student-produced newspaper about teenagers engaging in sexual activity to protect the students in your school and the school's reputation, where 1 = not at all likely, 2 = unlikely, 3 = neither likely nor unlikely, 4 = somewhat likely, and 5 = highly likely.

| | Not at all likely | Unlikely | Neither likely nor unlikely | Somewhat likely | Highly likely |
|--|-----------------------|-----------------------|-----------------------------|-----------------------|-----------------------|
| 1. I would remove a story about teenagers engaging in sexual activity to protect my students. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2. I would remove a story about teenagers engaging in sexual activity to protect my school's reputation. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |