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Teaching Constitutional Issues

Court Ruling in *WLHS v. Lakewood SD*

In the matter concerning the Lakewood High School radio station being denied the right to play the Salt-n-Peppa song “Push It,” I must rule in favor of the respondent. I believe the respondent presented the best case that did in fact prove the First Amendment rights of the students had not been violated. The respondents cited *Hazelwood v. Kuhlmeier*, in which this court agreed with the school district, in this case the petitioner, that censorship in the public schools is permissible without violating the students’ First Amendment rights. In the *Hazelwood* decision, and as the petitioners in *WLSH v. Lakewood* argued, the forums for public and free speech are places like parks, sidewalks, streets, etc. The student run radio station, WLHS, was *not* a public forum because the school authorities have not opened the facilities to the public. Only Lakewood students were allowed to use the radio station, therefore it was closed to the public. Although I would agree the radio waves travel across public forums, the origin of those waves is *not* a public forum.

Further, because the school itself sponsors WLHS, the school administrators may decide what is played over the airwaves. If an administrator or school authority deems a song or other form of audio inappropriate, then it is inappropriate for that arena, regardless of community or national (in the case of the PMRC) organization believes.

The petitioners also cited *Tinker v. Des Moines*, in regards to the students’ First Amendment right of freedom of speech being protected. The ruling in *Tinker* only forces the schools to “tolerate” speech not promote speech. In this case, if an administrator decided not to promote speech that they felt was sexually explicit, they have a right to deny the speech from being heard.

I would further state that the restriction placed on a song does not infringe on a student’s ability to learn to operate a radio station. In no way does preventing one song deny a student the right to an education about the radio business. There are plenty of songs that can be played for students to learn how to manage, operate and present a radio station in a compulsory school setting; limiting one song does not deny them this learning experience. In fact, it could be argued it would teach them about FCC and PMRC regulations on songs that are deemed offensive or inappropriate for the listening audience.

In conclusion, it is my decision that the respondents, Lakewood School District, operated within their rights to restrict content from being delivered to a compulsory audience. In no way did their actions infringe upon the students’ First Amendment right to freedom of speech. The school is responsible for what it puts out over its airwaves and has an authority to control what is disseminated.