

LEGISLATING SILENCE: CENSORSHIP EXPERIENCES IN FLORIDA'S SCHOLASTIC
JOURNALISM PROGRAMS IN THE WAKE OF HB 1557

by

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(Under the Direction of Jonathan Peters)

ABSTRACT

This dissertation investigates the effects of Florida's House Bill 1557, known as the "Don't Say Gay" law, on censorship in the state's scholastic journalism programs. The data for this dissertation were collected using semi-structured in-depth interviews with eleven high school media advisers in the state of Florida who advised newspaper, yearbook, or broadcast programs both before and after the passage of HB 1557. The findings indicate that there is a high level of self-censorship occurring in Florida's scholastic journalism programs that has been exacerbated by the culture of fear created by HB 1557, which has also increased overt censorship by administrators. This censorship, much of it focused on limiting the publication of queer experiences and stories related to LGBTQIA+ issues, restricts the potential for student media outlets to serve as sites for renegotiation and resistance against the dominant heteronormativity that encourages politicians to pass harmful anti-LGBTQIA+ legislation like HB 1557.

INDEX WORDS: scholastic journalism, censorship, queer theory, qualitative inquiry

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DEDICATION

I dedicate this dissertation — and the last decade of my life that led me to this moment — to Sadie, who was by my side through every paper, class, degree, job, and cross-country move. Thank you for being my best friend and my constant companion. I love you.

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CHAPTER 1

INTRODUCTION

After being signed by Florida Gov. Ron DeSantis in March 2022, HB 1557, better known as the “Don’t Say Gay” law, went into effect July 1, 2022. Teachers in Florida quickly reported “widespread confusion” about what the law meant for their instructional responsibilities and, in particular for LGBTQIA+ educators, how much of their identities they might want to conceal (Carlisle, 2022, para. 6). One teacher said her district denied a request, citing the legislation, for “safe space” stickers the district had previously provided to her. Another said he was questioning whether to continue the school’s Gay Straight Alliance (Carlisle, 2022). At least one group of elementary school teachers were told they could not display pride flags or pictures of their same-sex partners in their classrooms, although the district later said that was incorrect and apologized for “bad guidance” (Izaguirre & Gomez, 2022). For the last two school years, Florida teachers have had to navigate this confusing and changing regulatory environment, including an October 2022 rule enacted by the State Board of Education codifying the consequences for teachers who violate the law (FDOE Press Office, 2022).

HB 1557 prohibits in relevant part “classroom discussion about sexual orientation or gender identity in certain grade levels or in a specified manner” in grades 4-12, and it bans all instruction by school personnel or third parties on sexual orientation or gender identity in K-3

classrooms.¹ The bill, which faced intense media criticism and prompted student walkouts across the state, was championed by Republican lawmakers who claimed it would “empower parents” to lead the discussion with their children on gender and sexuality rather than allowing the subjects to be integrated into the school curriculum (Izaguirre, 2022). In reality, it is yet another law in a series of educational gag orders that seek to control what teachers and students can say in the classroom., The nonprofit organization PEN America, which sits at the intersection of literature and human rights to protect free expression, coined the term educational gag orders, and they “attempt to legislate that certain ideas and concepts be out of bounds” in public schools (Friedman & Tager, 2022). These gag orders target purportedly controversial topics, such as race, ethnicity, sex, gender, and sexuality. As of March 2024, 18 states, including Florida, have passed laws that constitute educational gag orders (PEN America, 2024). The proliferation of these laws can be linked to the increasingly divisive political climate in the United States, and many are modeled after former President Donald Trump’s 2020 executive order prohibiting the inclusion of “divisive concepts” in training for federal employees (Young & Friedman, 2022).

The issue of educational gag orders initially captured public attention as lawmakers sought to restrict instruction related to racism and slavery in history classrooms, but in the past three years the curriculum lawmakers have attempted to legislate has expanded across subjects and topic areas. Seventeen of the 20 educational gag orders currently on the books across the country prohibit certain instruction related to race, and some explicitly ban teaching critical race theory. North Dakota HB 1508, for example, which was signed into law in November 2021,

¹ <https://www.flsenate.gov/Session/Bill/2022/1557/BillText/er/PDF>.

requires “factual, objective” instruction that cannot be related to critical race theory, which the law defines as “the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in American society and the American legal system to facilitate racial inequality.” Despite their apparent focus on race, scholars have suggested that these “anti-CRT bills” have little to do with the actual legal framework of critical race theory, which educators have repeatedly said is not taught in primary and secondary schools anyway (Kim, 2021; Young & Friedman, 2022). While this type of legislation is often discussed in relation to critical race theory, race is not the sole target in all states. Half of the current laws, including Florida HB 1557, also include language that prohibits some form of instruction related to sex or gender. HB 1557 is the only law that explicitly prohibits instruction related to sexual orientation or gender identity, but there are nearly identical bills pending in Hawaii, Indiana, Iowa, Missouri, Montana, New Jersey, North Carolina, Oklahoma, Oregon, and Texas that, if passed, would similarly affect LGBTQIA+ students and teachers (PEN America, 2023).

Statement of Problem

On June 6, 2023, the Human Rights Campaign declared an official state of emergency for LGBTQIA+ people in the United States after 76 anti-LGBTQIA+ and anti-transgender bills were passed across the country during the 2023 state legislative session – more than any year on record (Robinson, 2023). According to the organization’s report analyzing the impact of this wave of legislation, “[t]hese bills aim to legislate LGBTQ+ people out of all aspects of daily life, through rolling back existing legal protections, reducing LGBTQ+ visibility, and attempts at reducing cultural and social acceptance of the LGBTQ+ community” (Robinson, 2023, p. 4). “Don’t Say Gay” laws like the one in Florida are a specific type of anti-LGBTQIA+ legislation that can have a chilling effect on student and teacher speech. These types of laws send a clear

ideological message that upholds a heteronormative hegemony: being queer is so wrong that it should not even be discussed. Additionally, school based anti-LGBTQIA+ legislation may endanger queer youth both physically and mentally.

While there is limited academic research on the impact of HB 1557 given the new and evolving nature of the issue, anecdotal evidence suggests that the passage of HB 1557 has already begun to have a detrimental impact on queer youth, parents, and educators. In a survey of 113 LGBTQIA+ parents who live in Florida, 56% reported having considered leaving the state after the bill passed and 16.5% had actively taken steps to relocate to a different state (Goldberg, 2023). One openly lesbian masculine-presenting elementary school teacher said she is now applying to jobs in every “blue” state out of fear for her physical safety and her job security in Florida (Robinson, 2023). Teachers who choose to stay in Florida and continue working in public schools will operate under a heightened level of scrutiny, which can lead to a chilling effect on speech. HB 1557 encourages and enables parents to file complaints against teachers who they believe have violated the law and sue school districts that are not responsive. These parental complaints can also trigger internal investigations as well as investigations by the Florida Department of Education that can end in disciplinary action or with a teacher’s contract being terminated. Fear of inadvertent violations and subsequent lawsuits or employment consequences may very likely cause teachers to self-censor discussions about all topics related to gender and sexuality.

Laws such as HB 1557 have capitalized on the moral panic that frames queer identity as inherently inappropriate. This framing can be especially damaging to queer youth who may already be struggling to come to terms with their identity. In January of 2023, drama students at Douglas Anderson School of the Performing Arts in Jacksonville, Florida were told that their

performance of the play *Indecent* — a play ironically about the dangers of censoring art that contains queer characters — was being shut down because of inappropriate sexual dialogue. The cast shared with *Teen Vogue* that the school had previously allowed productions of shows with similarly mature content including *Chicago* and *Rent*, and they strongly believed this decision was a direct result of HB 1557 (Bloch, 2023). One of the lead actresses, Madeline Scotti, said of the censorship, “They are trying to tell us this play is dirty, immoral, obscene, and, of course, indecent. *And by that nature, they’re trying to tell me that I myself and my community is dirty, immoral, obscene, and indecent*” (Bloch, 2023, para. 19, emphasis added). While Scotti used her experience with censorship to become an outspoken activist for student expression and was later recognized as a 2023 Honoree for the National Coalition Against Censorship’s “Let Me Speak” Benefit, other queer students may choose to hide or even suppress their sexual orientation or gender identity rather than face hearing from others that they are wrong or immoral. Before it was even signed into law, LGBTQIA+ advocates warned that HB 1557 “will erase young LGBTQ students across Florida, forcing many back into the closet by policing their identity and silencing important discussions about the issues they face” (Alfonseca, 2022, para. 38). In *Brown v. Board of Education of Topeka* (1954), the Court held that racial segregation of schools was unconstitutional because it “generates a feeling of inferiority as to their [Black students’] status in the community that may affect their hearts and minds in a way unlikely ever to be undone” (p. 494). HB 1557 has the potential to create the same feeling of inferiority in queer students that will impact them in school and beyond.

Finally, it is important to note that censorship of queer identity in schools will likely lead to an unsafe educational climate for queer students that can, in the worst-case scenarios, exacerbate the already high rates of suicide in the community. A recent survey conducted by The

Trevor Project (2023) of more than 28,000 queer young people ages 13 to 24 revealed that approximately two-thirds of respondents experienced a major deterioration in their mental health after learning about potential legislation that would ban people from discussing LGBTQIA+ issues at school. Schools can already be a dangerous place for queer youth, as systemic problems including but not limited to administrators ignoring bullying and teachers refusing to learn or use their students' correct pronouns contribute to the "school-to-coffin pipeline" (Wozolek et al., 2017). This lack of social support or an affirming space contributes to the statistic that LGBTQIA+ students are four times more likely than cisgender heterosexual students to attempt suicide (Johns et al., 2020). However, having access to LGBTQIA+-affirming spaces including schools can significantly improve the quality of life for queer youth and decrease rates of suicide attempts. Queer students who attend schools with an LGBTQIA+ inclusive curriculum report feeling safer and experiencing less bullying and verbal or physical harassment at school than their queer peers at schools with non-inclusive curriculums (Robinson, 2023). By removing queer stories from the curriculum and closing potential avenues for support from teachers who are afraid to speak about queer issues for fear of losing their jobs, HB 1557 may very likely increase suicide rates among queer youth in Florida.

Significance of Study

LGBTQIA+ issues have become the target of censorship in public schools in recent years. The American Library Association recorded a record number of attempts to censor library books or resources in 2022, the majority of which occurred in school libraries and many of which targeted queer stories (American Library Association, 2023). Since 2018, *Melissa* by Alex Gino (previously published as *George*), an award-winning children's novel written about a transgender girl, or *Gender Queer* by Maia Kobabe, a memoir told through comics about the

author's self-discovery and gender identity, have been the two most frequently contested books in school and public libraries across the United States (American Library Association, 2023). In 2022, seven of the top thirteen most-challenged books were challenged or banned for their inclusion of LGBTQIA+ content (American Library Association, 2023).

Curricular censorship of LGBTQIA+ content, including censorship of materials and books, has been linked to school climates for LGBTQIA+ youth that are less inclusive and less supportive (Deambrosi, 2022). Such climates can contribute to negative academic outcomes, like skipping school because of a perceived lack of belonging as well as higher levels of harassment and suicidal ideation among LGBTQIA+ youth (Robinson & Espelage, 2011). Conversely, LGBTQIA+ students who attend schools with an inclusive curriculum report feeling safer and more accepted by their heterosexual peers and are less likely to miss school (GLSEN, 2011). HB 1557 is likely to result in a more precarious school environment for LGBTQIA+ students in Florida.

Legislation like HB 1557 also has the potential to lead to self-censorship from teachers, students, and parents. Self-censorship has been defined as “the act of holding back information from an audience based on the perception that an audience may respond negatively to that information, creating a climate in which the communicator might face negative social repercussions” (Farquhar & Carey, 2019, p. 320). Self-imposed limitations on communication in the scholastic environment can also come from fear of academic repercussions (Farquhar & Carey, 2019). Two same-sex parents in Florida who filed a federal suit challenging the constitutionality of the bill said: “The law forces us to self-censor for fear of prompting responses from our children’s teachers and classmates that would isolate our children and make them feel ashamed of their own family. It also causes irreparable harm to our children and to

their development” (Southern Poverty Law Center, 2022). This self-censorship may also extend beyond classroom discussions to the lunchroom, playground, and extracurricular activities (e.g., student newspapers and yearbooks), ultimately limiting all outlets for students to express their identities while at school.

The passage of HB 1557 in Florida coincided with an increase in overt censorship of student publications across the country. For example, a Nebraska high school newspaper, *The Viking Saga*, made national news in August when the local paper, *The Grand Island Independent*, reported that school administrators were shutting down the 54-year-old journalism program after students published an issue that included three stories about LGBTQ topics, including one on the history of Pride Month (Votipka, 2022a). The remainder of the newspaper’s June issue was “dedicated to honoring Northwest’s expansive student life” and featured stories on such mundane topics as the school’s Future Business Leaders of America organization qualifying for a national contest and new classes that would be offered in the fall (Pennell, 2022, para. 4).

Reporting on the shutdown, *The Grand Island Independent* quoted a school board member who explicitly referred to the LGBTQ content and said: “I do think there have been talks of doing away with our news if we were not going to be able to control content that we saw (as) inappropriate” (Votipka, 2022a, para. 4). The decision to end the program, characterized simply as an “administrative” one, came just one month after district officials told *The Viking Saga* staff that they could no longer use preferred names or pronouns in bylines or articles, forcing the staff to deadname one of their writers in the final issue (Votipka, 2022a). After public backlash and pressure from the American Civil Liberties Union (ACLU), a nonprofit organization that defends individual rights guaranteed under the Constitution, the school

reinstated a digital-only format for the Spring 2023 semester under the leadership of a new advisor (Votipka, 2022b).

In Florida, a yearbook distribution was delayed when the Lyman High School principal ordered the yearbook staff to alter a spread to comply with Seminole County School Board policies (Gebregiorgis, 2022a). The 2021-2022 yearbook included two pages covering a student walkout that took place in March in which students protested Florida's "Don't Say Gay" bill. The spread included photos of students holding rainbow pride flags and a "love is love" sign (Gebregiorgis, 2022a). School administrators told the yearbook advisor that before the books could be distributed, these photos and their corresponding captions would need to be covered with stickers (Gebregiorgis, 2022a). A spokesperson for the school district said the issue was not the content depicted in the spread but the fact that the walkout could be interpreted as a school-endorsed event, which would be against school board policies (Associated Press, 2022).

Rather than complying with the request to cover the spread, the yearbook staff started a #STOPtheSTICKERS social media campaign and spoke at a school board meeting where they were supported by members of the community and student press advocates (Koesler, 2022). At the meeting, the school board voted to allow the images to remain in the yearbook, provided that smaller stickers would be added to the spread modifying some of the captions and clarifying that the walkout was student-led (Gebregiorgis, 2022b). The *Greyhound's* staff and the yearbook's student editor were recognized in December with the inaugural Student Press Freedom Award from the Student Press Law Center for their "brave advocacy on behalf of a free student press" (SPLC, 2022, para. 14). These two examples of censorship directly tied to coverage of queer stories made national news, but they are certainly not unique. Student media is in a precarious

position across the United States right now as state legislators continue to take up bills that censor teachers and students.

This dissertation explores how the passage of one educational gag law, Florida's HB 1557, has impacted student journalism in the state, particularly in the context of censorship of queer content.

Research Questions:

Through semi-structured in-depth interviews, I sought to answer the following research questions:

RQ1: How do high school journalism advisers in Florida define censorship?

RQ2: How have journalism advisers in Florida experienced censorship after the passage of HB 1557?

RQ3: Have student publications in Florida changed how they cover queer issues since the passage of HB 1557? If so, how?

RQ4: In what ways has the passage of HB 1557 impacted content decisions and journalism processes for student publications in Florida?

CHAPTER TWO

THE EFFECTS OF CENSORSHIP ON SCHOLASTIC JOURNALISM PROGRAMS

Student journalism has the potential to teach democratic values and encourage a future generation of journalists to pursue a career in news, but censorship threatens that potential by demotivating students and driving out advocates of a diverse and free student press. This chapter will review the literature on the function of scholastic journalism programs and how both overt and self-censorship impacts the production of student media.

The Promise and Purpose of Scholastic Journalism

Journalism courses began to gain favor in the U.S. in the 1930s and became common in public high schools by the 1940s, although there are records of a handful of scholastic newspapers that had success in the preceding decades (Amster, 2004). According to one journalism historian, the original purpose of high school journalism classes was “to stimulate and guide young people in the development of communication skills that prepare them for careers with newspapers, magazines and other information publications and agencies” (Reddick as cited in Amster, 2004, p. 31). Today, having a positive experience in a student media program remains an influential factor for many students who choose to major in journalism in college and pursue a career in media (Coleman et al., 2018). Just a few decades into its widespread acceptance as an addition to the curriculum, however, scholars were already recognizing the value scholastic journalism could have beyond preparing students for a career in journalism. In the 1951 book *Today's Journalism for Today's Schools*, journalism classes were cited as a place for students to learn how to cooperate, meet deadlines, and acquire “a host of habits, attitudes and skills so

necessary to compete and successfully live in today's rapidly changing world. What better training for democracy!" (Agnew as cited in Amster, 2004, p. 41). In today's rapidly changing world, journalism teachers may also hope they can equip their students with news literacy skills necessary to counter the increasing tide of online misinformation, or as one adviser put it, "at least a semi-functional B.S. detector" (Simmons, 2022).

In *Journalism Kids Do Better: What Research Tells Us About High School Journalism*, a unique book written by academics for high school journalism educators, Dvorak et al. (1994) identified six well-established, contradictory perspectives of what scholastic journalism programs should do and look like. These are:

1. the mechanistic view that journalism is an extension of the English curriculum and should reinforce grammar and writing skills
2. the public relations view that the school press exists to disseminate information about the school to the student body while also promoting the school
3. the vocational view that journalism courses can serve as career training for future work in the journalism profession
4. the informational view, which is related to the public relations view's idea that the school press exists to disseminate information, but this information can be about a wider range of non-school related topics and can be more critical of the school and administration
5. the free-expression view that school publications should be a forum for student expression and allow students to have a voice
6. the integrative view that the school press can teach valuable skills unrelated to journalism including teamwork, responsibility, and critical thinking

Advisers often have to make decisions at the school level about which of these views and their related values to prioritize in their programs, and there is no standardized curriculum for journalism education at the K-12 level, so scholastic journalism programs often become a heterogeneous combination of each of these views that aligns best with the values of their local and school communities. However, scholastic journalism programs that are committed to a free-expression view that prioritizes creating a forum for students to express themselves are also able to fulfill other functions including reinforcing academic skills and preparing students for a career in journalism because students in these programs will be better able to see the value in continued participation in journalism.

Participation in scholastic journalism programs has long been positively associated with academic performance in other courses. College students who took a journalism class in high school reported that they believed their journalism courses contributed to the development of their overall English competencies including writing, editing, and critical thinking better than any other English classes they took in high school (Dvorak et al., 1994). Students who took journalism in high school were found to have statistically significant higher grade point averages in their first year of college and higher scores in their first college English class than non-journalism students, which may confirm this perception (Dvorak & Choi, 2009). They also had statistically significant higher ACT English, ACT Reading, and ACT Composite scores. Students who took an intensive journalism writing course in high school also scored higher on average on the AP English Language and Composition exam than the global passing average (Dvorak et al., 1994). More recently, students enrolled in the journalism program at a rural high school in middle America said they saw academic improvement as a result of their participation in journalism, particularly citing stronger writing and time management skills (Vogts, 2018).

It may be true that students who are more academically inclined in English are self-selecting to join journalism courses rather than journalism participation increasing their English abilities. However, these studies suggest that there is some academic benefit to participating in a journalism program, even if it is just continuing to strengthen skills students are already succeeding in.

Students who are successful in high school journalism programs may also be more interested in pursuing journalism or a related field in college. 60.7% of college graduates in one sample who earned a bachelor's degree in journalism or mass communication had participated in at least one form of high school journalism (Becker et al., 2014). Another study found that students who took journalism in high school are approximately two and half times more likely than students who did not take journalism in high school to major in journalism or a related mass communications degree in college (Dvorak & Choi, 2009). Participating in high school journalism may also have an indirect effect on career success within the field of journalism. Secondary data analysis of the Annual Survey of Journalism & Mass Communication Graduates for 1992, 2000, and 2007 showed that high school journalism participation was found to be a predictor for students to choose a journalism major before entering college, and this early decision was predictive of success on the job market after graduation (Becker et al., 2014). If students are turned off from journalism as a result of experiencing continued censorship in their high school programs, the field of professional journalism could lose valuable voices. Participating in a high school journalism program is also linked to increased civic engagement in school and in young adulthood. In one study, participation in a high school journalism program was found to have increased a student's voting rate by 9% on average (Bobkowski & Miller, 2016). While socioeconomically disadvantaged youth are historically less likely than their more

privileged peers to vote or volunteer, socioeconomically disadvantaged youth who took journalism have also been found to be more likely to engage in both activities than other students of the same socioeconomic background who did not take journalism (Bobkowski & Miller, 2016). These results suggest that participation in scholastic journalism may moderate the effect of socioeconomic background on civic engagement. If high school journalism programs are to help socialize students into citizenship, student journalists must be able to report on topics that are important to their communities. It is important that students are given the freedom to explore these topics even if they may be controversial or involve criticizing school officials because “[b]y writing more controversial articles that reflect an assumption of an engaged citizenship, students have opportunities to *experience* themselves as actors within a larger collective, and as contributors to it” (Clark & Monserrate, 2011, p. 428). Experiencing collective identity at a young age can develop a sense of obligation to the community that will, in the best-case scenario, encourage future democratic participation.

Censorship’s Threat To Scholastic Journalism

It has been argued that “the vast majority of the American high school newspapers have always been censored” (Kopenhaver & Click, 2001, p. 338). In a survey of 461 high school journalists, 38 percent of respondents reported that they had experienced a school official asking them not to cover a topic in their school newspaper or yearbook (Bobkowski & Belmas, 2017). A national survey of journalism advisers similarly found that 22.6 percent of respondents had been told by their administrators to remove a story during a prior review of their publication because it would generate bad press for the school or was too mature for the student audience (Dennis, 2007). Beyond reported instances of censorship, there is also a general fear of censorship among student reporters. When asked if they believed they would get in trouble if they wanted to print

something about a controversial topic, 51 percent of editors said they would get in trouble with either their adviser or school officials (Dickson, 1994).

While the topics that are most frequently censored varied among studies, stories about sex, sexual orientation, and gender identity are consistently targets for censorship. Bobkowski and Belmas (2017) found that 15 percent of student reporters said they did not cover LGBTQIA+ issues, including the legalization of gay marriage and the experiences of LGBTQIA+ students in their publication, because they were told not to do so by a school employee or were afraid of a negative response (Bobkowski & Belmas, 2017). When asked which topics students refrained from writing about, LGBTQIA+ issues were second only to drugs and the legalization of marijuana, which 16 percent of respondents said they did not cover for the same reasons (Bobkowski & Belmas, 2017). Similarly, in a recent survey of high school journalists, students said they were least comfortable publishing content of a sexual nature—e.g., content about homosexuality and transgender issues (Nicolini & Filak, 2022).

Student media publications are a uniquely challenging site of production, as the continuing status of the publications are often dependent on funding and class time allocated by school officials who have their own ideas of what function a school newspaper or yearbook should serve. Previous research suggests that some student publications function more as a public relations outlet for the school than a journalistic outlet because of pressure from administrators who want positive, non-controversial content that showcases the school in a favorable way (Hull & Wilson, 2020). When administrators have power over advisers in controlling their class schedules and job status and over the outlet in controlling access to materials and funds, they also have the power to control content.

Types of Censorship

Censorship can arise from a variety of factors and can manifest in multiple forms. Martinson (2008) suggested that there are four types of censorship that occur in schools: (1) overt censorship by administrators; (2) student self-censorship that results from fear of overt censorship; (3) student self-censorship that results from social pressure to conform; (4) unconscious censorship that results from students being unaware of there are social norms they should be challenging. That list should be expanded to also include advisers, who can act as a censor and self-censor out of a similar fear of repercussions. Fearful of losing their job or facing other disciplinary consequences, advisers sometimes self-censor or take on a proactive censorial role themselves (Kopenhaver & Click, 2001). Advisers who have previously experienced prior review have also been found to be more likely to censor their students, thus perpetuating a censorship cycle that becomes part of the publication's culture (Dennis, 2007).

There is a growing body of literature to suggest that self-censorship plays an important role in limiting coverage of controversial topics in the high school press. Self-censorship, or the act of refraining from expressing one's opinion, is commonly conceived of as theoretically related to the spiral of silence, developed by the German scholar Elisabeth Noelle-Neumann in the 1970s and 1980s. It suggests that mass media influences how people view social reality by informing individuals of majority opinions. It further proposes that if an individual perceives that her opinion is shared by the majority, she will be willing to express the idea in public (Salmon & Glynn, 1996). If her opinion seems to be part of the minority, she will be reluctant to express it publicly unless it appears to be gaining ground and will be shared by the majority in the future. The model is based on the assumption that individuals have an inborn fear of social isolation, so people look to the media for cues regarding which ideas and beliefs are shared by the many

versus the few, in order to know how to interact with their environment (Salmon & Glynn, 1996). When conceptualized through the lens of the spiral of silence, it is easy to understand why self-censorship is more likely to occur in the student media when the topic is controversial or otherwise goes against the status quo (Nicolini & Filak, 2022).

Causes of Censorship

Before discussing the negative effects of censorship on scholastic journalism programs, it is important to briefly discuss why censorship occurs. While each specific type of censorship has a specific cause, the inclination to censor more generally shares a common psychological and moral basis that is the same across many different contexts. Censorship generally arises from a moral conviction that some form of expression is harmful and needs to be restricted for the public interest (Corn-Revere, 2021). It is often a reaction to a particular perceived threat, as suppression of information is a standard response to a moral panic. Moral panics are conceptualized as a period of disproportionate, widespread concern about a perceived social problem that is coupled with hostility towards the perceived source of the threat, often resulting in stereotyping and an “us versus them” mentality (Goode & Ben-Yehuda, 1994). Moral panics can be magnified by media coverage, and the increased attention on the issue can further exaggerate the level of threat. When there is a perceived threat to the social order, thought leaders such as politicians and clergy will often capitalize on fear and suggest that censorship is the way to stop the change people are afraid of (Corn-Revere, 2021).

In schools, the public interests that are most frequently cited as a reason to restrict expression are the need to protect vulnerable students and the need to protect the school’s reputation. Several studies have examined the third-person effect hypothesis as a predictor for censorship of scholastic media. Wagstaff Cunningham (2012) surveyed 187 high school

principals in the U.S. with experience as an administrator ranging from 8 months to 37 years and found a relationship between third-person perceptual bias, or the belief that a message will have a greater effect on others than themselves, and propensity to censor. Administrators in the study were willing to censor a story about teens engaging in sexual activity to protect their students, who they feared would be negatively affected by exposure to such a story (Wagstaff Cunningham, 2012). Maksl and Schraum (2012) similarly found that when high school principals perceived media as having more effect on others than themselves, they were more likely to support taking measures to ensure social order, safety, and discipline rather than supporting student speech on campus, off campus or online. Because there is a relationship between wanting to protect students or the school's reputation and willingness to censor, it is unsurprising that the topics that get most frequently censored are the ones that are potentially controversial and often related to an ongoing moral panic.

In recent years, researchers have proposed that individual differences may be a greater predictor of self-censorship than perception of public opinion. Based on this prediction, Hayes et al. (2005) created the willingness to self-censor scale (WTSC) to measure the degree to which self-censorship is influenced by intrinsic qualities. This scale was created as an extension of and revision to Noelle-Neumann's original spiral of silence model (Filak et al, 2009). Subsequent research applying the WTSC to the high school journalism context has found that students and advisers who score high on the WTSC are more likely to avoid pursuing stories that could be considered controversial (Filak & Millera, 2008; Filak et al., 2009). While the research using the WTSC has indicated that self-censorship may be a predictive, intrinsic trait, it should not be assumed that contextual factors do not impact how individuals experience censorship. A recent study examining both intrinsic factors (including the WTSC) and external factors (including the

adviser's role in content decisions and students' role conceptions) found that external factors were more influential than internal factors on student journalists' comfort level publishing controversial stories (Cogar, 2021).

Other research has shown that fear of retribution is the strongest predictor of self-censorship among high school student journalists (Nicolini & Filak, 2022). Fear of retribution, or other negative consequences, is a valid concern for student journalists who are in a relatively powerless position in their schools. Although the power dynamics are slightly more favorable for students in college media, it is worth noting that fear of academic or professional consequences have also been found to be the most important factors that prevent college journalists from reporting on controversial topics (Farquhar & Carey, 2019). Gender may also be an important factor to consider when studying self-censorship. For instance, Bobkowski and Belmas (2017) found that school officials are more likely to tell female students to refrain from covering sensitive issues, and female students are also more likely than male students to agree not to cover a topic that an official has asked them not to report on. Finally, students of all genders who know pursuing a controversial story could get their adviser in trouble may also choose to self-censor in order to protect their teacher (Buller, 2011).

Research also suggests that job experience may be a factor that impacts whether or not advisers will cave to administrators' censorial demands. Advisers with fewer than six years of experience have been found to be more likely to agree that school administrators should exercise some degree of control over student publications (Kopenhaver & Click, 2001), suggesting that advisers with less experience may be more likely to cave to pressure from administrators who hold power over them. This is a troubling statistic given how many advisers choose to stop advising a publication or leave the classroom altogether before the six-year mark. In a survey of

over 200 high school newspaper advisers, 56.8 percent said they wanted to quit within 5 years, and 40 percent reported censorship pressure as the primary reason—but 93.5 percent still said they enjoyed advising student publications (Bodle, 1993).

The inclination to self-censor among student journalists and their advisers may be partly based on intrinsic factors and personal beliefs about the role of journalism in schools, but the evidence suggests that we should not discount the role external factors play in content decisions. It is, therefore, reasonable to predict that regulation in the form of emergent and unclear laws (e.g., HB 1557) could increase both overt and self-censorship in student media.

Effects of Censorship

When advisers or administrators retain control over content decisions, student journalists may become disillusioned with journalism and lose their intrinsic motivation to pursue stories that are meaningful. In a three-year ethnography of three Southern California high school journalism programs, Amster (2004) found that problems with motivation can be self-perpetuating. The adviser at a school with primarily low-income, Hispanic students largely discounted her students' abilities and motivations, saying if she did not retain control over the class, her students “would sit there and do nothing” (p. 228). This created a cyclical problem, however, as several of her writers told Amster (2004) that they decided to do the bare minimum moving forward after their adviser scrapped an issue on a topic they wanted to write about in favor of a different topic she deemed more important; low motivation was both the reason for and the result of the adviser retaining so much power over the newsroom.

At another school, the editors, who had been told during a summer training that student journalists should leave coverage of national issues up to professional journalists who have more resources, chose to essentially ignore the events of September 11 in their first issue after the

tragedy, which came out later that week. In subsequent issues, the event was only covered if there was a clear and specific angle related to the school. This decision not to cover an important national story, which was a choice to self-censor out of fear that they would not do an adequate job in their coverage because they were students, led many staff writers to feel like they were separate from what was happening in the world around them. The staff later said they felt disempowered and as though nothing they wrote would be important and therefore was not worth writing (Amster, 2004).

These two examples show that when student journalists do not feel like their voice is being heard or will make a difference, they will stop trying to make it heard. They may stay enrolled in the program but stop caring about producing excellent journalism, or they may withdraw from journalism altogether. When students are given a chance to participate in a journalism program that encourages independent thought and is not characterized by censorship, however, they will choose topics that are meaningful to them. For example, students in after-school journalism programs serving predominantly low-income, minority youth used their platform to report on a range of significant issues including teen pregnancy, high school dropout rates, and Philadelphia residents' efforts to make their neighborhoods safer (Marchi, 2012). When asked about their experience, they said that they felt a sense of pride in providing a service to their community and were enthusiastic about their civic engagement (Marchi, 2012). This indicates that students will choose stories that are important to themselves and their communities if given the chance, but overt and self-censorship both often occur during topic selection, robbing students of that opportunity.

Censorship may also reduce the potential impact scholastic journalism has to foster civic engagement. Through a qualitative case study that used participant observation and interviewing,

Vogts (2018) explored how student involvement in journalism programs in rural America influenced academic, social, and civic engagement. He found that both the newsmagazine and yearbook classes at one school were solely focused on day-to-day operations of the student publications and the advisers rarely brought in discussions of news or politics that could foster civic engagement. None of the advisers or the students interviewed said they were interested in following politics, and coverage was limited to current events at the school. While Vogts (2018) did not explore the cause of this disinterest in civic engagement, he did identify a lack of student control in both the yearbook and newsmagazine class and said that the journalism program at the school was centered on the advisers. If advisers control the content of publications and choose to ignore the publications' potential to serve as a community news outlet, students will not have an opportunity to practice journalism that raises awareness about social problems and generates a dialogue about inequality and injustice in their community. Furthermore, students who are in journalism programs that ignore the news because it is too controversial may be less likely to pursue reading news on their own time. Conversely, Graybeal and Sindik (2012) found that student journalists who are allowed to cover issues impacting their community felt that they were more engaged with current events and read more news than their peers who did not participate in journalism, which they identified as beneficial to their development as citizens. Even if student journalists do not become professional journalists, this preference to engage with the news will still help them as they continue on into adulthood, but it is unlikely that students will see the value in news if they only experience a form of journalism that covers trivial topics and ignores all controversy.

There is also reason to be concerned that student journalists who experience censorship in their high school programs will continue to be interested in journalism and still enter the field but

have a skewed definition and understanding of what journalism is and how it should function in a democracy. This may be even more dangerous than students losing interest in journalism altogether, especially in the current political climate in which journalism is already facing an uphill battle to prove its legitimacy and importance. Corn-Revere (2021) defined a censor as “one who seeks to exert control over the culture through law, based on the idea that he or she, speaking for the community, has the right to draw the boundary line for speech” (p. 5). Student journalists who learn through a culture of censorship at their school that authority figures have the right to draw that boundary line on behalf of their community may be less likely to fight back against authoritarian overreach they encounter in their professional lives. The world needs journalists and informed citizens who understand and resist the dangers of censorship, but if students are conditioned to believe that journalists need to be deferential to authority, they will be hard-pressed to break that habit once they have left school.

The examples of censorship discussed thus far have been perpetuated by advisers. However, advisers also feel pressured to act as censors or defer to their censorial administrators out of fear of retaliation. Censorship in the form of retaliation against advisers is a form of indirect censorship of the student press. This type of retaliation, which is usually the result of students publishing something controversial but within their rights, can lead to advisers being reassigned to other classes, having disciplinary notes placed in their files, or being fired (Buller, 2011). This can chill student expression if students do not want their advisers to get in trouble, but it can also disrupt the functioning of an otherwise assertive newsroom by replacing an adviser who supports student free expression with one who is unwilling to allow students to have the same level of control.

Even if advisers who support their students' right to publish are not forced out, they may choose to quit when faced with continued censorship by administrators. Freedom to make decisions as defined by lack of administrator oversight is a strong predictor of both job satisfaction and willingness to stay in their position among journalism educators (Dvorak et al, 1994). When advisers, who often have greater workloads than their non-adviser counterparts for the same or marginally higher pay, are continually questioned or criticized by their administration for how they run the student journalism program, they may decide the job is more trouble than it is worth. In 2019, a newspaper and yearbook adviser in Texas who had previously won the Rising Star award from the Journalism Education Association and the Pathfinder Award from the Texas Association of Journalism Educators resigned after she was "threatened, belittled, insulted...and verbally attacked" by her principal over disagreements about coverage including a story about the cost of the pink tax on women's hygiene products and a yearbook spread about the school's Pride Club (Dawson, 2019, para. 24). In 2021, an adviser of a high school newspaper in Nebraska chose to resign from their position after the school principal told students they could not publish an editorial critiquing the school's policy of prior review. The adviser said they resigned "because of a year-long assault on student speech and press rights at Westside...I disagree and I refuse to be associated with a district who chooses prior review over the power and possibility inherent in student voices" (Shin, 2021, para. 4).

The result of censorship forcing advocates of the student press out of the classroom is often more censorship. Principals and advisers with more years of experience have been found to exert less control or influence over the school paper, and the opposite is also true (Rhudy, 2004). Advisers with more than five years of advising experience, more than six hours of college journalism classes, and membership in a professional journalism organization have been found to

be more likely to disagree with the *Hazelwood v. Kuhlmeier* ruling that gave administrators the right to control the content of student publications that are not public forums than advisers without those characteristics, suggesting training and experience impacts advisers' perceptions of student free expression (Dickson, 1994). Most journalism advisers, however, have little to no journalism education training and do not choose to take on the position (Nelson, 1974). As a result, there is already high turnover among advisers regardless of censorship. When there is no consistency among advisers, and when new advisers with little experience are more likely to be censorial and allow administrative censorship, students are far less likely to have any level of control over their journalism programs.

Finally, while there have been no studies as of yet that link censorship and minority participation in journalism, it is worth noting that there are already widespread inequities in scholastic journalism that may be exacerbated by censorship problems. Bobkowski et al. (2017) found that students who take for-credit journalism courses in high school are twice as likely to be female and 45% more likely to be white. The percentage of minority students at a school has also been found to be a direct contributing factor to access to student journalism; schools with higher populations of minority students are less likely to have a student press and, when it exists, the student press at those schools is less likely to be representative of the minority populations (Nelson, 1974). Goodman et al. (2011) similarly found that schools that do not have access to student media programs have a higher average minority population and serve more students who qualify for free or reduced-price lunch. While this number may have changed in the last 30 years, in the most recent comprehensive survey of journalism educators, 95% of scholastic journalism advisers in the 1990s were found to be white (Dvorak et al., 1994). Programs that have a white adviser and a predominately white, wealthy staff may not seem welcoming to minority students

who may feel that their diverse opinions and viewpoints will not be respected or allowed to be published even if they join the program. This could be speculative self-censorship or based in actual censorship from administrators, advisers, and editors who are unconsciously biased in the stories they allow and encourage. If all students were given the freedom to explore topics that were personally fulfilling to them, student journalism could potentially do a better job representing the diverse voices present in America's schools.

Summary

When it is allowed to operate free of censorship, scholastic media gives students a place to explore stories they care about, are affected by, want to learn about, and have strong emotions about. It also allows for increased student autonomy and engagement with material they have a vested interest in, which can increase student motivation and self-confidence. According to data shared by the Journalism Education Association, 80% of students who had produced media within the past month felt that their voice was more powerful after that experience (Porter, 2022). Student journalism has the potential to improve academic performance, train future journalists, and encourage civic participation. However, when students are not allowed to write about stories that matter to them or are encouraged to avoid controversy at the expense of coverage that could benefit their community, they are likely to become disenchanted with journalism and may no longer value its powerful role in democracy. Advisers may also become dissatisfied with their jobs when faced with constant administrative pressure and choose to leave or be forced out of the classroom, creating an opportunity for administrators to appoint a new adviser who will not oppose their attempts to censor student publications. For these reasons, it is imperative that student media be allowed to function as a forum for free expression that is unrestrained by the exaggerated fears of adults in charge.

CHAPTER THREE

THE FIRST AMENDMENT AND FREEDOM OF EXPRESSION IN SCHOOLS

Morley (2015) argued that cultural studies is fundamentally interdisciplinary. I chose to embrace this interdisciplinary nature by studying the law — which is itself a form of culture — not through traditional doctrinal analysis but through interviews, which are more traditionally used in social science research. The qualitative findings presented in this research and the subsequent discussion thereof were contextualized by my understanding of communication law and legal theory. This chapter, therefore, provides that context. I first outline the history of the First Amendment in the United States and then describe the six major theories that explain why we value and protect freedom of expression: (1) marketplace of ideas; (2) self-governance; (3) checking value; (4) safety valve; (5) self-fulfillment; (6) tolerance. This chapter also details landmark cases involving regulation of student and teacher expression including *Tinker v. Des Moines Independent Community School District*, *Hazelwood School District v. Kuhlmeier*, and *Garcetti v. Ceballos*.

A Tradition of Free Expression

When the First Amendment was ratified in 1791, there was debate about what liberties were guaranteed by the amendment and whether it was even legally enforceable (Lewis, 2007). In 1789, Benjamin Franklin wrote of press liberty that “Few of us, I believe, have distinct ideas of its nature and extent” (as cited in Stone et al, 2003, p. 7). Even still, First Amendment scholars debate what the framers intended to protect when they wrote that the government shall make no law abridging the freedom of the press. One prevailing theory is that the framers intended only to

protect against previous restraints on publication (Stone et al., 2003; Lewis, 2007). This Blackstonian view of freedom of the press, so named for the English jurist William Blackstone, allowed for punishment after publication and justified the law of seditious libel, which allowed the government to prosecute anyone who published material that criticized the government. In the colonies, however, seditious libel prosecutions were rare, due in large part to the victory of newspaper publisher John Peter Zenger in his 1735 trial. Although the truth was not a defense against seditious libel, a jury found Zenger not guilty of the charge because the criticisms he published were accurate (Lewis, 2007). While the case's outcome did not create a legal precedent, it did dissuade the government from pursuing further prosecutions, and the practice of using seditious libel as a form of censorship lost favor. The jury's decision in Zenger's case reflected what First Amendment scholar Zechariah Chafee Jr. (1920) claimed was the general public sentiment towards freedom of expression by the end of the eighteenth century: freedom of the press includes both previous restraints on publication and legislative restraint imposed through subsequent punishment after publication.

This broader view of the First Amendment is what other scholars, including Chafee, argue the framers intended (Stone et al., 2003). Regardless of the framers' intent, in 1931 the U.S. Supreme Court confirmed that the First Amendment should be interpreted in modern times to include both freedom from prior restraint and protection against punishment after publication. While the general conception that liberty of the press had historically been limited to only protect against previous restraints of publications, the Court said, "immunity [from previous restraints] cannot be deemed to exhaust the conception of the liberty guaranteed by state and federal constitutions" in present times (*Near v. Minnesota*, 1931, p. 714). The First Amendment is now understood to protect nearly all expression, including hateful expression that is prohibited in

other democratic countries, because the Court, through a series of key decisions, has reinforced a national commitment to free expression.

Justice Oliver Wendell Holmes laid the foundation for contemporary First Amendment jurisprudence with his famous dissent in *Abrams v. United States* (1919). Holmes argued that the two defendants in the case, who had been prosecuted under the Espionage Act for distributing leaflets denouncing the U.S.'s involvement in World War I, did not intend to produce or produce "a clear and imminent danger that it will bring about forthwith certain substantive evils" (p. 627), and therefore should not be punished for their expression based on the standard set in *Schenck v. United States* (1919). More importantly, however, he argued that "we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country" (*Abrams v. United States*, 1919, p. 630). In crafting his dissent, Holmes also articulated for the first time a defense for freedom of expression based on the theory of the marketplace of ideas:

But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas -- that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That, at any rate, is the theory of our Constitution. (*Abrams v. United States*, 1919, p. 630)

Holmes's dissent "forever changed American perceptions of freedom," and his subsequent dissents in *Whitney v. California* (1927) and *United States v. Schwimmer* (1929) influenced both

judges' and the public's understanding of why expression should be protected (Lewis, 2007, p. 32).

Following these influential dissents, the Supreme Court began ruling in favor of speech and press defendants in the 1930s, defining along the way what the First Amendment was meant to protect. For the remainder of the twentieth century, key decisions shaped both law and public opinion. Although this is not an exhaustive list, during this time the Court recognized symbolic expression as a protected form of expression (*Stromberg v. California*, 1931), held that prior restraints of the press were unconstitutional "without regard to the question of the truth" (*Near v. Minnesota*, 1931, p. 723), established the actual malice standard for libel cases involving public figures (*New York Times Co. v. Sullivan*, 1964), reinforced that the government had a heavy burden to justify prior restraints of the press even in matters involving national security (*New York Times Co. v. United States*, 1971), and protected offensive expression including expletives (*Cohen v. California*, 1971). These decisions were influenced by the political and cultural contexts surrounding each case, and the protections guaranteed by the decisions allowed for future expression that changed those contexts in return. The greater press protections ensured by *New York Times v. Sullivan* (1964), for example, empowered journalists to report critically on race relations in the South in support of the Civil Rights Movement, which added to growing public pressure for legislative action (Lewis, 2007). Chafee (1920) argued that the First Amendment "is much more than an order to Congress not to cross the boundary which marks the extreme limits of lawful suppression...It is a declaration of national policy in favor of the public discussion of all public questions" (p. 5). The Supreme Court's legacy of protecting expression reflects the fundamental national policy of not only refraining from legislating expression but also promoting public debate.

First Amendment Theories

In 1977, Justice Potter Stewart writing for the majority of the Supreme Court argued that “It is no doubt true that a central purpose of the First Amendment ‘was to protect the free discussion of governmental affairs.’ But our cases have never suggested that expression about philosophical, social, artistic, economic, literary, or ethical matters -- to take a nonexhaustive list of labels -- is not entitled to full First Amendment protection” (*Abood v. Detroit Board of Education*, 1977, p. 231). The wide range of speech that has been protected over the last century of modern First Amendment jurisprudence has led some scholars to argue that “there is no reason to suppose that the uniqueness of freedom of speech flows from a single value or perspective” (Shiffrin, 1984, p. 1238). Instead, there is a wide range of First Amendment theories that support a robust commitment to protecting expression, as each speech context can have differing values. Each of these theories is grounded in the assumption inherent to traditional, liberal First Amendment doctrine that the protection of individual speech and press rights is a social good (Hindman, 1992). This section will describe the major prevailing theories. Although they are presented separately here, a full understanding of the First Amendment requires a combination of these theories, which each reflect one piece of the overall philosophy of why freedom of expression is valued in the United States.

Marketplace of Ideas or the Search for Truth

As discussed previously in this paper, the marketplace of ideas theory was first articulated by Justice Oliver Wendell Holmes in *Abrams v. U.S.* (1919), and since its introduction it has become the most ubiquitous idea in First Amendment law, referenced in over one hundred Supreme Court opinions (Smolla, 2019). The marketplace theory posits that expression should be protected because the process of being exposed to new ideas and making

judgments about those ideas is the best way to attain truth (Emerson, 1963). This belief can be traced to the writings of philosophers John Milton and John Stuart Mill. Milton, concerned by the licensing system in seventeenth-century England, argued in elegant prose in *Areopagitica*, “And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting, to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter?” (Milton, 1644/2006, p. 81). Milton believed that government censorship was a threat because it limited the availability of ideas, removed the power of choice from the common man, and upheld one authoritative view of truth (Blasi, 1995). In his influential book *On Liberty*, Mill expanded Milton’s religious argument to the secular sphere, arguing as such:

[T]he peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error. (Mill, 1859/2001, p. 19)

Mill believed that all ideas should be heard because they may be confirmed as true either partially or entirely and because if they are not confirmed to be true, hearing the untrue ideas will allow for confirmation of the previously established truth, thereby strengthening its acceptance. Modern conceptions of the marketplace theory rest on the ideas that opinions need to be tested through competition with differing opinions to advance human knowledge (Emerson, 1963) and that counterspeech will provide the necessary corrective to any mistruths that arise through this open competition (Smolla, 2019).

Marketplace theory is not without its critics. The prevailing critique against the marketplace of ideas is that access to the marketplace is unequal and those limited few with power have more opportunities to have their perspectives heard and, therefore, accepted as truth (Barron, 1967). The result of unequal access is that relying on the unregulated marketplace upholds the status quo (Ingber, 1984). There is also the problem of objective truth. For the assumptions underlying Milton and Mill's conceptions of truth to hold, truth must be objective and ascertainable, and individuals must be capable of rational thought that is not influenced by their individual perceptions and beliefs (Ingber, 1984). In an era of increased polarization, this latter assumption seems particularly unlikely. Finally, as Wellington (1979) argued, while true ideas often win out in the long run, that can take a very long time, and there can be great harm caused by false ideas in the short run, as exemplified by the murder of millions of Jews and other minorities in the relatively short period of World War II. Despite these criticisms, however, marketplace theory continues to be used by scholars and the Supreme Court alike. As recently as 2023, the Court held that "the government may not interfere with 'an uninhibited marketplace of ideas,'" and recognized that "[b]y allowing all views to flourish, the framers understood, we may test and improve our own thinking both as individuals and as a Nation" (p. 7).

Self-Governance

While the marketplace theory is often used to protect political expression, it is not an explicitly political theory. Conversely, the self-governance theory proposed by Alexander Meiklejohn posits that the primary purpose of the First Amendment is to protect speech related to public matters so that voters can make informed choices that sustain democracy. Meiklejohn wrote that "[s]elf-government can exist only insofar as the voters acquire the intelligence, integrity, sensitivity, and generous devotion to the general welfare that, in theory, casting a ballot

is assumed to express” (1961, p. 255). Meiklejohn’s theory is based on the conception of the political process as a form of a town meeting in which citizens express themselves with the purpose of deliberating on the common good (Stone et al., 2003). Based on the belief that the free exchange of ideas is essential to democracy that relies on the consent of the governed, Meiklejohn proposed that the First Amendment granted “unqualified protection” for any expression necessary for citizens to engage in governing activities.

The Supreme Court seemingly accepted the Meiklejohnian conception of the First Amendment when it reaffirmed the “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials” in *New York Times v. Sullivan* (1964, p. 270). Meiklejohn himself called the decision “an occasion for dancing in the streets,” (Kalven as cited in Brennan, 1965, p. 17) and Justice Brennan later said that the case presented a classic example of the type of governing activity that Meiklejohn thought should be protected under self-governance theory (Brennan, 1965). The Supreme Court made the connection between protecting expression and self-governance even more explicit in *Garrison v. Louisiana* (1964) when Justice Brennan wrote in the unanimous decision that “speech concerning public affairs is more than self-expression; it is the essence of self-government” (p. 74-75). This view of the First Amendment is the closest to an absolute theory of the First Amendment among the prevailing theories, but it is limited to a political conception of public discourse, which is the primary critique against its theoretical utility.

Checking Value

Closely related to self-governance theory is checking value, first proposed by Vincent Blasi in 1977. The primary difference between the two theories is the checking value’s focus on

misconduct by government officials, which Blasi calls a “particular evil...of a special order” (p. 558). According to Blasi, the *New York Times v. Sullivan* decision would have relied on checking value rather than the self-governance theory had checking value been articulated at that time because the Justices seemed particularly concerned with the need for a free press that can hold government officials accountable without fear of financial penalty that leads to self-censorship. Furthermore, Blasi argued, the speech that is potentially defamatory of public figures would be more clearly and consistently protected if the checking value was explicitly recognized and applied to this area of law. While Blasi contended that there should be robust protection for this type of speech, it is important to note that he limited this protection to public abuses of power and communication about official behavior.

Safety Valve

Emerson (1963) suggested that free expression is valuable because it operates as a sort of safety valve that allows those with dissident opinions to “let off steam” and serves as “a catharsis throughout the body politic” (p. 885). The theory posits that when people who hold minority opinions are allowed to express those opinions, they will feel as though they have been given a fair chance to persuade others and be more likely to settle on a rational compromise or accept the existing social order. Conversely, when ideas are suppressed, the opposition may become desperate and resort to extreme tactics of persuasion including violence. Safety valve theory has been primarily associated with protests, as the theory encourages peaceful disagreement that has the potential to affect societal change (Vile et al., 2009).

Unlike the marketplace metaphor, there are no Supreme Court cases that reference the safety valve theory directly. However, several key First Amendment decisions in the twentieth century included language that is theoretically similar to the underlying assumptions of safety

valve theory. In *De Jonge v. Oregon*, the Supreme Court reaffirmed that the right of peaceable assembly was as essential as the right to free speech and free press. In the majority opinion for the case, Chief Justice Hughes connected this right with the need for a safe outlet for seeking change:

The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, *to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means*. Therein lies the security of the Republic, the very foundation of constitutional government. (*De Jonge v. Oregon*, 1937, p. 365, emphasis added)

In his concurrence in *Whitney v. California* (1927), Justice Brandeis similarly championed free expression as a safe outlet, cautioning that “order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that *the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies*” (p. 375, emphasis added). In the educational setting, using safety valve theory as a rationale to protect student expression could give some voice and agency back to students who are often frustrated by their lack of power at school.

Self-Fulfillment

The primary issue with relying on self-governance theory, checking value, or safety valve theory as a rationale for protecting expression is that they fail to provide a justification for speech that is not political but has other inherent value. An alternative to these theories is found in self-

fulfillment theory or the idea that speech has value because it aids in individual self-realization. Redish (1982) argued that free speech can aid in democratic self-government but only because exercising one's freedom of expression allows for development of "an individual's uniquely human faculties" (p. 604). Furthermore, free speech allows individuals to acquire information that informs life-affecting decisions in all areas of their lives, not just in the political arena. For this reason, Redish contended, there is no reason to make a distinction between the value speech has in political governance and the value speech has in individual development in the private sphere. Expression is intrinsically valuable because it aids in personal exploration, the development of ideas that can lead to self-realization, and affirmation of the self (Emerson, 1963).

The idea that speech should be protected as a right to aid in self-fulfillment stems from the Lockean conception of natural rights. Expression, be it spoken or written, is a natural right because the ability to express oneself is not contingent upon the existence of a government; while the Founders disagreed on the extent to which natural rights should be curtailed by governments, the Constitution and Bill of Rights were drafted by men who generally agreed that natural rights could only be limited in pursuit of the public good (Campbell, 2017). The understanding of expression as an individual right is key to fulfillment theory because if thought and expression are essential characteristics of humans, then suppression of one's expression is not just unconstitutional but also "an affront to the dignity of man, a negation of man's essential nature" (Emerson, 1963, p. 879). For this reason, freedom of expression should be seen not as a means to an end, but as a social good in and of itself. Self-fulfillment theory has been criticized for not distinguishing speech from other human activities that can aid in individual development (Stone et al., 2003). Despite this potential limitation however, self-fulfillment theory is valuable

because it provides an explicit rationale for protecting expression that does not promote political speech over all other types, which can be useful in student expression that can sometimes be seen as trivial. It is also particularly pertinent to the school context because students are already engaging in personal growth, having new experiences, and confronting diverse ideas and are therefore primed to discoveries of self-realization (Salkin, 2016).

Tolerance

The theories discussed so far have laid the groundwork for accepting a wide range of expression, even that which is deplorable, but none are predicated on specifically protecting this type of expression. Tolerance theory, the modern conception of which was developed by Lee Bollinger, is distinct because it focuses on extremist and inflammatory speech. Because of this focus, tolerance theory is most frequently used as a rationale for protecting hate speech. Bollinger (1988) argued that society is benefited by tolerant citizens who are able to exercise self-restraint when confronted with contrary ideas, and it is at the outer edges of speech that people's capacity for tolerance is tested. According to Bollinger, tolerance theory is the best explanation for the Supreme Court's decision in *National Socialist Party of America v. Village of Skokie* (1977) in which the Court concluded that an injunction against a proposed demonstration by the Nazi Party would deprive the marchers of their First Amendment rights "because the danger of intolerance toward ideas is so pervasive an issue in our social lives, the process of mastering a capacity for tolerance so difficult, that it makes sense somewhere in the system to attempt to confront that problem and exercise more self-restraint than may be otherwise required" (Bollinger, 1982, p. 631). Tolerance theory is less concerned with the rights of an individual speaker and more concerned with what can be gained by hearing disagreeable speech.

Bollinger, therefore, argued that this theory was “concerned with nothing less than helping to shape the intellectual character of the society” (Bollinger as cited in Stone et al., p. 16).

The Importance of Free Expression in Schools

In the public-school setting, two general interests must be balanced: the students’ interest in free expression and the state’s interest in maintaining the operation of the school. HB 1557 further complicates this problem of balancing rights by introducing a third right – the right of a parent to control what their child is learning at school. Focusing on whose rights should win out, particularly when the subject of the expression is contentious or political in nature, can lead to animosity on both sides without solving the issue:

We all believe in freedom of speech, but the question is, do we believe in it when it is disagreeable to us? After all, if freedom of speech means anything, it means a willingness to stand and let people say things with which we disagree, and which do weary us considerably. A good deal of the public discussion on the matter turns on the use of the word “rights.” Those who want to speak freely insist on the right of the freedom of speech; and, on the other hand, those who wish to restrict speakers talk of the right of the government to carry on war and the right of the government to maintain order, and there we have a deadlock. Each side says it is right, and that does not bring us anywhere at all.” (Chafee, 1920, p. 367)

Erica Salkin (2016) suggested that rather than focusing on the rights argument, which can create an adversarial relationship between students and administrators, a rationale for allowing student expression in schools should be based in the positive values that are created by supporting student speech and press. Salkin (2016) identified four such values grounded in history, philosophy, and the law: (1) engaging in a model of the marketplace of ideas helps

students practice the role they will play as citizens in a democracy; (2) schools are designed to socialize students into a community, which includes learning what constitutes appropriate public discourse; (3) expressing one's beliefs and opinions and being challenged by new ideas can help students on their journey to self-realization; and (4) expression allows students to play an active role in their education. The fourth value can be seen in each of the other three, which will be discussed in turn below.

From the very beginning of the United States history as a country, education has been tied to democracy. Thomas Jefferson maintained that education should empower students “to discharge their duties as citizens while maintaining a vigilant watch against the tendencies of government to encroach on human liberty, including the liberty of free inquiry, thought and speech” (Jefferson as cited in Salkin, 2016, p. 104). The philosopher and educational reformer John Dewey (1916) believed that a sustained democracy relied on schools not just to educate citizens so they could become voters but also to allow students to practice cooperation within a diverse community. In *Wieman v. Updegraff* (1952), Justice Frankfurter called education “the basis of hope for the perdurance of our democracy on the part of all our great leaders” and teachers “the priests of our democracy” who must foster open-mindedness, free inquiry, and critical thinking in students (p. 196). As recently as 2021, the Supreme Court held that “America’s public schools are the nurseries of democracy” (*Mahanoy Area School District v. B. L.*, 2021, p. 2). The link between democracy and education is clear, but there remains debate over whether passive instruction or active experience is the most effective way to teach democratic values and skills (Salkin, 2016). The active approach to instilling democratic values in students is to allow them to participate in a model of a democratic society in their schools by fostering a marketplace of ideas. The marketplace of ideas allows for all opinions to be heard so informed

decisions can be made. In *Seyfried v. Walton* (1981), the United States Court of Appeals for the Third Circuit upheld school administrators' power to make curricular decisions based on the appropriateness of materials but recognized that one of the essential functions of a school was "exposing young minds to the clash of ideologies in the free marketplace of ideas" (p. 219). Exposing students to diverse perspectives in the school environment where they can also learn how to critically evaluate those ideas prepares them to responsibly engage in the political marketplace when they become voters (Salkin, 2016).

Public schools are also understood to be a valuable tool for socializing students into communities. The Common School movement of the 19th century, which established a system of free public schools across the country for children of all social classes, was popular in part because proponents saw that schools could help integrate immigrant children into American culture (Salkin, 2016). Values that are respected by the community such as honesty, civility, and respect for differing opinions can all be taught explicitly through the curriculum and by encouraging interaction between students who are free to express their differences (Salkin, 2016). In the same way that learning how to appropriately engage with others can make students more prepared political citizens, it can also make students more empathetic members of their future communities.

It is important to note here, however, that basing regulations on community standards has a dangerous potential to maintain hegemony that is harmful to minority students under the guise of only allowing discussion about what is socially appropriate. The US District Court for the District of Maine recognized this potential harm in *Stanton v. Brunswick School Department* (1984) when it held that government control of student expression could not rely on merely "taste" and "appropriateness" because "If the intellectual and ideological ferment of the last four

decades of the American social experience teaches anything, it teaches us that whatever may be the accepted meaning of ‘good taste’ on any given day, the content of that meaning does not rigidly abide through time” (p. 1574). HB 1557 fails to take this lesson into account and threatens to block all discussion of queer issues because conservative lawmakers believe such discussion is not socially appropriate. If socialization into community norms is to be seen as a positive value of education, it is essential that students are free to express opinions that may be counter to the ideology of the present day, or socialization will quickly become an excuse for censorship.

Finally, schools can nurture students’ curiosity and provide students with the freedom to explore what they enjoy and excel at (Roseman, 1964). These discoveries contribute to the process of self-realization. The pursuit of self-realization requires expression, as students need both access to new and differing ideas and opinions and the space to freely share their own developing beliefs (Salkin, 2016). Expression that aids in self-realization is unique in that it does not need to be political in nature and receiving the expression through, for example, reading a novel or watching a play, can be just as valuable to the self-realization process as participating in an act of expression (Redish, 1982). The value of expression in schools to contribute to self-realization is theoretically akin to the general First Amendment theory of self-fulfillment.

Having laid out the philosophical rationale for protecting student expression, it is now necessary to briefly explain why free expression for students is not a self-evident right. There are two common arguments against allowing students to speak freely at school: students are immature, and schools have the authority to maintain order. When John Stuart Mill wrote *On Liberty*, he clarified that his conception of liberty should only apply to adults who had “maturity of the faculties” because children “who are still in a state to require being taken care of by others,

must be protected against their own actions as well as against external injury” (Mill, 1859/2001, p. 14). Some age-based restrictions on freedoms such as restrictions from drinking are thought to protect minors from the consequences of their actions based on the assumption that they do not have the capacity for fully rational thought, while others, such as the voting age or age requirements for holding public office, are designed to protect the public from immature civic participation (Salkin, 2016). Justice Stewart articulated this belief in his concurrence in *Ginsberg v. New York* (1968) when he concluded that the government should be permitted to deprive children of certain rights—including their First Amendment right—even when such deprivation would be “constitutionally intolerable for adults” because children are “not possessed of that full capacity for individual choice which is the presupposition of First Amendment guarantees” (p. 650). Withholding some rights that would be guaranteed to adults is generally accepted when there is a level of responsibility that would require maturity associated with those rights.

However, psychologists have found that adolescents aged 15 and older are not substantially different from adults in their competence to make decisions, and children as young as 11 can exhibit the same level of competence in decision making as adults in some contexts (Melton, 1983). If capacity for fully rational thought is the only argument against equal rights for adolescents, these findings suggest that the immaturity argument for abridging student expression is invalid at the high school and potentially middle school level. Waiting until students have demonstrated an adequate level of maturity to grant them speech rights also risks taking away a valuable opportunity for students to continue to mature through speech. Engaging in immature expression that has negative consequences can help students learn to take responsibility for their words and actions (Gutmann, 1997). The field of neuroscience has

established that knowledge formulation is an active process, and cognitive restructuring is more likely to occur from active, experiential learning than passive lessons (Salkin, 2016). Allowing students to learn from their mistakes, including immature speech, in a safe environment like a school can contribute to healthy brain development and increased maturity.

The other leading argument for regulating expression in schools is that school officials have a vested interest in maintaining an orderly environment for learning. Courts have historically given deference to administrators and teachers to use their training and pedagogical knowledge to establish curriculum that meets educational objectives and to determine if students' actions threaten the school environment (Salkin, 2016). Because "maintaining security and order in the schools requires a certain degree of flexibility in school disciplinary procedures" (*New Jersey v. T. L. O.*, 1985, p. 340), school officials are empowered by the common-law doctrine of *in loco parentis* to restrict certain rights. The doctrine of *in loco parentis*, which translates to "in place of parents," is justified in an educational context because school officials have a responsibility to protect students' safety and welfare during the school day (Salkin, 2016). Administrators acting *in loco parentis* have the right, for example, to conduct searches of students' property as long as there is a reasonable expectation that a search will prove the student has violated school rules or the law (*New Jersey v. T. L. O.*, 1985). The doctrine has also been used to limit students' First Amendment rights at school, as the Supreme Court held in *Bethel School District v. Fraser* (1985) that school authorities acting *in loco parentis* have the responsibility to protect students from exposure to sexually explicit, indecent, or lewd speech, particularly when such speech would "undermine the school's basic educational mission" (p. 685). The Court reaffirmed in *Mahanoy Area School District v. B. L.* (2021) that schools still often act *in loco parentis* "where the children's actual parents cannot protect, guide, and

discipline them” (p. 7). Applied to the 21st century, Justice Alito wrote in his concurrence, *in loco parentis* means that “parents are treated as having relinquished the measure of authority that the schools must be able to exercise in order to carry out their state-mandated educational mission, as well as the authority to perform any other functions to which parents expressly or implicitly agree” (*Mahanoy Area School District v. B. L.*, 2021, p. 8). The Court’s history and continued use of *in loco parentis* means that students’ First Amendment rights can be restricted if their free expression would prevent the school from performing its educational mission. However, this does not grant school officials broad authority to limit all expression that they disagree with.

Regulation of Student Media

For many years, the most significant legal standard for student expression stemmed from the 1969 U.S. Supreme Court case *Tinker v. Des Moines Independent Community School District*. The case began in 1965 when two public high school students, John Tinker and Christopher Eckhardt, along with a middle school student, Mary Beth Tinker, wore black armbands to their schools in protest of the Vietnam War. The principals of each school knew about the plan in advance and adopted policies that required the students to remove the armbands or be suspended. And, indeed, when the students wore the armbands at school, they were sent home and suspended. They returned to school in January when their protest ended. The students then sued the district, seeking nominal damages and an injunction restraining school administrators from disciplining them (*Tinker*, 1969).

The U.S. District Court for the Southern District of Iowa dismissed the complaint, holding that the administrators’ actions were constitutional because they acted reasonably in trying to prevent a disturbance. The U.S. Court of Appeals for the Eighth Circuit was divided, so

the District Court decision stood, at which time the students petitioned the U.S. Supreme Court to hear the case. In a 7-2 majority opinion written by Justice Abe Fortas, the Supreme Court recognized the students' First Amendment rights and reversed the judgment. The Court concluded that 50 years of case law demonstrated that "[i]t can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (*Tinker*, 1969, p. 505). While the Court recognized that school officials may have the authority to punish students if their expression was intruding on the work of the school or the rights of other students, the decision hinged on whether the speech in question caused a certain degree of disturbance to the school's functioning:

In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that engaging in the forbidden conduct would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school," the prohibition cannot be sustained (*Tinker*, 1969, p. 509).

Finding no evidence of such a disturbance, the Court concluded that the school officials' actions were unconstitutional. Furthermore, the Supreme Court rejected the District Court's position that fear of disturbance alone was justification enough for school authorities to override a student's right to freedom of expression.

The *Tinker* standard still applies in many cases, but student expression, particularly in the student media context, was severely limited by the 1988 Supreme Court decision *Hazelwood School District v. Kuhlmeier*. The Court held in *Hazelwood* that students do not have the same

First Amendment rights in schools as adults in other settings do, therefore permitting school officials to censor student speech in some types of school-sponsored activities, such as student publications. The case's facts are well known but worthy of a brief examination. In 1983, the principal at Missouri's Hazelwood East High School reviewed the May 13 edition of the *Spectrum*, the school's newspaper, prior to publication. He objected to two articles in the paper: one about teen pregnancy, another about the impact of parental divorce on students. The principal concluded that the newspaper could (1) remove the pages that included those stories and publish a condensed version of the issue, or (2) publish no issue at all. He directed that the former be done (*Hazelwood*, 1988, p. 264).

The students sought injunctive relief and monetary damages in the U.S. District Court for the Eastern District of Missouri, but the Court denied the injunction and found that there had been no First Amendment violation on the grounds that school officials can impose reasonable restraints on student speech in activities that are part of the school's educational function. The U.S. Court of Appeals for the Eighth Circuit reversed, holding that the newspaper was a part of the school's curriculum but also a public forum, and censorship of a public forum would require school officials to meet the *Tinker* standard of material and substantial disruption. The Supreme Court, in turn, disagreed with the Eighth Circuit, finding that by policy and practice school administrators and the adviser exercised significant editorial control over the *Spectrum*. The Court also rejected the Eighth Circuit's use of the *Tinker* standard, instead holding that both the style and content of school-sponsored expression can be more strictly regulated as long as the restrictions are "reasonably related to legitimate pedagogical concerns" (*Hazelwood*, 1988, p. 273).

Hazelwood had a profound chilling effect on student journalists and their advisers, and it fundamentally changed the student media landscape (McGowan, 2013). However, two federal court decisions in subsequent years have provided some hope for student journalists that administrators cannot use *Hazelwood* as an excuse for carte blanche censorship. In *Draudt v. Wooster City School District Board of Education* (2003), a district judge ruled against a group of students who sought an injunction to prohibit the school from conducting any prior review or censorship of their high school newspaper, the *Blade*. The students filed the suit after the principal at Wooster High School in Ohio confiscated all copies of their December 20, 2002, issue because the district believed it contained an article that potentially defamed a student. The story in question alleged that the school board violated its policy on underage drinking by giving preferential treatment to athletes. It contained a quote from a source who said he had been punished by the school board for drinking at a party. In response, the district said the student had not been punished for underage drinking and that the factually inaccurate statement was potentially defamatory.

After reviewing nine factors—among them the degree of control the administration and faculty adviser exercised over the publication, the school’s written policies, and the school’s practices—a judge on the U.S. District Court for the Northern District of Ohio determined that the *Blade* was a limited public forum. This analysis expanded on the factors set out in *Hazelwood* by adding three considerations. Despite the paper’s status as a limited public forum, the Court denied the students’ injunction motion because they failed to prove that irreparable harm would occur in the absence of judicial intervention and because the district’s written policies expressly allowed the administration to halt publication or distribution of certain materials, including those that could be defamatory. While the *Wooster* students lost their case,

student press advocates have called it “a major legal victory” for the high school press because its nine-factor analysis provided judges clear guidance for how to distinguish forum and non-forum publications (Hiestand, 2003).

A year later, student press advocates won another small victory in *Dean v. Utica* (2004): the first post-*Hazelwood* case to expand student journalists’ rights and to push back against the trend of administrative censorship. In 2002, a student journalist named Katy Dean at Michigan’s Utica High School wrote a story about an ongoing lawsuit against the school district for her school newspaper the *Arrow*. The story reported that two residents claimed their health had been harmed by diesel fumes from school buses that were regularly left idling near their home. Dean interviewed the plaintiffs, attempted several times to obtain a comment from the school district, and informed her principal that she was writing the story. After obtaining a draft version of Dean’s article, the principal at Utica High School forwarded the story to the district superintendent, who told the principal that the story could not be published because it would be “inappropriate” for a school newspaper to comment on litigation involving the district. Dean offered to revise the story, which initially used pseudonyms instead of real names, but the administrators did not reconsider their decision. The story was later published instead in a local newspaper, and the staff of the *Arrow* filled the space in their paper with an editorial condemning censorship (*Dean*, 2004).

Following the nine-factor analysis set forth in *Hazelwood* and expanded upon by *Draudt*, a judge on the U.S. District Court for the Eastern District of Michigan held that the *Arrow* was a limited public forum by both policy and practice, and the censorship of Dean’s article was unconstitutional. Curriculum guides, course descriptions, and the masthead for the *Arrow* all designated the paper a limited public forum, and prior to this issue no administrators had ever

reviewed articles prior to publication or intervened in editorial decisions. Even if the publication had been deemed a non-public forum by policy or practice, the judge argued, the school still would have violated the staff's First Amendment rights because the administration failed to prove that the censorship met *Hazelwood's* reasonable educational justification standard, as the article was not unsuitable for immature audiences, and it was fair and balanced. Furthermore, the superintendent testified that publication of the article would not have interfered with the school's normal operations.

Regulation of Teacher Speech and Curriculum

Because Florida's HB 1557 primarily regulates classroom instruction, it is important to address briefly the powers that school districts have to regulate teacher speech and curriculum. Although the Supreme Court has recognized that off-duty public employees, including teachers, have the same free speech rights as other private citizens regarding issues of public concern (*Pickering v. Board of Education*, 1968), those rights do not extend to statements made in the course of instruction. In *Garcetti v. Ceballos* (2006), the U.S. Supreme Court held that the First Amendment does not protect a government employee from discipline based on speech made pursuant to the employee's official duties. Richard Ceballos was a deputy district attorney for the Los Angeles County District Attorney's Office who alleged he was reassigned to a new position and denied a promotion as retaliation for a memo he wrote questioning the handling of an ongoing case. Ceballos initially filed a workplace grievance that was denied, and later he sued in the U.S. District Court for the Central District of California, claiming his First and Fourteenth Amendment rights had been violated by his employer. In a summary judgment, the District Court ruled that the memo was not protected speech because it was written as part of Ceballos's duties as deputy district attorney (*Garcetti*, 2006).

The U.S. Court of Appeals for the Ninth Circuit Court of Appeals reversed the District Court decision and remanded for further proceedings. The Circuit Court's analysis, based in part on the balancing test set forth in *Pickering*, established that Ceballos's speech addressed a matter of public concern and did not cause workplace inefficiency or disruption. This meant, in other words, his speech interests outweighed his supervisors' workplace-efficiency interests, and the Ninth Circuit held that Ceballos's memo constituted protected speech. The U.S. Supreme Court reversed the Ninth Circuit, holding that "[w]hen a citizen enters government service, the citizen by necessity must accept certain limitations on his or her freedom," among them limitations on their First Amendment rights when the expression is part and parcel of their professional duties (*Garcetti*, 2006, p. 418).

While the majority opinion expressly declined to decide whether the analysis in *Garcetti* would apply equally to teachers' classroom speech, lower courts have since applied the ruling to cases involving public school teachers. In one such case, Shelley Evans-Marshall, an English teacher at a public high school in Ohio, argued that her First Amendment rights had been violated after a dispute over the books she used in her classroom led to the non-renewal of her employment contract (*Evans-Marshall v. Board of Education of the Tipp City Exempted Village School District*, 2010). During the 2001-2002 school year, Evans-Marshall faced parent complaints about assigning *Siddhartha* to her freshmen class, and that created friction with her principal over other curricular choices she made. After Evans-Marshall's contract was not renewed, she filed suit against the school board, principal, and superintendent, alleging free-speech retaliation. The district court granted summary judgment to the defendants, finding that Evans-Marshall had not provided sufficient evidence connecting the contract non-renewal with her curricular choices. She appealed to the U.S. Court of Appeals for the Sixth Circuit, which

concluded that there was not a causal connection but affirmed the judgment anyway, finding that Evans-Marshall's First Amendment challenge failed under *Garcetti* because her curricular choices were made in connection with her official duties as a teacher.

In *Lee v. York County School Division* (2007), a Spanish teacher at a public high school in Virginia alleged that the principal violated his First Amendment rights by removing materials from a bulletin board in his classroom. These materials were the subject of a complaint from a private citizen who said the "postings were overly religious in nature" (p. 689). The principal said the removed items, which included a National Day of Prayer poster and several news articles about religion in politics and missionary work, were unrelated to the Spanish curriculum and potentially in violation of the Establishment Clause. The U.S. District Court for the Eastern District of Virginia granted summary judgment to the school board, holding that the removed items were curricular in nature because Lee used them as part of his teaching methodology and sought to impart knowledge to his students through the use of the materials. Because they were curricular in nature, the court also held that they were not a matter of public concern. The U.S. Court of Appeals for the Fourth Circuit affirmed, relying on curricular speech conceptions developed in *Hazelwood*.

Hazelwood is most commonly thought of as a student media case, but courts have relied on its conceptions of curricular speech to justify school regulations of teacher expression and course materials. Curricular speech is that which is designed to impart particular knowledge or skills to students. The Court held that school officials are entitled to exercise greater control over school-sponsored speech that "students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school," in order to further educational goals, and this includes curricular speech expressed through educators' choices of materials (*Hazelwood v.*

Kuhlmeier, 1989, p. 271). Particularly relevant to HB 1557, which makes a distinction between curriculum appropriate for lower and upper-grade levels, *Hazelwood* gives school officials broad discretion to restrict materials that may be inappropriate for their level of maturity.

Summary

In this chapter, I reviewed the development of the First Amendment in the context of why free expression is valued and protected in the United States. I also summarized landmark cases in student and teacher expression to explain how protection for expression in schools is limited. This context is necessary to understand how an educational gag law like HB 1557 could be passed and may be considered constitutional in the face of a court challenge. The next chapter will continue the theory discussion that begun in this chapter while exploring the role both laws and communication play in society.

CHAPTER FOUR

THEORETICAL FRAMEWORK

This dissertation is informed by the framework of queer theory, and of particular interest is how the news media produces and reproduces dominant ideology. This chapter first explores how queer theory has been applied in both the communication and legal fields. It then summarizes the active role that media and law play in consensus formation by reproducing existing social structures as well as the power both forms of culture have in challenging dominant ideologies.

Historicizing Queer Theory

In 1991, the social theorist Michael Warner coined the term heteronormativity to account for the reality that “the logic of the sexual order is deeply embedded by now in an indescribably wide range of social institutions, and is embedded in the most standard accounts of the world” (p. 6). In a heteronormative society, heterosexuality is assumed to be the default sexuality from which other nonstandard sexualities originate. Queer theory, however, not only disputes the idea of heterosexuality as natural but also rejects the claim that sex, gender, and sexuality are stable concepts to begin with (Jagose, 1996). Scholars who study sexuality within the framework of queer theory understand that sexuality is discursively constructed and that queer representations, practices, and experiences must be historicized (Sullivan, 2003). This poststructuralist approach critiques essentialized knowledge of heteronormativity and posits that sexual identity is mediated by the social, cultural, and political contexts in which it is formed (Sullivan, 2003).

The discipline of queer theory has been heavily influenced by Michel Foucault's (1978) *The History of Sexuality*, Eve Kosofsky Sedgwick's (1990) *Epistemology of the Closet*, and Judith Butler's (1990) *Gender Trouble*, which are frequently cited as the foundational texts for the development of queer theory (Halperin, 2003). Foucault's poststructuralist approach to sexuality was radical because he proposed that the idea of sexual identity is a relatively recent discursive construction. The creation of sexual identities, Foucault argued, was a historical practice that maintained hierarchical power relations (Spargo, 1999). Butler and Sedgwick, who are often labeled as feminist theorists, accepted Foucault's premise but expanded his argument to explore how the "epistemic regime of presumptive heteronormativity" both influenced and was influenced by binary constructions of gender (Butler, 1990, p. viii). In *Epistemology of the Closet*, Sedgwick (1990) argued that presenting sexuality as a binary opposition of heterosexual versus homosexual is a discursive, rhetorical choice that needs to be deconstructed because this categorical construction perpetuates an asymmetrical power dynamic while also excluding non-male identifying queer individuals. Butler (1990) also critiqued binary framing, maintaining that gender itself is a performance. They furthermore argued that defining homosexuality in relation to same-sex attraction without considering the ways gender can be a fluid construction constrains queer identity within a heteronormative and patriarchal social order (Butler, 1990). The questions raised by these three scholars (about the taken-for-granted assumptions underlying our epistemological ideas on heteronormativity, gender, and sexuality) changed the way queer theorists approached the study of power and knowledge. Contemporary works that employ queer theory begin with the understanding that gender and sexuality are not fixed biological realities but rather social constructions.

This rejection of essentialisms means that queer theorists are generally uninterested in categorically defining who is queer. Instead, queer has more commonly been defined in opposition to the dominant cultural norms:

Queer is by definition whatever is at odds with the normal, the legitimate, the dominant. There is nothing in particular to which it necessarily refers. It is an identity without an essence. 'Queer' then demarcates not a positivity but a positionality vis-à-vis the normative (Halperin, 1995, p. 62).

The understanding of queer as a positionality is key to understanding that queer theory is “a sort of vague and indefinable set of practices and (political) positions that has the potential to challenge normative knowledges and identities” (Sullivan, 2003, p. 43-44). To be queer is an inherently political act. In his influential book *Fear of a Queer Planet: Queer Politics and Social Theory*, Warner (1991) wrote:

Every person who comes to a queer self-understanding knows in one way or another that her stigmatization is intricately intertwined with gender, with the family, with notions of individual freedom, the state, public speech, consumption and desire, nature and culture, maturation, reproductive politics, racial and national fantasy, class identity, truth and trust, censorship, intimate life and social display, terror and violence, health care, and deep cultural norms about the bearing of the body (p. 6).

Queer theory, then, requires scholars to do more than just examine queer representation in media. A critical application of queer theory considers issues of sexuality in relation to power and interrogates “how sexuality is culturally essentialized to inscribe heterosexuality as ‘normal,’ and all other sexualities as ‘deviant’” (Brookey, 1996, p. 41).

The word queer itself has been contested, too, and it is important to make a brief note about its use in this work. The term queer has been deployed, at times, “as a paralyzing slur,” but it has also been reclaimed and resignified by many members of the LGBTQIA+ community as an act of performative power (Butler, 1993 p. 223). I have made the deliberate choice to use queer in this research for two reasons. First, from a practical standpoint, it is necessary to adopt the language used by scholars and activists when discussing the relevant social theory, and queer is the generally agreed-upon term used in academic literature. Second, the term queer is a discursive choice that signifies the relationship between homosexuality and power. As Hall (1997) put it, the word queer “demands a confrontation with issues of discursive power: it will always be an epithet reclaimed and can continue to signal normalcy challenged” (p. 3). My use of queer throughout this paper should serve as a constant reminder that this research project is not a neutral endeavor but rather a political act that is designed to interrogate structures of power and ideologies that shape our society and media practices. I acknowledge, however, that there are still many individuals outside of academia who choose not to identify with this term and feel uncomfortable with its usage. I will, therefore, sometimes use the less-contested umbrella term LGBTQIA+ to refer to the queer community as a whole in an effort to be as inclusive as possible. I will also use the term LGBTQIA+ during the interviews to avoid the potential of causing participants inadvertent harm that could come from use of the term queer.

Queer Legal Theory

To understand how queer theory is applied to analyze the law is to understand that “queerness is always modified by law” (Sciullo, 2019, p. 681). Laws are a material reality that influence behavior, and for queer individuals who are often disempowered by heteronormative laws, the law can also be dangerous and disenfranchising. This is the reality that queer legal

theory seeks to address. Early sexual orientation scholarship in the legal field, which began in earnest in the United States in the late 1970s and 1980s, was predominately focused on discriminatory laws against sexual minorities such as the prohibition of same-sex marriage (Valdes, 2016). The emergence of this type of scholarship came at a time when the queer community was facing both rampant public discrimination and government neglect during the HIV/AIDS Epidemic and continued legal discrimination based on sexual orientation in the workplace and home (Fineman, 2016). After the U.S. Supreme Court upheld a Georgia statute that criminalized sodomy in the 1986 case *Bowers v. Hardwick*, it became clear that the government was not only unwilling to pass laws to protect queer communities, but that it was also “a substantial source of danger for queer communities” (Fineman, 2016, p. 4). In response, scholars and activists began pushing for the inclusion of queer identity in existing anti-discrimination frameworks such as Title VII of the Civil Rights Act. Queer legal theory continued to evolve in the 1990s alongside other critical traditions including, notably, feminist legal theory, and the movement is now more broadly interested in dismantling systematic legal subordination; this current approach is based in intersectionality and the understanding that privilege and power within the queer community is multidimensional and modified by other identity categories such as gender, race, class, and ability (Valdes, 2016).

There is some debate among scholars as to the extent to which queer legal theory is defined by its focus on sexuality. Many contemporary queer legal theorists have adopted Valdes’ (1995) definition of the term: “*Queer* legal theory therefore is the name employed...to signify a self-conscious, self-defined, and self-sustaining body of liberational *legal* scholarship that voices and pursues the interests of sexual minorities as its particular contribution toward the end of sex/gender subordination” (p. 349, original emphasis). Others, however, argue that this definition

is limiting, and suggest that queer legal theory should instead be understood as a methodological choice to engage in oppositional inquiry of a dominant legal position (Romero, 2016). Whether queer legal theory is understood as a body of scholarship interested in a specific topic or as a methodological approach, however, fundamental to both definitions is the implied critique of the law in service of a more egalitarian society.

In practice, queer legal theory seeks to disrupt the dominant ideologies upon which inequitable laws are built. In his foundational piece arguing for the construction of an explicitly defined queer critical legal theory, Francisco Valdes (1995, p. 364-372) proposed eight methods to be used in queer legal scholarship:

- (1) Fight against stereotypes that are used to devalue and subordinate sexual minorities and women.
- (2) Incorporate knowledge gained from social scientific research regarding sexual orientation into legal research.
- (3) Supplement social scientific research and legal research with the use of narratives from queer individuals harmed by inequitable laws to elicit empathy.
- (4) Reject essentialisms about sex and gender.
- (5) Conceptualize “sexual orientation” as a legal construct so sexual minorities can become a protected group.
- (6) Promote intimacy and desire among all consenting individuals as an integral part of human life and something worth protecting.
- (7) Move sexuality out of the private sphere so privacy cannot be used as a shield against equality and queer individuals can live their lives openly.

- (8) Learn about and accommodate all minority groups because discrimination is multidimensional.

While this work is ongoing, in the subsequent decades these methods have been used to great success, as evidenced by a series of landmark cases that expanded legal rights for the queer community. *Bowers v. Hardwick* was overturned in 2003 when the U.S. Supreme Court struck down a sodomy law in Texas, ruling that the Due Process Clause of the Fourteenth Amendment extended to consensual intimate sexual conduct (*Lawrence v. Texas*, 2003). The Defense of Marriage Act that defined marriage as a “legal union between one man and one woman as husband and wife” was struck down in 2013 (*United States v. Windsor*), and two years later in *Obergefell v. Hodges* (2015), the Supreme Court held that the Fourteenth Amendment required states to allow same-sex couples to get married. Most recently, the Court ruled that Title VII federally protects LGBTQIA+ employees from workplace discrimination on the basis of their sexual orientation or gender identity (*Bostock v. Clayton County*, 2020). However, the current trend of anti-LGBTQIA+ legislation in the United States including Florida HB 1557 suggests that what progress had been made towards queer equality in the law may now be in jeopardy once again.

Ideology, Hegemony, and Heteronormativity

The type of critical work required of scholars who use queer theory to study communication or the law is deeply rooted in the study of ideology and hegemony. Ideologies, which can be understood as “the shaping of people’s perceptions such that they accept the existing, unequal social order of things,” are powerful because they naturalize ideas that maintain social inequality as objective facts about the social order (Downey et. al, 2014, p. 880). When people accept dominant ideologies as self-evident assumptions, dominant groups that benefit

from those ideologies gain and maintain power. Hegemony refers to both the power that a dominant group exerts over subordinate groups as well as this process of gaining and maintaining power through social consent (Lull, 2000). In *The Rediscovery of 'Ideology,'* Stuart Hall (1982) contested that the differences between “deviant” and “consensus” groups and cultures are not natural but rather socially defined as a form of social control in maintenance of the social order. Consensus, Hall explained, is legitimated and reinforced by powerful social, political, and legal institutions, including the media.

Althusser (1971) argued that ideology should be studied as a production of practice that is influenced by historical situations. Although a particular ideology is itself abstract, it can be studied as a form of material culture because ideologies are a representation of real relationships between individuals and society that exist within an apparatus and its practices (Althusser, 1971). A dominant ideology is not an empirical reality because “[p]eople are not irrevocably and indelibly inscribed with the ideas that they *ought* to think; the politics that they *ought* to have are not, as it were, already imprinted in their sociological genes” (Hall, 1985, p. 96, emphasis in original). The ideologies of the dominant class are instead disseminated through repressive and ideological state apparatuses, including government bodies, courts, schools, churches, media, and families, which in turn perpetuate hegemonic control (Althusser, 1971).

Media's Role in Challenging or Reinforcing Cultural Norms

Even in a country with a free-press system, media outlets often uphold hegemonic beliefs by producing accounts of the world that are written from the dominant ideological perspective. These accounts are then interpreted by audiences whose ways of understanding the world have been constituted by the same hegemonic ideologies. In the foundational piece *Encoding/Decoding*, Stuart Hall (1986) argued that audiences decode media messages from

either a dominant-hegemonic, negotiated, or oppositional position. Hall (1986) challenged the traditional linear sender/message/receiver model of communication and instead suggested that communication should be thought of as a process of production, circulation, distribution/consumption, and reproduction contingent upon encoding and decoding a message into meaningful discourse. Media can uphold dominant ideologies when, for example, a newspaper reader decodes a story within the same code used by the journalist in encoding. This “transparent communication” occurs because the code has already been signified within the dominant hegemony (Hall, 1986). Journalism practices, such as the field’s reliance on expert sources and adherence to the objectivity norm, can further perpetuate a dominant ideology (Atton, 2009).

In a heteronormative society, the dominant ideologies privilege heterosexuality. However, this dominant heterosexist ideology “simultaneously makes lesbians and gay men invisible and legitimizes hostility, discrimination, and even violence against them” (Garnets et al, 1990, p. 369). When media outlets cover queer issues, they often do harm by perpetuating stereotypes that reflect the homophobia that is present in the dominant ideology. Previous research has established that media coverage of queer issues often legitimates oppositional arguments by unquestioningly reporting their homophobic claims. One study examining the *Washington Post*’s news coverage of President Clinton’s attempts to repeal the ban prohibiting LGBTQIA+ individuals from serving in the military found that the coverage that included discussion of the public’s reaction focused on opposition to the repeal and included credentials to legitimate sources who opposed it while simultaneously excluding queer voices (Meyers, 1994). A qualitative content analysis of quotes in 2013 *New York Times* articles about same-sex marriage — the year the Supreme Court struck down the federal Defense of Marriage Act —

similarly found that in an attempt to be *objective* about the issue, the newspaper used quotes from sources who opposed gay marriage and said it would be damaging to children (Rodriguez & Blumell, 2014). In the most extreme example, *The New York Times* ran a quote on the front page that questioned if allowing same-sex couples to get married would lead to a “serious push to normalize pedophilia” (Rodriguez & Blumell, 2014, p. 350). This type of sourcing is an example of a legacy media organization allowing its outlet to be used to create a moral panic against homosexuality designed to uphold heteronormativity.

Media can also be, however, a site for renegotiation and struggle where resistance can occur. In *Notes on Deconstructing the Popular*, Stuart Hall (1981) wrote that “[p]opular culture is neither, in a ‘pure’ sense, the popular traditions of resistance to these processes; nor is it the forms which are superimposed on and over them. *It is the grounds on which the transformations are worked*” (p. 228, emphasis added). To put it another way, “social transformation works in part through the constant production, contestation, and transformation of public culture, of media and other representations of all kinds, embodying and seeking to shape old and new thoughts, feelings and ideologies” (Ortner, 2006, p. 18). This idea was influenced by Gramsci (1971), who argued that hegemony is manufactured partly through the media, and through struggle new ideas can be legitimated. Just as ideologies can be used to secure hegemonic control, counter-hegemonic ideologies can be used to challenge the dominant social order.

Renegotiation and resistance require a critical examination of the dominant ideologies, but even the simple act of increased representation can be an important step forward. For example, consumption of narrative entertainment television programs that include LGBTQIA+ characters and storylines has been found to be associated with increased positive attitudes toward the queer community (Yan, 2019). Social transformation can also be aided by more explicit

questioning of heteronormativity in media. In a textual analysis of the sports talk radio show *The Jim Rome Show*, Nylund (2004) found that the host, Jim Rome, repeatedly took a strong stance against the inherent and rampant homophobia that is present in the male-dominated sports culture. While Rome's limited conception of homophobia as the individual act of a few bigots failed to take into account the institutional nature of oppression, his antihomophobic stance disrupted hegemonic heterosexism and provided his audience with a forum in which to discuss and reconsider their own political and moral beliefs (Nylund, 2004). These examples highlight that while the media can be complicit in disseminating hegemonic ideologies, it can also challenge the essentialized beliefs that uphold heteronormativity. In this dissertation, student journalism is explored as one domain of human activity that can be analyzed using the lens of queer theory to understand better how the hegemonic process can be both legitimized and contested.

Law's Role in Challenging or Reinforcing Cultural Norms

Law is a powerful expressive force in society that creates a set of social meanings and legitimates what is harmful and acceptable (Citron, 2009). Laws not only control behavior through regulating actions, but they also make a statement about the act being regulated (Sunstein, 1996). Laws can signal what is socially acceptable, and the meaning conveyed in a law can be impactful in changing social norms even when it may have limited direct consequences on deterring behavior (Sunstein, 1996). Law does not affect social change on its own, but it does send a powerful message about who should be protected. Antidiscrimination laws and pro-LGBTQIA+ rulings have the power to affirm that the queer community is deserving of equal rights and protections because as Nussbaum (2010) argued:

Constitutional law expresses our deepest sense, as a society, of what freedom and equality are; of what it means to have fundamental rights; of what it means to have certain protected areas of both liberty and equality that are seen as inherent in the very idea of human dignity. If entertainment such as *Will and Grace* and *Milk* change hearts, the resonant language, and the holdings, of *Lawrence* and *Romer*² change the institutional structures in which we live our daily lives together, expressing an inclusive sense of respect for people and committing the nation to defending some zones of freedom and nondiscrimination for all. (p. 209)

When the democratic state is functioning at its ideal, state action, including the passage of laws, expresses equality for all citizens regardless of their identity (Anderson & Pildes, 2000).

The law can express important cultural statements even when the material consequences of a particular law or court case are minimal. In 2017, pop sensation Taylor Swift was awarded \$1 in damages after successfully countersuing a man who sexually assaulted her during a meet-and-greet. One legal scholar argued that the court's verdict sent a clear message that women's bodies are not public property and that all cases "give us a chance to call on our community to reject the messages that wrongdoing sends" (Hershovitz, 2019, para. 16). The U.S. Supreme Court referenced Swift's case during oral arguments in *Uzuegbunam v. Preczewski* (2021), a case about nominal damages. Justice Amy Coney Barrett said of the case, "What Taylor Swift

² In *Romer v. Evans*, 517 U.S. 620 (1996), the U.S. Supreme Court ruled that Amendment 2 of the Colorado State Constitution, which prohibited enacting regulations and policies to protect queer citizens from discrimination based on their sexual orientation, violated the Equal Protection Clause of the Fourteenth Amendment.

wanted was, you know, vindication of the moral right, the legal right, that sexual assault is reprehensible and wrong” (Liptak, 2021, para. 7). While the granting of \$1 to a celebrity may seem materially unimportant, Swift’s victory expressed that sexual assault will not be culturally tolerated. The cultural conversation that resulted from the verdict, which came at a time when the country was facing a reckoning about sexual assault in the workplace thanks to the #MeToo movement, also highlighted how messages conveyed through law can solidify shifting social norms.

While the law’s expressive function can be an impetus for positive social change, when used as a political tool by powerful individuals who seek to oppress minority groups, the law can also make statements that perpetuate inequality. Laws that codified racial segregation of public facilities expressed the message that Black Americans were “a kind of social pollutant from which ‘pure’ whites must be protected” (Anderson & Pildes, 2000, p. 1528). The passage of such laws upheld racist ideologies by signaling that disgust and avoidance of Black citizens was socially acceptable. When a law stigmatizes a social group, it sends a message that the stigmatized group is inferior and can be treated as such; any degradation that occurs as a result of this message is harmful, but the law itself is also inherently harmful because the message is understood as to be implicit approval of those actions by the government (Anderson & Pildes, 2000).

The law’s expressive function is limited by two important factors. First, people will not always agree on what the meaning conveyed by a particular law or policy is (Hellman, 2000). From a social constructivist perspective, people understand and make meaning of laws based on their own experiences, which means that there may not be one true message conveyed in any law. In the case of HB 1557, proponents of the law believe that it sends a message that parents

have a right to “have a seat at the table when it comes to what's going on in their schools” (Hernandez, 2022, para. 14). However, a law’s message does not have to be believed in or accepted by every constituent in order to have power, it merely has to be understood (Anderson & Pildes, 2000). If there is enough shared understanding that HB 1557 expresses that queer students are second-class citizens, that message will have an impact, even if that is not the only message being sent or even the stated intention. Second, the expressive function of the law is tied to social capital, and if the politician who sponsors a bill or the court that makes a decision has low social capital, people may choose to reject the message being conveyed (Mazzone, 1999). Here too, however, HB 1557 remains dangerous, as Florida Governor Ron DeSantis won his most recent election by the largest margin in 40 years (Elder, 2022). As long as social capital for the conservative backers of the law remains high, the message expressed in HB 1557 will likely continue to be understood and accepted, leading to great potential harm for the queer community not just in Florida but in the U.S. as a whole.

Summary

In this chapter, I have outlined the history of queer theory in academia and explained how it has been used to study both the fields of communication and law. In accordance with queer theory, I have defined “queer” as both a positionality and a political statement. Finally, I have explained how ideology functions as a tool of hegemony and how both the media and law can uphold or resist heteronormativity. As a function of the state, laws, and courts produce and reproduce dominant ideologies through the law’s expressive role. The law generally sets limits on what constitutes acceptable behavior by creating regulatory boundaries and legal consequences for breaking those boundaries, but it also sends a message about who is worthy of protection. Discriminatory laws including HB 1557 send the message that members of a

marginalized community are less deserving of equal protection, dignity, and respect. HB 1557 has already begun to create an inhospitable climate for the LGBTQIA+ community in Florida, with one in four LGBTQ+ parents in the state reporting harassment since the law was enacted and one in five reporting that they have felt the need to hide their sexuality (Goldberg, 2023). HB 1557's enactment will not only reinforce heteronormativity by suppressing discussion of queerness as something unnatural or undesirable, but it will also likely jeopardize the physical and mental safety and well-being of queer youth in schools. When media outlets do not or are unable to critically examine the danger of such laws, they unwittingly reproducing heteronormative claims and ideologies. However, media also has the power to challenge the status quo by serving as a site for renegotiation and struggle where resistance can occur.

CHAPTER FIVE

METHODOLOGY

In this chapter I explain my choice to use qualitative methods based on the assumption that any form of culture needs to be considered as just one aspect of a larger socio-cultural practice. The chapter begins with a general description of the history and goals of qualitative research. It then explains why I chose to use in-depth interviews as my tool of inquiry. This chapter also includes a description of the processes I used during data collection and analysis as well as descriptive statistics about my participants. The chapter ends with a reflection on how my identity influenced the research process and a description of the ethical considerations I made in data collection and analysis.

Qualitative Research

The goal of qualitative research in the field of communication is to study the interaction between human performances and practices and how these communicative acts, situated within cultural and political contexts, constitute a social reality (Lindlof & Taylor, 2019). While quantitative researchers often ask questions that can be answered through measurement, qualitative researchers ask *what*, *how*, or *why* questions to interrogate social phenomena (Bourgeault, 2012). Qualitative research rejects the positivist paradigm and its epistemological claim that there is a stable, unchanging reality that can be studied empirically; in the critical qualitative tradition, knowledge is instead understood to be socially constructed (Denzin & Lincoln, 2011). Qualitative methodologies are thus especially useful in projects that seek to understand the individual human experience (Denzin & Lincoln, 2011).

As previously discussed, this dissertation is influenced by the critical paradigm. Researchers who study communication with a critical lens both examine and challenge the way communicative practices create, reproduce, and transform oppression (Lindlof & Taylor, 2019). In the 1980s and 1990s, there was a period of tension between critical theorists and qualitative researchers who disagreed over the level of detachment or political agenda that is appropriate in research. However, critical theories have been increasingly adopted in qualitative research, and qualitative methods are now widely accepted as a suitable mode of inquiry to examine the relationship between power relations and communication (Lindlof & Taylor, 2019). For example, qualitative approaches, including interviews, textual analysis, and case studies, have been used in recent years to examine digital allyship in the #BlackLivesMatter movement (Clark, 2019), the role of gender in news coverage that curates moral panic (Maddox, 2018), and the appropriation of sexuality in a film adaptation of a journalistic narrative (Johnson, 2022), to name just a few. The assumptions inherent in queer theory as a poststructuralist, critical approach necessitate a qualitative methodology that rejects the existence of an objective reality. Queer theory posits that gender and sexuality are discursive constructions that are influenced by the power structures perpetuated by heteronormativity, and qualitative inquiry is similarly grounded in an epistemological assumption that reality and knowledge are socially constructed. Finally, the decision to use qualitative methods for this project is based on the assumption that any form of culture needs to be considered as just one aspect of a larger socio-cultural practice. Interviewing student journalists and advisers about their experiences before and after the passage of HB 1557 allowed for examination of if and how the new law changed the stories that are being told in Florida while still taking into account other factors that impact the practice of scholastic media production.

Although qualitative research has become more mainstream in the social sciences, there still exists some bias that can be attributed to a general misunderstanding of, or ignorance to, what distinguishes high-quality qualitative research (Bourgeault, 2012). In response to this problem, Tracy (2010) identified eight criteria that can be used to evaluate the quality of qualitative research: (a) worthy topic, (b) rich rigor, (c) sincerity, (d) credibility, (e) resonance, (f) significant contribution, (g) ethics, and (h) meaningful coherence. I considered each of these criteria when planning my study, and several are worth mentioning in more detail here. Worthy topics are those that are “relevant, timely, significant, interesting, or evocative” (Tracy, 2010, p. 840). Researchers may become interested in a topic because of a contemporary social or political controversy or because they have a personal connection that makes the topic significant and meaningful to them. This research has both political and personal significance because I started my career as a high school journalism adviser in the state of Florida who experienced censorship. A sincere qualitative researcher is one who is transparent about her biases and practices self-reflexivity throughout the research process (Tracy, 2010). Reflexivity is “the process of reflecting critically on the researcher’s role in the construction of knowledge,” and being reflexive requires a researcher to reject the idea that objectivity is possible in social science (Lindlof & Taylor, 2019, p. 92). Because I do have a personal connection to this topic, I knew it was even more important for me to engage in reflexive practices. Throughout the data collection and analysis stages, I used a research journal to reflect on the dissertation process. During data analysis, I also solicited feedback from my interview subjects to see if my interpretations reflected their understandings of their experiences.

Rigor in qualitative research is judged in part by the richness of the data collected. There is no easy, agreed-upon answer to how much data is enough in qualitative research, but if the

data can substantiate the claims laid forth by the researcher, it will be considered sufficiently rigorous. Qualitative researchers must also consider if the context and sample are appropriate to the goals of the study, and they must ensure that they follow appropriate methodological practices (Tracy, 2010). My sampling techniques and interview guide were created following the best practices laid out by Lindlof and Taylor (2019). I also achieved saturation before ending the data-collection phase.

In quantitative research credibility is often tied to replicability, but in qualitative research credibility can be achieved through thick description that shows rather than tells the reader why certain claims are being made (Tracy, 2010). Clifford Geertz (1973) popularized the notion of thick description in his book *The Interpretation of Culture*, in which he argued that qualitative data represent a researcher's subjective construction of their participant's constructions, and therefore it is crucial to contextualize the data. When writing my findings, I prioritized including full direct quotes from participants as evidence and context for my analysis.

Finally, qualitative research can have theoretical, heuristic, practical, or methodological significance (Tracy, 2010). The proposed research project is theoretically significant because there are no studies that apply queer theory to the scholastic journalism context and no studies that explicitly examine how gag orders, such as Florida's HB 1557, impact student journalists and their advisers. I also hope that it will be practically significant and "empower participants to see the world in another way" and to "provide a story that may liberate individuals from injustice" (Tracy, 2010, 846). While I am not hopeful that this dissertation will change policy, I do hope the advisers and students I interview will find solidarity with other participants who may also be experiencing censorship and learn from one another about how best to respond to this injustice. To this end, I will make a point to share my final research product with my participants

in a way that is accessible to them, and I plan to present my findings at a future scholastic journalism conference.

In-Depth Interviews

This dissertation will use in-depth semi-structured interviews with secondary school journalism advisers and students in Florida. Interviewing is the chosen methodology because it is “particularly well suited to understanding people’s experiences, knowledge, and worldviews” (Lindlof & Taylor, 2019, p. 222). This is important because the primary objective for this dissertation was to learn how HB 1557 has changed the experience of participating in student journalism in Florida rather than to analyze the law itself. While the findings presented in Chapter Six were informed by an understanding of both HB 1557 as a text and the regulations of student and teacher expression more generally, the law was ancillary to the primary focus, which is the lived reality of censorship. Qualitative interviews also allow participants to tell their stories, and researchers who solicit a diverse sample of participants can compile those stories to augment the official record of history that frequently reflects only the voices of those in power. Particularly for members of marginalized or otherwise silenced groups, participating in the interview process can empower participants whose experiences are not typically centered, as it lifts “the veil of invisibility surrounding [their] everyday lives” (Opie, 2014, p. 369).

Data Collection

Participants were identified using criterion sampling. This strategy is used when people meet a set of inclusionary criteria that are necessary to address the research questions of a study (Lindlof & Taylor, 2019). Advisers needed to have two or more years of experience so they could identify any changes that have occurred in their classrooms since the passage of HB 1557. I also limited participants to those who taught at a public school and to those who teach primarily

high school students, although the school they work at could include students in other grade levels.

A list of potential participants was created by searching for all newspaper, yearbook, and broadcast programs at public high schools in Florida using the list of schools on the Florida Department of Education's website. An adviser was added to the list if there was an email provided on their school website at which to contact them. The initial list included 255 advisers. Fourteen advisers were eliminated because their email was undeliverable or because they responded and said they had left the classroom, bringing the total number of eligible participants to 241. Potential participants were sent a follow-up email 30 days after the initial email if there was no response. Thirteen advisers responded to the initial or follow-up email and indicated they would be willing to participate, but two of those advisers never scheduled a time and stopped responding. After speaking with 11 advisers, I chose not to continue sending reminder emails to try to recruit additional participants because I felt as though I was no longer hearing significantly new answers.

Interviews were conducted via Zoom at the participants' convenience. Using a video conferencing platform allowed me to speak with more participants because I was not limited by the time and resources necessary to travel to Florida, and I was also able to take advantage of the platform's recording capabilities to capture the interviews. Prior to the COVID-19 pandemic, Lindlof and Taylor (2019) acknowledged that while face-to-face interviews were the preferred method, telephone interviews can be equally useful for most research objectives when distance or other factors prevent face-to-face interviewing. Participants in this study were familiar with video conferencing, having taught or gone to school online during the pandemic. Conducting interviews on Zoom also has an added benefit unique to this research context: video

conferencing allows participants to choose the setting for their interview, which meant teachers could choose to participate from home rather than at school where they may not have felt comfortable discussing issues they have had with their administrators. For instance, a team of researchers who Zoom-interviewed men about their experiences in intimate partnerships found that participants felt they were able to speak more openly about the topic than they had in the past because they felt a sense of comfort being in their homes while discussing sensitive matters (Oliffe et al., 2021). Most of the participants chose to be interviewed during their planning period or after school while still in their classrooms, but three chose to be interviewed while at home.

Conducting interviews on Zoom does come with the potential risk of internet connectivity issues that can inhibit the flow of conversation or make it difficult to pick up on small social cues (Oliffe et al., 2021). While unforeseen complications with technology may be unavoidable, researchers can prepare for them by remaining flexible and engaging with participants from a place of empathy and respect. There were a few instances of lag during the interviews and occasionally a question or part of an answer needed to be repeated, but no major technical problems occurred.

During interviews, questions can and will vary across interviews to follow the flow of the conversation, but an interview guide should be used to allow for comparisons and to ensure that important topics are covered (Lindlof & Taylor, 2019). I began my interviews with self-disclosure by sharing with my participants that I started my career as a newspaper and yearbook adviser at a school with prior review where my staff and I often ran into issues with censorship from our administrators. Self-disclosure of this nature can help mediate some of the power imbalance between researcher and participant and generate a sense of reciprocity (Lindlof & Taylor, 2019). I structured the rest of the interview guide using Hermanowicz's (2002) strategy

of asking easy-to-answer and non-threatening questions first, followed by the most difficult questions, and then ending with cool-down questions that are positive. I planned for my interviews to last approximately 60 minutes, so my goal was to develop 15-20 questions in advance and leave space for follow-up questions (Hermanowicz, 2002). My final interview guide (Appendix B) consisted of 18 pre-planned questions that were a combination of tour questions, which ask participants to walk the researcher through a process; experience questions, which require participants to be self-reflective; and why questions, which ask participants to consider their motivations and justifications (Lindlof & Taylor, 2019). Interviews ranged from 34 minutes to 77 minutes with an average interview time of 51 minutes.

Data Analysis

Data analysis was conducted using the constant comparative method, an approach that “is at the heart of all qualitative data analysis, which relies on constantly comparing and contrasting” (Harding, 2013, p. 66). The analysis stage began during data collection as I listened for common themes among responses that helped guide my questions and aided me in knowing when to stop recruitment. All interviews were transcribed into Microsoft Word soon after they took place, and pseudonyms were assigned to ensure collaborators' confidentiality (Appendix A). After I completed the data collection phase, I read each transcript several times to enhance the validity of the findings by increasing the likelihood that the findings reflect the original data (Harding, 2013). On first reading, I created a summary of each transcript that identified the sections of the interview most relevant to each research questions (Harding, 2013). Subsequent readings of the transcripts and summaries focused on identifying patterns of similarities and differences, which were used to generate themes (Harding, 2013). Denzin and Lincoln (2011) argued that “the interpretive practice of making sense of one’s findings is both artistic and political” (p. 15). The

findings produced by this analysis do not represent a single interpretive truth, but following a comprehensive and consistent strategy for analysis enhanced the rigor of the study.

Subjectivity Statement and Ethical Considerations

In addition to the other reasons listed in this chapter, I chose to use qualitative methods for my dissertation because they are most suited to my personal philosophy of research. I identify with the critical cultural perspective and share Denzin and Lincoln's (2011) commitment to a "social science committed up front to issues of social justice, equity, nonviolence, peace, and universal human rights" (p. 11). I want to use my academic privilege to shine a spotlight on injustices, and one of the easiest ways to get people's attention to an issue is to provide a human face by sharing the experiences of those affected by injustice. I believe that research should provide a platform for marginalized voices and participants who do not have the power to be heard in their daily lives, and interviewing is a natural way to allow these participants to tell their stories. I also do not believe there is one objective truth to be discovered through my research. I do not believe that researchers need to strive for objectivity or neutrality in their work as long as they are reflexive and transparent about their own constructions of reality. To that end, I acknowledge here that my dissertation is influenced by my experience as an adviser whose students were constantly censored by the school administration as well as by my personal interest in advocating for the queer community.

This project was approved by the University of Georgia's Institutional Review Board in October 2023. All interview subjects signed an electronic consent form before participating in the study and they were given the chance to ask any questions they had about the study before the interview began. Because of the nature of qualitative interviewing, I could not guarantee anonymity, but I could ensure confidentiality, and I made sure to share that with my participants

during recruitment. All identifying information was depersonalized when I created the interview transcripts, and participants' names and schools are not connected to their statements in the final research presented here.

Summary

This chapter outlines my methodological approach for this dissertation — qualitative in-depth interviews. According to Lindlof and Taylor (2017), the central question at the root of qualitative inquiry is “What is going on here?” That was the appropriate question to ask about this topic because evidence showing how HB 1557 has changed the landscape for student journalism is limited and primarily anecdotal in nature. To answer this overall question, as well as my four research questions, I interviewed 11 high school journalism advisers in the state of Florida. The findings from those interviews are detailed in the next chapter.

CHAPTER SIX

RESULTS

What is Censorship?

Every participant defined censorship as a prior restraint on expression, whether spoken or published. TILLY, for example, defined censorship as “when government or some government authority prevents you from writing, publishing, ... putting out something that they might not agree with.” The words used to define censorship included *denying* (DOUGLAS), *blocking* (MARIAN), *silencing* (NEAL), and *limiting* (JOSH). Specifically in the school context, LANA said that “censorship to me is telling my students that they cannot discuss, read or write on things that are important to them,” and NEAL said that censorship is “taking away the opportunity [for students] to be able to be heard.” Several advisers also acknowledged that censorship is a violation of someone’s rights. ASHLEY, for example, defined censorship as “not having the right to say or post or ... do something.”

The ways in which the participants conceptualized censorship ranged from recollections of their personal experiences as student media advisers to broad thoughts about the cultural phenomenon of censorship in a society. This difference in conceptualization means that the definitions they provided were either very specific to the student journalism context or generally applicable to public expression. However, two common themes among the responses were censorship originating from an external authority and censorship occurring because someone disagrees with a topic or opinion.

Who Is the Censor?

An external source of authority, such as the government as the source of censorship, was a common theme in participants' responses. Principals and other school-based administrators, school boards, and other district officials, even state and national government officials like lawmakers, were all brought up as potential censors external to the publication. For example, CHRISTINA defined censorship as "outside influence exerted over basically an independent entity," although she also noted that while she believes student publications are supposed to function as independent bodies that do not speak for the school or the administration, in reality "we are a school entity but ... not quite." Because Florida does not have New Voices legislation, school publications in the state are subject to the principles of *Hazelwood v. Kuhlmeier*, which means that newspapers and yearbooks produced in a class are forms of school-sponsored expression that can be regulated with relative ease by campus administrators. However, the advisers in this study did not think of the administrators at their schools as internal to their publication teams.

Only one participant, DOUGLAS, included himself as an authority figure with the potential to censor his students. He first defined censorship broadly as "an authority of some sort denying coverage or denying a topic from being discussed," but when asked to apply that definition to student journalism, he identified three authority figures who censor his newspaper:

We'll go from the biggest to the smallest. One, the state. You know, the laws definitely have censored us. That's no doubt. Two, administration. I defend them by saying they're ... holding on to their own job. You know they're defending that, and I don't blame them at all. And lastly, and the reason why I don't blame them at all, is because the last one that censors the paper is me. I do tell the students 'No, you can't cover that.' Sometimes

because it's not responsible. Sometimes because it's not ethical. Sometimes because it's going to get me fired.

Although the other participants did not name themselves as potential censors, several shared stories of times when they did censor their students. Interestingly, many of these stories were framed as an attempt to avoid overt censorship by their administrators—i.e., the type of censorship they defined as problematic. For example, CHRISTINA said her program had never been subject to prior review, but she followed that statement up by saying:

I've made sure that we've never had any reason for any kind of prior review, too. There's been times where I've had to ... be the teacher and go, 'No, we can't do that. That's just not a thing we can do, unless you want to not be able to do this anymore.' Because I can tell that's not going to go down well with downstairs.

To CHRISTINA, this type of classroom censorship on a case-by-case basis is preferable to her school-based administrators implementing prior review for all future issues. It is important to note that she did not see this as a form of censorship but rather as part of her role as an adviser. NEAL also acknowledged in a follow-up question that advisers may act as a censor but primarily as a response to previous censorship and pressure from authority figures who have control over the adviser:

I could see an advisor saying 'No,' and maybe I'm the one that's saying, 'No, we're not allowed to,' and maybe that's censoring them. But ... it's got to start somewhere. And that person, for me, was the principal, and I'm gathering if I went up to the school board, they'd probably give me a similar thing.

Even when the participants considered the possibility that they could be a censor, they still believed an external authority was the cause of that censorship, and many of the advisers

described guiding their students in ethical and responsible decision-making as a job responsibility, not a form of censorship.

Why Does Censorship Occur?

Several advisers suggested in their definitions that censorship occurs when somebody does not agree with the sentiment being conveyed or thinks it is inappropriate. WILLIAM said censorship of student media at his school is a form of control done without a legitimate reason under the *Hazelwood* standard that happens when his principal doesn't like a story. MARIAN said that censorship can sometimes be justified (e.g., if the military redacts information for security reasons), but she said she believes that "95 percent of the time, ... censorship happens because somebody doesn't like something, and they think everybody else should be blocked from it." Both WILLIAM and MARIAN work at combination schools that have elementary, middle, and high school students on the same campus, and they noted that appropriateness is a fallback for their administrators as a justification for censorship, because if their administrators personally believe something is inappropriate, they can simply say it is not age-appropriate for the younger students.

REBECCA and ELLA both identified political climate as another reason censorship occurs at schools. As REBECCA explained, "I think we see that come through ... where the area's very liberal, and someone wants to run ... an opinion piece that's contrary to that and conservative. and that gets shut down and ... vice versa." ELLA shared that her staff makes decisions about what content to run based on what they think are the prevailing sentiments in their local area:

I'm at a really small school ... that's in a really small town. I think that definitely plays a part in what we produce as a final product because we are so much smaller. And I think

our student population is kind of reflective of our community itself and what our community believes.

These decisions are a form of self-censorship, although it is important to note that selecting pieces based on what an audience wants to read is also part of practicing news judgment.

According to LANA, the degree to which the local community is involved in school matters can also be a factor in explaining why a publication does not get censored:

I'm going to say this, and this may sound ... a little bit weird, but I think the reason that we are allowed to publish what we want to publish is because it is a Title I school, and our demographics are 60 percent Hispanic. And I think their parents are much more concerned about putting food on the table than they are about what their kids are reading in the high school newspaper.

Without pressure from parents or alumni who have complaints about the material published in a school publication, a principal may leave that publication alone.

Censorship can also occur when school officials want to protect the school's reputation or their own jobs. REBECCA defined censorship as "anybody ... in a position of power, like an administrator or school district, ... saying that students can't talk about a topic that embarrasses or makes the school look bad." DOUGLAS suggested censorship is less about an administrator personally not liking a topic and more about what the person thinks community members would not like, which in turn would threaten the administrator's job:

I don't think any of the administration ... have ever been out to get the newspaper or actively censor it. It is one of those where they're just covering their own asses. They're not doing it to say, 'Ooh, I don't like that topic.' They're doing it because [they think], 'I don't want the community to fire me.' ... But now all they have to do is have enough

parents complain at the end of the school year, or have a school board member or some other toothless hick get elected into their school board, like has happened many times, find them offensive, and next thing you know, they don't get renewed for the next year.

MARIAN also acknowledged the fear that administrators sometimes have in giving students the freedom to publish what they want without administrative oversight:

They're not trying to be nasty. Sometimes they're just like trying to cover—they're doing a CYA. Sometimes I think they're just afraid of ... kickbacks to some degree, too. I think it's just like, 'We don't want to touch the controversy, either.'

The Chilling Effect of HB 1557

Nearly every adviser I interviewed said they are scared that the vague and overbroad nature of HB 1557 could cause them to lose their jobs after one wrong move, even if they said they otherwise feel protected because of their years of service, award-winning publications, status as a union member, or reputation on campus. For example, REBECCA said:

I'm always afraid. I feel like it's taken on ... a different tone ever since ... they started passing a lot of this legislation, because now it's like, ... you do this, you lose your license, you do this, you lose your license, do this, lose your license, put the wrong book on the shelf, lose your license, it's like, now you wonder ... is that something someone could ... report to the state?"

The developing political and legal landscape in Florida was commonly cited as a reason advisers knew that they could experience censorship or lose their jobs at any time. ASHLEY said, "I think that it just takes ... one pissed off parent to ... get a rise out of my principal to then come to me, and not that I don't want to deal with it, but I don't want to deal with it." Similarly, CHRISTINA said, "[My principal's] a nice guy, but at the end of the day, if his boss comes

down on him, it is what it is. ... They trust me a lot, and I appreciate that a lot, so I try to be careful how I how I use that trust.” LANA said, “I think if the district came to my principal and said ‘Shut it down,’ he would shut it down.” And TILLY said, “I would imagine ... that if something were published they didn't like, then it would all break loose.”

While some of the advisers I interviewed said they had never experienced any form of censorship, they also described proactively censoring themselves and their students out of fear of overt censorship or other repercussions, such as losing their jobs, if the wrong thing were to be published. For example, TILLY said she had never done any censoring and had never been censored, but then she said that she has “steered kids away from a topic” if she thinks it will be too inflammatory or cause too much division. CHRISTINA also said, “There has been no overt pressure from my administration,” but she added:

For right now, I'm erring on the side of being a little more conservative than I like to be just because I want to make sure that we still have a student outlet for our kids. Especially being that we've brought back the newspaper after a little while of not having one and we're trying to make inroads there. So I don't want to do anything to make administration go, “Yeah, this was a bad idea. This is a terrible experiment. Let's not and say we did.”

While it is possible that the participants who said they did not experience censorship truly do have a supportive administration that would not have issues with their student media outlets publishing controversial topics, it is also possible that the advisers just have not run into trouble *yet* because they are, consciously or unconsciously, selecting topics that won't cause problems.

An illustrative example comes from an adviser who said during her interview that she had not experienced censorship but then had a problem the very next week after publishing an issue of a newsmagazine that included a story on Florida's new Safety in Private Spaces Act, which

criminalizes the use of a bathroom that aligns with a person's gender but not the person's assigned biological sex. ASHLEY explained the problem in a follow-up email:

Monday our magazine started landing in mailboxes. Tuesday after lunch my principal sent someone to my room to get a copy. By the end of the school day, he called to tell me there was some heat about the magazine. By the time I got home, he had called me twice more to tell me about parents calling, right-wing groups calling the district, media relations contacting him, and as of right now "Don't post or publish anything about the magazine." I also got an email forwarded to me from a parent saying, "While I am aware and fully supportive of one's right to share their beliefs and open dialogue with fellow students about current social and cultural issues in the school environment, my family and I would appreciate that these beliefs be reserved for discourse in the correct setting. Neither myself or my family share the views in this publication and respectfully request that they no longer be mailed to us."

ASHLEY said this issue of the newsmagazine was "probably the first time I've had kids that wanted to ... go a little bit outside the box," and she had shown the issue to her principal prior to publication, even though her staff does not have a required prior-review process, because she knew that it was a "hot topic" and wanted his support. Although he approved it, after the complaints began to roll in, ASHLEY's principal told her staff not to post anything about the story or the backlash. If ASHLEY's staff becomes discouraged by this negative response to their first attempt to publish something about queer issues, they may not pitch a similar topic again in the future.

Student Self-Censorship

Many of the advisers I interviewed said they felt their students were already self-censoring before HB 1557 was passed, and several advisers mentioned that they believed their students are more risk-averse than they are. TILLY said she thinks her students are “quicker to self-censor than I am,” which she said is often because they do not think they should be critical of the school or policies they disagree with. DOUGLAS expanded on this observation, and he suggested that his students are hesitant to pitch stories that they think their principal will have a problem with:

In truth, actually, over the last few years, one thing that I found really interesting is the students are more conservative than I am. They're going to be the ones who are more likely to say, ‘No, we can't get that printed.’ And then I'm like, ‘Why not? If you approach it this way...’ And [then they're] like, ‘Oh, okay,’ but they're ... more conservative in what they want to try than I am. They don't want to push those envelopes.

MARIAN agreed that her students also avoid topics they don't think they will be allowed to cover, and she specifically identified queer stories as one of those topics since the passage of HB 1557:

There are some things that they don't want to touch because they're afraid that the administration is going to say, ‘No, let's not write about that,’ even though they know that the administration can't really say we can't write about that. ... They're definitely staying away from the whole LGBTQ conversation. They're staying away from anything that's like policy in Florida. They haven't quite talked about that. They're staying away from anything that's overly controversial. They're keeping it safe. ... I think some of it is

they're afraid. Some of it is because they're like, 'I'm just not going to touch it. It's just, it's not worth it for us to be told no.'

The self-censorship these advisers have seen in their staff is likely a result of the students' previous experiences with overt censorship. Both DOUGLAS and MARIAN work at a school with prior review by policy and practice, and both shared stories of when their administrators told them they could not run a piece either in the early stages of writing or during page proofs. Students who have had a story cut at the last minute may not want to risk that happening again.

In addition to previous experiences with overt censorship, several advisers also identified peer, community, and family pressure as a reason their students shy away from controversial or political topics. For instance, ASHLEY said, "I think that they're high school kids, and I think that they want to be cool. And I think that a majority of my staff is popular kids. ... They don't want to push that box to be ... overly noticed." LANA suggested that her students self-censor not only in what they write but also what they say in classes because they want to be accepted:

They are so concerned that people like them that a lot of them are worried that if they say something that is not the norm, that people will not like them, or their teacher won't like them. ... I think kids are so hungry for acceptance by their peers, and especially by their teachers, that ... there's a lot of times they're scared to open their mouth if they have an opposing viewpoint about anything.

These factors were a problem that contributed to student self-censorship before HB 1557 passed, but the topics that have become political—that students may feel pressured not to discuss or even bring up—have likely changed.

Following the enactment of HB 1557, participants said student self-censorship was an increasing problem among the entire student body, not just in their media classrooms. Taken to

the extreme, the desire to be accepted or not to be noticed can cause students' experiences to be omitted from the historical record of the year. NEAL explained that in the week preceding our interview, his yearbook staff had club picture day and the sponsor of the Young Democrats club emailed him that day to say the club would not show up for its picture "because the few students that there are in the club did not want to take a picture in fear of retaliation." The Genders & Sexualities Alliance (GSA) at his school already had shut down because students were afraid to be seen as members, and membership dropped. NEAL also said he has had three students this year ask to have their picture removed entirely from the yearbook, rather than have it run next to a name they no longer use, and he expects to get more of these requests:

We hear that a lot. I don't want to be in the book. If you have to put my real name, I don't want to be in the book. ... We are limited in terms of what we can say and what we can cover, and it's a big thing. Students, ... they hide and they feel safe where they're safe, and then they live in the shadows and they're not even allowed to have a club.

Changes in Coverage of Queer Issues

Since the passage of HB 1557, advisers and students must figure out if and how any coverage of queer issues that they were able to publish previously can continue under the new law. For example, CHRISTINA said she and her staff have had recurring conversations this year about how to cover LGBTQIA+ students in the publications she advises:

We're not allowed to say gay in the state of Florida, but we have a significant population of students who fall within that spectrum of folks, so they also have stories to tell and stories worth telling. ... In years past, it was not an issue really. In the 2020 yearbook, we had an interview with a girl who said that she was pansexual, and she talked about what

that meant. That wouldn't fly now. There's no way. So we're having to sort of figure out how we're going to talk about that in our yearbook and in our newspaper.

According to CHRISTINA, she has started doing what she calls “lawyering the system,” meaning: finding ways to allow her students to cover topics that are meaningful to them within the confines of the law and without drawing attention or heat from her administrators. As she put it, “It’s dicey.”

MARIAN said that she and her newspaper staff are also trying to find the balance that would allow them to publish queer stories, although she said her staff has erred on the side of not publishing:

That bill has ... made me think about publishing LGBTQ issues more and how we would approach that story to make sure it's appropriate for the topic and ... not going to get administration jumping down our throat about it. You know, we've been pretty lucky at our school, but nobody's really wanted to cross the line. So I think we all ... are a little bit more sensitive to that stuff now.

Some advisers said that queer issues were already a sensitive topic that their staff approached carefully and that HB 1557 has made it more tenuous. For example, NEAL said his staff was overtly censored only once when trying to write a story about pride, and this occurred before the enactment of HB 1557. However, he also said he was explicitly told that his staff would no longer be able to write about the queer perspective under any circumstances after HB 1557 passed: “We were told by him—the principal—if you're going to run a pride story, then it better be a straight story. Literally the words came out of his mouth.” NEAL said he did not worry about losing his job, and he said that previously he had attributed that confidence to an implicit understanding with his principal that he would not encourage his students to pursue

controversial topics in general. Now, he said he knows not to even try to allow his students to write about queer issues if he wants to keep advising the yearbook:

I think there is a level of respect only because the principal knows that I'm not going to rock the boat. But if I were to rock the boat, I don't know if necessarily I would be welcomed back.

WILLIAM said that his principal has become more censorial since the passage of HB 1557 and that he made it clear there would be no administrative support if a parent complained about a teacher using the law's new reporting system:

My problem is a principal who is just terrified of losing his job, and he has no courage. He's said in faculty meetings, ... when he was talking about the 'don't say gay' laws and stuff, somebody asked, 'Where are you going to be if this happens?' And he's like, 'I've got two kids in college and two more that are headed that way, and to be honest if it's between you and me paying for my kids for college, I gotta do what's right for me.'

Basically saying, I'm throwing you under the bus, [and] you're on your own. So that's the way he handles everything.

WILLIAM's yearbook and newspaper staffs historically have had to submit their work to the principal for approval prior to publication. Other than small changes and the removal of one story about accusations against the superintendent, he said, in the first nine years that he was the adviser, he did not experience major issues with censorship. However, he said that "two years ago, after the 'don't say gay' law passed in the spring, that next fall ... we had like five stories that couldn't run. ... You know, it was like [the principal] just became ... terrified of anything controversial."

Perceived Futility of Coverage

While advisers are feeling pressured not to allow their students to cover queer issues because of potential job repercussions, students are choosing not to cover queer issues because they feel as though there is no point. DOUGLAS said that prior to the passage of HB 1557, his students would occasionally write profile stories about queer students, but his students know that their county is “rabidly red” and “what topics we really can't go near.” He added:

If the student really had a good enough idea, what we would do is talk to our admins, see if we can get it through the law, and possibly try it if we had a reason, but the reason has to be good. The law basically just means that we have to have a reason now.

However, according to DOUGLAS, his students no longer try to pitch stories that would require those conversations, partly because they can no longer find students who are willing to go on the record about their identities.

NEAL similarly said his students tried to cover HB 1557 as a news topic when it was still being discussed and working its way through the legislature, but they have largely given up on producing stories about LGBTQ+ issues since it was enacted:

While ... the awareness has been there, [the students] just feel resigned in a way to know that while they're always welcome, everybody's welcome in my room, and it's always been a safe haven, it's just you know that that idea of what can be talked about is just silenced here.

This sense of resignation was something WILLIAM noticed in his students, too:

They've been writing less stories related to LGBTQ stuff since the law, just because, I don't know, I think they kind of felt like it was over, they had lost, and kids weren't really

talking about it that much anymore because it was done, a done deal. ... What can you do after the laws have passed and gone into place?

This feeling of hopelessness has led at least some student publications in Florida to stop covering queer issues and the legislature's actions altogether.

Changes in Processes and Decision-Making

Names and Pronouns

The biggest process change identified by most of the participants, and especially detrimental to those who advise yearbook, was the implementation of a form that parents need to sign in order for their students to be called by anything other than their legal name. The specific process looked different in different districts, and some advisers felt that the change was more complicated and tedious than others, but they all said that it was a new concern this school year. JOSH, for example, said prior to the enactment of HB 1557, he would already have to make sure his staff used legal names in the yearbook, but he said "this year it's even worse," adding, "The form they have for it is, oh my god, before it was just like a half page type of thing, where now it's like this full legalese."

ASHLEY said that the new name form requirements made her more worried about the use of alternate names and nicknames in the yearbook, so, in addition to the new form that was mandated by the district, she and her staff created additional forms specifically for the yearbook that required students to choose how they wanted their name to be presented in various places in the book:

This year, they had the parents sent something about the name forms, and then they had to fill it out and bring them back. So I think that, for me, I definitely was concerned at the beginning, especially with my kids that are on the newspaper. One of my kids, her name's

Samantha, and she goes by Sam, and I'm like, "Well, you need to make sure that you have that name form turned in," because ... it just takes ... one pissed off person and ... it's an issue. But also we had to have forms filled out for yearbook separate. Because, say, Samantha turned in that paper, and it says Sam, she may not actually want Sam in the yearbook. So they had to have a specific [form], and we had a portrait section as well as another section, because maybe you wanted to have Samantha in your portrait, but you want Sam in a caption, so [we are] just giving those extras which, obviously, we hadn't done before.

TILLY said at her school every club sponsor is required to collect parent permission forms that allow their students to be part of a club. However, she said her staff does not check those forms against club rosters when putting together the club spreads in the yearbook. She went on to say that she believes the paperwork is a way for the school to avoid liability if there was ever a complaint and not something anyone at the school is reviewing: "In fact, I don't know that anybody is actually checking. I know I'm the sponsor of two clubs, and I just collected the forms and they're here, but I haven't bothered to check." How the advisers choose to handle the paperwork seems to vary based on how seriously their school and administration are enforcing the new requirements, but despite the differences in implementation, administrative paperwork has become an even bigger part of all of the participants' job duties in the past year.

Legal names were more of an issue for the advisers in this study than pronouns. NEAL explained that his staff could usually get away with using a student's preferred pronoun even if it does not match what is in their official records because "when it's pronouns, there's less ... of a chance ... that anybody's going to notice it enough to make a fuss." ASHLEY said at her school she is not supposed to ask about a student's pronouns, so her staff tries to be gender-neutral when

they can be, but they will use a different pronoun if a student requests it. TILLY and MARIAN both said that rather than have their staff use gendered or gender-neutral pronouns, their policy is to use names to reference sources. Both advisers said they had implemented that policy prior to the passage of HB 1557, but they said they were glad now to be able to avoid the pronoun issue altogether to adhere to school-wide policy.

To avoid having to deadname or misgender a student, REBECCA said her staff has created a de facto policy of using a student's preferred first name in conjunction with a random last name that no student at the school has. She expressed reservations about having to anonymize queer sources in this way:

The thing that's tough is, I think a lot of my students, politically, are sympathetic to that entire community. And it does feel wrong in a lot of ways to have to make them anonymous when they want their name printed, and all they want is just their name to be printed the way they want their name to be printed.

However, she said that this compromise was the only way she could see for valuable information and meaningful stories to get published in the current political climate, which she believed made the tradeoff worth it. While none of these approaches are perfect or officially sanctioned, they suggest that advisers in Florida are trying to find ways to continue to respect students' identities in student media, despite being directed by lawmakers that they should only use legal names and pronouns.

Journalistic Objectivity

While I expected to hear stories from participants about the challenges of using chosen names and pronouns, one unexpected theme that emerged (seven advisers brought it up) was the importance of remaining objective in news coverage. Most of the advisers' calls for objectivity

were tied to their students' coverage of controversial issues in general and queer stories in particular. For example, WILLIAM said after HB 1557 passed, he had conversations with his students about how they would need to be prepared to turn in any stories about LGBTQIA+ issues to the administration for prior review earlier than other stories, and these stories, if they wanted them to run, would need to reflect objectivity:

We talked about [how] you've got to make sure that you keep [the news stories] ... focused on the facts. Keep your opinions out of the story. Just keep it very objective. You can interview people and tell their opinions, but make sure that you're keeping it good journalism.

Many of the advisers seemed to require objectivity of their students because they had been trained in journalism school or professionalized through their previous experiences as a journalist to view objectivity as the gold standard. NEAL, for example, drew this straight line from his training to his expectations for his students: "I come from the fair-and-balanced [school of journalism], so everything they're doing doesn't take a side." However, for some, the need for objectivity has come from external sources. MARIAN said that in recent years her principal has required all sides of an issue to be presented if her staff plans to write opinion pieces about any controversial issue. When one of her students wanted to write an opinion piece about critical race theory, her principal initially wasn't going to let the story run but later said it could, if a student was willing to write the other side. The piece never ran because no other students wanted to write the opposing opinion.

More than one adviser suggested that objectivity is even more important in scholastic journalism than it is in professional journalism because their students' age and maturity levels mean they are not equipped to write opinion pieces about complex issues. As TILLY put it:

Like everything else, even our journalism has become divided. And in my journalism class, we would certainly touch on, and discuss, some of those dividing topics. But I would always remind them that ... as a journalist, you need to remain objective. You don't know enough at this point not to be objective. You can have an opinion, but you need to make sure that you are looking at the objective facts from both sides, or all four or five sides, however many there are, before you can have an understanding of whatever the topic is.

DOUGLAS even suggested that queer issues, specifically, are one of the more complicated issues to expect a high school student to be able to cover responsibly:

High school freshmen don't even understand deodorant yet. Asking them to do a complicated story involving multi-gender bathrooms, and ... dealing with issues of pronouns, they think they have the answers, but to give both sides of an issue, and to respect both sides of an issue, that's a big ask from a 14 year old who doesn't even know who they are yet.

However, REBECCA, who said she believes student media should be a forum for students to explore topics that are important to them even if it makes adults uncomfortable, challenged this belief:

I don't see why someone's opinion is not valid at 12. My 6 year old has valid opinions. I don't see why someone's opinion's not valid because they're 16. There isn't something magical that happens at 18, that makes your opinion suddenly valid.

WILLIAM and MARIAN both questioned whether their students cared about queer issues and if pursuing stories about the LGBTQIA+ community was, as WILLIAM said, at “the top of their priorities” for a 15 year old. Advisers like REBECCA, who believe her students find intrinsic

meaning in questioning the status quo, seemed more willing to allow their students write controversial stories and to forgo complete objectivity in their coverage.

Alternative Avenues for Queer Stories

Several advisers mentioned that in the face of the new challenges presented by HB 1557, they would try to get their students' work published in other outlets rather than let the story go unpublished altogether if their principal tried to censor them. For instance, DOUGLAS said that he has multiple ideas for alternate outlets if the need arises:

If we can't print [a story because of the law], if the idea is good enough, there are other news sites where my students can go get printed. We can make some of our contacts at the [local papers], although I don't know if they want to print something like that. Or we can call some other professional publication [where] we have ... former staff members working at now. And possibly, instead of getting printed at the high school paper, if it's good enough, and it's worthy enough, just bypass that entire school publication part.

WILLIAM said he has already started to have those conversations with his students, although they had not yet taken him up on the offer:

I've told them, with some of their stories, "This is a good story, if you want to send it to our local newspaper, they'll probably run it." Yeah, our principal will get mad, but there's nothing he can do.

REBECCA suggested that what her principal and other administrators fail to realize about censoring student voices is that if students turn to other venues for publishing their work, then the school will receive wider unwanted attention:

I kind of figure that ... if they're going to censor something, then my students are going to go to the media like all these other students do, ... and it'll get published somewhere

else. And that's the thing that I think people don't understand about the censorship piece. Given this day and age, and the internet and social media ..., whatever this thing is that you don't want to see the light of day is not only going to see the light of day, but it's going to [find] a much bigger audience than you ever want to see it. ... Whenever the censorship stories happen, as soon as those students take it to Student Press Law Center and take it to other publications, I've seen their stuff get published in the *New York Times*, get published in *The Washington Post*, get published everywhere. And it becomes ... a national story that I don't think they understand.

Adviser Resistance

Only one adviser, LANA, who plans to retire at the end of the school year, said she would openly defy her principal if he tried to censor the student publication she advises:

This is what I told my students: 'You write about what you need to write about, and we'll get it published.' And we will say, 'Oh, we weren't supposed to publish?' Let's pretend like we don't [know]. My principal, I think, is scared of me ... This is what I told my kids: 'If you need to talk to me about something, I don't give a crap what it is, talk to me. Because I value each and every one of you. I don't care. And I don't want anything to happen to you.' That's what I tell them. 'And I want you to know that my classroom is always safe.' And they say, 'But what if you got fired?' And I say to them, 'You guys are my students, and if somebody wants to fire me, then they're gonna' have to come to my classroom and do it.' And that's pretty much how I feel about it.

While the advisers who want to keep jobs at the end of the year might not be willing to be so rebellious, many mentioned their desire to do right by their students and their willingness to ignore certain HB 1557 requirements that are harder to enforce. For example, WILLIAM said he

has made it clear to his students that if they go by a different preferred name or even a nickname, he will respect that in his classroom even if the students do not have a parent sign off on the required name change form:

I've told them ... I don't give a fuck. I've just said, "I'm not changing what I do." ... First day of school, I did what I've been doing for 20 years. "So when I call your name, tell me if you're here. If you go by something different, let me know." In one of the classes, they were like, "Are we supposed to have a parent thing?" And I said, "I'm doing what I've been doing for 20 years because it's the right thing to do." It's good teaching. It's best practice.

JOSH also said he will call students by whatever name they tell him regardless of what forms have been signed. In addition, he said he has continued to keep pamphlets in his classroom that advertise a community center that tries to help teenagers with gender issues, even though he knows that he is not allowed to tell students they are there and that he could be reported to the district if an administrator found them. He said it is more important to him to protect his kids from getting hurt than it is to protect himself:

I want the students to know that they're safe, that they're protected, that they're able to express themselves within reason—not to offend other students or to make anyone feel uncomfortable. ... And I think it helps even in journalism and the yearbook in getting these kids to realize this is a safe place to try to express and push some things.

While the advisers I interviewed are grappling with what the law means for themselves and their publications, they are also trying to find ways to work around the new regulations that they think are potentially harmful to students. REBECCA put it best when she said, "I think at the end of the day, everyone just tries to do right by kids as best they can."

CHAPTER SEVEN

DISCUSSION AND CONCLUSION

Through in-depth interviews with high school journalism advisers in the state of Florida, this dissertation explored how the passage and enactment of HB 1557 impacted the censorship of queer stories in student media programs across the state. This discussion-and-conclusion chapter revisits the research questions that guided this study in light of the findings presented in the previous chapter. The results are discussed in the context of student media's potential as a site for renegotiation and resistance. This chapter also includes my personal reflections on the dissertation process and my hopes for this work, as well as ideas for how this research can be expanded upon. Finally, this chapter concludes with considerations about the future of scholastic journalism in Florida.

Discussion

RQ1: How do high school journalism advisers in Florida define censorship?

The first research question examined how the advisers in the study define censorship. Perhaps the most striking finding related to RQ1 is that the vast majority of participants did not include self-censorship in their initial definitions. Martinson (2008) suggested that four types of censorship occur in schools, and only one is overt, which was the only type of censorship most participants identified in their definitions. This is particularly interesting because the results of this study show that self-censorship and unconscious censorship, which are the other three types of censorship that comprise Martinson's (2008) typology, are the primary forms of censorship occurring at the participants' schools, while overt censorship seems to be a less pressing issue for

most of the advisers in this study. Advisers generally described a threat of overt censorship, but most said they have not been overtly censored. It is interesting, then, that there was general agreement among the advisers that censorship was something done to them or their students by an external source of power and that so many of the advisers named their principals or a school district official as the person they pictured when defining censorship of the scholastic press.

It is difficult to explain this discrepancy with the results of this study alone, but it might be related to the wide latitude given to principals by *Hazelwood v. Kuhlmeier* to censor what they want as long as they can assert a reason related to pedagogy. An analysis of almost 50 circuit court cases that applied the *Hazelwood* standard in the first 25 years of its existence demonstrated that courts almost always side with school officials because “the ‘legitimate pedagogical concerns’ standard is interpreted so loosely that courts have rendered it effectively meaningless” (Kozlowski, 2012).

Even in schools where the principals have been generally hands-off with the student publications, advisers seem to recognize that they have the power to censor at any moment. The fear of repercussions has led to unconscious self-censorship detrimental to the publications’ potential to report and comment on controversial topics and to challenge social inequities. Several advisers in this study pointed to examples of other teachers who were investigated or removed from their classrooms as reasons they are afraid to rock the boat, suggesting that this problem likely will continue to worsen as advisers see other teachers punished for expression under HB 1557.

Another theme that emerged was speculation regarding why censorship occurs. It is notable that the advisers seemed as if they were trying to justify overt censorship by identifying a reason their principals or other officials would impose restrictions on their publications. Some

advisers, such as DOUGLAS and MARIAN, even seemed to have sympathy for their principals, and REBECCA was able to acknowledge that her thoughts on the function of the student press as an adviser will necessarily diverge from those of her principal, who has different responsibilities:

I think I give the kids more leeway than she would. But ... she looks at things from a different perspective than I do. I'm looking at things from a First Amendment expression perspective. And she's looking at things from, like, 'We don't want to be in the news, and we don't want to have like a PR problem, and we want the school to always look good.'

That's not really my concern.

REBECCA's understanding of her principal's unique position is just one example of how the participants tried to understand why overt censorship occurs, even though, as DOUGLAS said, they aren't "pro-administration." All of the possible reasons for censorship that the participants identified are consistent with the literature in this area that links responses to perceived threats to the social order with increased censorship generally (Corn-Revere, 2021) and a desire to protect the reputation of the school and its vulnerable students with an increased propensity of school officials to censor specifically (e.g. Maksl & Schraum, 2012; Wagstaff Cunningham, 2012). It is therefore likely that the advisers have correctly identified what would be most likely to cause overt censorship at their schools and that they know the limits of their publications, ultimately explaining why they self-censor out of fear of overt censorship that for many of them has not happened.

RQ 2: How have journalism advisers in Florida experienced censorship after the passage of HB 1557?

RQ2 examined how advisers experienced censorship in their media programs since the passage of HB 1557. In discussing recent censorship, advisers compared their experiences in the

past two years with their experiences prior to the law’s enactment, resulting in the finding that censorship — and censorship of queer stories specifically — was already a problem in their programs, but censorship has increased since the new law has gone into effect. Advisers identified both student self-censorship and overt censorship as issues at their school, and I identified that unconscious adviser self-censorship is also evident in advisers’ descriptions of their editorial decisions and processes.

Self-Censorship

The results presented in Chapter Six suggest that self-censorship is the primary type of censorship occurring in the Florida high school journalism programs whose advisers participated in this study. Students and advisers were already self-censoring, but the passage and enactment of HB 1557 has exacerbated the problem. Educational gag orders like HB 1557 are designed to chill speech by sending the message that the discussion of certain ideas and topics will not be tolerated (Friedman & Tager, 2022), and the results of this study indicate that this is precisely the result produced by HB 1557 among at least one group of Florida teachers. As REBECCA said, “It’s kind of like a boogeyman law. It’s meant to intimidate and scare you . . . , and I think it has that effect.”

Educational gag orders are a form of censorship legislation that usually leads to self-censorship because of fear of repercussions (Anthonissen, 2008). The advisers in this study were fearful of losing their jobs or their positions as student media advisers if they allowed their students to publish something controversial that could be construed as an HB 1557 violation. Several advisers also said they were afraid their publications could be shut down if there was enough backlash or upon their removal as advisers. These considerable potential consequences have caused some advisers to be overly cautious in topic selection for their publications, and

other advisers described reactions that suggest they unconsciously have been engaging in self-censorship for the same reasons.

Previous research has shown that most student editors care deeply about whether their advisers would object to a story idea, and student editors say they are more likely not to run a story that could be seen as objectionable by the adviser than they are not to run a story because the editors personally think it is controversial (Dickson, 1994). When advisers self-censor, the end result is increased student self-censorship, even if the adviser never overtly censors the publication. When overt censorship leads to self-censorship, then “silence becomes a tool of sociopolitical oppression,” and it is often the voices of minority and disenfranchised groups that get silenced (Anthonissen, 2008, p. 404). That is the inevitable outcome of widespread adviser self-censorship of queer issues now that expression about being gay has become controversial in the wake of HB 1557.

Overt Censorship

Only one adviser, WILLIAM, said he has an ongoing problem with overt censorship in his administration that has gotten significantly worse since the passage of HB 1557. Several advisers said they had been told by their administrators that their students would not be allowed to publish content about gender, sexuality, or pride. The majority of the advisers I interviewed also said they are required to submit proofs to their administrators for prior review, or they choose to run things by their principal at various stages of story conception and development. Because prior review often leads to prior restraint (Hiestand, n.d.), these practices set up advisers and their students to be censored in the future.

RQ3: Have student publications in Florida changed how they cover queer issues since the passage of HB 1557? If so, how?

The results of this dissertation suggest that student publications have changed how they cover queer issues since the passage of HB 1557, because advisers and students know there are new limitations to the stories they can write about gender and sexuality, leaving advisers like CHRISTINA to have with their students “difficult conversations about what is feasible and what is not.” The biggest change, however, is that many publications have stopped reporting on stories about the queer community and issues LGBTQIA+ students are facing.

Exposure to LGBTQIA+-inclusive media can positively influence attitudes about the LGBTQIA+ community (Yan, 2019). For LGBTQIA+ youth specifically, seeing positive representations of queer identity in media can be empowering and encourage resilience in the face of repressive heteronormativity (Craig et al., 2015). Conversely, the exclusion of queer narratives in media can contribute to the continuing social exclusion of queer individuals (Şahin, 2021).

Whether student journalists in Florida are choosing not to cover queer issues in the wake of HB 1557 because they are scared of repercussions or because they do not see the point, the end result is the same: queer voices are being detrimentally silenced. In the worst-case scenario, this could result in a generational attitudinal shift toward the LGBTQIA+ community. It is true that students could still engage with queer narratives in professional media outlets even if their school publications stopped publishing them. However, it has been well established that adolescents are particularly susceptible to peer influence, and peers can transmit group norms that encourage prosocial behavior (van Hoorn et al., 2014). Removing an outlet for queer stories in student media deprives students of an opportunity to learn prosocial behaviors of tolerance and

acceptance from their peers, whose opinions they may value more than those of a reporter for a national news organization in a state 1,000 miles away.

It is also important to note that while the absence of queer narratives in media can be theoretically harmful to society, as media can play a powerful role in changing social norms, there is also a very real danger to queer students in closing an outlet for discussion about their experiences. There is an absence of care for queer students at many schools across the country that has created a historically unsafe climate that directly contributes to high suicide rates among queer youth (Wozolek et al., 2017). I do not believe any of the advisers who participated in this study, nor their principals, are acting maliciously in their censorship of queer stories, but since the passage of HB 1557, they have created and maintained both written and de facto policies of censorship that are contributing to that unsafe climate. Creating media content that reflects the experiences of a young queer person can serve as a proactive coping mechanism that gives LGBTQIA+ youth the platform to respond to discrimination without turning to more dangerous coping behaviors, such as self-harm (Craig et al., 2015). Participating in student media can be a way for queer youth to feel safer in their schools by removing some of the isolation inherent in the young queer experience; however, the overt and self-censorship of queer stories occurring in journalism programs in Florida since the passage of HB 1557 undermines that potential.

RQ4: In what ways has the passage of HB 1557 impacted content decisions and journalism processes for student publications in Florida?

Subtle Defiance

The most common process change identified by the participants in this dissertation was the creation of new forms they must get signed or maintain. Interestingly, although many of the advisers I interviewed seemed generally apprehensive about the repercussions of violating HB

1557, and worried about losing their jobs if they allowed their students to publish something controversial, many of them also did not seem to take this new paperwork requirement very seriously. One reason may be that they feel as if the law's implementation, at least in this one area, is too difficult to monitor. For example, REBECCA shared that she has a transgender student whom she has taught for the last two years and called by his chosen name and pronouns, but this year she is supposed to use his legal name and pronouns as listed on the official district forms. She said she knows she is in "blatant violation of the law," but she has told the student that he should go by whatever name he wants to be called by his peers, and she will just avoid saying his name altogether, adding, "Who is going to figure out that I'm calling a kid by name I'm not supposed to? Joe Schmo in the class doesn't know what paperwork [the student] does or does not have on file with the school."

Disciplining teachers for violating HB 1557 relies on reports of infractions, and if advisers don't think anyone is monitoring their compliance, they may be less likely to follow the new procedures. Several of the advisers also felt that calling students by their names and pronouns regardless of what any forms said was both a best practice in education and a battle worth fighting. While they may not feel comfortable letting their students write about queer issues in a publication that will be distributed widely to administrators and parents, this finding suggests that inside the more private walls of their classrooms, advisers in Florida are still trying to respect their students' identities and make their class a safe space for all students despite the limitations imposed by HB 1557.

Objectivity's Threat to Journalism as a Site for Renegotiation

I wrote in Chapter Six that it surprised me how frequently objectivity came up in my interviews. It also disturbed me. For the past 100 years, objectivity has been considered the

foundation of good journalism in America (Schudson, 2001). Early newspapers in colonial America and into the 19th century often published openly partisan commentary, but as the profession of journalism developed, and as practices like note-taking and interviewing of public officials began to gain favor among journalists in the late 19th century, the professional culture began to shift toward more fact-based reporting (Schudson, 2001). It wasn't until the 1920s, however, when journalists began to form professional organizations and set forth self-imposed rules and norms that "a self-conscious, articulate ideology of objectivity" became a key part of the culture of professional journalism (Schudson, 2001, p. 160).

Today, objectivity functions globally as "an ideological cornerstone of journalism" and is one of the values that signals to those inside and outside the profession what is "real" and credible journalism (Deuze, 2005, p. 448). Seven of the advisers I interviewed have a journalism degree or worked as a professional journalist before becoming a teacher, so perhaps it should not have surprised me that so many expect their students to adhere to a norm that would have been taught to them in school and expected of them in their own work. However, in the last several decades, there has been a growing movement in journalism studies that understands objectivity as a myth (Cunningham, 2003). Particularly, when covering underrepresented and marginalized groups, it is vital for journalism educators to understand how positioning objectivity as the gold standard in their classrooms is problematic.

Objectivity is difficult, if not impossible, for journalists to achieve fully, and it can be harmful. Journalistic objectivity encompasses two separate but related concepts: balance, or equal coverage and representation of diverse identities and issues; and impartiality through an emotionally detached focus on facts (Raeijmaekers & Maesele, 2017). Both concepts assume that journalists work within a post-ideological society in which there already exists equality, and

the news media, therefore, does not run the risk of furthering social inequities or power imbalances by covering all ideas and groups of people in the same way (Raeijmaekers & Maesele, 2017). It is fair to say that we do not live in such a society, as evidenced by the proliferation of laws against the interests of minority groups, most notably the queer and Black communities.

It is understandable that advisers in Florida would be wary of courting controversy given the current political climate and the potentially life-altering consequences of violating HB 1557. But by making neutrality a requirement for their students when reporting on queer issues, they are taking away their students' power to use their work to challenge dominant heteronormativity. Journalism's overreliance on objectivity is particularly problematic in the face of great injustice. When *Shoah* survivor Elie Wiesel won the Nobel Peace Prize in 1986, he said in his acceptance speech:

We must take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men and women are persecuted because of their race, religion, or political views, that place must—at that moment—become the center of the universe.

In declaring a national state of emergency for LGBTQIA+ Americans (Robinson, 2023), the Human Rights Campaign affirmed that there exists a direct threat to the health and safety of the queer community, which is being persecuted for reasons related to gender identity and/or sexual orientation. It is more important than ever that journalists are able to center queer stories and to take a stand against the oppression of sexual minorities through both critical news coverage and

opinion pieces. I would urge advisers like MARIAN, whose administrators no longer allow opinion articles to run without a counterpoint article, to fight back against such overt censorship that shuts down an outlet for students to challenge inequity. I would also encourage the other advisers who have internalized objectivity as the benchmark of good journalism, and those who have relied upon objectivity as protection against administrative backlash, to question boldly the potential risks of objectively reporting on abuses of power by lawmakers who have legislated discrimination.

Personal Reflection

One of my favorite aspects of this process was that each interview I conducted felt like it was part of a larger ongoing conversation. There was a day, about halfway through my data collection, when I conducted two interviews on the same day, and when I was reflecting on them in my research journal, I realized I had started subconsciously asking follow-up questions to my participants based on things I had learned in previous interviews. I have been conducting qualitative research for the past five years, but it wasn't until working on this dissertation that I truly understood, rather than just parroted back in methods sections, the idea that the researcher is the instrument. I was changing the questions and how I asked them as I learned more about my subject and started to form opinions about what was at the heart of my inquiry. My interviews and the data I produced were shaped by the experiences of all of the participants, as well as my own, and I reflected on how gratifying it was to see common threads emerging and changing throughout my conversations. I felt as though I unlocked more pieces of the puzzle with each interview, which encouraged me to keep researching and trying to get more participants when recruitment was lagging.

I also explicitly asked my participants about things other participants had said they experienced, and building those conversations into the data-collection process was incredibly helpful for the analysis. As I was starting to form ideas about themes across interviews, I was able to check with my participants in real time to see if they agreed with my interpretations. Although I was leaning into the subjective nature of qualitative data analysis, I felt a substantial sense of responsibility to get my participants' stories right, or at least as right as I could given that my own experiences would always bias my understanding of them in some way. Therefore, I appreciated having this validity check built into my interviews.

One example that came from this practice was the discussion I had with several advisers about the status of New Voices legislation in Florida. One adviser said unequivocally that he believed New Voices would never pass in the state, so when the adviser I interviewed the following week brought up *Hazelwood v. Kuhlmeier*, I told him about that statement and asked if he had any hope for New Voices. He said that he thought there was hope a few years ago but that with “this wave of parental control type laws ... it's out the window.” In my final interview, a conversation about New Voices culminated with the adviser disagreeing that there is no hope but adding that because she wants New Voices to have a chance of passing, she is overly cautious about picking her battles and not letting her students write something that could damage the statewide effort to show legislators that student journalists can be trusted to write responsible, thoughtful pieces that deserve legal protection. None of these conversations made it into my results as official findings, but having them helped me better understand how my participants felt overall about the lack of respect for, and protection of, student journalism in the state—and this understanding influenced many of my interpretations.

There were times when I became angry or sad while working on this dissertation. The day I discovered the phrase “school-to-coffin pipeline” while writing my literature review, I had to stop working and took the next two days off. Likewise, when the Supreme Court released its decision in *303 Creative LLC v. Elenis*, I had to put on hold my studying for my comprehensive exams because I was so conflicted about how my commitment to protecting expression could be directly linked now to Court-sanctioned discrimination against the queer community. What kept me working, however, was the hope that with my research I could bring attention to problems that student journalists and their advisers are facing and that this attention could, in some small way, help to change the landscape for student journalism in Florida.

I also hope that by writing about student journalism seriously as an outlet that has real potential to challenge dominant ideologies, I can convince other academics to value student journalism just as highly as they do professional journalism. Student journalism is journalism, and censorship of it is just as despicable as censorship of any major news outlet. Being a student journalist in high school changed my outlook on the world and made me a more informed and politically engaged citizen, and teaching journalism to high schoolers made me more hopeful for the future of our country.

Limitations of Research and Suggested Future Research

My original plan for my dissertation was to interview both journalism advisers and student media editors. I received IRB approval to speak with students, and every adviser I interviewed said they would pass along the recruitment information to their editors, but no student ever contacted me. Privacy laws restricted my ability to get their contact information from their advisers and contact them directly, so I had no choice but to exclude students from my final research as I simply could not gain access to that population. I still believe, however, that it

would be valuable to talk with student journalists about their experiences with censorship. Although they are not bound by HB 1557 in the same way as their teachers, it would be interesting to hear whether they believe their teachers are censoring them, particularly because so many of my participants did not think they acted as censors. Further, the next logical step would be to conduct a newsroom ethnography to observe censorship in action. These results, as well as results from a complementary interview study with student journalists, could be used to identify phenomena that researchers could examine in an observational study.

While qualitative studies do not yield the type of statistical data that can be generalized across cases, the results from qualitative research projects can still be transferable (Tracy, 2010). In the spirit of qualitative research, my goal was not to generalize the results to all journalism advisors or to predict future censorship but to provide a lens through which academics can begin to understand how student media operates within hegemonic structures and can both uphold and disrupt dominant ideologies. Transferability could be limited by my relatively small sample size. However, 11 participants comprise an adequate sample, given both the low number of potential subjects and the project's goals.

One way to determine if a qualitative interview project has enough participants is to consider information power, which depends on a number of factors, including the aim of the study, sample specificity, and quality of dialogue (Malterud et al., 2016). I was interested in a narrow topic—censorship experiences in scholastic journalism programs in one state (Florida) dealing with a specific topic (queer stories)—as opposed to a broad topic (say, censorship of all types of stories in scholastic journalism programs across the country). This limits the number of eligible participants and the number of total participants needed to achieve information power. My participants also all met my sampling criterion characteristics, while exhibiting variation in

number of years of teaching experience and types of schools, and this variation increases the likelihood I am hearing a range of experiences in their responses. Finally, my own experience as a high school journalism adviser, and thus my background knowledge of the subject, allowed me to focus my interview dialogue on relevant topics from the beginning of data collection, meaning that each interview yielded useful data.

Conclusion

I do not want this dissertation to be overly critical of advisers who choose to self-censor or act as censors themselves because their fear of negative consequences (if they allow their students to publish something controversial or otherwise politically unfavorable) is grounded in a real threat to their livelihoods. When I worked as a high school journalism adviser in Florida, I also caved to pressure from my administrators, and I know there were times when I overtly or unconsciously encouraged my students not to write something the administration would not like, and that was before the climate of education in the state became as contentious as it is today. Still, each instance of overt and self-censorship leads to more censorship. Censorship of queer stories is particularly harmful because the news media are one of the key sites for resistance of oppressive heteronormativity that threatens the safety of the queer community. For these reasons, it is critical that advisers are, at minimum, aware of censorship occurring at their schools, and when they feel it is possible (e.g., because they are protected by tenure, a good reputation at the school, or a positive relationship with their principals), advisers should push back against the rising tide of silencing young voices and queer experiences.

While the results presented in this study show that there are real and pressing issues with both overt and self-censorship in student media in Florida that HB 1557 has magnified, some of the participants were hopeful that their students will continue to try to fight for what they believe

should be covered, even if those topics might be controversial or politically unpopular.

REBECCA explained that while they may have to be careful about *how* they cover the LGBTQIA+ community since the passage of HB 1557, her staff remains committed to including queer voices in their yearbook:

My staff has always wanted to cover LGBTQ issues. They just find that community to be marginalized [and] to have less of a voice than other communities, and they've always wanted to give voice to their struggles. And that's been a consistent. We may not do a story every single year, like a big feature story, but throughout the last nine years that I've been advising, it's been a pretty consistent thing. My staff wants everyone to have their voice. They want there to be diversity of viewpoints, they want ... our minority students to feel like they're seen and heard. And I think that's really important to them.

NEAL also said he feels like his students, along with other student journalists across the state and country, will continue to try to cover important issues even in the face of increasing overt censorship:

Despite whatever is happening here in Florida, there is still a strong contingent of scholastic journalists in not only in this state but around the country who want to make a difference. And even in [City], Florida, where the kids don't feel they have a voice, they do push, and they do take what's given. And while they might not push to the point of going to the school board, they aren't afraid to say, 'Can we cover this? Can we talk about this?' And take at least a little bit of a chance, which is a big thing for teenagers who feel kind of isolated.

Although some of my results were disheartening, it is important not to lose sight of the good work some student journalists are doing in the face of the political constraints under which they are operating.

Finally, although it does not help the current generation of student journalists and queer students in Florida, there is hope that with time will come change. As JOSH put it:

I do think something is shifting in this, and the public education system is going to change. [What] we're talking about—the taboo, the law—that's just going to dissolve. We see these students coming up who've had access to all this stuff, whether we want to admit it or not. They're going to be coming up, and it's just going to be, 'What's the issue here? We've seen it all, done it all. Why is this even a law?' And I have a feeling that in the next couple of generations, we're going to see most of this stuff just be looked at with them rolling their eyes and going, 'What were these old farts thinking about?'

If students like those taught by REBECCA and NEAL continue to try to give voice to the young queer experience and use their journalism to work toward social transformation, JOSH's hope is more likely to come true.

REFERENCES

- 303 Creative LLC et al. v. Elenis et al.*, 600 U. S. ____ (2023)
- Abood v. Detroit Board of Education*, 431 U.S. 209 (1977)
- Alfonseca, K. (2022, March 23). *Florida's controversial 'Don't Say Gay' bill: What's inside the proposed law*. ABC News. <https://abcnews.go.com/US/floridas-controversial-dont-gay-bill-inside-proposed-law/story?id=83525901>
- Althusser, L. (1971). *Lenin and philosophy, and other essays* (B. Brewster, Trans.). Monthly Review Press. (Original work published 1970)
- American Library Association (2023, April 21). *Top 10 most challenged books lists*. <https://www.ala.org/advocacy/bbooks/frequentlychallengedbooks/top10/archive>
- American Library Association (2023). *The state of America's libraries 2023*. 1–18. <https://www.ala.org/news/state-americas-libraries-report-2023>
- Amster, S. L. (2004). *Seeds of cynicism: Studying the conflict between journalistic inquiry and school authority* (Publication No. 3130198) [Doctoral dissertation, University of California, San Diego]. ProQuest Dissertations Publishing.
- Anthonissen, C. (2008). The sounds of silence in the media: Censorship and self-censorship. In R. Wodak & V. Koller (Eds.), *Handbook of communication in the public sphere* (pp. 401-425). De Gruyter, Inc..
- Associated Press Staff (2022, May 10). *Florida school yearbook on hold over student protest photos*. AP News. <https://apnews.com/article/education-florida-ron-desantis-gender-identity-parental-rights-3090ee8da146f119ec28b2ab7b12132b>

- Atton, C. (2009). Alternative and citizen journalism. In K. Wahl-Jorgensen & T. Hanitzsch (Eds.), *The handbook of journalism studies* (pp. 285-298). Routledge.
- Barron, J. A. (1967). Access to the press. A new First Amendment Right. *Harvard Law Review*, 80(8), 1641-1678. <https://www.jstor.org/stable/1339>
- Becker, L. B., Han, J. Y., Wilcox, D., & Vlad, T. (2014). The effects of pre-university study of journalism on entry to the job market. *Journalism & Mass Communication Quarterly*, 91(2), 344-356. <https://doi.org/10.1177/1077699014527458>
- Bethel School District v. Fraser*, 478 U.S. 675 (1986)
- Blasi, V. (1995). *Milton's Areopagitica and the modern First Amendment* [Lecture]. Retrieved from <https://openyls.law.yale.edu/handle/20.500.13051/17678>
- Bloch, E. (2023, January 6). *Florida theater students believe 'Indecent' production shut down over anti-LGBTQ law*. Teen Vogue. <https://www.teenvogue.com/story/jacksonville-theater-students-indecident-shut-down>
- Bobkowski, P. S., & Belmas, G. I. (2017). Mixed message media: Girls' voices and civic engagement in student journalism. *Girlhood Studies*, 10(1), 89-106. <https://doi.org/10.3167/ghs.2017.100107>
- Bobkowski, P. S., & Miller, P. R. (2016). Civic implications of secondary school journalism: Associations with voting propensity and community volunteering. *Journalism & Mass Communication Quarterly*, 93(3), 530-550. <https://doi.org/10.1177/107769901662882>
- Bobkowski, P. S., Cavanah, S. B., & Miller, P. R. (2017). Who are the "journalism kids"? Academic predictors of journalism participation in secondary schools. *Journalism & Mass Communication Educator*, 72(1), 68-82. <https://doi.org/10.1177/107769581562277>

- Bodle, J. V. (1993). Why newspaper advisers quit: Stress and professional prestige. *The Journalism Educator*, 48(3), 32–37. <https://doi.org/10.1177/107769589304800305>
- Bollinger, L. C. (1982). The Skokie legacy: Reflections on an easy case and free speech theory. *Michigan Law Review*, 80(4), 617-633. <https://doi.org/10.2307/1288226>
- Bollinger, L. C. (1988). *The tolerant society*. Oxford University Press.
- Bostock v. Clayton County*, 590 U.S. 644 (2020)
- Bowers v. Hardwick*, 478 U.S. 186 (1986)
- Brennan, W. J. (1965). The Supreme Court and the Meiklejohn interpretation of the First Amendment. *Harvard Law Review*, 79(1), 1-20. <https://doi.org/10.2307/1338856>
- Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954)
- Buller, T. J. (2011). Subtle censorship: The problem of retaliation against high school journalism advisers and three ways to stop it. *Journal of Law and Education.*, 40(4), 609-658.
- Campbell, J. (2017). Natural rights and the First Amendment. *The Yale Law Journal*, 246-321.
- Carlisle, M. (2022, August 25). LGBTQ Teachers Struggle to Navigate Florida’s So-Called “Don’t Say Gay” Law. *Time*, 6. <https://time.com/6208554/florida-lgbtq-teachers-dont-say-gay-education-law/>
- CBS Miami Team (2022, Oct. 4). Florida judge rejects challenge to so-called "Don't Say Gay" law. *CBS News*. <https://www.cbsnews.com/miami/news/florida-judge-rejects-challenge-to-so-called-dont-say-gay-law/>
- Chafee, Z. (1920). *Freedom of speech*. Harcourt, Brace and Howe.
- Clark, L. S., & Monserrate, R. (2011). High school journalism and the making of young citizens. *Journalism*, 12(4), 417-432. <https://doi.org/10.1177/1464884910388225>

- Clark, M. D. (2019). White folks' work: Digital allyship praxis in the# BlackLivesMatter movement. *Social Movement Studies, 18*(5), 519-534.
<https://doi.org/10.1080/14742837.2019.1603104>
- Cogar, M. (2021). *Gatekeeping in scholastic journalism: Examining factors that predict student content decisions*. (Publication No. 28830476) [Doctoral dissertation, Kent State University]. ProQuest Dissertations Publishing.
- Coleman, R., Lee, J. Y., Yaschur, C., Meader, A. P., & McElroy, K. (2018). Why be a journalist? US students' motivations and role conceptions in the new age of journalism. *Journalism, 19*(6), 800-819. <https://doi.org/10.1177/1464884916683554>
- Corn-Revere, R. (2021). *The mind of the censor and the eye of the beholder: The First Amendment and the censor's dilemma*. Cambridge University Press.
- Craig, S. L., McInroy, L., McCready, L. T., & Alaggia, R. (2015). Media: A catalyst for resilience in lesbian, gay, bisexual, transgender, and queer youth. *Journal of LGBT Youth, 12*(3), 254-275. <https://doi.org/10.1080/19361653.2015.1040193>
- Cunningham, B. (2003, July/August). Rethinking objectivity. *Columbia Journalism Review*.
https://archives.cjr.org/feature/rethinking_objectivity.php
- Davidson, T. (2022, Oct. 21). *Judge refuses to block Florida law known as "Don't Say Gay or Trans."* Lambda Legal. https://www.lambdalegal.org/news/cousins_fl_20221021_judge-refuses-to-block-florida-law-known-as-dont-say-gay-or-trans
- Dawson, C. (2019, May 15). *Award-winning media adviser resigns after censorship, conflict with school principal*. SPLC. <https://splc.org/2019/05/award-winning-media-adviser-resigns-after-censorship-conflict-with-school-principal/>
- De Jonge v. Oregon*, 299 U.S. 353 (1937)

- Dennis, J. (2007). *Prior review in the high school newspaper: Perceptions, practices, and effects* [Master's thesis, University of Georgia].
- Deuze, M. (2005). What is journalism? Professional identity and ideology of journalists reconsidered. *Journalism*, 6(4), 442-464. <https://doi.org/10.1177/1464884905056815>
- Dewey, J. (1916). *Democracy and education* by John Dewey. *Project Gutenberg*.
- Downey, J., Titley, G., & Toynbee, J. (2014). Ideology critique: The challenge for media studies. *Media, Culture & Society*, 36(6), 878-887.
<https://doi.org/10.1177/0163443714536113>
- Dvorak, J. & Choi, C. (2009). High school journalism, academic performance correlate. *Newspaper Research Journal*, 30(3). <https://doi.org/10.1177/073953290903000306>
- Dvorak, J., Lain, L., & Dickson, T. (1994). *Journalism kids do better: What research tells us about high school journalism*. ERIC Clearinghouse on Reading, English, and Communication.
- Elder, E. (2022, November 8). *DeSantis wins 2022 Florida governor's race by largest margin in 40 years*. NPR WUFT. <https://www.wuft.org/news/2022/11/08/desantis-wins-2022-florida-governors-race-by-largest-margin-in-40-years/>
- Evans-Marshall v. Board of Education of the Tipp City Exempted Village School District*, 624 F.3d 332 (6th Cir. 2010)
- Farquhar, L. K., & Carey, M. C. (2019). Self-censorship among student journalists based on perceived threats and risks. *Journalism & Mass Communication Educator*, 74(3), 318-335. <https://doi.org/10.1177/1077695818815276>
- FDOE Press Office (2022, Oct. 7). Florida state board of education advances individual freedom and parental rights in Florida schools. *Florida Department of Education*.

<https://www.fldoe.org/newsroom/latest-news/florida-state-board-of-education-advances-individual-freedom-and-parental-rights-in-florida-schools.stml>

Filak, V. F., & Millera, A. (2008). The impact of self-censorship on high school newspaper advisers' comfort level regarding the publication of controversial stories. *Southwestern Mass Communication Journal*, 23(2).

Filak, V. F., Reinardy, S., & Maksl, A. (2009). Expanding and validating applications of the willingness to self-censor scale: Self-censorship and media advisers' comfort level with controversial topics. *Journalism & Mass Communication Quarterly*, 86(2), 368-382.

<https://doi.org/10.1177/107769900908600207>

Fineman, M. A. (2016). Introduction: Feminist and queer legal theory. In M. A. Fineman, J. E. Jackson, & A. P. Romero (Eds.), *Feminist and queer legal theory: Intimate encounters, uncomfortable conversations* (pp. 1-6). Routledge.

Friedman, J., & Tager, J. (2022). *Educational gag orders: Legislative restrictions on the freedom to read, learn, and teach*. PEN America. 1–71.

Garcetti v. Ceballos, 547 U.S. 410 (2006)

Garnets, L., Herek, G. M., & Levy, B. (1990). Violence and victimization of lesbians and gay men: Mental health consequences. *Journal of interpersonal violence*, 5(3), 366-383.

<https://doi.org/10.1177/088626090005003010>

Garrison v. Louisiana, 379 U.S. 64 (1964)

Gebregiorgis, S. (2022, May 13). *Lyman High School students receive yearbooks with added disclaimer after photo controversy delay*. WESH 2 News.

<https://www.wesh.com/article/florida-high-school-don-t-say-gay-yearbook-photos/39949815>

- Gebregiorgis, S. (2022, May 9). *Seminole County high school to cover yearbook photos of 'Don't Say Gay' bill protest*. WESH 2 News. <https://www.wesh.com/article/florida-high-school-don-t-say-gay-yearbook-photos/39949815>
- Geertz, C. (1973). *The interpretation of cultures: Selected essays*. Basic Books.
- Ginsberg v. New York*, 390 US 629 (1968)
- GLSEN (2011). *Teaching respect: LGBT-inclusive curriculum and school climate* [Research brief]. <https://www.glsen.org/sites/default/files/2020-06/Teaching%20Respect.pdf>
- Goldberg, A.E. (2023). *Impact of HB 1557 (Florida's Don't Say Gay bill) on LGBTQ+ parents in Florida*. The Williams Institute, UCLA School of Law. <https://williamsinstitute.law.ucla.edu/publications/impact-dont-say-gay-parents/>
- Goode, E., & Ben-Yehuda, N. (1994). Moral panics: Culture, politics, and social construction. *Annual review of sociology*, 20(1), 149-171.
- Graybeal, G., & Sindik, A. (2012). Journalism students and civic engagement: Is there still a connection. *Community Journalism*, 1(1), 29-46.
- Gutmann, A. (1997). What is the value of free speech for students? *Arizona State Law Journal*, 29(2), 519-536.
- Hall, S. (1981). Notes on deconstructing 'the popular'. In R. Samuel (Ed.), *People's history and socialist theory* (pp. 227-240). Routledge.
- Hall, S. (1986). Encoding/decoding. In S. Hall, D. Hobson, A. Lowe, & P. Willis (Eds.), *Culture, media, language: Working papers in cultural studies, 1972-79* (pp. 128-138).
- Hutchinson.
- Halperin, D. M. (1995). *Saint Foucault: Towards a gay hagiography*. Oxford University Press.

- Hayes, A., Glynn, C., & Shanahan, J. (2005). Willingness to self-censor: A construct and measurement for public opinion research. *International Journal of Public Opinion*, 17(3), 298–323. <https://doi.org/10.1093/ijpor/edh073>
- Hazelwood School District v. Kuhlmeier*, 484 US 260 (1988).
- Hellman, D. (2000). The expressive dimension of equal protection. *Minnesota Law Review*, 85(1), 1-70.
- Hernandez, J. (2022, February 24). *Florida House passes controversial measure dubbed the 'Don't Say Gay' bill by critics*. NPR. <https://www.npr.org/2022/02/24/1082969036/florida-house-passes-controversial-measure-dubbed-the-dont-say-gay-bill-by-criti>
- Hershovitz, S. (2019, September 7). *Taylor Swift, philosopher of forgiveness*. The New York Times. <https://www.nytimes.com/2019/09/07/opinion/sunday/taylor-swift-lover.html>
- Hiestand, M. (2003, February 14). *Wooster decision clarifies censorship guidelines*. National Scholastic Press Association. <https://studentpress.org/nsipa/its-the-law-wooster-decision-clarifies-censorship-guidelines/>
- Hiestand, M. (n.d.) *Prior review vs. prior restraint*. National Scholastic Press Association. <https://studentpress.org/nsipa/prior-review-vs-prior-restraint/>
- Hindman, E. B. (1992). First Amendment theories and press responsibility: The work of Zechariah Chafee, Thomas Emerson, Vincent Blasi and Edwin Baker. *Journalism Quarterly*, 69(1), 48-64. <https://doi.org/10.1177/107769909206900106>
- Ingber, S. (1984). The marketplace of ideas: A legitimizing myth. *Duke Law Journal*, 1984(1), 1–91. <https://doi.org/10.2307/1372344>

- Izaguirre, A. (2022, March 8). Florida passes ‘Don’t Say Gay’ bill despite protests. *PBS NewsHour*. <https://www.pbs.org/newshour/politics/florida-passes-dont-say-gay-bill-despite-protests>
- Izaguirre, A., & Gomez, A. (2022, August 16). ‘Don’t Say Gay’ law brings worry, confusion to Florida schools. *PBS NewsHour*. <https://www.pbs.org/newshour/education/dont-say-gay-law-brings-worry-confusion-to-florida-schools>
- Jagose, A. (1996). *Queer theory: An introduction*. NYU Press.
- Johns, M. M., Lowry, R., Haderxhanaj, L. T., Rasberry, C. N., Robin, L., Scales, L., ... & Suarez, N. A. (2020). Trends in violence victimization and suicide risk by sexual identity among high school students—Youth Risk Behavior Survey, United States, 2015–2019. *MMWR Supplements*, 69(1), 19-27. <https://doi.org/10.15585/mmwr.su6901a3>
- Johnson, P. R. (2022). Snake in the grass: Adapting sex and sexuality from journalistic truth to the silver screen. *Quarterly Review of Film and Video*, 1-14. <https://doi.org/10.1080/10509208.2022.2045166>
- Jones, J. M. (2022, September 29). *Supreme Court trust, job approval at historical lows*. Gallup. <https://news.gallup.com/poll/402044/supreme-court-trust-job-approval-historical-lows.aspx>
- Koesler, M. (2022, May 11). #STOPtheSTICKERS. Change. <https://www.change.org/p/stopthestickers>
- Kopenhaver, L. L., & Click, J. W. (2001). High school newspapers still censored thirty years after Tinker. *Journalism & Mass Communication Quarterly*, 78(2), 321-339. <https://doi.org/10.1177/107769900107800208>

- Kozlowski, D. V. (2012). Unchecked deference: Hazelwood's too broad and too loose application in the circuit courts. *University of Baltimore Journal of Media Law & Ethics*, 3(1/2), 1-62.
- Lawrence v. Texas*, 539 U.S. 558 (2003)
- Lee v. York County School Division*, 484 F.3d 687 (4th Cir. 2007)
- Liptak, A. (2021, March 8). *Citing Taylor Swift, Supreme Court seems set to back nominal damages suits*. The New York Times. <https://www.nytimes.com/2021/01/12/us/supreme-court-taylor-swift.html>
- Lull, J. (2000). *Media, communication, culture: A global approach*. Columbia University Press.
- Maddox, J. (2018). Of Internet born: Idolatry, the Slender Man meme, and the feminization of digital spaces. *Feminist Media Studies*, 18(2), 235-248.
<https://doi.org/10.1080/14680777.2017.1300179>
- Mahanoy Area School District v. B. L.*, 594 U.S. ____ (2021)
- Maksl, A., & Schraum, B. (2012). Protecting the “impressionable minds” from the “impressionable minds:” The third-person effect and student speech. *Journalism & Mass Communication Educator*, 67(4), 362-374. <https://doi.org/10.1177/1077695812465257>
- Malterud, K., Siersma, V. D., & Guassora, A. D. (2016). Sample size in qualitative interview studies: guided by information power. *Qualitative Health Research*, 26(13), 1753-1760.
<https://doi.org/10.1177/1049732315617444>
- Martinson, D.L. (2008). School censorship: It comes in a variety of forms, not all overt. *Clearing House*, 81(5), 211-214.
- Mazzone, J. (1999). When courts speak: Social capital and law's expressive function. *Syracuse Law Review*, 49(3), 1039-1066.

- McGowan, B. (2013, January 14). *25 years later, a look at one generation under Hazelwood*. Student Press Law Center. <https://splc.org/2013/01/25-years-later-a-look-at-one-generation-under-hazelwood/>
- Meiklejohn, A. (1961). The First Amendment is an absolute. *The Supreme Court Review*, 1961, 245-266. <https://www.jstor.org/stable/3108719>
- Melton, G. B. (1983). Toward “personhood” for adolescents: Autonomy and privacy as values in public policy. *American Psychologist*, 38(1), 99-103. <https://doi.org/10.1037/0003-066X.38.1.99>
- Meyers, M. (1994). Defining homosexuality: News coverage of the ‘repeal the ban’ controversy. *Discourse & Society*, 5(3), 321-344. <https://doi.org/10.1177/0957926594005003004>
- Mill, J.S. (2001). *On liberty*. Batoche Books. (Original work published 1859)
- Milton, J. (2006). *Areopagitica: A speech for the liberty of unlicensed printing to the parliament of England*. Project Gutenberg. (Original work published 1644)
- Miranda, N. (2021, November 8). *School staff vaccine mandate sparks protests, causes librarian to leave*. The Pearl Post. <https://www.thepearlpost.com/27098/showcase/school-staff-vaccine-mandate-sparks-protests-causes-librarian-to-leave/>
- Morley, D. (2015). Cultural studies, common sense and communication: The infra-ordinary, the interdisciplinary and the particular. *Cultural Studies*, 29(1), p. 23-31.
- National Socialist Party of America v. Village of Skokie*, 432 U.S. 43 (1977)
- New York Times Co. v. Sullivan*, 376 U.S. 254 (1964)
- Nicolini, K. M., & Filak, V. F. (2022). Overt censorship, self-censorship, and gender bias: an examination of high school journalism students and controversial media topics. *Atlantic*

Journal of Communication, 30(1), 105-114.

<https://doi.org/10.1080/15456870.2020.1832094>

Nussbaum, M. C. (2010). *From disgust to humanity: Sexual orientation and constitutional law*. Oxford University Press.

Nylund, D. (2004). When in Rome: Heterosexism, homophobia, and sports talk radio. *Journal of Sport and Social Issues*, 28(2), 136-168. <https://doi.org/10.1177/0193723504264409>

Obergefell v. Hodges, 576 U.S. 644 (2015)

Oliffe, J. L., Kelly, M. T., Gonzalez Montaner, G., & Yu Ko, W. F. (2021). Zoom interviews: Benefits and concessions. *International Journal of Qualitative Methods*, 20, <https://doi.org/10.1177/16094069211053522>

Ortner, S. B. (2006). *Anthropology and social theory*. Duke University Press.

PEN America (2024, March 8). PEN America index of educational gag orders.

<https://airtable.com/appg59iDuPhlLPPFp/shrtwubfBUo2tuHyO/tbl9Z5eGPNQmNqxXd/viwCwqVetJibJU2gQ?blocks=hide>

Pennell, M. (2022, September 7). *My high school paper published a 'pride' issue. Then we got canceled*. The Washington Post.

<https://www.washingtonpost.com/opinions/2022/09/07/nebraska-northwest-high-school-newspaper-lgbtq-canceled/>

Pickering v. Board of Education, 391 U.S. 563 (1968)

Porter, L. (2022, January 20). *Scholastic media empowers students to use their voices to address inequalities and inform their communities*. JEA.

<http://jea.org/wp/blog/2022/01/20/scholastic-media-empowers-students-to-use-their-voices-to-address-inequalities-and-inform-their-communities/>

- Raeijmaekers, D., & Maesele, P. (2017). In objectivity we trust? Pluralism, consensus, and ideology in journalism studies. *Journalism*, 18(6), 647-663. <https://doi.org/10.1177/1464884915614244>
- Redish, M. H. (1982). Self-realization, democracy, and freedom of expression: A reply to Professor Baker. *University of Pennsylvania Law Review*, 130, 678-688.
- Robinson, J.P., & Espelage, D.L. (2011). Inequities in educational and psychological outcomes between LGBTQ and straight students in middle and high school. *Educational Researcher*, 40(7), 315–330. <https://doi.org/10.3102/0013189X11422112>
- Robinson, K. (2023). *LGBTQ+ Americans under attack: A report and reflection on the 2023 state legislative session*. Human Rights Campaign. [PDF].
- Rodriguez, N. S., & Blumell, L. (2014). What a year! The framing of marriage equality through media’s selected sources in 2013. *Journal of Communication Inquiry*, 38(4), 341-359. <https://doi.org/10.1177/0196859914551767>
- Romero, A. P. (2016). Methodological descriptions: “Feminist” and “queer” legal theories. In M. A. Fineman, J. E. Jackson, & A. P. Romero (Eds.), *Feminist and queer legal theory: Intimate encounters, uncomfortable conversations* (pp. 179-198). Routledge.
- Roseman, N. (1964). The school and self-realization. *Educational Theory*, 14(4), 286-292. <https://doi.org/10.1111/j.1741-5446.1964.tb00185.x>
- Şahin, S. (2021). Coming out: The role of journalism in social exclusion of LGB people. *Journalism*, 22(1), 215-230. <https://doi.org/10.1177/1464884918769462>
- Salkin, E. R. (2016). *Students' right to speak: The First Amendment in public schools*. McFarland.

- Salmon, C.T., & Glynn, C.J. (1996). *Spiral of silence: Communication and public opinion as social control*. In M.B. Salwen & D.W. Stacks (Eds.), *An integrated approach to communication theory and research* (pp. 165-180). Erlbaum.
- Schudson, M. (2001). The objectivity norm in American journalism. *Journalism*, 2(2), 149-170.
<https://doi.org/10.1177/146488490100200201>
- Sciullo, N. J. (2019). Queer phenomenology in law: A critical theory of orientation. *Pace Law Review*, 39(2), 667-709. <https://digitalcommons.pace.edu/plr/vol39/iss2/4/>
- Seyfried v. Walton*, 668 F.2d 214 (3d Cir. 1981)
- Shiffrin, S. (1983). First Amendment and economic regulation: Away from a general theory of the First Amendment. *Northwestern University Law Review*, 78(5), 1212-1283.
- Shin, S. (2021, February 25). *Nebraska high school censors student editorial about censorship, and journalism adviser resigns*. SPLC. <https://splc.org/2021/02/nebraska-high-school-journalists-face-delays-self-censorship-after-newly-enforced-prior-review/>
- Simmons, A. (2022, August 25). *The journalism year*. Edutopia.
<https://www.edutopia.org/article/journalism-year/>
- Smolla, R. A. (2019). The meaning of the “marketplace of ideas” in First Amendment law. *Communication Law and Policy*, 24(4), 437-475.
<https://doi.org/10.1080/10811680.2019.1660552>
- Sothorn Poverty Law Center (2022, July 27). *Battling Against Bigotry: Florida families and advocacy groups sue to block state law known as ‘Don’t Say Gay.’*
<https://www.splcenter.org/news/2022/07/27/florida-families-sue-block-dont-say-gay-law>
- Spargo, T. (1999). *Foucault and queer theory*. Totem Books.
- Stanton by Stanton v. Brunswick School Dept.*, 577 F. Supp. 1560 (D. Me. 1984)

- Student Press Law Center. (2022, December 5). *Inglemoor and Lyman student journalists win 2022 high school press freedom awards*. SPLC. <https://splc.org/2022/12/splc-high-school-press-freedom-awards/>
- Sullivan, N. (2003). *A critical introduction to queer theory*. NYU Press.
- Sunstein, C. R. (1996). On the expressive function of law. *University of Pennsylvania Law Review*, *144*(5), 2021-2053.
- The News Service of Florida (2022, Oct. 31). Opponents try again to block Florida's law that restricts instruction on LGBTQ-related issues. *WFSU*. <https://news.wfsu.org/state-news/2022-10-31/opponents-try-again-to-block-floridas-law-that-restricts-instruction-on-lgbtq-related-issues>
- The Trevor Project (2023). *2023 U.S. national survey on the mental health of LGBTQ young people*. The Trevor Project. <https://www.thetrevorproject.org/survey-2023/>
- Tinker v. Des Moines Independent Community School District*, 393 US 503 (1969)
- United States v. Windsor*, 570 U.S. 744 (2013)
- Valdes, F. (1995). Afterword & prologue: Queer legal theory. *California Law Review*, *83*(1), 344-377. <https://doi.org/10.2307/3480882>
- Valdes, F. (2016). Queering sexual orientation: A call for theory as praxis. In M. A. Fineman, J. E. Jackson, & A. P. Romero (Eds.), *Feminist and queer legal theory: Intimate encounters, uncomfortable conversations* (pp. 91-111). Routledge.
- Van Hoorn, J., van Dijk, E., Meuwese, R., Rieffe, C., & Crone, E. A. (2016). Peer influence on prosocial behavior in adolescence. *Journal of Research on Adolescence*, *26*(1), 90-100. <https://doi.org/10.1111/jora.12173>

- Vile, J. R., Hudson, D. L., & Schultz, D. A. (2009). *Encyclopedia of the First Amendment*. CQ Press.
- Vogts, T. (2018). *Effects of journalism education on student engagement: A case study of a small-town scholastic press program* (Publication No. 13849687) [Master's thesis, University of Missouri]. ProQuest Dissertations Publishing.
- Votipka, J. (2022, August 24). 'Nurseries of democracy': Northwest student journalism elimination a 'Saga'. The Grand Island Independent.
https://theindependent.com/news/local/nurseries-of-democracy-northwest-student-journalism-elimination-a-saga/article_88ceba8a-1758-11ed-a179-c36008eeaed3.html
- Votipka, J. (2022, November 11). *Grand Island student newspaper returning digitally following controversial cancellation*. The Grand Island Independent.
https://theindependent.com/news/grand-island-student-newspaper-returning-digitally-following-controversial-cancellation/article_32a537a0-6231-11ed-b1ac-d7c70ad46ffc.html
- Wagstaff Cunningham, A. E. (2012). *Beyond the perceptual bias: The third-person effect and censorship behavior in scholastic journalism* (Publication No. 3534596) [Doctoral dissertation, Kent State University]. ProQuest Dissertations Publishing.
- Wiesel, E. (1986). *Acceptance speech*. The Nobel Prize.
<https://www.nobelprize.org/prizes/peace/1986/wiesel/acceptance-speech/>
- Whitney v. California*, 274 U.S. 357 (1927)
- Wieman v. Updegraff*, 344 U.S. 183 (1952)

Wozolek, B., Wootton, L., & Demlow, A. (2017). The school-to-coffin pipeline: Queer youth, suicide, and living the in-between. *Cultural Studies↔ Critical Methodologies*, 17(5), 392-398. <https://doi.org/10.1177/1532708616673659>

Yan, H. Y. (2019). “The rippled perceptions”: The effects of LGBT-inclusive tv on own attitudes and perceived attitudes of peers toward lesbians and gays. *Journalism & Mass Communication Quarterly*, 96(3), 848-871. <https://doi.org/10.1177/1077699018821327>

Young, J. C., & Friedman, J. (2022). *America’s Censored Classrooms*. PEN America. <https://pen.org/report/americas-censored-classrooms/>

APPENDIX A

Interview Participants

Pseudonym	Years Advised	Publication(s) Advised	School Population
Josh	2	Yearbook	1,500 - 2,000 Students, Title 1
Christina	11	Newspaper, Yearbook, Broadcast	1,500 - 2,000 Students
Ella	2	Yearbook	500 - 1,000 Students, Title 1
Douglas	20	Newspaper, Broadcast	1,500 - 2,000 Students
Neal	9	Yearbook	1,500 - 2,000 Students
Ashley	7	Broadcast, Yearbook, Newspaper, Podcast	2,500 - 3,000 Students
William	12	Newspaper, Yearbook, Broadcast, Literary Magazine	1,500 - 2,000 Students, Combination School
Marian	3	Newspaper	1,500 - 2,000 Students, Title 1, Combination School
Tilly	9	Yearbook	2,000 - 2,500 Students
Lana	12	Newspaper	1,000 - 1,500 Students, Title 1
Rebecca	18	Newspaper	3,000+ Students

APPENDIX B

Interview Guide for Participants

1. How long have you been an adviser?
2. How did you become an adviser?
3. What do you believe is the role of student journalism?
4. What do you believe your role is as an adviser?
5. How would you define censorship?
6. How would you define self-censorship?
7. Who reviews your staff's work before publication and what does that process look like?
8. Are there any topics or areas that you would like your students to be able to cover but feel like you can't allow them to?
9. What stops you from letting your staff write whatever they want?
10. If someone on your staff wanted to write a story that you think might be controversial, what would you do?
11. Have you ever felt like your job has been or could be in jeopardy if you published a story?
12. Do you feel like there are any factors that protect you (ex: awards or years of teaching)?
13. Have you discussed HB 1557 (also known as the "Don't Say Gay" law) in your newsroom, and if so, what did those discussions entail?
14. Have your processes for making content decisions and reviewing your work changed in the past year?

15. Have you felt more pressure from administration to not cover a story or to change how you cover it since HB 1557 was passed?
16. Since the passage of HB 1557, have you changed your coverage of LGBTQIA+ issues in any way?
17. What do you think student journalism does well generally, and how do you think your program makes a difference at your school?
18. Is there anything else that you think would be important for me to know?

APPENDIX C

Invitation to Participate in Research

Dear Adviser,

My name is Leslie Klein, and I am a Ph.D. candidate in the Department of Journalism at the University of Georgia under the supervision of Dr. Jonathan Peters. I am also a former high school journalism and yearbook adviser from Florida and FSPA member. I am emailing you because I am hopeful you will be willing to help me with my doctoral dissertation.

The purpose of my study is to investigate experiences with censorship among student media advisers as well as how the passage of Florida's HB 1557, known as the "Don't Say Gay" law, has impacted your student publication(s). To that end, I am interviewing student media advisers and student journalists, and I would be grateful if you would participate and do an interview with me. Participation would be voluntary, and you could refuse to participate before the study begins or stop at any point. You would not be identified in the study, and your responses would not be linked to any personally identifiable information. I will guarantee confidentiality of both your response and participation. This study has been approved by the University of Georgia's Institutional Review Board and will adhere to all ethical standards of research.

I will conduct all interviews via Zoom, and, should you agree to participate, I would be happy to schedule ours at a time convenient for you. These will be in-depth interviews, so I would ask for roughly 60 minutes of your time. By way of example, I will ask you about your relationship with your administration, the editorial and production processes of your publication, and your

experiences with censorship. However, you do not need to have experienced overt censorship to participate in this project.

Participants will be entered into a drawing for the chance to receive a \$25 Amazon gift card. If you do not wish to participate in the study but would like to be entered into the drawing, please email the research team.

If you are willing to participate, or if you have any questions about this study, please email me at leslie.klein@uga.edu or schedule an interview time directly using my Calendly.