

# Free speech case broadens administrative power



**SAN FRANCISCO (AP)** — A federal appeals court on Wednesday reinstated a civil rights suit by two Oregon high school students who were suspended for wearing buttons condemning "scabs" during a teachers' strike.

Despite ruling in the students' favor, however, the 9th U.S. Circuit Court of Appeals set a standard for student speech that appears to broaden administrators' disciplinary power.

The court ruled 2-1 that administrators could suppress or punish any language by students in a school setting that was vulgar or "plainly offensive" without

having to show that it was likely to disrupt the school. The dissenting judge said those standards should apply only to words spoken at a school-sponsored event such as an assembly.

But the court said the word "scab," while insulting, was not necessarily "plainly offensive" and could be the basis for discipline only if the students' buttons were likely to disrupt school activities. The court told a federal judge in Oregon to use that test in reconsidering the suit.

The students, David Chandler and Ethan Depweg, had fathers who were among the striking teachers at McMinnville High School in February 1990. On the first day of the strike, both youths

wore buttons saying, "I'm not listening scab" and "Do scabs bleed?" They distributed similar buttons to their classmates.

Vice principal Carole Whitehead asked them to remove the buttons, saying they were disruptive. Depweg said his classes had not been disrupted, and one of his teachers confirmed that, the court said. But Whitehead told them to take the buttons off anyway and, when they refused, suspended them for the day.

They returned the next day with other buttons supporting the strikers, but Chandler complied later with an administrator's request to remove buttons referring to "scabs," the court said.

Their damage suit against the school

district and administrators, claiming violations of their civil rights, was dismissed by U.S. District Judge Owen Panner, who said the buttons were "offensive" and "inherently disruptive." The appeals court ruled 3-0 that Panner must reconsider the suit, using a standard that is more tolerant of student speech.

The majority opinion by Chief Judge J. Clifford Wallace said the free speech rights of students, declared in a 1969 Supreme Court ruling allowing a black-armband protest against the Vietnam War, had been clarified by later rulings upholding censorship of school newspapers and student assembly speeches.

## Racism hurts enrollment, leaders say

**SEATAC, Wash. (AP)** — A decline in black student enrollment may be because of increasing racial intolerance, and recruiting and assistance programs that don't work well enough, university presidents in Washington were told.

Presidents from five of the state's six public universities addressed the problem Tuesday at a meeting sponsored by the state Commission on African-American Affairs.

The number of black students declined from 1,637 in 1988 to 1,596 in 1991, figures from the state Higher Education Coordinating Board show. Blacks made up 2.6 percent of all students at four-year public schools in 1988. By 1991 the figure had fallen to 2.4 percent.

Enrollment numbers for whites and other ethnic minority groups grew significantly during the same period.

T.L. Purce, a vice president at The Evergreen State College in Olympia, said attitudes of "racial harassment, intolerance (and) paranoia" are on the rise on campuses.

"I know this is an issue that all of us face," Purce said.

University officials pointed to their schools' cultural sensitivity programs designed to make their campuses more receptive to the needs of minority students.

Colleges are overflowing with such programs,

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— Michelle Hill,  
UW's Black Student Union president

but their effectiveness is questionable, African-American commission Director James Kelly said.

"What surprised me was there's a lot of work going on," he said. "However, it's uncoordinated. It's hard to see if it's really getting to the students."

Michelle Hill, president of the University of Washington's Black Student Union, told officials, "I applaud your efforts, but I must say it doesn't quite get to the students."

The Commission on African-American Affairs recommended forming a committee of students and education officials to study how black enrollment and graduation rates can be increased.

Presidents attended from the University of Washington, Washington State University, The Evergreen State College and Eastern and Western Washington universities. Central Washington President Ivory Nelson was traveling.

## Costume day reveals tension in high school

**SALEM (AP)** — A costume day that poked fun at blacks at a mostly white high school has sparked a renewed call to fight racism in Salem schools.

As part of Homecoming Week, South Salem High School held a dress-up day last Thursday with the theme "Kris Kross," the name of a black rap group whose singers wear their clothes backward.

Makala Miller, a junior at South, told the Salem-Keizer School Board on Tuesday that some students spoke in black slang and made fun of how some blacks danced.

"It was like 'Make Fun of Black Day,'" she said.

George Dyer, South's principal, said administrators told some students that their behavior was unacceptable. He declined to say whether any disciplinary actions were taken.

Mary Jo Henderson, the former chairwoman of the district's Equity Issues Committee, said that despite efforts to foster diversity, Salem-Keizer schools were doing a bad job of changing attitudes.

"I feel that the school district should do more," she said.

Superintendent Homer Kearns said that the district would work to improve student attitudes.

**'It was like "Make Fun of Black Day."'**

— Makala Miller,  
South Salem High School  
junior



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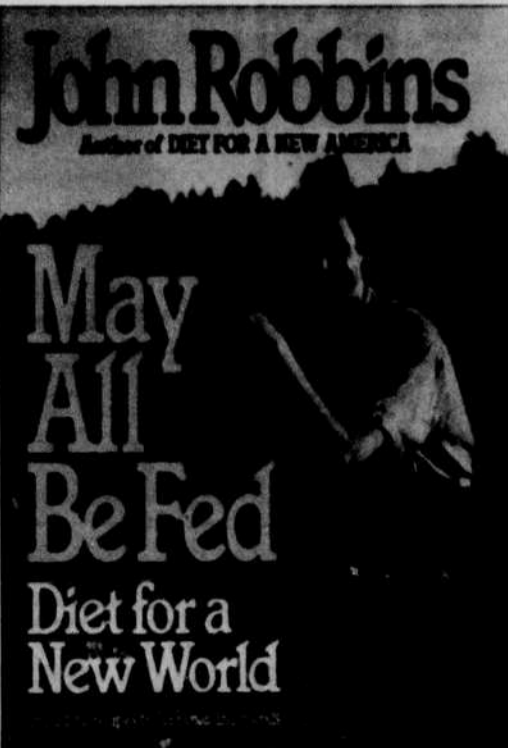
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