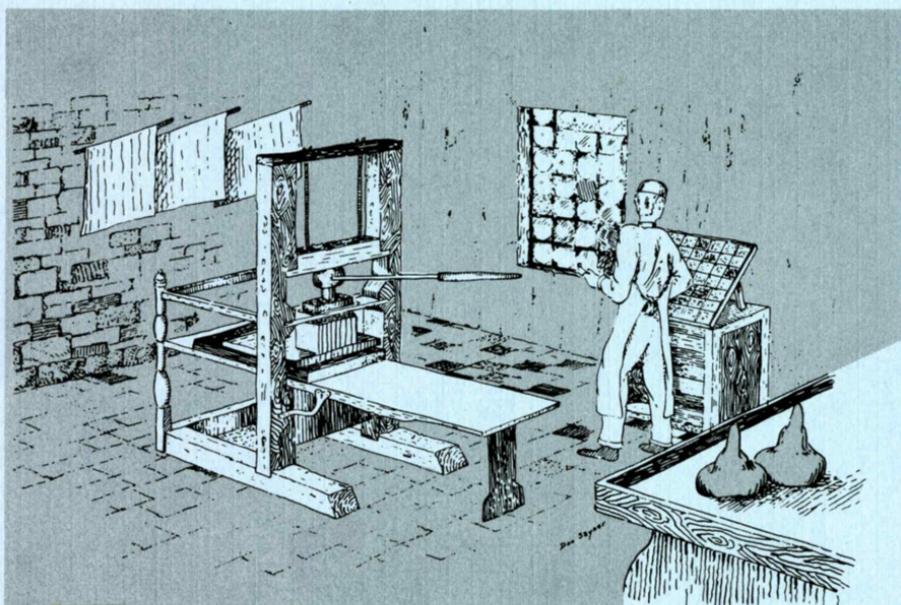


**THE JOHN PETER ZENGER AND
ANNA CATHERINE ZENGER AWARD**

**FOR FREEDOM OF THE PRESS
AND THE PEOPLE'S RIGHT TO KNOW**

1997

Mark Goodman
Student Press Law Center



Tucson, Arizona
May 1, 1998

THE JOHN PETER ZENGER AWARD - 1997

THE ZENGER AWARD WINNERS

- 1977 Mark Goodman, Student Press Law Center
- 1996 Nat Hentoff, Washington Post
- 1995 Ben Bagdikian, media scholar
- 1994 Investigative Reporters & Editors
- 1993 Jane E. Kirtley, Reporters Committee for Freedom of the Press
- 1992 Helen Thomas, United Press International
- 1991 Peter Arnett, Cable News Network
- 1990 Terry A. Anderson, The Associated Press
- 1989 Robert C. Maynard, The Oakland Tribune
- 1988 Jean H. Otto, Editorial Page Editor, The Rocky Mountain News
- 1987 Eugene L. Roberts, Jr., Executive Editor, The Philadelphia Inquirer
- 1986 John R. Finnegan, Editor, St. Paul (Minn.) Pioneer Press and Dispatch
- 1985 Thomas Winship, The Boston Globe
- 1984 Tom Wicker, Associate Editor, The New York Times
- 1982 Fred W. Friendly, Edward R. Murrow Professor Emeritus, Columbia Graduate School of Journalism
- 1981 Paul S. Cousley, Publisher, Alton (Ill.) Telegraph
- 1980 Walter Cronkite, CBS
- 1979 Jack C. Landau, Executive Director, Reporters Committee for Freedom of the Press
- 1978 Robert H. Estabrook, Lakeville Journal (Conn.)
- 1977 Robert W. Greene, Newsday
- 1976 Donald F. Bolles, The Arizona Republic
- 1975 Seymour M. Hersh, The New York Times
- 1974 Thomas E. Gish, Editor and Publisher, The Mountain Eagle
- 1973 Katharine Graham, Publisher, The Washington Post
- 1972 Dan Hicks Jr., Editor, Monroe County Democrat
- 1971 The New York Times
- 1970 Erwin D. Canham, Editor-in-Chief, The Christian Science Monitor
- 1969 J. Edward Murray, Managing Editor, The Arizona Republic
- 1968 Wes Gallagher, General Manager, The Associated Press
- 1967 John S. Knight, Knight Newspapers, Inc.
- 1966 Arthur Krock, The New York Times
- 1965 Eugene C. Pulliam, Publisher, The Arizona Republic and Phoenix Gazette
- 1964 John Netherland Heiskell, Publisher, Arkansas Gazette
- 1963 James B. Reston, Chief Washington Bureau, The New York Times
- 1962 John H. Colburn, Managing Editor, Richmond (Va.) Times-Dispatch
- 1961 Clark R. Mollenhoff, Washington, Cowles Publications
- 1960 Virgil M. Newton Jr., Managing Editor, Tampa (Fla.) Tribune
- 1959 Herbert Brucker, Editor, Hartford Courant
- 1958 James R. Wiggins, Vice president, Executive Editor of the Washington (D.C.) Post and Times Herald
- 1956 James S. Pope, Executive Editor, Louisville Courier Journal
- 1955 Basil L. Walters, Executive Editor, Chicago Daily News and Knight Newspapers
- 1954 E. Palmer Hoyt, Editor and Publisher, The Denver Post

1997 Zenger Award

MARK GOODMAN

Introduction by Prof. Jim Patten

University of Arizona Journalism Department Head

And now a very special moment.

One of the best moments in each academic year for me is this one, the one in which I have the pleasure and honor of introducing our John Peter and Anna Catherine Zenger Award winner.

Tonight we honor our 42nd such winner to be given one of the University of Arizona's highest honors, symbolically named for the Zengers, who fought so hard for freedom of the press during Colonial days, but named as well for everyone everywhere who cherishes the First Amendment to the Constitution and everything it means to everyone in this room tonight.

When I announced to the Journalism Advisory Council the name of tonight's winner, a collective "ahhh" rose from their lips, and I heard someone say "What a great choice. No one in the country is doing more for freedom of the press," and I agree. Some get more attention, some are splashier— but no one does more for this cause.

I'm particularly pleased tonight because we're honoring someone whose interest in the freedom of scholastic journalists is one I share. We've worked together before. He's a friend. And a friend of our mutual cause. I suspect more high school and college journalists know his name than know the names of their senators or governors. In high school classes today the first thing students learn is still the 5 W's and the H--but the second thing they learn is whom to call when there is a threat to their freedom, and that's Mark Goodman.

Mark as you all know is a lawyer and, since 1985, executive director of the Student Press Law Center in Arlington, Va., the only national organization devoted exclusively to protecting the free press rights of high school and college journalists by providing free legal advice and information to students and their advisers. He is a journalism graduate from Missouri and holds a law degree from Duke. He has been a guest faculty member, lecturer or adjunct faculty member at the Poynter Institute for Media Studies, American University, Bowling Green University, University of Iowa, Michigan State University, Virginia Commonwealth University and Northwestern State University in Louisiana.

We are not the first to honor him, of course.

He has been recognized by the Newspaper Division of the Association for Education in Journalism, the Society of Professional Journalists, the College Media Advisers, the Journalism Education Association, Columbia Scholastic Press Association, the Southern Interscholastic Press Association, the University of Missouri, the Florida Community College Press Association, the Indiana and Michigan scholastic press associations, and many, many others.

We hope he can find room in his trophy case for our award. Mark, please accept the University of Arizona's Zenger Award for outstanding contributions in support of Freedom of the Press and the People's Right to Know.

Mark Goodman

of the Student Press Law Center

As I hope is obvious, I'm incredibly honored to receive this award. And, I must admit, a bit surprised as well. The idea that my name is going to be included amongst that illustrious list of past winners seems more than a little surreal. I feel like a chunk of Velveeta plopped down alongside a wheel of brie. But I am honored, and I thank the University of Arizona Department of Journalism for considering me worthy of this lofty company.

The fact is, my name is on this award because I was in the right place at the right time. For the last 13 years, I've been privileged to be in the position of executive director of the Student Press Law Center. Our business is to defend the free press and freedom of information rights of student journalists. Unfortunately, we've had our work cut out for us, in part because of the amount of defending that needs to be done and in part because not many others have cared to engage in that defense.

This honor is really a recognition of the work of the SPLC. I've been lucky to be a part of that. But I certainly don't do it alone. Our board of directors, our staff and our interns are all crucial components in our effort. I think this award is as much about each of them as it is about me. So on behalf of the entire Student Press Law Center, I thank you for recognizing us; it tells me that you believe in the student press, too.

But this award does mean something very personal to me. Seeing the list of past award winners reminds me how much I've been inspired by the work of others in defense of press freedom:

For example, Dr. Louis Ingelhart, professor emeritus of journalism at Ball State

University in Indiana and a longtime member of my board has been defending student press freedom since before many of us were born and long before it was ever popular to do so.

Nat Hentoff, last year's winner of this award, who has been one of the few working journalists to continually speak out about the importance of protecting and encouraging the First Amendment rights of young people.

And Jane Kirtley of the Reporters Committee for Freedom of the Press, also a previous winner of the Zenger award, the most principled advocate for press freedom I know.

But the fact is that some of my greatest inspiration has come from the students I've worked with and helped defend over the last 13 years. If you want to see true moral courage, look no farther than your local high school. Check out the student newspaper editor who is probably confronted with a choice: she can publish accurate stories about some of the less-than-perfect aspects of her school and risk suspension, loss of scholarships and college recommendations and possibly risk the support of her friends, teachers and family, or she can publish only the happy news that her school wants to see in print, no matter how little it connects with the real lives of students.

Making that choice takes courage, more than most of us will ever be asked to demonstrate in our adult lives. And it never fails to amaze me how many students choose to stand on principle at great cost to themselves.

I've met hundreds of students who have demonstrated that kind of courage, but a couple immediately come to mind:

Traci Bauer was editor of her student newspaper at Southwest Missouri State University in 1991 when she waged a successful battle for access to campus security department incident reports. She heard that a scholarship athlete at the school had been accused of sexual assault, but she was told by campus officials that they couldn't confirm the incident or give her the crime report. Traci took her school to court and won. But not before her loyalty to the school was publicly questioned and she was shunned. Eventually, as part of Traci's case, a memo was made public that relayed a conversation between campus administrators and the city police. According to a city police officer, campus security officials said they didn't want to release crime reports because of the impact it could have on the school's image.

Traci, like a lot of other student editors and reporters that followed her, believed that the safety of students was more important than the reputation of her school. She paid a price by pursuing her lawsuit for two years of her college career: her grades, her friendships and her work as an editor suffered. But her sacrifice truly made a difference.

A more recent inspiration to me is a young man who is now a ninth grader in Otsego, Mich. (I think the most inspiring thing I did as a ninth grader was to make my bed on a semi-regular basis.) A year ago, when Dan Vagasky was editor of his middle school student newspaper, an incident occurred on a school-sponsored ski trip that Dan believed his paper should cover. A student was caught shoplifting at a ski resort shop and was arrested and charged for her offense. Dan's newspaper wrote a story about it, leaving out the identification of the arrested student because she was a minor, but describing the consequences that the incident could have for the rest of the students and the school. Dan's school principal's response? "No way." He admitted that the story was a perfectly accurate description of the situation, but he said it reflected poorly on the school.

When the school superintendent and school board wouldn't reconsider the decision to censor, Dan took them to court, despite the fact that he would soon move on to high school and thus would never benefit directly from any success. I understand his case could settle any day.

Imagine as a 14 year old, deciding to publicly disagree with your principal, let alone go to court against him, to protect the rights of the students who will follow you. Dan was courageous enough to do that but it did not make him the most popular boy in his middle school.

I single out Dan and Traci here not only because of what they did but because of who they are. Your picture of them might be as youthful rabble rousers, as interested in personal glory as they were the principles of their cause. Nothing could be further from the truth. Both Traci and Dan are amongst the most mild-mannered, self-effacing and polite individuals I've ever met. I know that they both felt awkward being in the limelight but they realized that was a part of the burden of standing up for what their readers deserved and what they believed was right.

Not to say that there aren't some youthful rabble rousers out there. There are, and we are lucky to have them, too. They have made just as much of a difference in their own way. My point is this: it's time for us all, especially those of us who consider ourselves journalists or educators, to wake up and smell the coffee.

The stereotype of students as self-centered, unethical and irresponsible, which we all have either bought into or helped perpetuate, just doesn't wash. And we do ourselves a tremendous disservice when we suggest it does.

As you might imagine, the day-to-day job of defending student journalists can sometimes be discouraging, what with the constant onslaught of calls for help in dealing with censorship and repression, cover-ups and constraints.

But there is one thing I find even more depressing:

The growing lack of appreciation by professional educators for the First Amendment and the values it embodies.

Some of you may recall that 10 years ago, the U.S. Supreme Court upheld the right of public high school officials to engage in extensive censorship of student publications without running afoul of the First Amendment. That decision, *Hazelwood School District v. Kuhlmeier*, has prompted a dramatic increase in number of censorship incidents reported to the Student Press Law Center.

And it's also made school officials more bold in their censorship. Before the *Hazelwood* ruling, many administrators were embarrassed to be seen as censors; when their actions were exposed they would frequently back down.

Today, that embarrassment seems a thing of the past at many schools. Administrators are proud to censor, whether in the name of protecting the school's reputation, political correctness, student privacy or whatever. Or they refuse to admit that what they're doing is censorship. They call it "editing" or some other euphemism for ensuring that their view of the world is the only one that sees the light of day.

Now the *Hazelwood* case is threatening to creep into colleges and universities. In December, a federal court upheld the right of Kentucky State University officials to confiscate student yearbooks and fire the adviser to the student newspaper because she refused to censor it, all based on *Hazelwood* and its limitations on high school students First Amendment rights. The university doesn't admit that what it did was censorship. In fact, the president claims that "freedom of expression has always been practiced at Kentucky State University and will remain so in the future."

The students are currently appealing the ruling. We can only hope that the appellate court will recognize the error of the lower court's decision and reverse it.

There is one thing that I know to be true; even if the Supreme Court were to rule that student journalists at high schools and colleges were entitled to no First Amendment protections at all, the battle over press freedom and freedom of information rights for students wouldn't end. There would still be students at high schools and colleges across the country who would stand by their principles and make their best effort to cover the news and offer opinions that their readers need, no matter what the consequences.

That fact is my inspiration, and many of you students in this room are shining examples of it. I congratulate you on your hard work and dedication to the principles that John Peter Zenger went to jail for. My honor is being able to help you along the way.

Thank you.