

‘Free speech isn’t free, is it?’: A story on a teen porn worker could cost a high school journalism teacher her job



Bailey Kirkeby, second from right, is pursuing a profile for her high school newspaper of a classmate who works in the porn industry. She and her classmates are fighting to prevent their school district from viewing an advance copy. (Courtesy of Lilly Lim)

By [Isaac Stanley-Becker](#)

April 25

The whispers wound their way through the hallways of Bear Creek High School in Stockton, Calif. They said a senior at the school was working in adult entertainment.

Her name came up in March at a pitch meeting of the [Bruin Voice](#), the award-winning high school newspaper, whose motto is, “The Voice shall not be silenced!”

Someone said, “There’s a girl on our campus who does porn.”

The student journalists knew what to do — a profile of the girl, or, really, the woman. She’s 18.

A writer and editor for the paper, Bailey Kirkeby, volunteered. She felt comfortable approaching the target of the rumors because both participated in speech and debate. The subject agreed to cooperate, even asking that her name be used. A legal adult, she wanted to tell her story, hoping it would quiet the whisper network.

The profile is almost complete, set to be published in the May 3 issue of the newspaper, which is led by an all-female editorial board. The piece charts the student's path into the porn industry, including a fallout with her parents that led her to leave home last year. It humanizes her, said Bailey, a 17-year-old junior. One thing readers may not know, she said, is that their classmate is a "romantic."

Now, however, the story is encountering resistance from school administrators. The officials are threatening to dismiss the newspaper's faculty adviser, who was [recently named](#) educator of the year by the Northern California Society of Professional Journalists, if she doesn't submit the article to them for prior review.

The demand, which has [become more frequent nationwide](#) as students have taken on sensitive topics ranging from sexuality to gun violence, has opened a bitter debate over censorship and free expression in California's Central Valley. The students are pushing back, as they have done at schools all over the country, including in Washington, where journalists at Woodrow Wilson High School [reached an agreement](#) with their principal in 2015 to end the policy, opposed by aspiring young writers.

The contest over student press rights is unfolding as President Trump [continues to deride journalists](#) as the "Enemy of the People" and as the United States is [downgraded to 48th among 180 nations in the 2019 World Press Freedom Index](#).

It is within this context that the faculty adviser, Kathi Duffel, has remained resolute in her refusal to seek the district's approval to run the story. She says the rights of her students are on the line.

"I tell the kids, 'Free speech isn't free, is it?'" she said in an interview with The Washington Post. The prospect that she could lose her job — one she has held for more than three decades — brings her to tears, said Duffel, 57.

Along with the First Amendment, there are other values at stake. One of them, she said, is sheer storytelling.

"This young woman has quite a story to tell," Duffel said. "She has every right to tell her story, and we have every right to report it."

Kathi Duffel, a journalism teacher and faculty adviser of the student newspaper at Bear Creek High School in Stockton, Calif., is refusing to submit a student article to the school district for prior review. (Courtesy of Lilly Lim)

It's not the first time Bruin Voice staff has tangled with school administrators. Along the way, the young journalists have been guided by Duffel, nicknamed "the Norma Rae of newspapers" by the Record, Stockton's daily broadsheet. She was [recognized in 2015](#) for her "unwavering supporter of the paper's independence and First Amendment rights."

In 2011, a Bear Creek principal, who later [resigned](#), sought prior review of a story about a set of master keys that he had misplaced, costing the district "thousands of dollars in rekeying costs," [according to the Record](#).

In 2013, a front-page story raising questions about the school's safety policies led the principal at the time to confiscate 1,700 copies of the issue, until district officials forced her to loosen her grip. She and the vice principal were soon [asked to resign](#). The same year, the school district was forced to backtrack on a social media policy after a story in the Bruin Voice enumerated possible penalties faced by student athletes and club members, causing an uproar.

The Bruin Voice [won recognition](#) that year as a top high school paper from the National Scholastic Press Association.

“I’m very proud of our program,” said Duffel, who teaches AP language and composition in addition to journalism. “We teach our students how to be critical thinkers. Meanwhile, we have an administration that just doesn’t seem to understand that we have a First Amendment that needs to be respected.”

Duffel attended high school in the district, at Tokay High in Lodi, Calif., after moving to the Central Valley from Canada in 1978. She majored in journalism and English at the University of the Pacific, where her roommate was editor in chief of the campus newspaper, the Pacifican, and coaxed her to get involved. She went to work for the district in 1986 and began at Bear Creek when it was founded five years later.

“I am a 33-year employee with the Lodi Unified School District,” she said with pride.

But her future employment stands in doubt.

When the school principal got wind of the forthcoming profile, and asked to see a copy, Duffel refused. A letter dated April 11 from Cathy Nichols-Washer, the district’s superintendent, informed the journalism instructor of the district’s concern that the article, in focusing on “production of adult videos,” would violate a [state education code](#) barring the publication of material that is “obscene, libelous, or slanderous.” State law further prohibits content that incites unlawful acts or school disruptions and that is “inconsistent with the professional standards of English and journalism,” the superintendent argued.

Duffel, for her part, maintains that the article fails none of these tests, as it delves into the background of the student and examines some of the challenges she has faced in making a living in adult entertainment — setting up a PayPal account, signing a contract with the website Pornhub, preparing for an audition at a strip club in San Francisco. She called the assertion that the story focuses on the production of porn videos a “gross mischaracterization.”

“You are hereby directed to refrain from publishing the article prior to the District’s review and approval,” the letter stated. If she failed to do so, it continued, she “may be subject to discipline, up to and including dismissal.”

The letter further warned her that she could be held personally liable in any claims arising from publication.

“Moreover, should you be named as a party to litigation arising from the article’s publication, your failure to comply with the above directive may forfeit your right to indemnification in such litigation,” the district concluded. “In such case, you would likely be personally liable for any costs and resulting damages.”

Alarmed, Duffel contacted an attorney who used to head the Student Press Law Center and with whom she has consulted in the past, writing, “I have never buckled and provided the administration with a copy of a story in advance.”

Responding to the superintendent the next day, Duffel provided a “unanimous response” from the editors of the Bruin Voice.

“Read the law,” the students told their superintendent. “Read it carefully.”

They argued that the story was on firm footing, while claiming that it was the school district that had erred when an employee contacted the subject’s father about the story. The response concluded that “if anyone faces liability in this case, it is you.”

The faculty adviser became further unnerved when a school resource officer appeared in her classroom last week, asking her about “sex trafficking” and the age of those who had accessed the porn site. “I felt very threatened and intimidated,” she wrote to the media lawyer, Frank LoMonte, who was assisting her pro bono.

Duffel suggested to district officials that an independent attorney with the Student Press Law Center review the story — a proposal the superintendent accepted in an April 18 letter, though she continued to press the faculty adviser to submit the

article to the principal for review. Further, Nichols-Washer asked for a verdict from the independent attorney by 4:30 p.m. the following day, imposing a deadline that Duffel said was unreasonable.

Fearing the backlash was driven by members of the school board who had gotten a false impression of the story, Duffel addressed them in a letter on April 18. If the concerns were merely legal, she said, an independent review would resolve them. Meanwhile, she again raised the prospect that the 18-year-old student's privacy rights were violated when a school official contacted her father about the profile.

In a statement, the school district maintained it was not censoring the student journalists but nevertheless pledged to "intervene to ensure that any school related activity complies with the law."

"Lodi Unified School District supports the rights that our students have to freedom of speech," a spokeswoman stressed in the statement.

The student editors believe the district is trying to intimidate them. Separately, the author of the profile has received several mysterious threats from people she didn't know on Facebook, said another staff member, Alisa Aistrup, 17.

Still, she said the editors know they are in good hands.

"It's not Ms. Duffel's first rodeo," Aistrup, a junior, said in an interview. "And we aren't going down without a fight."

Directions:

- 1) In your notebook, respond to this article with a CNN menu option #3 response. Look at menu option #3 for guidance.
- 2) Based on what you have already learned about the first amendment, do you believe the journalism teacher is right or the district? Justify your response.
- 3) Using the internet, find a case involving student journalists that supports your opinion. A great place to start is <https://splc.org/high-school/>