

STUDENT PRESS

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LAW CENTER

2014-15 Annual Report

THE NATIONAL
PRESS CLUB

40th
Anniversary
Edition





The Student Press Law Center was born out of a simple but powerful idea: That journalism cannot be taught, learned or practiced under a heavy hand of government censorship. Our schools and colleges claim, in the abstract, to support civic engagement, when “engagement” means volunteering at the soup kitchen. But when students actually try to engage civically on their own campuses -- on the issues where their knowledgeable voices are most desperately needed -- far too many institutions shut the discussion down.

I recently taught a workshop for college editors from around the country, and began by asking them to shout out their most pressing legal concerns. Our college

blanks out all the key facts from the police reports, one said. Our school won't release statistics about disciplinary actions because they claim the statistics are confidential, said another. And on it went. Story after story about image-obsessed administrators obstructing access to information, putting P.R. spin control ahead of public accountability.

It has never been harder for student journalists to cover their campuses -- and it has never been more essential. Studies show that less than 1.5 percent of the space and airtime in national media outlets is devoted to education, most of that disaster-driven. With professional newsrooms hemorrhaging 5,000 jobs a year, if students do not tell us when their campuses are dirty, dangerous or mismanaged, nobody else will.

Despite the best efforts of its opponents, student journalism cannot be killed. It

continues flourishing under the most oppressive conditions and in the most unlikely of places. Places like Hopi Junior/Senior High School in Keams Canyon, Arizona -- where family incomes average \$24,000 a year and half of the homes lack indoor plumbing, yet teacher Stan Bindell's students are landing interviews with national newsmakers for their scrappy FM radio public-affairs show. When I visited Stan's school last March, I saw on display the enduring value of journalism as a vehicle for empowerment, enabling even those in America's most abjectly poor communities to build connections, share knowledge, and advocate for change. At the SPLC, we rededicate ourselves each day to building a campus culture where young people enjoy full participation in the democracy they are about to inherit.

*Frank LoMonte
Executive Director*

The Student Press Law Center will use the law to help students of all ages meaningfully participate in civic life and learn essential skills, ethics and values through the vehicle of journalism. The SPLC will:

- CREATE greater awareness of, and protection for, the rights of students to gather and distribute news and commentary,
- PROVIDE training and opportunities for students to use their voices to influence public policy,
- EDUCATE the entire education community about the responsible use of technology to share ideas, and
- IMPROVE students' access to essential documents and meetings, and teach them to put the knowledge gained to productive use.



My days as a student reporter at the University of Virginia helped set my course as a professional journalist. Filing document requests and staking out administrators at their office doors and favorite soda machines were real-life news lessons that taught me how to dig for information. I also learned what it meant to cultivate and protect trusted sources, and to stand my ground with reluctant ones, like the unhappy dean who once warned me to remember that I was "a student first."

I thought of that dean again at the Student Press Law Center's 40th anniversary gala last October, when Tanvi Kumar recounted how her principal spiked a story about rape because he was concerned about

how it would "reflect badly" on their high school in Fond du Lac, Wis. "Of course it did," Kumar said. "That's the point."

The Student Press Law Center has been there for high-school- and college-aged journalists like Kumar for 40 years. And these days those students and their faculty media advisers face increasing obstacles. Arrests, censorship, wrongful terminations, closed meetings, denied access to public documents and meetings. SPLC receives calls and emails about such cases through its hotline thousands of times a year. And with the help of a national network of remarkable volunteer attorneys, it offers more than free legal help. It sends a message to young Americans across the country that their right to speak and be heard matters -- and that those who try to silence them are not beyond challenge.

That turns out to be an important message for the young women who account for a

disproportionate number of the hotline calls and emails SPLC receives. In the year ahead, SPLC's new "Active Voice" program will pair with other media partners to create a platform that will amplify those young women's voices. Stay tuned!

From state houses to school boards, executive director Frank LoMonte and the rest of his team will continue to step forward when public officials consider policies that will constrain students ability to access information and speak their minds.

As Pulitzer Prize-winning reporter and former SPLC intern Bart Gellman put it at last year's anniversary dinner, "We don't have to win every fight. We have to rise to them."

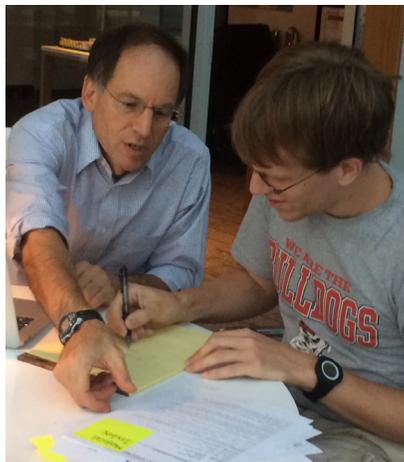
*Mark Stencel
Chairman, Board of Directors*

WE'VE MOVED! OUR NEW ADDRESS:

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ATTORNEY VOLUNTEERS

Jenner & Block's Gabriel Fuentes is one of Chicago's most sought-after corporate litigators, the guy you hire when your eight-figure business is on the line. But when an Illinois student editor was threatened with the loss of his job by a vindictive college administrator angry that the student had disseminated a video of campus police officers pepper-spraying black partygoers, Fuentes came to the rescue. Appearing before a campus media board at Western Illinois University, Fuentes successfully secured the reinstatement of student editor Nick Stewart and the withdrawal of trumped-up disciplinary charges that threatened his graduation. Gabe is a valued member of the SPLC's Legal Advisory Committee and a former high school, college and professional journalist (*Los Angeles Times*, *Chicago Tribune*) who focused on getting Stewart restored to his editorship with the relentless zeal of a federal prosecutor – which, for five years, he was.



Atlanta's Daniel Levitas of Clements & Sweet LLP took on student editor David Schick's public-records case against the Georgia Board of Regents after Schick was forced to wait nine months to receive email records that, by state law, should have been produced in three days. Weeks after the complaint was filed, more than 700 additional pages of records were inexplicably "discovered" and belatedly produced. When a trial court accepted the state's rationalizations and imposed only a token \$1,000 fine, Levitas took the case to the Georgia Court of Appeals, where a decision is pending. Said Schick: "The Student Press Law Center's support with my open records battle against the University System of Georgia has been invaluable. Every college journalist should have the SPLC's number on speed dial."

FROM THE LEGAL HOTLINE

Peter Ligh, a partner in New York with Sutherland LLP (and a former student editor at the *Yale Daily News*), helped the *Washington Square News* at New York University win dismissal of an unfounded copyright-infringement claim, leading a team including attorneys Travis Mock and Kara Duffle that made three court appearances free of charge. "They were able to help us when I had nowhere else to turn," said the newspaper's business manager, Nanci Healy.

When a California high school journalist learned of an online repository of "sexting" photos of underage girls being shared around her district, Berkeley criminal-defense attorney Dan Roth dropped everything to make sure the story could be told without exposing the writer to prosecution or demands for her sources. With his guidance, Sofia Ruiz of Miramonte High School safely published a candid account that was acclaimed for swiftly getting the illicit website shuttered.

Ben Marks of New York's Weil Gotshall LLP dedicated countless hours to negotiations spanning half a year before a corruption-riddled New Jersey school district relented and allowed high school journalist Adelina Colaku to publish

a blockbuster story exposing how multiple misconduct complaints against the former school superintendent were swept under the rug, enabling him to secure another job at an unsuspecting district -- a scoop that local professional journalists were forced to play catch-up on.

Editors at MIT's student newspaper, *The Tech*, were alarmed when lawyers for an aggrieved source threatened suit to have a story removed from the paper's online archives about a criminal case that had subsequently been court-expunged. Marc J. Goldstein of Beveridge & Diamond in Boston came forcefully to *The Tech's* defense. Faced with proof that the claim was both legally unfounded and untimely, the opposing law firm withdrew the threat.

With the help of SPLC attorney volunteer Alice Lucan, editors at the Washington & Lee University online news site, *The Rockbridge Report*, convinced a judge to reconsider an order sealing a plea agreement in a high-profile prosecution involving the death of college student in a drunk-driving crash. The judge was forced to acknowledge that the plea was improperly sealed without adequate public notice, and eventually to release it to the journalists.

Celebrating 40 Years, 1974-2014



NPR's Audie Cornish (and the evening's emcee) interviews student speakers Tanvi Kumar and Gillian McGoldrick about their censorship cases.

In 1973, the Robert F. Kennedy Memorial published the findings of the Commission of Inquiry Into High School Journalism, compiled by Pulitzer Prize-winning civil-rights correspondent Jack Nelson. Nelson's book, "Captive Voices," captured the disempowering toll of censorship on young people struggling to make their voices heard at a time of social and political turmoil. In his foreword to the study, commission chairman Franklin Patterson anticipated an awakening of respect for student rights in words that could be written today following the triumph of the same-sex marriage movement: "New conditions in our society—in the reach for racial justice, for the conquest of poverty, for equality of the sexes, for responsible roles by youth—are opening up again the possibility of important, positive change in the high schools. ... If that is true, the high school again will be exciting for its creative possibilities, as the progressive movement once proved it could be and as its best teachers know it can."

"Captive Voices" identified the urgency of equipping students and teachers with a dedicated source of legal defense that, with the support of the Kennedy Memorial in 1974, became the Student Press Law Center. The SPLC continues working each day to fulfill the vision set forth in "Captive Voices" of a world where student voices are respected, valued and nurtured. As Nelson wrote then, quoting from a 1969 federal judge's order: "The risk taken if a few students abuse their First Amendment rights of free speech and press is outweighed by the far greater risk run by suppressing free speech and press among the young. The remedy for today's alienation and disorder among the young is not less but more free expression of ideas." SPLC Executive Director Frank LoMonte renewed Jack Nelson's challenge in his closing address to the 40th anniversary dinner: "If the lesson that students graduate with is that people in authority get to lie and break the rules, that you can't fight City Hall and you will be punished if you try, then we are doing civics totally wrong."

With thanks to our 40th anniversary gala sponsors.

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WAUPM's Marty Sturgeon and former Executive Director Mark Goodman.



2014 Chairman Pat Carome and 2013 Chairman Reggie Stuart.



Keynote Bart Gellman, former board members Angela Filo and Mark Stodder.

Celebrating 40 Years, 1974-2014

More than 200 supporters of scholastic journalism joined the Student Press Law Center for a gala 40th birthday celebration on October 16, 2014, at the National Press Club in Washington, D.C. NPR's Audie Cornish emceed the event and interviewed two of the nation's toughest student journalists, Gillian McGoldrick (Pennsylvania) and Tanvi Kumar (Wisconsin), whose award-winning coverage of topical social issues was undeterred by school retaliation. Pulitzer-prize winning journalist and former SPLC intern Bart Gellman delighted the crowd with tales of how, as a high-school editor in suburban Philadelphia, he was forced to sue the principal who confiscated -- and incinerated -- his student newspaper, *The Town Crier*, for writing about birth control. The event brought together generations of SPLC supporters, alumni and beneficiaries of the Center's services, a reminder of the enduring lifelong bonds forged in the campus newsroom.

The success of the gala and of the SPLC's four decades of free legal, educational and advocacy services would not have been possible without the generosity of many hundreds of donors, volunteers, Board members, staff and interns whose contributions have made colleges and schools a safer place to gather information and share ideas. We are especially grateful to Wilmer Cutler Pickering Hale and Dorr LLP and all of the sponsors of the anniversary event, and for the constant inspiration provided by America's student journalists and journalism educators, whose risks and sacrifices keep all of our communities informed and civically healthy.

These students face criticism and pushback and outright censorship of their efforts. But they remain relentless. And I have to say that as a media lawyer, those are the clients that are so fun to be in the trenches with.

SPLC Board Member Nabihah Syed



I learned that it was a fight worth fighting, regardless of outcome, and in fact that even an outcome like this could fuel a whole career.

Washington Post's Bart Gellman on his high school censorship battle

One of the great things about student journalists is they're doing what you're supposed to do, which is reporting in the community that is your community.

NPR's Audie Cornish



To see more highlights and other videos from the SPLC, visit our YouTube channel, www.youtube.com/user/StudentPressLawCtr.

ANSWERING THE CALL FOR FREE SPEECH

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

FIRST AMENDMENT

Students learn best under a light touch of guidance from a well-trained adviser.

The SPLC prepared the primary friend-of-the-court brief, joined by an array of Internet-freedom organizations, supporting a successful Supreme Court appeal challenging prosecutors' ability to convict people of making online threats with no proof of an intent to threaten. As explained in the SPLC's brief, authored with Sutherland LLP partner Sean Jordan, "many teens post information on social media that they think is funny or intended to give a particular impression to a narrow audience, without considering how this same content might be read out of context." The SPLC's research about tragic misunderstandings that led to the arrest and prosecution of innocent teens for online jokes was cited in petitioner Anthony Elonis' Supreme Court oral argument.

Working with volunteer attorney Louis Bubala of Reno, Nev., the SPLC secured a surprisingly strong ruling from the federal Ninth Circuit in *Frudden v. Pilling*, defending the rights of students to refuse to wear a school-dictated slogan that they found objectionable. The ruling produced a useful precedent for all public-school students, reinforcing that schools can't pick-and-choose among speakers and messages except for the most compelling justifications.

CIVIC ENGAGEMENT

For their year-long journey to raise awareness about the vital role of free speech in schools,

Student journalism is "participatory civics."

Mary Beth Tinker and Mike Hiestand were recognized with the Hugh M. Hefner Foundation's First Amendment Award. The award recognizes the SPLC-sponsored "Tinker Tour" for its positive impact in educating the public about the benefits of protecting the rights of young people.

The Tinker Tour logged some 25,000 miles crisscrossing 31 states on a mission to energize and empower young people to take ownership of their own rights. At stop after stop, landmark First Amendment plaintiff Tinker was mobbed by packs of eager young people amazed to learn that they have rights their schools cannot take away, and inspired by the positive change that a 13-year-old girl with a simple cloth armband can help bring about. The Tour was made possible by hundreds of donors who contributed to an online crowdfunding campaign and by a grant from our friends at the Society of Professional Journalists' foundation, Sigma Delta Chi.



ANSWERING THE CALL FOR OPEN GOVERNMENT

SCHOOL TRANSPARENCY

Open-records laws need a 21st-century reboot, including meaningful penalties for noncompliance.

When Congress was poised to enact radical new student-privacy legislation enabling schools and colleges to declare virtually all of their records off-limits to public inspection, the SPLC was the only organization that took notice and sounded the alarm. We put together a coalition of open-government organizations that persuaded Congress to rewrite the bill, making sure that journalists and parents can continue getting access to the documents they need to hold schools accountable.

Partnering with Maryland journalism professor Deb Nelson and a team of 60 students, SPLC's Rex Santus published the most comprehensive audit ever of how colleges restrict athletes' speech on social media. Quoted nationally in news outlets including ESPN and the New York Daily News, the study exposed widespread illegalities in policies making it a disciplinary offense to make "inappropriate" or "unfitting" remarks, even on personal time off campus.

When the University of Oklahoma tried to conceal athletes' parking tickets by misapplying the FERPA privacy law, the SPLC worked with editors at The Daily Oklahoman to expose the university's hypocrisy, demonstrating that tickets weren't handled with any of the safeguards FERPA requires. Confronted with the evidence, OU President David Boren ordered the records released.

OU denied requests for parking ticket records, but are they private by law?



ONLINE CIVILITY

The first generation of societal responses to online cruelty has ranged from ineffective to affirmatively destructive.

A New York statute made it a crime punishable by a year in jail to "taunt" or "annoy" a minor on social media,

Tweet Police

Kansas' ability to fire professors for posting on social media is bad news for academic freedom —and may not even be legal.

By Frank D. LoMonte



imposing potentially life-ruining consequences on momentary acts of thoughtlessness or social frictions. The SPLC put together a coalition of anti-bullying groups to challenge the law, and in July 2014, the state Court of Appeals struck it down as unconstitutionally overbroad, making New York a little safer place to be a kid.

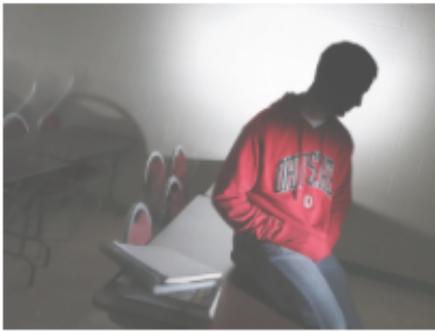
The SPLC's Frank LoMonte helped Kansas faculty members blunt the most extreme effects of a Board of Regents policy making it a firing offense to post "inappropriate" speech on social media. After his January 2014 article for Slate, "Tweet Police," received widespread attention, LoMonte was called in to consult with the university system on fashioning a more constitutionally sound policy that, while still flawed, clarifies that college employees retain their legally protected rights to speak as private citizens and when publishing in academic journals.



Employees at a Kansas public university can be fired for speech "contrary to the best interest" of the institution.

Photo illustration by Slate; Photo courtesy Knight Foundation

SPREADING THE MESSAGE



Reports on college crime are deceptively inaccurate

The crime statistics being released by colleges nationwide on Wednesday are so misleading that they give students and parents a false sense of security. Even the U.S. Department of Education official who oversees compliance with a federal law requiring that the statistics be posted on Oct. 1 each year admits that they are inaccurate.

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Reports on college crime are deceptively inaccurate

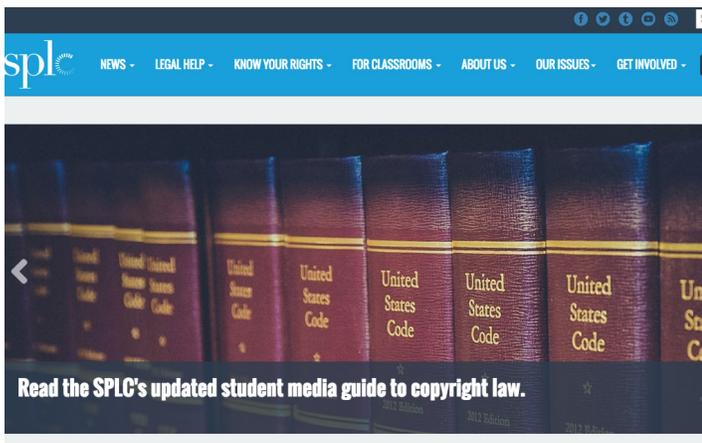


REPORTER AFTER REPORTER called SPLC's attorney hotline with the same complaint: Colleges won't release public records enabling us to find out how many rapes happen on campus and how they're punished. We decided to find out how widespread the deception went. With a grant from the Fund for Investigative Journalism and the support of investigative reporters from the Columbus Dispatch, the SPLC's Sara Gregory used computer-assisted reporting to expose systematic fraud in colleges' federally required crime reports, with major universities routinely claiming to have experienced zero sexual assaults. Her groundbreaking work was honored with the Associated Press Managing Editors' First Amendment Award.

SPLC BY THE NUMBERS

- 370,063 website sessions
- 95,000 used mobile devices
- 1,168,400 page views
- 31 in-person workshops
- 21 states visited

Most popular news story: *"Social Media Restrictions on College Athletes Common"* by reporting intern Rex Santus



REDESIGNED WEBSITE. During 2014, with the volunteer help of designers from StateNews.com, the SPLC launched a revamped website making legal resources easier to locate and use. To keep pace with students' increasing use of smartphones as their primary information tool, the site is now fully mobile-optimized.

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FINANCIAL STATEMENTS

	2014	2013
Contributions	448,571	528,965
Program Revenues	26,551	13,833
Investment Income	91,310	395,270
Other Revenue	14,034	14,141
Gala	21,108	-
TOTAL REVENUE	601,574	952,246
Salaries and Benefits	352,273	273,009
Other Expenses	233,471	286,599
TOTAL EXPENSES	586,224	559,608
REVENUE LESS EXPENSES	15,350	392,638
TOTAL ASSETS	3,594,857	3,535,130
TOTAL LIABILITIES	13,414	13,124
NET ASSETS	3,581,443	3,522,006

Audited by Gelman, Rosenberg & Freedman



SPLC thanks our amazing staff, interns, fellows and volunteers for making 2014 a triumphant year.

Adam Goldstein - Sara Gregory - Mark Keierleber
 Jennifer Kiel - Karin Flom - Lydia Coutré - Casey
 McDermott - Rex Santus - Beatriz Costa-Lima
 Dani Kass - Jenna Spoot - Gwenn Barney
 Anna Schiffbauer - Michael Bragg - Samantha Barrett
 Kiara Williams - Ben Tobin - Mike Hiestand



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"The Student Press Law Center was there when I needed help and guidance. I really had no where else go, and no one else to seek help from. But with one phone call, the wheels were in motion to get legal assistance, and within just a few days we were ready to fight for my position as the *Western Courier* editor-in-chief. The SPLC helped so, so much. I was able to take a stand against the Western Illinois University administration that unjustly and without much thought suspended me from my position. With the help of the SPLC, I was reinstated without incident a within a few weeks without giving any ground. Without their help, I doubt I would

have been able to defend myself and it most certainly would not have gone as smooth as it did."

Nicholas Stewart
Editor, *The Western Courier*
Western Illinois University