A Report From The

**Student Press Law Center**

*A Joint Project of the Reporters Committee and the Robert F. Kennedy Memorial*

### About the Student Press Law Center

The Student Press Law Center serves as a national clearinghouse to collect, analyze, and distribute information on the First Amendment rights of student journalists and journalism teachers and on violations of these rights in high schools and colleges. The Center also provides direct legal assistance and advice to students and journalism teachers experiencing censorship problems and to attorneys defending student expression.

To assist the Center in collecting information, individuals with knowledge of censorship incidents are asked to inform the Center about specific situations so that the Center can share this information with all interested organizations.

Students and teachers interested in learning more about First Amendment rights, or who need legal assistance, should contact the Student Press Law Center, Room 1112, 1750 Penn. Ave., N.W., Washington, D.C. 20006, (202) 872-1620.

This Report consists of the Student Press Law section of the Press Censorship Newsletter—April-May 1976, published by The Reporters Committee For Freedom of The Press.

Additional single copies of this Report may be obtained free upon request. Multiple copies at cost. Distributed by:

**THE STUDENT PRESS LAW CENTER**  
Room 1112  
1750 Penn. Ave., N.W.  
Washington, D.C. 20006

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**STUDENT PRESS RUNS DUBIOUS AD**

Starting in January 1976, high school and college newspapers across the country received purchase orders to run this ad.

Since early March, the Student Press Law Center has received more than two dozen complaints that high school papers have not received payment from the company placing the ad—Bennett Publishing Co.

An investigation by one paper, the *Warrior* of Wantagh High School, Wantagh, New York, reported that the telephone number listed on Bennett's letterhead is an answering service and that the listed address is that of a firm named Private Mail Boxes, Inc.

On March 25, The Student Press Law Center contacted Gregory York of Bennett Publishing. York said Bennett does not now have assets to pay for the advertising placed in high school and college newspapers. According to York, Bennett received only $10,000 from the sale of "Guide to Money in Higher Education." Mr. York estimated that Bennett Publishing currently owes $140,000 in advertising to high school and college newspapers for carrying the ad.

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CALIFORNIA APPEALS COURT RULES SCHOOLS CAN NOT BAR ALLEGEDLY LIBELOUS ARTICLE ABOUT PRINCIPAL

The summer, 1974 issue of The Red Tide, an unofficial student newspaper distributed in the Los Angeles school system, contained an article on the principal of Locke High School. The article described a conversation between a student and the principal concerning a rule prohibiting students from wearing hats in class. The article characterized certain statements made by the principal as lies.

Toward the end of May, 1974, student Susan Bright sought to distribute the summer issue at Los Angeles University High School. Pursuant to school district rules, Bright submitted the issue to the high school administration.

After receiving assurances from the principal that the charges in the article were untrue, principal Welch of University High School banned the issue on June 3, 1974. No hearing of formal investigation was undertaken by Welch to determine the accuracy of the article.

Principal Welch based his action restraining distribution on the California Statute governing student publications (Education Code S 10661). The statute provides that public school students have the right to free expression with the exception that material which is obscene, libelous, incites students to commit unlawful acts, or causes substantial disruption of school, shall be "prohibited."

Bright brought suit in Superior Court of Los Angeles County seeking a declaration that school officials had acted unconstitutionally in employing a system of prior restraint on publication. The student alleged that the statute did not authorize prior restraint of libelous material. Bright also sought an injunction preventing school officials from interfering with distribution of "The Red Tide." Both claims were denied and Bright appealed to the California Court of Appeal.

On September 30, 1975, the appeal court reversed the lower court decision and decided that the California statute did not authorize prior restraint of libelous material. The court found prior restraint might be acceptable where the restraint was exercised to prevent conduct disruptive of the educational process but it said no such conduct had been alleged by school officials.

The court also determined that school officials had denied Bright's rights to due process by failing to undertake a thorough investigation of the facts contained in the article. Welch was faulted by the court for failing to adequately determine the truth or falsity of the allegations contained in the article.

The California Supreme Court has agreed to hear the case on appeal, and a final decision is expected during the summer of 1976.

CALIFORNIA FEDERAL COURT SAYS SCHOOL CAN'T BAN STUDENT NEWSPAPER

In the fall of 1975, Holtville, California, High School officials removed students from positions of editorial control on the school newspaper, The Saga. The School Board ruled it had the power to assume absolute control over content.

Subsequently, the Quill and Scroll Society, a high school journalism society, voted to publish a student controlled paper, The First Amendment, to be edited by Lisa Pliscou, former assistant editor of The Saga. School officials said they would bar distribution of the student newspaper.

On October 17, 1975, Pliscou brought suit in federal district court seeking to prevent official interference with publication of The First Amendment. Pliscou also sought a ruling that school action preventing the paper from carrying advertising was unconstitutional. Pliscou's suit asked money damages as a result of her removal as an editor of The Saga. The student further alleged that school officials had subjected her to harassment, ridicule, humiliation, mental suffering, and emotional and physical distress. From the acts of school officials, Pliscou claimed she was entitled to $100,000 in damages.

On December 15, United States District Court Judge Gordon Thompson ruled that Pliscou and Quill and Scroll did have the right to publish and distribute a newspaper on the Holtville High campus. Judge Thompson also found that school rules requiring prior approval of student publications were unconstitutional because the rules did not specifically define what material was prohibited and because they did not provide a definite time period for the principal to decide whether the material submitted was acceptable. In addition, Judge Thompson said that failure to allow The First Amendment to carry advertising was unreasonably discriminatory.

On February 4, 1976, the Executive Secretary of the national office of Quill and Scroll wrote a letter to the Judge advising that Pliscou had not met membership requirements and was therefore not a member of Quill and Scroll. The judge did not change his opinion and by March 1, the second issue of The First Amendment had been distributed.

The Pliscou case is still pending. The issue before the court is whether school officials acted in such disregard of Pliscou's rights that they should be required to pay her damages.

CALIFORNIA HIGH SCHOOL DEMANDS PRIOR REVIEW OF SEX & POLITICAL ARTICLES: BURNS NEWSPAPER

The December, 1975, issue of the Turlock (Calif.) High School Clarion contained a number of articles on premarital sex between teenagers written from the point of view of a family planner, a priest, and a male and a female high school student. The front page photograph of a pregnant young woman was captioned "Teenage Pregnancy: Not using birth control devices sometimes leads to unwanted pregnancies."

The model for the photograph, a married student who wanted to have a child, objected to the caption. The Clarion staff recalled the issue before full scale distribution occurred and agreed to reprint the articles without the photograph.

Principal Donald Goldstein ordered the copies confiscated and sent a letter to journalism teacher and newspaper advisor Twila Stangle declaring that "Anything dealing with politics, religion and sex and anything the advisor deems controversial should be brought in to the principal or assistant principal for recommendation." Her job security was threatened for failure to comply with this procedure.

Stangle notified the Journalism Education Association and sought help from the local press and legal counsel. Before an injunction could be obtained against the principal, Goldstein ordered 1000 copies of the Clarion issue burned.

A compromise between the newspaper staff and the school administration was reached to republish the controversial articles on January 23, 1976, seven weeks after the paper was
burned. An additional article presenting the negative aspects of premarital sex was included in the January issue at the insistence of the school board. The board, advisor, and staff are currently drafting guidelines for a district-wide policy on freedom of expression for students.

FLORIDA HIGH SCHOOL STUDENT BARRED FROM DISTRIBUTING CALENDAR PARODY

At Manatee High School, Bradenton, Florida, a male service club called “Interact” published a yearly school calendar as a fund-raiser. The calendar featured “girls-of-the-month” who were posed in bathing suits in beauty pageant style.

During the summer of 1975, Lisa Tongue, a senior at Manatee High, decided to publish a calendar satirizing the “Interact” publication. Tongue and her friends spent the summer preparing photographs and text for the satirical calendar called “Innercrap.” The calendar featured photos of male and female students in unflattering poses and made fun of the advertisements contained in the “Interact” calendar.

The students sold nearly one hundred “Innercrap” calendars. However, when the “Innercrap” calendar came to the attention of the Manatee High administration, the principal ordered a ban on “Innercrap.” Tongue was forbidden to distribute further copies of her calendar on the Manatee High School campus.

IDAHO HIGH SCHOOL REQUIRES RIGHT TO REPLY IN SCHOOL NEWSPAPER

After a series of articles on minority problems were run by the Pocatello, Idaho, High School newspaper, The Chieftain, school administrators instituted a policy of reviewing all “controversial” articles prior to publication.

During the fall of 1975, a rival high school’s football victory bell was stolen. In its coverage of the theft, the Chieftain suggested that the bell had been stolen by Pocatello High School students. After learning that the individuals involved in the theft included three members of the Pocatello High School student government, the Chieftain staff decided to run an editorial criticizing the actions of the student leaders and the Pocatello High School administration for its role in the aftermath of the theft.

Operating under the directive that all “controversial” articles required prior approval, the editorial was submitted to the principal. The principal did not want the editorial published but agreed to allow publication if the editorial were shown to the students involved, and those students were given equal space to respond. Both conditions were met and the editorial and a reply were published.

One result of the Chieftain articles and editorial was increased criticism of the Chieftain. The principal and the president of the student body—one of the individuals involved in the bell theft—began a drive to establish a “publications review board” to serve as an official mechanism to censor the content of the Chieftain.

INDIANA HIGH SCHOOL PRESS ADVISOR FIRED FOR STUDENT ARTICLES ON SEX PROBLEMS: SETTLES FOR $1000

In February 1974, Ted Haggard, the managing editor of The Broadcaster, the student newspaper at Yorktown High School in Yorktown, Indiana, approached the paper’s adviser requesting to do a series of articles on sex-related problems. The adviser, Joan Lentzner, approved the idea.

Haggard also received favorable responses from the principal and superintendent before he started work on a five-part series.

The Broadcaster staff conducted interviews of students who had experienced pregnancies, marriages and abortions. Medical doctors, clergy, guidance counselors and teachers were also interviewed.

After the first article, featuring interviews of students, had run, administration officials informed Lentzner that school board members had received complaints about the articles from a group of parents. Lentzner was asked to appear before the board at a closed meeting. At the meeting, board members criticized the first article for its frankness, and expressed concern that the rest of the series would also cause parental criticism. Nevertheless, all five articles were run by The Broadcaster.

On April 26, 1974, Lentzner received written notice that her contract would not be renewed for the coming school year.

Lentzner hired a lawyer and brought suit against the school board seeking her reinstatement and $35,000 damages. Lentzner received financial support from the Indiana Civil Liberties Union, the Society of Professional Journalists, the Journalism Education Association, and Women in Communications.

In December 1975, Lentzner agreed to an out-of-court settlement awarding her $1,000. The settlement money was redistributed to the organizations providing financial assistance.

MARYLAND HIGH SCHOOL BANS STUDENT POLL ON TEACHERS AND COURSES

During February, 1976, George Aposporous, a student at Walter Johnson High School in Montgomery County, Maryland, decided to conduct a survey of student opinion on the teachers and courses at his school. Aposporous planned to publish and distribute the results of his survey to Walter Johnson High students. Some school administrators and faculty opposed such a survey, and told Aposporous that he could be sued for libel for distributing the results of the survey.

The Student Press Law Center referred Aposporous to an attorney with the American Civil Liberties Union of Maryland who has said he will seek a court injunction to stop school officials from banning the course and teacher ratings if current negotiations with school authorities break down.

US COURT OF APPEALS IN NITZBERG CASE FINDS BALTIMORE COUNTY PRIOR REVIEW RULES UNCONSTITUTIONAL

In the fall of 1972, two student journalists at Woodlawn Senior High School in Baltimore County, Maryland, were prevented from distributing their underground newspaper on school grounds because school officials objected to material describing cheer leaders as “sex objects.” Later, a third student was prevented from handing out a Christmas issue of his newspaper. All three students went to court challenging the legality of Board of Education rules allowing prior review of underground newspapers by school officials.
In the spring of 1974, the U.S. District Court ruled that the Baltimore County Board of Education was empowered to impose prior restraints on the content of student publications. Upholding the Board's rules governing prior review, the court said pre-publication censorship of student newspapers was permissible where censorship regulations provided "narrow, objective, and reasonable standards by which materials can be judged.'"

The students appealed to the U.S. Court of Appeals for the Fourth Circuit arguing that the Board's rules governing prior review of student expression were unconstitutional.

On April 14, 1975, the Court of Appeals reversed the District Court. The Court of Appeals agreed with the students that the Board's rules were vague, overbroad, and therefore unconstitutional. In the court's judgment, the Board's rules simply did not provide an adequate definition of the type of student expression prohibited. In its opinion the court:

... refused to extend the rights of school officials beyond such neutral regulations as are indispensable to the orderly functioning of the school;
... reiterated the right of administrators to block the distribution of material which would cause substantial physical disruption of the school;
... required that rules permitting prior restraint on distribution to avoid disruption must specifically define the term disruption;
... ordered that any procedures calling for prior review of student newspapers must allow students to appear and argue their case in favor of distribution.

The court went on to suggest that "...it may ameliorate the relationship between the student and disciplinarian and lead them to empathize with each other" if school officials, before trying to ban a publication, were to have a free and open discussion with students in an attempt to air and reconcile conflicting points of view.

TEXAS HIGH SCHOOL BANS CAMPUS LITERARY MAGAZINE FROM THE CAMPUS

During the fall of 1975, Stephen Bates, a senior at Pecos High School, decided to publish a literary magazine. The magazine was to contain poetry, short stories, essays and drawings. Since the Pecos High School student newspaper did not publish literary material, Bates approached his principal with a request that the school undertake sponsorship of the magazine. The principal denied the request.

Bates decided to publish the magazine on his own as an unofficial student publication. A staff was assembled and advertising was sold to support the magazine. The publication was to be distributed free of charge to students on school grounds.

By December 1975, Bates was ready to publish and asked the principal for permission to distribute his magazine on school grounds. The request was denied and Bates was threatened with disciplinary action if he attempted to distribute the magazine.

Bates appealed the principal's decision to his local school board. On January 15, 1976, the board denied the appeal finding that the principal was empowered to ban unofficial publications from campus.

The Student Press Law Center advised Bates that the actions of the Pecos school officials were unconstitutional and prepared the necessary papers for Bates to bring suit against school officials in United States District Court.

CONNECTICUT COLLEGE PRESS FILES FORI SUIT TO OPEN FACULTY DEBATES

On February 16, 1976, Trenton Wright, editor of the Campus Lantern, the student newspaper of Eastern Connecticut State College, asked Connecticut Freedom of Information Commission Chairman Herbert Brucker for a ruling on open faculty senate meetings. The faculty senate constitution makes no provisions for attendance by students or the public, according to Wright, but the the FOI Commission may rule on the complaint and order the meetings open to students and public.

Currently student reporters and photographers for the Campus Lantern attend the meetings subject to a vote on their presence at each session. Wright said he was concerned that the faculty senate may vote to bar student reporters from senate meetings any time an unfavorable article is published in the school paper.

The law (Public Act 73-342) requires open meetings of any executive, legislative, or administrative agency, board or commission of the state or of towns. The public can only be excluded from meetings which go into executive session, and then only under limited circumstances. The FOI Commission must decide whether the faculty senate is a public or private body.

Dr. Delbert Meyer, Vice President of Academic Affairs, characterized the faculty senate as an "advisory group" only. A resolution to open the faculty senate meetings to students was proposed by English professor James Lacey at the February 24 senate meeting. The resolution has been tabled until the FO1 Commission rules on Wright's complaint.

On March 4, James Ahern, student representative to the faculty senate, resigned "because Faculty Senate President Vern Phelps charged me with a conflict of interest" for writing a lantern article about a faculty senate meeting. According to the Lantern, Ahern did not write the article, but Phelps refused to publicly apologize.

GEORGETOWN UNIVERSITY CLOSES ITS RADIO STATION: BANS ABORTION NEWS

In December, 1975, Ken Sleeman was fired as station manager of Georgetown University radio station WGTB-FM in Washington, D.C., and Mary Parish, Director of Student Activities at Georgetown assumed control. At issue was a series of public service announcements on behalf of the Washington Free Clinic which the University - a Catholic institution - refused to broadcast because the Clinic disseminates birth control information and devices.

The school administration issued directives regulating the use of "sensitive language," banning certain records, and requiring the broadcast of University basketball games.
Specific permission from University officials had to be secured in order to broadcast a tape of William Burroughs' reading of his works at a Washington art gallery in February, and a staffer, David Selvin, was suspended indefinitely for an unauthorized broadcast of the tape at an hour when children might be listening, according to Mary Parish.

The Federal Communications Commission had been deferring license renewal for the station based on complaints concerning station operation and control.

On March 16, 1976, University administrators read a prepared statement during a regular public affairs program which concluded: "With the reading of this statement, WGBB-FM is temporarily discontinuing broadcasting pending the licensee's reorganization of the station's operation. According to Geri Calkins, administrative assistant at WGBB, the staff members were escorted out of the station after this surprise announcement and the locks were changed. No staff members have been allowed to re-enter the station.

A citizens' group, the Committee to Save Alternative Radio (CSAR) formed last December after Sleeman's termination and is now actively protesting the shut-down of the station. A demonstration was held at the University on March 20, and legal action is being investigated.

**FLORIDA COURT SAYS STUDENT HONOR COURT SESSIONS MUST BE PUBLIC**

The University of Florida, a state-funded public university in Gainesville, operates an Honor Court which hears charges of student cheating and other academic misconduct. The members of the Honor Court are students at the University.

In January 1975, a cheating scandal erupted at the school, and the Honor Court initiated hearings into the many cases arising from the scandal. As provided by the tribunal's constitution, five sessions were conducted secretly during January and February.

On February 10, The Independent Florida Alligator, which is the university newspaper, and The Gainesville Sun filed suit against the university and the Honor Court in state court.

The newspapers said that the state open meetings law (Fla. Stat. 286.011), which states that "all meetings of any board . . . of any state agency or agency . . . at which official acts are to be taken are declared to be public meetings," barred secret Honor Court sessions. The newspapers asked the court to enjoin future closed sessions (see PCN VIII, p. 78).

On October 31, the Alachua County Circuit Court ruled that the Honor Court was a public board and subject to the open meetings law.

Judge R. A. Green said that the Honor Court's disciplinary powers were delegated to it by the State Board of Regents and that the provisions of the tribunal's charter must be approved by another delegate of the Regents. "Clearly," added Judge Green, "the Board of Regents is a board or agency within contemplation of the [open meetings] statute."

The court then rejected the university's argument that delegation of authority . . . either directly from the Regents or through an intermediate delegate in the person of university president . . . insulated the Honor Court from that statute.

The court ordered all future meetings of the Honor Court to conform with the open meetings law and voided all past Honor Court rulings.

The university has appealed the decision to the Florida Court of Appeal.

**FLORIDA PRIVATE COLLEGE MOVES TO PUNISH STUDENT PRESS FOR ARTICLE ON BUDGET: NEWSPAPER CLOSED DOWN**

St. Leo College is a private institution located near San Antonio, Florida. On March 13, 1975, the administration-funded student newspaper, The Monarch, published a copy of the college's operating budget. On April 11, the newspaper published an article about College President Thomas Southard's salary and expense account, along with an editorial titled, "Can Saint Leo Afford Southard?" The editorial was published after the school had announced 27% tuition hikes and layoffs of all first- and second-year instructors. On the day the editorial was published, the college board of trustees notified some Monarch staff members that they would "not be invited back to Saint Leo" if they did not apologize to Southard and threatened to expel others so they could not graduate. The trustees, while not refuting the accuracy of the editorial, characterized the remarks on Southard as "personal, vicious and unwarranted attacks."

On April 14, the Monarch staff sent a "policy letter" to Southard. The letter said that "at no time was there the slightest intention on our part of character assassination." The staff said they felt they acted "with responsibility in reporting on extremely important issues."

The Pasco Classroom Teachers Association and the Florida West Coast Chapter of Women in Communication issued statements supporting the students, as did 60 members of the college faculty.

On April 21, two Monarch staff members received refund checks for money that they had submitted for the following semester. Administration sources said that this meant the students "won't be coming back."

On April 26, counsel for the students sent the following telegram to Southard on behalf of the nine students: "The staff of The Monarch has authorized me to state that they have not intended any issue of The Monarch to be damaging to Saint Leo College nor have they intended any personal attack on President Southard ..."

Characterizing this telegram as an "apology," the board of trustees announced that it "now considers this matter closed," and all students were reinstated.

On June 20, however, the board voted to discontinue funding the Monarch, along with the college literary magazine Encounter. "This decision was reached based on the fact that Saint Leo College has no concentration at this time in journalism . . . together with the college's effort to cut expenses and balance the budget," the board said.

Former staff members of The Monarch announced that they would attempt to raise funds to publish an independent newspaper for the college community.

**KENTUCKY UNIVERSITY ADVISER FIRED OVER YEARBOOK DISPUTE**

In May 1975, officials at Morehead State University in Morehead, Kentucky, informed the yearbook staff and its adviser, George Harper that the book's budget had been cut from $40,000
College

The 1974-75 edition of The Raconteur had already been sent to the printer and was based on a $40,000 budget. Harper and the staff were told that the budget cut applied to that edition. Although student editors eliminated the administration and faculty sections of The Raconteur, the $20,000 budget was exceeded.

In September 1975, when the yearbook for the 1974-75 year arrived on campus for distribution, Harper learned the administration was displeased with the book's content. Harper was informed that The Raconteur's introduction, written by Kentucky author Jesse Stuart with photographs of rural Kentucky, had offended the administration. Officials complained that the rural image portrayed in the introduction was contrary to the administration's cosmopolitan image of Morehead State. One administrator said that the first-page photograph of Jesse Stuart, and the lack of any pictures of administration officials, made it appear that Stuart was the president of the school.

On October 2, 1975, the Student Court of Morehead University called a special session to investigate the funding problems of the Raconteur. Administration officials objected to the hearing and on October 9, the president of the student government association asked for and received the resignations of the members of the Court. A university official said the Court had exceeded its jurisdiction over student disputes by investigating the University budget.

On December 10, 1975, Harper's immediate superior recommended to the president of Morehead State that Harper not be offered a contract for the 1976-77 academic year. The grounds for this action was the return to Morehead of another journalism instructor previously on leave for graduate study. The journalism department, Harper was told, did not warrant two faculty members. Harper maintained that he had not been told his position was temporary, or that he was filling in for an absent instructor, at the time of his hiring two years earlier. On December 19, the president of Morehead State accepted the recommendation and Harper's termination became official.

MICHIGAN STATE COLLEGE REPLACES STUDENT EDITOR WITH ADMINISTRATOR

At the start of the 1975-76 school year, officials at Lansing Community College, a state school in Lansing, Michigan, appointed an administrator to the post of editor of the campus newspaper The Lookout. The position had formerly been held by a student.

In October, 1975, in conjunction with the appointment, the college announced a new student publications policy described as "Career Integrity." Under this policy, authority and control over the content of The Lookout resides with the editor-in-chief in consultation with a publications advisory board. The board is composed of three faculty members, three student leaders, the director of student activities, who is an administrator, and the editor-in-chief. The "Career Integrity" policy provides for salaries to student staff members and a detailed set of guidelines for the content of the newspaper. The editor, a professional journalist according to the guidelines, is to supervise student staff work. The goal of the "Career Integrity" policy is to provide "actual professional experience and a professional job reference" for student staff members.

On November 25, 1975, the student government of Lansing Community passed a resolution calling for a rejection of the new publications policy. The resolution sought a return to a system of student editorial control.

On January 16, 1976, Patricia Sulcer, a Lansing Community student and former associate editor of The Lookout who resigned to protest the "Career Integrity" policy, petitioned the publications advisor board to name a student editor. Sulcer's petition argued that placing an administrator in the position of editor was in fact a mechanism for censorship by the college administration.

The Student Press Law Center arranged for Sulcer to be represented by a Lansing attorney and advised that the new publication policy violated First Amendment rights.

In February 1976, the board appointed a special ad-hoc committee to study the problems raised by Sulcer's petition. The committee, composed of student and faculty representatives and the dean of students, is to answer questions regarding the functions and purposes of campus newspapers and investigate appropriate organizational structures for student publication.

Not content with the board's action, Sulcer appealed to the college's board of trustees. Appearing before the trustees, Sulcer argued that the present system placing an administrator as editor of the student newspaper had turned the paper into a "house organ" and not a forum for student expression. On February 16, the trustees voted to await the outcome of the ad-hoc committee's report before taking any action.

MICHIGAN COURT AWARDS $75,000 IN LIBEL CASE AGAINST COLLEGE PAPER

In 1972, Norman H. Bruex of Kalamazoo, Michigan filed a libel suit against the student newspaper at Western Michigan University, The Western Herald. The suit charged that a Western Herald editorial falsely claimed Bruex had affiliations with the right-wing Minutemen organization. Bruex claimed the editorial humiliated him, injured his printing business and damaged his unsuccessful campaign for the state legislature.

In July, 1975, a Kalamazoo County Circuit Court jury awarded Bruex $75,000 in damages. Western Michigan University had declared its intention to seek a retrial.

However, on August 28, Bruex agreed to a settlement of $50,000 with the University's insurance company.

MICH. TYPOGRAPHICAL UNION REFUSES MEMBERSHIP TO STUDENT REPORTERS

In the wake of disputes at Michigan State University between officials and students over funding for the campus newspaper The State News, three-fourths of the paper's reporters, editors and photographers signed cards in favor of joining the International Typographical Union.

However, in February 1976, the Union refused to represent State News employees. The Union decided that student employees would not be an asset to the Union's membership.

NEW JERSEY COURT AWARDS $100,000 TO COLLEGE NEWSPAPER ADVISOR FOR ILLEGAL DISCHARGE: APPEAL PENDING

In April, 1974, Patricia Endress, a professor and adviser to the campus newspaper The Stall at Brookdale Community
College, Middletown Township, New Jersey, encouraged her students to engage in investigative reporting by checking rumors of improper contract awards by the college. A review of school records revealed contract awards for audiovisual equipment to the Media Systems company. This company was headed by a nephew to the Chairman of the Board of Trustees of Brookdale. It was also discovered that the Chairman himself was an officer and director of Media Systems.

Two days prior to publication of these facts in The Stall, Endress had been granted a new contract by the college. The contract provided academic tenure for Endress.

The conflict of interest story was fully reported in an article appearing in The Stall and Endress wrote an accompanying editorial condemning the contract awards and calling for the Chairman's resignation. Endress authored the editorial herself believing that it would serve as a proper and useful teaching aid for the students.

Immediately following publication, college officials began an investigation which focused on the publication of the story and editorial, ignoring the charges raised in the editorial. The investigation culminated in the firing of Endress on grounds that she had improperly used The Stall to express her personal opinions, and had allegedly ordered publication of the editorial without prior approval and over objections of student editors. College officials also said Endress was responsible for the allegedly libelous content of the material. Her firing and rescission of her contract took place only three days before the contract was to take effect.

Endress brought suit in the New Jersey Superior Court alleging violation of her contractual, due process and First Amendment rights. Her complaint sought her reinstatement as well as punitive and compensatory damages against the college and its officials for $100,000.

On April 30, 1975, the trial court awarded the full amount of damages claimed plus an additional $10,000 to cover attorneys fees.

The trial court found that the student editor voluntarily chose to run both the story and the editorial. The court also decided that the story contained no libelous statements, ruling that the Chairman of the Board was a public official and could only be libeled if it were shown that the material was published with malicious intent. No evidence was offered by the college to support a finding of malicious intent.

Concluding that the firing of Endress was illegal, the court said the true reason for the firing was the incorrect belief that she had libeled the Chairman of the Board. The court ruled that the firing violated Endress' First Amendment right to comment publicly on the conduct of the Chairman of the Board, and that the firing violated due process rights since Endress was not accorded a hearing before the firing.

Turning to the issue of damages, the court awarded Endress compensatory damages resulting from the firing, and punitive damages against individual college officials. "Punitive damages," said the court, "are absolutely necessary to impress upon the people who are in authority and other people in authority that an employee's constitutional rights may not be infringed."

The trial court's ruling has been appealed by the college to the intermediate New Jersey appellate court. Endress' attorney seeks to have the case heard directly by the New Jersey Supreme Court thereby bypassing the intermediate appeals court.

PRINCETON COLLEGE NEWSPAPER GIVES TRUSTEES PRIOR REVIEW OF ARTICLES

In November, 1973, the Daily Princetonian, the campus newspaper at Princeton University, carried a story alleging that a University employee had been stealing food, furniture, and appliances from the school over a ten-year period.

The Board of Trustees of the Daily Princetonian called the story "extremely irresponsible" and expressed concern that the story had not been shown to them prior to publication. Follow-up stories on the allegations were submitted and edited by the trustees.

NEW JERSEY COURT ORDERS RETURN OF PHOTOS TO PRINCETON REPORTERS

Under New Jersey case law, representatives of federal, state and local governments, delegations from charity groups, and members of the press have access to migrant farm workers in their camps, even if the camps are located on private property.

In May, 1973, two reporters for The Daily Princetonian, the student newspaper of Princeton University in New Jersey, went to a migrant farm worker campsite owned by Benny Sorbell, to research an article on the seasonal laborers and their problems. The reporters did not notify the owner in advance of their visit.

One student newsmen, Robert Durrel, took several photographs of the camp and of its owner, who demanded the surrender of the film. When Durrel refused, Sorbello summoned the New Jersey State Police, who confiscated the film.

Durrel and Steve Freedman, the second reporter, filed suit in state Superior Court against the state police and Sorbello. The complaint asked the court to order the return of the film. Sorbello responded that the unannounced visit was disruptive and unreasonable, and asked the court to establish guidelines for press access to his farm.

In June, 1975, the Superior Court criticized the reporters representing a newspaper which, it said, "were more interested in creating news than they were in reporting it." The privi­leges of the press were strained, if not actually abused.

Although the farm owner was justifiably angry at the student newsmen, said Superior Court Judge J. C. Miller, the film must be returned. "The fact remains that the scope of constitutional protection en­compasses the representatives of the Daily Princetonian."

However, Judge Miller created a set of guidelines which he said would provide a framework of 'reasonable' access by the press. Under those guidelines, the media must: (1) visit the laborers only during nonworking hours; (2) give advance notice to the owner; (3) restrict themselves to the areas in which the migrants live and work; and (4) obtain consent from the workers to be interviewed.

For a similar dispute involving New Jersey migrant camps, see PCN VIII p. 18 and this PCN p. 89.

FCC MOVES TO CANCEL PENNSYLVANIA COLLEGE RADIO LICENSE BECAUSE OF ALLEGEDLY OBSCENE TALK-SHOW

On January 20 and 27, 1975, WXPN (FM), the student radio station at the University of Pennsylvania in Philadelphia,
College

presented its regular weekly call-in program "The Vegetable Report", which allegedly contained obscene material.

The Federal Communications Commission, acting on complaints about the broadcasts, began an investigation into the station’s affairs. On December 4, 1975, the FCC fined the station $2,000 for broadcasting obscene and indecent matter during "The Vegetable Report." In its unanimous decision the FCC found that WXPN (FM) had violated the Communications Act and federal obscenity statutes by broadcasting words depicting sexual and excretory functions in a patently offensive manner. The FCC noted its concern that the broadcasts in question were presented between 6 and 7 PM - - a time when children could be expected to be present in the listening audience.

University officials decided not to contest the legality of the FCC fine.

On December 18, 1975, the FCC designated the station’s license renewal application for hearing. Its investigation, said the FCC, raised the question of whether the university had exercised appropriate supervision over the station by allowing such broadcasts as "The Vegetable Report." The FCC's investigation also uncovered some two dozen incidents of alleged FCC rule violations which the University failed to prevent. The hearing was ordered to determine whether university officials had in fact abdicated control of the station to students in violation of FCC rules.

In a lone dissent, Commissioner Benjamin Hooks pointed out that the supervision of student radio at the University was not unlike that at all colleges and therefore one school should not be singled out for punishment.

Unless the University is able to prove that it exercised proper control over the station, it faces the loss of its license to operate WXPN (FM). The University intends to defend its conduct in an effort to save the license.

FBI PUBLISHES PHONEY CAMPUS PAPERS

In September, 1975, College Press Service reported that FBI documents indicated the agency published at least two bogus college newspapers during the late sixties. According to CPS, the papers were distributed at Indiana University's Bloomington campus (The Armageddon News) and at American University in Washington, D.C. (The Rational Observer). The newspapers were intended to discredit the new left.

Contacted by the Student Press Law Center, the FBI refused to comment on the CPS report.

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