

student press law center

report

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Conquering Judicial Secrecy

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Student Press Law Center Report

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Student Press Law Center calls up over 143 percent since 1988 *Hazelwood* case

New system allows SPLC to better monitor problems of student press

WASHINGTON, D.C. — The Student Press Law Center responded to 1,364 requests for free legal advice and assistance from 1,336 high school and college student journalists and their advisers in 1992. In addition, the SPLC responded to 349 requests from 297 reporters and others seeking comment or background information on student press-related matters.

The 1992 figure is similar to the 1,376 legal defense calls received in 1991. Legal assistance ranged from providing basic legal advice or information over the telephone to drafting opinion letters to making referrals to local attorneys who are members of the Student Press Law Center's pro bono Attorney Referral Network, which now lists over 100 volunteers available to represent students in at least 40 states.

Over the past five years, calls to the SPLC have increased over 143 percent. Much of the increase is believed to be the result of the U.S. Supreme Court's 1988 decision in *Hazelwood School District v. Kuhlmeier*, a case that provided school officials with significantly greater authority to censor many high school student publications.

Among the report's other findings: the number of questions from students with censorship-related problems topped the list at 461 (27 percent), followed by questions concerning libel and invasion of privacy (233/14 percent), freedom of

information law (211/12 percent), miscellaneous legal questions (198/12 percent), campus crime coverage (152/9 percent), copyright law (73/4 percent) and reporter confidentiality (36/2 percent).

Calls from student journalists at public colleges made up almost half of the SPLC's total calls (748 calls/46 percent). Public high school students accounted for 344 calls (21 percent), private college students 277 calls (17 percent) and private high school students 17 calls (1 percent). 245 calls were recorded from the commercial media, attorneys, and other non-students.

Calls came from each of the fifty states, the District of Columbia and Puerto Rico. New York topped the list with 121 calls recorded, followed by California (117), Pennsylvania (111), Ohio (94), Florida (83), Illinois (76), Texas (73), Virginia (72), the District of Columbia (61), Indiana (51) and Missouri (46).

As expected, the number of calls to the SPLC closely tracked the typical school year, with calls peaking in the fall and spring and markedly dropping from June through August. February was the busiest month with 203 calls recorded.

Since 1974, the Student Press Law Center has been the only national legal assistance agency and informa-

tion clearinghouse devoted exclusively to protecting and educating the student press about their freedom of expression and freedom of information rights. 1992 marked the first year that the SPLC recorded its calls using a computer database. The system allows for the tracking of cases, controversies and legislation affecting the student press. In addition, it will allow the SPLC to monitor long-term trends in scholastic journalism. ■

SPLC volunteer attorneys now available to speak on media law topics

Over the years, many of you have called asking whether the Student Press Law Center could provide a speaker on media law topics for your journalism class or a local scholastic press conference. While we accommodate as many of these requests as we can, our limited staff and budget has forced us to turn down a number of them. Thankfully, we now have help. As our pro bono Attorney Referral Network continues to grow (we now count over 100 volunteers in 35 states and the District of Columbia), we have compiled a list of media law attorneys from around the country who have offered to conduct free workshops and seminars for student journalists on a variety of media law topics, including censorship, libel, copyright and freedom of information law.

If you are interested in finding a speaker to address your group, we encourage you to contact us to see if we have an SPLC Attorney Referral Network volunteer in your area. We suggest you provide at least four weeks advance notice. ■

The Report Staff

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Public Justice

Georgia Supreme Court opens campus judicial proceedings;
the ruling may be the start of a national trend

GEORGIA — A student press victory at the University of Georgia gave reporters access to campus disciplinary hearings and set a precedent that could lead to new trend of open campus judicial proceedings nationwide.

The Red & Black student newspaper gained access to the University of Georgia's student organization court hearings in March when the state supreme court reversed a lower court's decision that allowed access to records from the hearings but not the actual proceedings.

The decision in *The Red & Black Publishing Company v. Board of Regents of the University System of Georgia*, 427 S.E.2d 257 (Ga. 1993), found that the disciplinary hearings and records did not fall under provisions outlined in the Family Educational Rights and Privacy Act, commonly known as the Buckley Amendment, which says that federal funding can be withheld from schools that disclose student education records.

The court said that records relating to "individual student academic performance, financial aid, or scholastic probation" — not disciplinary records — were the type of education records that Congress intended to protect with the Buckley Amendment.

The disciplinary records therefore must be released under the state open records law. The court also said that since the student court operates under the state board of regents, it is a "governing body" and must comply with Georgia's open meetings law.

Student editors of *The Red & Black* filed suit in May 1991 after reporters were denied access to hearings on hazing charges against two fraternities on campus.

Superior Court Judge Frank Hall ruled in February 1992

that the Buckley Amendment did not apply to the judicial body's records, but that decision said the newspaper could not have access to disciplinary hearings because the judicial board was not a governing body as defined by state law.

Red & Black editors appealed the ruling arguing that having access to the hearings as well as to the records would allow reporters to monitor the processes used in the hearings, which the paper's attorney Anthony E. DiResta said is the job of the press.

"The policy of the state is that the public's business must be open, not only to protect against potential abuse, but to maintain the public's confidence in its officials," the Supreme Court opinion read.

Jonathon Burns, editor in chief of the newspaper, said he hopes the rest of the nation falls in line with the Georgia Supreme Court ruling.

"Each state is different," Burns said. "But people are pushing in other states to see what kind of access they can get."

"It's only right that students have access to this type of campus information. I hope the state of Georgia sets a precedent," Burns said.

The *Red & Black* decision is the first in the nation to open campus judicial proceedings and may prompt similar cases in other states, SPLC Executive Director Mark Goodman said.

Goodman and Society of Professional Journalists President Georgiana Vines have pledged their organizations' support to other college media that want to pursue the issue on their own campus. ■



States consider foundation records

Ohio, Florida courts grant access; Louisiana legislators restrict

Two wins, one loss. That is the latest tally for those fighting to gain access to university foundation records as state courts in Ohio and Florida ruled that foundation records were open while the Louisiana state legislature passed a law restricting such access.

In December, the Supreme Court of Ohio ruled in *Toledo Blade Company v. University of Toledo Foundation*, 65 Ohio St. 3d 258; 602 N.E.2d 1159 (Ohio 1992), that the University of Toledo Foundation was a "public office" under the Ohio open records law. As a "public office" it must release its records, including the names of donors, to the

public, the court said.

The court found that despite an attempt by the foundation in 1990 to distance itself from the university, there remained sufficient links between the two entities to classify the foundation as a public office. For example, the court noted, while the foundation now paid the university rent for its office space and certain other operating expenses, the university paid public retirement benefits for foundation employees who had previously been university employees.

In ruling for the newspaper, the court found that there is "significant public interest in knowing from whom dona-

tions come and how that relates to where the university, as a public institution, chooses to spend its money. Nondisclosure by the foundation would obscure the sometimes significant link between a gift and its eventual use."

In Florida, an appellate court ruled in January in *Palm Beach Community College Foundation, Inc. v. WFTV*, 611 So. 2d 588 (Ct. App. Fla. 1993), that the Palm Beach Community College Foundation was clearly an "agency" subject to the Florida Public Records Law.

While the court noted that section 240.331(3) of the Florida statutes explicitly allowed the foundation to remove from documents the names or other information that might identify a specific Foundation donor, the court said that the exemption must be interpreted narrowly. The court rejected the foundation's argument, based on that exemption, that it was not required to release records used by auditors in conducting yearly audits of the foundation.

Ruling in favor of the *Palm Beach Post*, which brought the suit, the court said that "when in doubt, courts are obliged to find in favor of disclosure rather than secrecy."

In Louisiana, however, the state legislature essentially overruled the 1990 Louisiana Supreme Court decision in *Guste v. Nicholls College Foundation*, 564 So. 2d 682 (La. 1990), a case that had opened university foundation records for public inspection. The legislature passed a new law that restricts access to the records of public university foundations, alumni associations and other similar non-profit organizations that raise private funds. The new law, codified at La. R.S. 17:3390, says that only those records that directly pertain to the receipt, investment or expenditure of public funds are subject to the public open records law. No other books and records of alumni associations and public university foundations are required to be open to the public. ■

Animal rights activists gain access to meetings

Vermont Supreme Court unlocks doors

VERMONT — The Vermont Supreme Court ruled in August that the Institutional Animal Care and Use Committee of the University of Vermont is subject to the state's open meetings and open records laws.

The Animal Legal Defense Fund and People for Animal Rights filed suit against the University of Vermont asserting that it refused public access to committee meetings, failed to properly announce the meetings and failed to make available the minutes of the meetings. The group also asserted that the committee went into executive session without providing a reason when a member of People for Animal Rights appeared at a meeting. A state superior court decided that the committee is subject to the statutes. The university appealed the decision to the Supreme Court of Vermont. The court upheld the original decision, holding that the com-

mittee and the university itself were subject to both the Open Meeting Law and the Public Records Act, and the awarding of attorney's fees to the suing organizations was proper.

The school had claimed that the committee was not a public body because it was not a "committee of" the university. It also said that the committee was not a policy-making body and that its actions are administrative.

However, the committee was formed by the university, its authority was delegated by the board of trustees and its actions can be reviewed by university officials, the court found. The committee is accountable to, and therefore a committee of, the University of Vermont. Furthermore, the committee's reports have direct impact upon the types and methods of experimentation on animals, as well as the continued receipt of federal funding, the court said. ■

Sunshine

and the Student Senate

Opening student government meetings can be as simple as knowing the law

The student government at a public school is mired in controversy. The university's student organizations have requested funding for the next school year, and among those are two new groups: a campus right-to-life organization and a club for gay and lesbian students. In recent weeks, there have been demonstrations on campus both in favor of and opposed to the funding of these groups. Student government officials know the issues involved are divisive and realize that they will face criticism for their decisions. In an unprecedented move, the student government president has ordered that all future meetings involving the budgeting process be held behind closed doors.

The student press fights to get access to the meetings arguing that students have a right to know which groups will receive money and how the funding allocations were decided because the student activities fund is comprised of mandatory fees collected from the students. In defense of its decision, the student government points to one of its bylaws that allows it to close any meeting where "sensitive" issues will be discussed. The student press, looking for some way to defeat the president's new policy, turns to the state's open meetings law.

Open meetings laws provide legal authority for attending, photographing, recording or broadcasting the meetings of "governmental bodies." Student jour-

nalists, however, sometimes overlook these laws because it is often unclear as to whether they apply to the meetings they are most interested in attending. Although a state open meetings law will almost certainly require that a city council conduct open public meetings, few states have specifically addressed whether their law also applies to the meetings of certain university or student councils, boards or other official or quasi-official "bodies." If calls to the Student Press Law Center for legal help can be used as guide, the "body" that concerns student journalists the most — and that causes the most headaches — is a school's student government association.

While the powers and responsibilities of a student government vary by school, most are vested with the authority to allocate and distribute mandatory student activity fees that are usually collected by the college or university as part of the normal tuition process. Indeed, at larger schools, student governments control the distribution of hundreds of thousands of dollars. And like a city council, they often have the authority to enact student-based policies and regulations that can have a major impact on the lives of those who live and work in the university or college community. Student gov-

ernments or their committees are also occasionally enlisted to advise the school's president, board of regents or state lawmakers about policies or laws that affect the university.

It is understandable, then, that one of the biggest beats for many college or university newspapers is the student government. For just as the local city paper would be remiss if failed to send report-



ers to cover the meetings of its city council, student newspapers understand their responsibility to their readers to report on the proceedings of their student government. Unfortunately, while the city paper reporter will not have to think twice about gaining access to the city council, student reporters may find the door to their student government's meeting locked. And in some cases it is not altogether clear whether a legal key, in the form of an open meetings law, will open that door.

A 1992 survey conducted by the Student Press Law Center showed that there were few guidelines to indicate or predict whether student government meetings would be covered under a state's open meetings statute. The laws vary from state to state and can change frequently as courts and attorneys general issue new opinions and legislatures revise and often rewrite their statutes. Indeed, attorneys general in states whose open meeting laws contained fairly similar language were nevertheless found to have come down on opposite sides when asked to respond to the issue of the applicability of their law to student government proceedings. (It should be noted that while the opinion of an attorney general is not binding law, it can often persuade a court to adopt its interpretation).

While the process of determining your right of access can be frustrating in the absence of clear and stable guidelines, there are a few basic ideas to keep in mind.

Although open meetings laws do not generally apply to private colleges and universities (there may be exceptions tied to receipt of state funding), almost all open meetings laws include provisions that apply to the top governing body of a public college-level institution, such as a board of regents. In many of those states whose sunshine laws do not specifically mention colleges or universities, the state's courts or attorney general's office has issued an opinion saying that the open meetings law extends to institutions of higher education. Only in Montana and North Carolina are there records of a decision saying journalists are not entitled, as a matter of law, to attend meetings of the college or university's top governing body.

In formulating an argument for access journalists should look very carefully at the relationship between the student government and, for example, the board of regents to determine the legal source for the student government's existence. Some student governments can trace their origin back to an official act of the board of regents, which created them. Establishing such a direct link should add considerable weight to an argument that the student government is a state-san-

tioned governmental body.

An effort should also be made to determine the scope and source of the student government's acknowledged powers and duties. Where it can be shown that the board of regents has delegated to a student government a power it normally would reserve for itself, such as the allocation and distribution of money collected by the school or actual policy-making authority, a court might be inclined to rule that the student government functions as an official governing body. Further, in states whose laws cover "advisory bodies," even less of an official relationship will probably have to be proven.

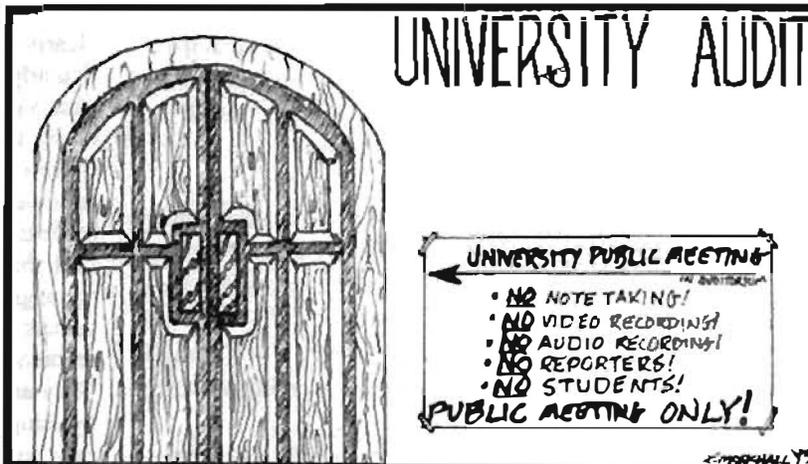
Only the open meetings laws in California, Nevada, Virginia and Washington list student governments in the category of public bodies that must be open. Despite the fact that student governments are not mentioned in 46 states, there is statutory language in many of the open meetings laws that arguably encompasses student government meetings. For example, statutes that expressly cover "committees" or "subunits" of a public body will usually open the meetings of student governments, especially where they have been delegated some decision-making authority from the board of regents. Examples of states with this type of statute are Arizona, Colorado, Massachusetts,

Minnesota, New Hampshire, Ohio and Vermont.

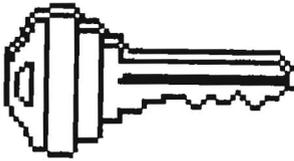
Often a statute will open student governments by covering the meetings of all bodies that are supported by or expend public money or tax revenue. Statutes with this wording can be found in the following states: Alabama, Alaska, Arkansas, Missouri, Nevada, New Jersey, North Dakota, Oklahoma, South Carolina, Utah and Wisconsin.

Unfortunately, even though a particular state's law might contain the wording mentioned above, that is still no guarantee that the student government meetings will be open. As discussed above, many of these statutes are vague and imprecise and, as a result, can be interpreted in many ways by a court or attorney general. In addition, even if student governments are found to be "public bodies" that must comply with an open meetings law, there may nevertheless be a specific exemption in the statute that would allow them to close an occasional meeting to discuss a particular topic. For example, the right to close meetings to discuss "personnel matters" is a common exemption.

(See *STUDENT GOVERNMENT*, page 8)



Unlocking the Door to Student Government Meetings



A Checklist

- Know the law. Obtain a copy of your state's open meeting law and read it.
- Based on the specific statutory language of your law, formulate your arguments as to why your student government must let you attend their meetings. For example, would they qualify as an "advisory board," a "committee" or a "subunit" of the board of regents? Are they financially supported by the school? Are they responsible for allocating public money collected by the school? Obviously, if you anticipate problems, you may have to do some significant research into some of these questions. Also, remember that some of the most persuasive reasons for access, such as accountability and public confidence, have nothing to do with the law.
- If you are asked to leave a meeting, ask why. If you believe you are being wrongly dismissed, calmly and professionally present your arguments, being sure to cite to the relevant portions of your open meetings law. Make sure they are aware of any penalties for noncompliance that might exist in the law, including fines, jail time and the responsibility for paying your attorneys fees, if you take them to court. If you are still told to leave, ask that your objections be written into the minutes — and then leave.
- Upon leaving, you should immediately record what happened, including the names and titles of who directed you to leave and what was said.
- Write a letter of objection to the meeting's chair. Explain what happened and once again present your arguments as to why you believe you were wrongfully denied access, citing to any relevant legal authority. Ask that they immediately correct the situation. Explain that if they fail to fix the problem, you are fully prepared to pursue whatever legal remedies are necessary. Provide them with a reasonable deadline for responding to your complaint. You might want to send courtesy copies to your school's president and legal counsel as well as the Student Press Law Center or an attorney you may be working with. Mail the letter via registered mail, return receipt requested, or hand deliver it.
- Let others — especially your readers — know that they have been denied access to a meeting and thus will not get information they need. Write an editorial in favor of openness. Creative publicity often works wonders.
- If you are still denied access, contact an attorney or the Student Press Law Center for assistance in determining your legal rights and, if necessary, the proper avenue for legal appeal. Some states provide for administrative appeal. In others, your only option is to go to court. ■

Student Government

(Continued from page 7)

Remember, however, the time to become acquainted with your state's open meetings law and how it works is before you are kicked out of the meeting you have been assigned to cover. Every newsroom should have a copy of their state open meetings law available for their staff. If yours does not, you can contact the Student Press Law Center, your state press association or a local attorney to help you obtain one.

Finally, even where a law does not clearly provide for access — and particularly at private schools where a state's open meetings law is generally of no use — strong non-legal arguments can be made that students *should* have the right to know what their elected student government is doing. It is often said that the best government is an open government. When student reporters are barred from a student government meeting, let your readers know. They are the ones ultimately harmed by being denied information about how their money is being spent and how student policies that will affect them are being formulated. Ask that they demand to know what their elected representatives feel it is now necessary to hide from them. It is also often effective to contact the local media and perhaps the alumni association to let them know of your problems in gaining access. Persistence can pay off.

A more detailed analysis of each state's open meetings law and its applicability to student governments, including citations to relevant statutes, cases and attorney general opinions is now available in the SPLC packet, *Access to Student Government Meetings*.

Send a check, money order or purchase order for \$2 per copy to the SPLC. ■

Looking for Loopholes

Schools continue to avoid recording and releasing campus crime statistics despite recent legislation requiring such information

WASHINGTON, D.C. — Craig Austin was shot and killed after a fight broke out at the Blackburn Activities Center on the Howard University Campus last October. After a 60-foot run, Austin collapsed on the pavement of a turn-around drive that separates campus buildings.

A tape measure indicated that Austin died beyond the university's property line. Thus the university classified the murder as a crime on city property.

This crime as well as hundreds of others committed by and against college students across the country will not be listed in the 1992-93 campus crime statistics that schools are required to report under the 1990 Student Right to Know and Campus Security Act.

Although the act requires schools that receive federal funding to release statistics about campus crimes upon request, many have found loopholes.

The off-campus Howard University incident pinpoints just one tactic schools have been reported to use to avoid recording crimes in their reports.

William Whitman, director of the Campus Safety and Security Institute, a consulting firm on campus security issues, said that by comparing national crime rates to the low statistics released by schools in September 1992, it is obvious that some schools are covering up.

For example, statistics from a 1991 study of sexual assault victims conducted by the institute indicated that one in four people surveyed said they were a victim of sexual assault during the five-year college-age bracket, Whitman said.

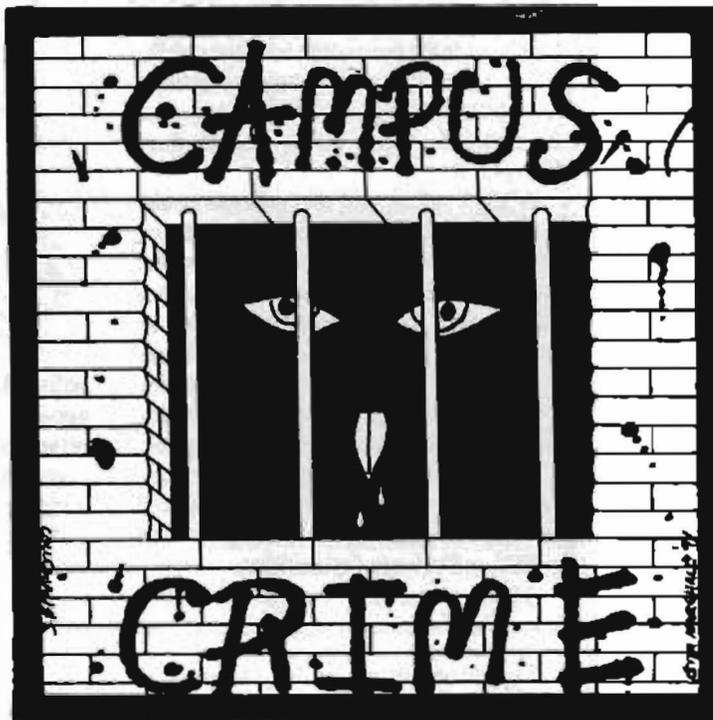
Campus crime statistics released by 2,400 U.S. colleges and universities and compiled by the *Chronicle of Higher Education* reported only about 1,000 cases of rape on campuses in the September 1992 report.

Even schools that report half of the estimated amount of rape incidents are reporting a significant number, but not coming close to the true number, Whitman said. In fact, few

schools reported more than 10 rape incidents on their campuses.

Whitman added that sexual assault statistics tend not to vary geographically or socio-economically as crimes such as theft and arson do, and that many schools reporting zero or one rape are either hiding crimes or ignoring them.

Although rape incidents often go unreported, some campus administrators have been known to tell campus security officers specifically not to report underage drinking violations to avoid high statistics as well, Whitman said. The officers have been instructed to pour the al-



cohol out but not issue a citation.

Some schools choosing to ignore crimes avoid having to report them by not implementing crime awareness organizations with the idea that if you do not look for problems you will not find them.

The Student Right to Know and Campus Security Act of 1990 requires that all schools receiving federal funding make campus crime statistics available upon request. The law specifically states that the number of incidents occurring on campus of murder, rape, robbery, aggravated as-

(See LOOPHOLES, page 10)

Richmond Paper Denied Access

Court rules private school's police force not subject to state FOI law, but says paper has 'persuasive argument' that access is important

VIRGINIA — A state court ruling in February held that campus police at the University of Richmond are not required to disclose the names of students who commit crimes under Virginia's freedom of information laws.

In *Hanks v. University of Richmond*, No. HD-87-3 (Cir. Court Richmond Feb. 18, 1993), the first case in the nation involving access to campus police records at a private institution, Judge T.J. Markow decided that the campus police department is not a "public body" supported by "public funds" and therefore is not subject to Virginia Freedom of Information Act provisions.

Douglass Hanks III, editor of the University of Richmond's student newspaper, *The Collegian*, filed the suit in February when the school began a policy of withholding the names of students who commit crimes.

The campus police department changed its policy of releasing names after the student government objected to seeing students' names in print for "embarrassing" crimes such as alcohol violations.

The university argued that such records are available through the Richmond city and Henrico county police departments

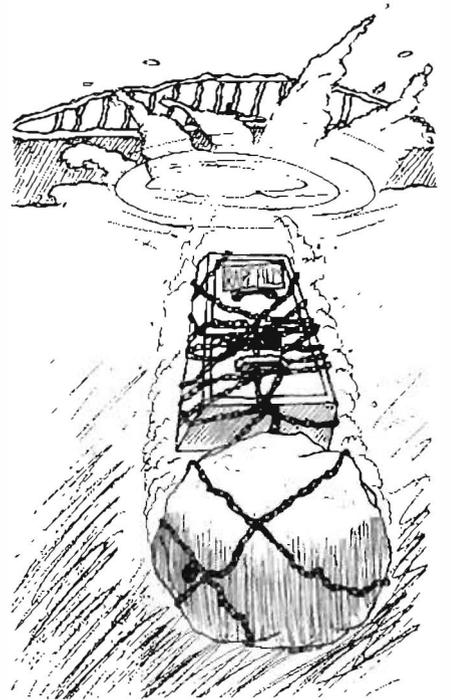
once the school files them.

Hanks said in his statement to the court that disclosure of this information is necessary to ensure the safety of the community, "to measure the need for new safety measures and to monitor the performance of the law enforcement agency serving the community."

Judge Markow said in his decision that although Hanks had a persuasive argument in saying that the school is exercising public powers and that the information he seeks is consistent with the public interest, Markow said that applying those reasons to this case would have required the court to change the law rather than interpret it.

A 1991 ruling said that schools could not justify withholding the names of students charged with campus crimes under the federal Family Educational Rights and Privacy Act, commonly referred to as the Buckley Amendment, but left further action up to the states. Most state's existing open records laws apply to campus police agencies at public schools, but California and Massachusetts are currently the only states to have enacted laws opening campus crime logs at both public and private institutions.

Although the University of Richmond



police department is an official police agency, its employees are paid by the private university which exempts it from complying with the requirements of Virginia law.

Alice Lucan, *The Collegian's* attorney, said no decision has yet been made whether to appeal the case. ■

Loopholes

(Continued from page 9)

sault, burglary and motor vehicle theft and arrests for alcohol and drug abuse and weapon possession reported to "campus security authorities or local police agencies" be released each year.

Since the law requires the release of crimes reported to "campus security authorities," some schools have gone as far as to change the titles of university staff to whom victims report crimes. Now their titles include the word "counselor" to avoid having to report such crimes as sexual assault, Whitman said.

These campus police departments encourage rape victims to get help from a counselor or a resident adviser of their dorm—neither of whom are required to collect statistics—instead of reporting the incident to the police, he said.

Some schools disagree with the requirements in releasing statistics, but many are simply not aware of the law, especially those schools without campus police departments, Whitman added.

A number of schools do, however, report accurate crime statistics. Large state schools such as the University of Pennsylvania and the University of Vermont have been commended for their

honesty, Whitman said.

"It is a source of frustration for schools trying to report accurately," Whitman said. "It looks like schools with higher rates are hotbeds of crime, but in reality they have really accurate reporting."

Jennifer Bresnahan, editor of the *Cynic* at the University of Vermont said that although her school's high statistics appear more accurate than other school's statistics, the numbers should be even higher. She also said that many women are referred to an off-campus women's crisis center instead of reporting the crime to campus police. ■

Access right rejected

Proposed legislation could diminish impact of federal court ruling for Bemidji State Univ.

MINNESOTA — A federal court ruled in April that the First Amendment provides no right of access to campus crime reports because “there is no historical tradition of access to... incident and response reports generated by educational institutions.”

The decision in *Studelska v. Duly*, No. 3-92CIV 302 (D. Minn., April 23, 1993), appears to be the first in the country to allow a public college or university to deny access to campus police reports.

The case was filed in May 1992 by Jana Studelska, a reporter for the *Northern Student* at Bemidji State University. Studelska sought access to incident reports and logs maintained by the campus security department, claiming she was entitled to the information under the state open records law and the First and Fourteenth Amendments. She filed her lawsuit after she discovered that the weekly summary of incidents occurring on campus that the security department provided her was “sanitized” and that some violent crimes were left off altogether.

In dismissing Studelska's claims, Judge Donald D. Alsop agreed that the First Amendment did provide some limited right of access to government records. But his decision said that when a court is confronted with a claim to such a right, it must first determine whether the information sought has “historically been open to the press and the general public.”

To answer that question, the court said it had to determine whether there was a historical tradition of access to the crime reports of educational institutions, not the reports of police agencies as a whole.

Because the security department at Bemidji State did not have the authority to make arrests, the court found little historical basis for public access to the reports in question. The decision indicated that arrest reports of a campus police agency would have to be open

under the First Amendment.

The court also rejected Studelska's claim that denial of access to the records in question violated her equal protection rights under the Fourteenth Amendment because similar information collected off-campus by local police was available to the public.

The court left open the possibility that Studelska might have a right of access to the campus crime reports under the state open records law. Because the issue involved a question of state law, the federal court declined to rule on it.

Studelska said she was disappointed in the decision.

“[The judge] could have done a lot of good for a lot of people by being a little more courageous in his ruling,” she said.

But Studelska has hope that the war for campus crime information may be won in another forum — the state legislature. State Sen. Jane Ranum, D-Minneapolis, has introduced a bill that would change state law to require schools to open their security records. The bill currently is awaiting action on the floor of the senate.

Studelska says she and her attorneys at the Minneapolis law firm of Faegre and Benson have not yet decided whether they will appeal the decision. The firm donated its services in the case.



Community college paper goes to court for crime info

PENNSYLVANIA — Editors of *The Student Vanguard* newspaper at the Community College of Philadelphia decided that they had negotiated with the school long enough in their battle for access to campus crime reports. In April, they filed a claim with the Philadelphia Court of Common Pleas for access to incident reports, police blotters and other information they believe they are entitled to under the Pennsylvania Right to Know Act.

The controversy began in 1991 when the *Vanguard's* then editor, William Cunnane, decided the school was not providing sufficient or accurate information about campus crime in the weekly summaries it prepared. The paper began asking for more detailed information about campus crime and enlisted the assistance of the SPLC and attorneys at the Philadelphia law firm of Schnader, Harrison, Segal & Lewis.

After months of correspondence between the attorneys for the students and the school, after which the school continued to maintain that it was not obligated to provide detailed crime information, the newspaper staff decided it was time to go to court. On April 12, current Editor Janell Brown and Managing Editor Angelita Hogan, former editor Cunnane filed a formal notice of appeal from a denial of access to public information from a local public agency with the county court.

“I believe campus security is inadequate,” Brown said. “Readers need this information to protect themselves from crime.”

A court hearing has been set for August 19. ■

Nicholls State negotiations result in policy of new access for newspaper

LOUISIANA — A little persistence paid off for the student press at Nicholls State University.

After a two-year clash with the administration, the *Nicholls Worth* staff finally obtained complete records from the campus police indicating the names of students who have been accused of committing crimes on campus.

Nicholls Worth Editor Brett Barrouquere said the paper avoided going to court over the issue after the school agreed to release the names again this March.

The Nicholls State University campus police changed their policy of releasing students' names in incident reports following the induction of a new university police chief in January, Barrouquere said. The *Nicholls Worth* editor submitted a request to the new police chief, Bruce Lewis, after the Jan. 1 issue was printed without names. The request specifically asked for the names of students who were accused of crimes, the location, date and time of the incident and the officer assigned to investigate to be included in the incident reports, he said.

Barrouquere informed Lewis in his request that willful violation of the open records law could result in a fine of up to \$500 and the award of attorney fees.

The following week the newspaper received the incident reports with the names still blacked out.

After the university denied several requests for complete information, the editors threatened to sue.

Finally, a meeting between the vice president and the newspaper's adviser, Lesley Marcello, resulted in an agreement.

Although the university said it be-

Legislation would require open crime logs

TENNESSEE — Legislators introduced a General Assembly Bill this spring that would give students more accurate campus crime reports in two ways.

The first section would require public and private campus police departments to maintain open crime incident logs, similar to laws enacted in California and Massachusetts.

A second part imitates a new Georgia law that requires off-campus law enforcement officers to indicate whether a victim is a student and identify which school the victim attends in incident reports.

The Safe Campuses Reporting Act of 1993 (SB 1068/HB 622) would allow students access to the number of robberies, burglaries and other crimes committed against students in the off-campus school community, where 75 percent of the students at the University of Tennessee at Knoxville live, according to an organization that supports the bill.

The bill, sponsored by Knoxville

Republicans Maria Paroulas Draper in the House and Bud Gilbert in the Senate, would make crime reports available and allow both current and prospective students to be aware of crime in the student community and prepare themselves for better protection, according to its supporters.

Daniel Carter, president of the Safe Campuses Now organization at the University of Tennessee at Knoxville, helped propose the bill to state legislators after working closely with parents of campus crime victims and a student group at the University of Georgia where a similar bill passed in April 1992.

Safe Campuses Now is a student-run, non-profit organization founded at the University of Georgia by the parents of a student who fell victim to a violent assault in 1988. The Knoxville chapter adopted the University of Georgia chapter's goal to increase student awareness in order to prevent assault within the student

(See LEGISLATION, page 29)

lieves students' names should not be released, officials said they agreed to release the names in March because the issue of whether names are covered by Louisiana open records law has not been tried in courts.

"I am unwilling to subject the university to costly litigation in order to prove a legal point," said Joan Ferriot, vice president for student affairs, in her announcement to release the names.

Ferriot argued that releasing crime reports without names would allow the paper to report the crime while saving victims from embarrassment.

This is not the first time *Nicholls Worth* editors have struggled with the university over the release of campus crime reports. In November 1991, the paper asked the university to begin releasing police reports regarding incidents on campus. The university agreed to open all reports filed after Dec. 6, 1991.

Since the 1991 incident, editors received complete reports from the campus police department until January 1993 following induction of the new police chief, Barrouquere said.

Although Louisiana courts have not been faced with the question of whether names should be released under the state open records law, 1991 and 1992 attorney general opinions said that reports released by a public university's police department should be public record available to all, including a student newspaper.

Barrouquere told *Nicholls Worth* reporters that he was glad the university agreed to release students' names because the community deserves to be informed about crimes that are committed at Nicholls State University. The editor said the paper has reached its initial goal, which he said is to inform the students. ■

WANTED: Newspaper Thieves

A sudden rash of censorship is plaguing campus newspapers across the nation as editors report thousands of copies stolen or missing

College students are being robbed of information as a result of an unusual censorship tactic carried out by embarrassed and outraged students — newspaper theft.

Student newspaper staffs have reported a rash of free-

newspaper theft on campuses across the country in recent months. However impossible stealing a free newspaper may sound, thousands of bundles of papers have traveled from the newsstand to the trash barrel to prevent exposure of incriminating stories.

The student body president and a fraternity pledge face possible expulsion at Southeastern Louisiana University for allegedly stealing nearly 2,000 copies of the student newspaper after it ran a story that criticized the student government.

Mark Maurice was released on \$25,000 bond after he was accused of urging fraternity pledges to steal close to 75 percent of the copies of a March issue of the *Lion's Roar*. Maurice was charged with principal to felony theft for allegedly persuading fraternity pledge Eddie Lestrade III

to steal the papers. Lestrade was released on \$5,000 bond and charged with felony theft in the incident.

The men allegedly stole the newspapers to hide an editorial that criticized the student government of failing to

distribute \$250,000 in appropriations to various student organizations.

Fraternity members at North Adams College in Massachusetts are believed to have stolen nearly every copy of an October issue of the *Beacon* to hide a front-page story about other fraternity members' arrests.



Editor Holly Halsall said that no action could be taken against the culprits since there were no witnesses or confessions to the crime.

This problem is common to most of the newspaper thefts reported this spring.

An incident involving missing issues of the *Yale Daily News Magazine* was unresolved when no evidence could be found at Yale University.

(Continued on page 14)

COLLEGE CENSORSHIP

(Continued from page 13)

Magazine Publisher Grace Yang said she thinks members of a conservative political party on campus stole the issues to avoid exposing a story written about female members of the male-dominated organization.

The *Yale Daily News* magazine gathered enough funds to reprint the stolen issues, something many other schools reporting theft were unable to do.

Stoutonian Editor Angela Nevicosi ordered \$600 worth of reprinted papers when a student dumped some 5,000 copies in campus dumpsters at the University of Wisconsin-Stout.

The trashed issue was the first *Stoutonian* to be published under the

uted to campus newsstands.

Hartlaub said he dropped charges against the student, who allegedly stole the papers after he confessed to reporters that he used a two-way mirror to spy on his female dormitory neighbors.

The paper dropped the charges against the student when they discovered he had been charged in a slew of other campus incidents and was no longer registered at the university.

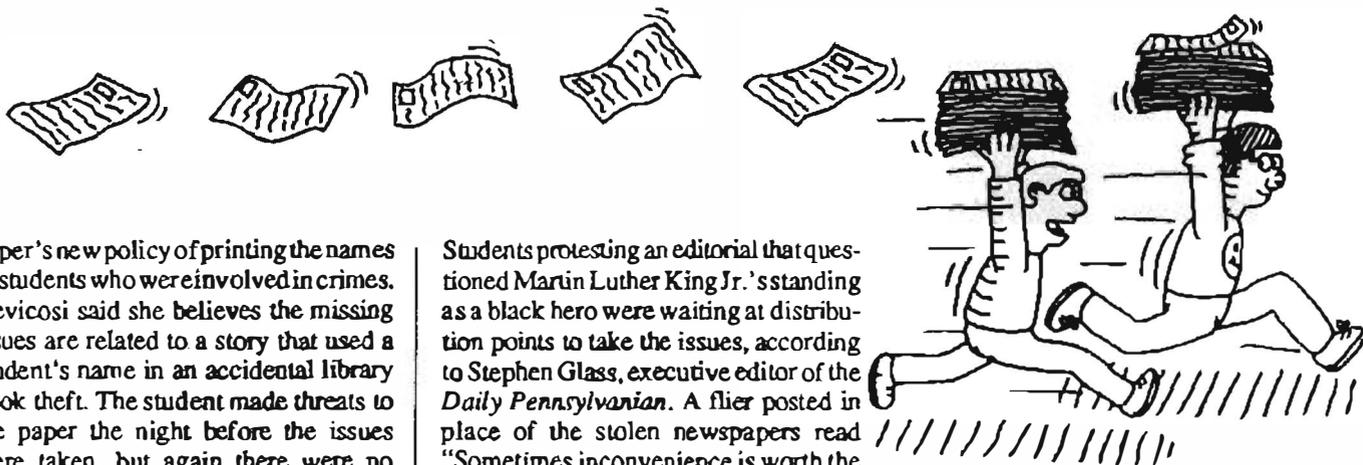
Other recent newspaper theft incidents happened as a result of protests against stories that outraged some minority communities on some campuses.

No one has been charged in the theft of 14,000 free newspapers at the University of Pennsylvania on April 15.

In 1988, the Florida State Attorney's office filed criminal charges against students who were caught taking issues of the free-distribution *Florida Review* at the University of Florida in Gainesville. After pleading no contest, they were charged \$100 each in court costs and sentenced to serve 25 hours of community service and six months probation for the theft.

One problem newspaper staffs encounter in solving the crime is that campus security departments feel they have enough to do without worrying about the theft of free newspapers, said *Mustang Daily* Editor Peter Hartlaub.

Campus police are continuing investigations in several of the cases reported



paper's new policy of printing the names of students who were involved in crimes. Nevicosi said she believes the missing issues are related to a story that used a student's name in an accidental library book theft. The student made threats to the paper the night before the issues were taken, but again there were no witnesses to the crime.

Angry students backed editors into a corner at Highland Community College's student newspaper, *The Highlander*, in protest of a picture from a fatal auto accident. Vickie Mellanbruch, editor of the Kansas student newspaper, said they printed the picture despite protestor's requests saying that they would not give in to censorship. Hours after the paper was distributed, janitors recovered hundreds of copies of the February issue in trash bins near the distribution points.

Monday's newspaper was boosted to 16 pages when Friday's eight-page edition came up missing at California Polytechnic State University in San Luis Obispo.

Mustang Daily Editor Peter Hartlaub said the paper added stories from Friday's stolen issue after 6,000 issues disappeared just hours after they were distrib-

Students protesting an editorial that questioned Martin Luther King Jr.'s standing as a black hero were waiting at distribution points to take the issues, according to Stephen Glass, executive editor of the *Daily Pennsylvanian*. A flier posted in place of the stolen newspapers read "Sometimes inconvenience is worth the price ... Think about it." An organization called Working Committee of Concerned Black and Latino Students issued a statement after the incident saying that because the papers are free, there is no limit to the amount one student could take.

A student group called the Black Freshman Forum at Dartmouth College in New Hampshire confiscated the April 7 edition of the *Dartmouth Review* because they said a story that referred to a scholarship to attract black students to careers in science was racist, according to the Associated Press. Dartmouth officials are refusing to protect the off-campus paper dismissing it as "litter."

Although few free newspaper theft incidents have resulted in court rulings, a publication could press criminal charges and file a civil claim against someone who takes mass quantities of free newspapers.

this spring, but bureaucracy and a negative attitude could delay the process until the incidents blow over, according to several of the editors.

The charges filed against Southeastern Louisiana University students could set a precedent for future newspaper thieves should the students be found guilty and could prompt a civil lawsuit for damages by the newspaper staff.

Until then, standing guard at newspaper stands may be the only sure solution against censorship by theft. ■

If you have a problem with newspaper theft, the Student Press Law Center has information that can help you. Call or write the SPLC for the specifics about how you can pursue criminal prosecution or a civil lawsuit against those who attempt to silence your publication by stealing it.

Radio station fined for 'Yodeling in the Valley'

NEW YORK — The State University of New York at Cortland's student-run radio station plans to appeal a \$23,750 fine issued by the Federal Communications Commission in January, which claims WSUC-FM violated federal broadcasting laws when it allegedly played rap music containing explicit lyrics during prohibited afternoon hours, according to WSUC officials.

The allegations stem from a tape handed over to the FCC by an anonymous listener. The tape contains a recording of the song "Yodeling in the Valley," that includes explicit descriptions of oral sex, anal sex and sexual organs. The listener claimed WSUC broadcast the song about 3 p.m., June 21, 1992.

Current federal law grants the FCC authority to take action against anyone who "utters any obscene, indecent or profane language by means of radio communication." The FCC claims the lyrics fall under the commission's definition of "indecent," which includes



material that describes sexual or excretory organs in a patently offensive manner, as measured by current community standards in the broadcasting area, according to a letter issued by the FCC.

Also, because material broadcast during the day is more likely to be heard by minors, courts have given the FCC greater authority to regulate broadcast content between the hours of 6 a.m. and 8 p.m.

Daniel Lee, station manager at WSUC, said he cannot presently confirm or deny the charges but said the station does not condone playing this type of music during restricted hours.

Lee also said that at 3 p.m., June 21, 1992, WSUC was not officially on the air. Staff and operating hours are limited during the summer months, he added.

"If it happened, someone entered the studio and played the recording without our knowledge," Lee said. "Right now we are listening to the tapes and trying to

(See WSUC, page 17)

Idaho student government rescinds policy

IDAHO — A victory for the student press was won at the University of Idaho when student government president Richard Rock withdrew a regulation to restrict newspaper and radio interviews. Rock had proposed limiting interviews only to scripted questions after dissatisfaction with an interview conducted by the university's student radio station, KUOI.

Last December, reporters at KUOI confronted Rock with charges that he planned to fire student Attorney General Thomas Talbot because of Talbot's sexual orientation and strong gay rights stands. Rock denied the charges in an interview with the station and while on the air accused the station's source of lying and excessive drinking.

Local papers soon picked up the story, to which Rock reacted by calling an emergency meeting of the student senate to remove Talbot, a potential viola-

tion of Idaho's open meeting law.

Four days later, Rock called KUOI Station Manager Keith Hamby to demand that he comply with a policy to prevent "uncontrolled" news broadcasts. The policy would have restricted live interviews to scripted questions, with no allowances for follow-up or clarification. Hamby would also have been required to tape all news programs and provide them for review by an outside source to make sure they matched scripts for the program. Rock justified these steps as necessary to insulate the radio station from possible legal action, in keeping with a philosophy of "risk management." Hamby was given until January 15, 1993, to comply with Rock's demands.

After talking with Hamby, KUOI News Director Frank Lockwood asserted that student's First Amendment rights to freedom of the press were being vio-

lated. Lockwood said that with the proposed policy, President Rock was trying not "to squelch falsehoods, but embarrassing truths."

By appealing to the Student Press Law Center, the American Civil Liberties Union and leaders in the state Republican party of which Rock is an active member, Lockwood "brought pressure to bear to have him [Rock] back down."

On January 12, Rock issued a memo stating that he would withdraw his requests for censorship authority.

"It really makes a difference having people willing to take a stand on these issues," Lockwood said. "It was a real eye-opening experience for me, some of the people who I was expecting to strongly embrace free speech kept silent. Some folks just don't understand that even students enjoy First Amendment rights." ■

Papers censored by funding threats

At Marshall University, student committee ranks paper near bottom of funding list despite change in rape policy

WEST VIRGINIA — A student government committee recommended in January that Marshall University President J. Wade Gilley slash student tuition fees that support the student newspaper, *The Parthenon*, following disgruntlement last fall over the newspaper's decision to print the names of rape victims.

Gilley asked the committee, which consists of five students and four faculty members, to rank student organizations according to the funding they should receive for the next year, said *Parthenon* Editor Greg Collard.

Although the newspaper has since rescinded its policy about publishing rape victim's names, the committee ranked *The Parthenon* fourth to last of some 20 student organizations that receive money from student fees.

Collard said there is no doubt that the student government's decision stems from last year's incident.

"Considering how outspoken the student government was against the paper last year, it had to have crossed their minds in the decision," Collard said. "I see a conflict of interest here considering they ranked themselves third most important."

Collard also said that most other organizations that were recommended for budget cuts will be absorbed in general funding, meaning they will still receive money from the university but not from student fees.

Early this spring, Student Body president Tacian Romey threatened to shred close to 8,000 issues of *The Parthenon* if it printed the name of a rape victim, according to the Associated Press.

Collard overruled a 5-2 editorial board vote to continue the policy of printing rape victims because he said it would have interfered with the newspaper's operations.

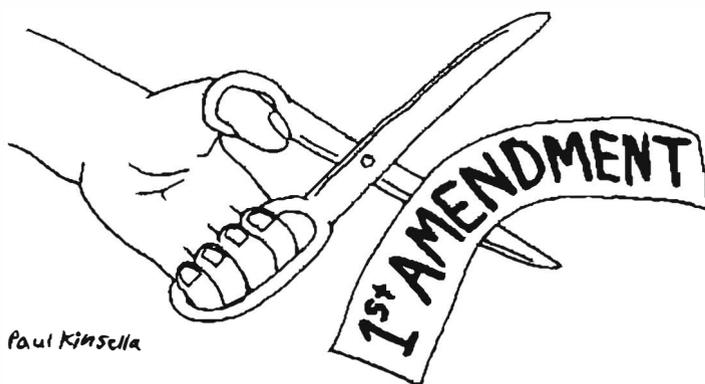
Gilley is expected to act on the committee's recommendation sometime this summer that would reduce the newspaper's funding from \$6 per student each semester to \$3 and cut the *Parthenon's* budget from \$175,000 to \$56,000, Collard said. ■

Highland Community College threatens to fire adviser and reduce newspaper to brochure after dissatisfaction with content

KANSAS — The Highland Community College student newspaper suffered a unique form of censorship this spring when the university threatened to transform the *Highlander* from a student newspaper to a public relations "brochure" just months after the staff printed its first issue as part of the newly formed journalism department, Adviser Mark Kyle said.

The college also threatened to cut student fees that support the paper and threatened to fire Kyle after the school objected to content in each of the *Highlander's* 13 spring issues,

"Cutting funding is the university's way around having a newspaper," Editor Vickie Mellanbruch said. "They offered to renew Mark's contract with a new job description as a PR teacher doing brochures



for the college."

Highland Community College President Eric Priest denied plans to shut down the department and said that next fall's journalism budget had not yet been considered.

Priest said the college increased funding to the department last fall and expanded the adviser's position to full-time because of high student demand to take journalism courses.

Mellanbruch said the *Highlander* was originally created as a public relations tool produced by an adviser and an editor and consisted of stories taken solely from a college news service. As the newspaper staff grew, the wire service diminished and the paper is now written entirely by students and covers a wider range of college-life issues, some of which Priest told the editor were "unnecessary," she said.

Kyle was reprimanded by the college's president after Priest received negative feedback as a result of a front-page picture in February. The photo of wrecked car from a fatal auto accident outraged friends of the accident victim who threatened to "trash the newsroom" and made bomb threats to several staff members in protest, he said.

(See *HIGHLAND*, page 29)

Lawsuit 'shocks the system'

Former yearbook editor sues University of Southwestern Louisiana after being denied reappointment because of controversial photos

LOUISIANA — Jeff Gremillion, the yearbook editor who was removed from his position after shocking the system at the University of Southwestern Louisiana, filed suit this spring against the school.

Gremillion was denied reappointment as editor following controversial pictures printed in the 1991-92 *L'Acadien*, the university's yearbook.

The former yearbook editor asked the university to issue a press release to admit its mistake in refusing to reappoint him to the position, to outline a new procedure of choosing editors and to reimburse him for a year of lost wages.

The school declined the requests forcing Gremillion and ACLU affiliate attorney Alfred Boustany to file a lawsuit.

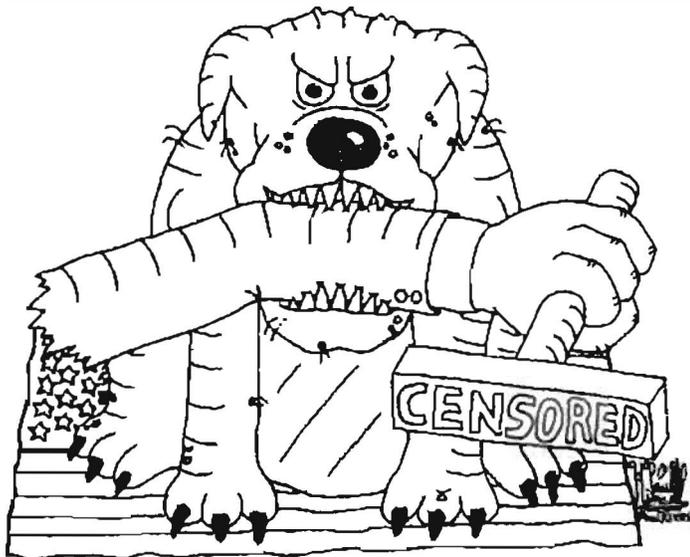
The yearbook entitled "A Shock to the System" was criticized for printing controversial pictures and subject matter that offended some students and contributing alumni.

One of the pictures accompanied a story about students' efforts in the 1991 Persian Gulf War. It showed a bulldog, the school's mascot, draped in yellow ribbons sitting on the American flag. Another was a blurred image of a topless woman hand feeding spaghetti to a shirtless man and illustrated a story about sex and dating.

Gremillion felt both pictures accurately represented the subject matter in the accompanying stories.

"I test marketed the pictures with about 20 students and faculty members before printing them and altered one using a grainy finish," Gremillion said.

In addition to the pictures, the year-



book ran articles about the band improving its image, an incident involving alcohol use by members of the volleyball team, interracial dating and fraternity hazing that caused controversy, Gremillion said.

"Everyone had their gripe," Gremillion said. "Once the powerful people started to complain everyone jumped on the bandwagon."

The editor first heard of disapproval when he received the original proof copy of the book from his yearbook printing company with the picture of the scantily clad couple missing, Gremillion said.

Word of the photograph's content somehow leaked to the administration who threatened to censor the yearbook,

Gremillion said.

After the Student Press Law Center advised him that the pictures were not legally obscene, the editor decided to run them. Despite the university's requests to censor "A Shock to the System," the volume recorded its highest sales ever for the *L'Acadien*.

When the time came to appoint editors for the 1992 year-

book, Gremillion was notified that he was the selection committee's first choice. He began work immediately on the next edition of *L'Acadien* only to be notified months later that the appointment had not been official. The administration had chosen another editor. Gremillion asked the university not to rehire him as editor, but to reimburse his lost wages and to outline a new selection process with guidelines to protect future editors.

Boustany said that while he can sympathize with the university's wish to satisfy the community and its donors, the yearbook's pictures are protected by the First Amendment and are not legally obscene. No trial date has yet been set in the case. ■

WSUC

(Continued from page 15)

identify voices."

WSUC feels there is nothing on the tape that proves that the station recorded on the tape is WSUC.

"By listening to the tape, in an unbi-

ased fashion, I cannot indicate where, why or what time," Lee said. "Any radio station could have broadcast this."

The station said it will not "take this lying down." Current WSUC staff members plan to meet with last summer's staff to work out a plan of action. The university is also investigating the incident, Lee said. ■

Wake Forest asks political paper to drop university's name and seal

NORTH CAROLINA — Wake Forest University hired a Virginia law firm in an attempt to prevent *The Wake Forest Critic*, an independent conservative student newspaper, from using the university name and seal.

The university hired the firm, Dowell & Dowell, after *Critic* editor John Meroney wrote an editorial criticizing Maya Angelou, a professor at the university and the poet who spoke at President Clinton's inauguration.

Meroney wrote that Angelou is "symptomatic of the problems in higher edu-

cation," because she is paid a "huge amount" of money and teaches few classes.

The university claims that by using the university name and seal, the *Critic* is confusing people that it is affiliated with the school. According to the Associated Press, Sandra Boyette, a university vice president, said that alumni and area residents wrote letters asking how the school could sponsor a paper that supports such views.

Meroney said that ever since its creation the *Critic* has run a disclaimer on its masthead saying that the paper is in no way affiliated with the university. Meroney also claims that the paper used the university seal only once as an illustration, and never as part of the masthead.

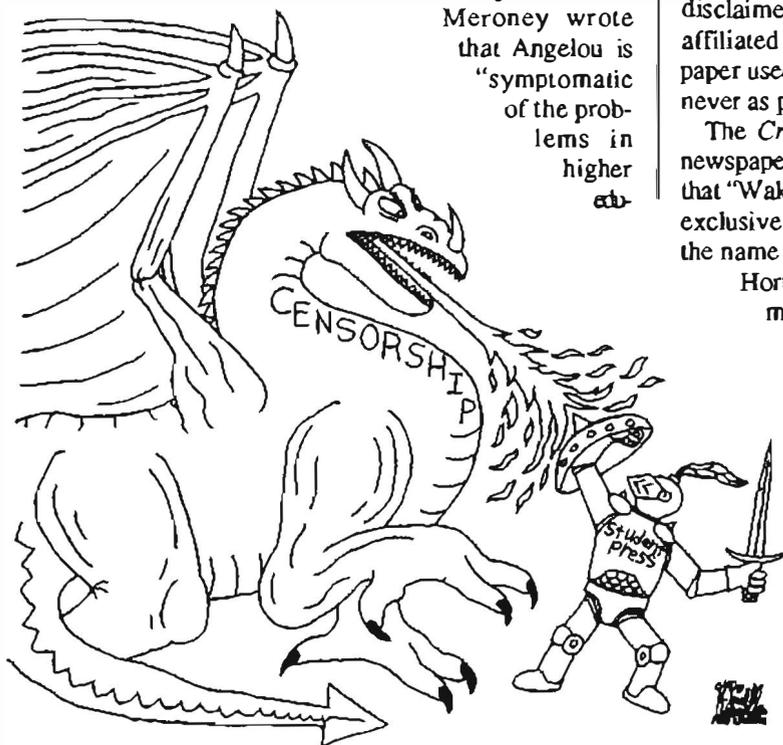
The *Critic's* attorney, Hamilton C. Horton, said that the newspaper has no intention of changing its name. Horton said that "Wake Forest" is a geographical name and no one has the exclusive right to that name. He added that Wake Forest is also the name of a beauty parlor and a Baptist church.

Horton did say that he suggested that the *Critic* make a minor change in its secondary title. The title, which previously read "The Independent Journal of Wake Forest University," now has been changed to "The Independent Journal at Wake Forest University."

Horton sees the attack on the paper's name as a First Amendment issue. He said that the university has the responsibility to protect freedom of expression, even if it does not agree with that expression.

"It's a matter of principle," Horton said. "That's the reason we're taking the position we are."

(See WAKE FOREST, page 19)



Independent publication prevails

WASHINGTON, D.C. — The U.S. Supreme Court let stand in January a lower court ruling that protected the rights of an off-campus group to distribute its newspaper on a Texas state university campus.

The Court, without comment, refused to hear argument in the case, *Supple v. Hays County Guardian*, 969 F.2d 111

(5th Cir. 1992), cert. den. 113 S. Ct. 1067 (1993) (See Winter 1992-93 Report, page 28.)

The lower court decision prohibited Southwest Texas State University officials from enforcing a 1989 rule that banned the distribution of any off-campus publication that contained advertising from university grounds. The ban

did not apply to the *University Star*, the official student newspaper, to publications without advertising or to publications that were sponsored by a registered student group.

The decision suggested that schools cannot deny independent publications the distribution rights that they give to official student publications. ■

N.Y. bill would restrict alcohol ads on campus

NEW YORK — A recent legislative proposal by New York Gov. Mario Cuomo to crack down on alcoholic beverage advertising in college newspapers has revived the controversial debate over the freedom of commercial speech and its application to student-run publications.

Cuomo's aim, announced on Feb. 17, is to reduce underage drinking in the U.S., and especially New York. "By... ending promotions and advertising geared toward young people, we can improve the safety and health of our youth," Cuomo said in a press release. "Underage drinking impairs the quality of life on campus and prevents students from doing their best."

If enacted, Cuomo's proposed addition to the existing Alcohol Beverage Control Law would prevent licensed alcohol vendors from purchasing ads in any "school, college or university newspaper," a term the proposal does not define.

New York's college publications are threatened with major losses of advertising revenue if this change goes into

effect, say some opponents.

"That's at least half our business," Rob Rachman, advertising manager of the SUNY-Buffalo student magazine, told the SUNY-Binghamton student newspaper, *Pipe Dream*. "Obviously it would be a huge chunk of money out of our budget."

An editorial that ran in *Pipe Dream* attacked Cuomo's proposal, pointing out that many publications other than student publications run liquor ads.

"Even if you don't read *Pipe Dream*, there are still ... magazines like *Newsweek*, radio and television advertising and local billboards," the editorial said. "Students already know where they can drink."

Cuomo's attempt to ban alcohol advertising in college publications is not the first. In October of 1989, Sen. Jeff Bingaman (D-N.M.) introduced a similar bill in Congress that failed to pass the House of Representatives.

The New York bill has been referred to the House Investigations, Taxation and Government Operations committee where it awaits further action. ■

New book highlights '90s issues for media

IOWA — Through an inside view of the student press, the new book *Student Publications: Legalties, Governance, and Operation* by Louis L. Ingelhart provides an up-to-date look at issues that affect college journalists and advisers.

The author, an award-winning journalism educator, Ball State University professor emeritus and long-time Student Press Law Center board member, explains methods for organizing, financing and managing a college newspaper, yearbook or magazine with examples from schools across the country. The book also addresses issues that concern student journalists such as censorship, legal problems and the role of the college administration.

The 196-page paperback is available through the Iowa State University Press in Ames for \$21.95. ■

Wake Forest

(Continued from page 18)

"[Hiring a law firm] is a clear attempt to close down the paper and intimidate the writers and editors," Meroney said. He said that the university's demanding that the *Critic* change its name is the "next best thing" to preventing its distribution.

According to the Associated Press, spokesperson Boyette denied that Wake Forest University was trying to silence the paper. She claimed that it just wanted to clarify the school's position—that the paper does not represent the university's views.

The AP also reported that Boyette

sent out a form letter rebutting Meroney's charges about Angelou. Boyette's letter said that Meroney's editorial was filled with inaccuracies and stated that Angelou has taken leaves in only four out of the 20 semesters that she has taught at the university.

Meroney criticized Angelou for other reasons as well, claiming she gets "bizarre" privileges. "On the rare occasions that she comes into classes, she gets to select her own students," Meroney said. He also claimed that although Angelou has no academic degrees, she is commonly referred to as "doctor." Angelou is on leave this semester and was unavailable for comment.

Critic attorney Horton cited the material in the paper as another reason for the

newspaper to keep its name. He said that since it is written by students about the university, it is appropriate for the paper to have a name related to the school.

Horton added that the *Critic* is proud that it receives no money from the university. It is financed entirely through grants, subscriptions, and advertising. Calling the students an "underfunded band," Horton said that the *Critic* "reveals in its independence."

Horton wrote a letter to the university's law firm detailing the reasons for his unwillingness to have the paper change its name. He said that the university has not responded to his letter.

The firm referred all questions to the university. No one there was available for comment. ■

Marquette U. newspaper staff resigns

Conflict between editorial freedom and Roman Catholic doctrine cited again

WISCONSIN — Four student editors and six additional members of the editorial board of Marquette University's student newspaper resigned in March after a disagreement with school officials regarding the newspaper's editorial policy. The disagreement was sparked by an opinion piece submitted by members of the editorial board that spoke in favor of President Clinton's decision to allow the importation of RU-486, a French drug that induces abortion.

Eric Schnabel, who resigned as the *Marquette Tribune's* managing editor, said he was told by the newspaper's adviser that the piece violated the Board of Student Publication's policy. The policy states that "the *Tribune* will not publish editorials which contradict the known official positions of Marquette when the University identifies these positions as essential to its Catholic and Jesuit mission and character. These official positions are Marquette's opposition to abortion and homosexual activity."

After school officials objected, Schnabel said the piece was changed from an editorial to an opinion column. Nicci Millington, who resigned as editor, said it was the editorial board's understanding that the publication policy only applied to the boxed editorials that ran on each issue's editorial page and not to the rest of the opinion section.

The Board of Student Publications policy regarding opinion columns states, "the *Marquette Tribune* can print any opinions."

But school officials asked that the opinion piece be run with a counter-view in the same edition. They also asked that it be run with an editor's note explaining that the piece could not

run as a boxed editorial because it violated policy.

Rather than agree to the compromise, which Millington insists was not part of the original policy, the students decided to resign.

"There came a point where we realized that we had to take a stand," said Millington. "Either I was the editor, responsible for determining the content of the paper, or I wasn't.... The idea that editorial freedom exists on the *Tribune* — which is the public message that Marquette tries to convey — is a charade."

James Scotten, chairman of the Board of Student Publications, said that the school never told the editorial staff that the piece could not run. He says the question was how to accommodate it without violating the publications policy. Unfortunately, he says, the students resigned before they could reach an agreement.

Millington says that such a response misses the point. The current policy is so vague, she says, that editors never know what the school might object to.

"Marquette makes such a big deal telling everybody that they don't actually censor the paper. The fact is that they've created an atmosphere where you have no choice but to practice self-

censorship. You're always wondering what is going to happen to me if I run this piece? Will the paper be shut down? Will I be fired?" said Millington.

After the mass resignation, the remaining *Tribune* staff decided to run the opinion piece. Because the students were no longer editors, there was no conflict with the policy and school officials did not try to censor it, said Melissa Brunner, the new managing editor.

This is not the first time that controversy has surrounded Marquette's student publications. In 1989, the journalism school dean fired an adviser and suspended two *Tribune* staff members following publication of a paid advertisement for an abortion rights rally.

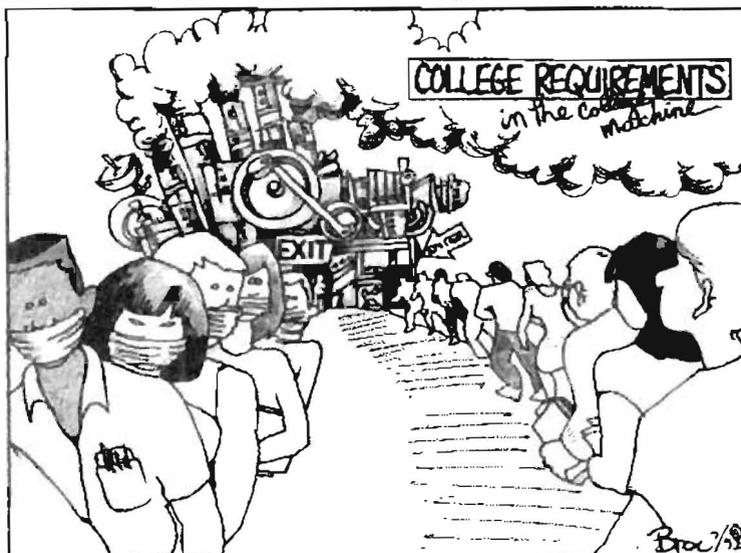
Afterwards, the dean, Sharon Murphy, sent a letter to journalism alumni explaining that the ad was a clear violation of the Catholic church's teaching on abortion and that staff members should have known that Marquette would not accept promotional advertising for an opposing view on what the church regards as a moral issue.

"[Nevertheless], Murphy wrote, "I want to stress, as emphatically as possible, that enforcement of the advertising policy does not represent a change in policy on student publications or productions. We are **NOT** heading down the road to news and editorial censorship. We are dismayed that anyone would think so."

"If this wasn't editorial censorship I don't know what you'd call it," said Schnabel.

"In class we learn about the importance of a free press and the importance of fostering a marketplace of ideas. We're told we should strive to uphold the principles of the First Amendment. But when it comes to putting

(See MARQUETTE, page 29)



Vindication

Ousted college newspaper adviser awarded almost \$23,000 five months after her unexpected death in December

CALIFORNIA — Almost four years after a free-speech suit was filed against California State University at Los Angeles, a Superior Court jury awarded \$22,983 in damages to former *University Times* adviser Joan Zyda in December.

Zyda died last August of a brain hemorrhage, five months before she could see the court ruling in her favor.

Events leading up to Zyda's case began in October of 1987 with the "Whittier Earthquake," a major earthquake in the east Los Angeles area where CSU-LA is located.

During the quake, a concrete slab from a parking structure on campus fell killing a 21-year-old student.

The *University Times*, the university's student newspaper, ran an award-winning in-depth story of the incident which revealed that another slab had fallen the year before the earthquake and the university had ignored structural problems.

In addition, the paper exposed further reports that criticized the university's asbestos problems, its attempts at hiding the earthquake incident and its mishandling of gifts made to the university.

By March of 1988, California State University administrators had removed Zyda as journalism instructor and publisher of the newspaper and reassigned her as a laboratory supervisor/staff adviser to the paper, a position which reduced her salary by 20 percent, according to the statement Zyda filed with the Superior Court in 1990. In a memo to the president of the California State Employees Association, she compared her new position to the level of a teacher's aide. The new position did not include teaching the journalism class she had been instructing when she was pub-

lisher.

A few weeks later the university fired Zyda saying that her removal would "better meet the educational goals of the university."

Zyda said in her statement that William Taylor, vice president of academic affairs, claimed that she took too many photographs, and the newspaper brought "bad PR" to CSU and published too many articles especially concerning freedom of the press and editorials concerning the student body president.

In March of 1989, Zyda filed suit for wrongful termination, censorship, breach of contract and lack of due process.

She said she wanted "to put light on the First Amendment house of horrors at the Los Angeles campus," according to the report.

Over three years later, the jury found in favor of Zyda and awarded \$12,938 in back pay and \$10,000 for violation of rights to her parents, Joseph and Teresa Zyda of Las Vegas.

Christopher Zyda, her brother, decided to continue the case after



her death last August.

"Of course we are all very happy that Joan was vindicated and Cal State L.A. was held accountable for what they did," Christopher Zyda told the *Los Angeles Times*. "The important thing is she won and she can now rest in peace."

During Zyda's seven-month tenure as adviser, the *University Times* received five awards from the California Intercollegiate Press Association in recognition of outstanding coverage of the Whittier earthquake. ■

Court says students must sue on own behalf

Former teacher appeals decision in effort to support students' rights

LOUISIANA — A court ruling that said Geraldine Moody did not have “third-party standing” to sue on behalf of violations of her students rights will not stop the retired teacher. Moody filed an appeal in February to end a seven-year struggle with the Jefferson Parish School Board.

The former teacher sued the school board in 1986 when it censored a newspaper her students published as part of her history class.

Your Side was conceived, written, edited, published and sold by the students as part of a First Amendment

project for the class, Moody said in her brief in the case. The students wanted to write about campus news and “hidden truths” about the school with the hopes of initiating improvements, she said.

Several faculty members objected to the content of *Your Side*, which highlighted such issues as pregnancy, drug abuse and cheating. The complaints led to the confiscation of the remaining issues by Principal Eldon Orgeron with orders to discontinue publishing.

Moody said the principal badgered her to admit that she wrote the stories for the students, which she said was not true.

Orgeron then transferred Moody to a middle school after 17 years of teaching. Shortly after she was transferred, Moody said that as a result of the harassment she suffered a nervous breakdown that forced her to resign.

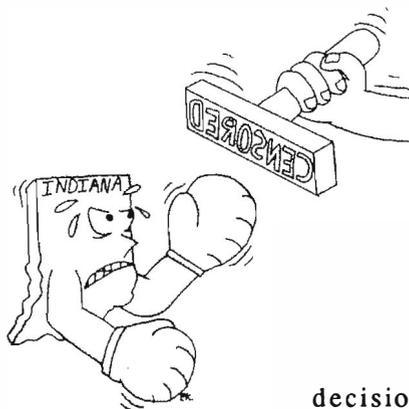
The First Amendment question was left unanswered in the case. The decision said that the students who wrote *Your Side* consulted attorneys and were capable of pursuing the case on their own, but chose not to do so. In similar cases, courts in Colorado and New York have said advisers do have standing to sue on behalf of their students' rights. ■

Yearbook claim fails

Court throws out Indianapolis adviser's claim that removal was retribution for supporting students

INDIANA — An Indianapolis federal court has ruled that Marilyn Athmann's removal as adviser of the Ben Davis High School yearbook was not a violation of her First Amendment rights and that she did not have “third-party” standing to sue on behalf of her students. The court dismissed her case on April 19.

Athmann sued the school district because of controversy concerning yearbook coverage of the 1987 state championship football team. She said the administration attempted to pressure student editors to surrender coverage of the championship game to the Ben Davis athletic department. Athmann left the



decision up to student editors who voted to deny the principal's demand and maintain control of the yearbook.

By the fall of 1989, Athmann had been removed as adviser to the yearbook, but remained an English teacher at Ben Davis.

The former yearbook adviser had agreed this spring to discuss a policy with administrators to end the feud that the court said has run up too high a tab.

Athmann said she has spent about \$23,000 in donations from various state and national journalism organizations and the Indiana High School Press Association to fight for her and her students' First

Amendment rights.

School Superintendent Edward Bowes said that he did not know how much the school district spent on the case.

Bowes claimed that Athmann was reassigned because of insubordination and flagrant disregard for authority, and that the athletic director never demanded control of the yearbook story.

In dismissing the case, Judge John Daniel Tinder cited the 1988 *Hazelwood School District v. Kuhlmeier* U.S. Supreme Court decision that allowed high school administrators greater control over some student publications to support his conclusion that the school had a “legitimate interest in maintaining editorial control over a school-sponsored publication.”

The court said that it did not believe that “Athmann's allowing her students to vote whether to relinquish control of the football-championship section was anything but an act of insubordination designed to interfere with the school's legitimate exercise of editorial control over the yearbook.”

Athmann and her attorney Richard Cardwell said they were still considering whether they would file an appeal in the case. ■

Contagious Legislation

Free speech bills are off to a running start this spring as seven states consider legislation to return press freedoms to student journalists

Free speech fever swept state legislatures this spring as seven states considered bills protecting the rights of student journalists. Two state's efforts failed, but other states were beginning to draft bills of their own. Legislators remain hopeful that changes in the balance of party affiliation after recent elections will have significant effects on passage of such legislation, which for some states is being attempted for the second and third time.

The bills, similar to those that have been successfully enacted in California, Massachusetts, Iowa, Colorado and Kansas, would return press freedoms to students that were restricted by the 1988 Supreme Court case *Hazelwood School District v. Kuhlmeier*.

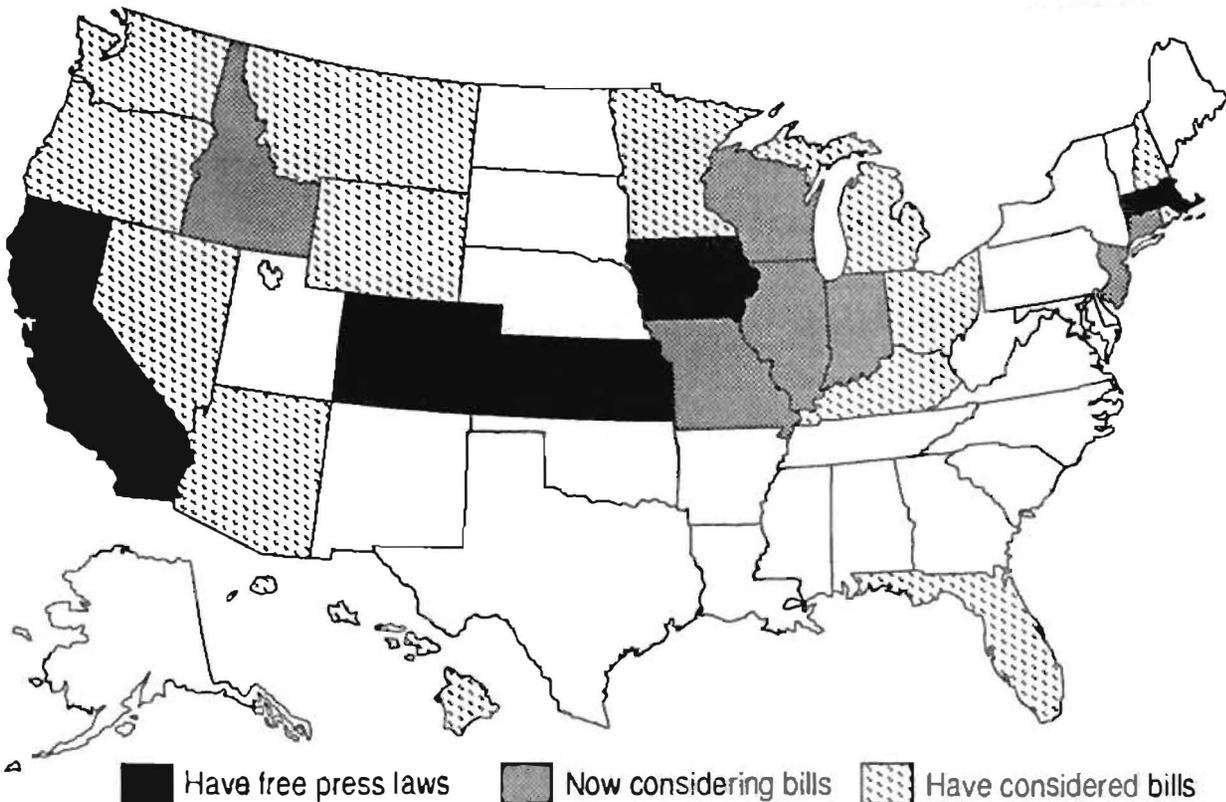
An Illinois student free expression bill sponsored by Rep. Barbara Currie, D-Chicago, passed the House April 27 by a vote of 81-31. House Bill 1919 was drafted with support from the Illinois American Civil Liberties Union and is expected to go before the Senate this summer.

In New Jersey, Rep. Anthony Impreveduto, D-Seacaucus, has introduced Assembly Bill 575, which was considered by the legislature last year. The proposed legislation remains in the education committee, but is not high on the state's agenda. In 1991, New Jersey Governor Jim Florio said he would sign the bill if it passed the legislature.

Indiana Reps. Barbara Engle, R-Decatur, and Paul Robertson, D-Depauw, are co-sponsoring House Bill 1751 for its third try in the General Assembly. The bill passed the state House of Representatives in the 1991 and 1992 sessions with the same wording, but had trouble in the Senate.

Students and advisers in Connecticut persuaded Rep. Richard Tulisano, R-Rocky Hill, to sponsor Assembly Bill 7006 that includes free expression protection for buttons and theater productions as well as student publications.

(See LEGISLATION, page 28)



Tulare Valley students defend video content

CALIFORNIA — Students plan to appeal a December decision that said a school board had not violated students' freedom of expression when it censored their video about teen-age pregnancy.

Ann Brick, an attorney for the American Civil Liberties Union, represented about 40 Tulare Valley High School students who felt their First Amendment rights had been violated by school officials when the students were prohibited from showing a video they produced for an art class. The central California school's principal objected to profanities the students used in their fictional story, *Melancholianne*, concerning the issue of teen-age pregnancy.

Superior Court Judge Gerald Sevier ruled that the phrases "fuck," "shit," "bitch," "son-of-a-bitch," "ass" and "tit" used by characters in the video drama were obscene under California Education Code section 48907, which protects student expression rights. The decision said that local school districts may limit certain types of speech including speech that they deem to be obscene.

Brick said the decision is "clearly wrong" because it suggests that the California statute does not provide more protection than the Supreme Court's 1988 *Hazelwood* decision, which restricted student's First Amendment rights. She also said the words may be profanities, but they are not legally obscene under current Supreme Court rulings.

The case began in January 1992 when the principal read a script of the drama before the students began production and objected to 14 profanities the students used. They edited some of the words from the script, but left a few words they felt were used in proper context.

The students entered the video in a state-wide contest last



summer after Tulare County Superior Court Judge Kenneth Conn issued a preliminary injunction that barred the school from prohibiting the video from being entered in the contest.

Just weeks later, the film won the "Best High School Drama" award in the contest.

The school board said it recognizes the high rate of teen-age pregnancy in Tulare County, but said the use of profanity was not necessary to convey a message about reducing the problem.

The students disagree saying that the school board should be open to alternative approaches to the problem.

The students plan to appeal the decision in May. ■

Ad banned because of 'abstinence-based' sex-ed policy

MICHIGAN — A high school newspaper adviser agreed to postpone running a Planned Parenthood advertisement in December after administrators said it would violate the school's "abstinence-based" sex education policy.

Grand Blanc High School superintendent Gary Lipe prohibited the publication of an advertisement that read "Abstinence, or call Planned Parenthood" and listed telephone numbers to obtain information on pregnancy testing and birth control, *Bobcat Banner* adviser Julie Bernstein said.

Lipe argued that the ad would send a mixed message to students.

Grand Blanc High School, located in what Bernstein calls a fairly conservative community, has a current "abstinence-based" sex education policy that flatly prohibits teaching about sex in the classroom.

"We are not allowed to discuss sex because you just do not have sex [according to the school's policy]," Bernstein explained.

The *Bobcat Banner* staff disagreed saying that the ad was neither illegal nor

offensive and that the school newspaper is not a vehicle for the administration's curriculum.

"Planned Parenthood statistics show that up to 75 percent of the girls in this county are sexually active and there is a need for access to this information," Bernstein said. "It's just public advertising that doesn't have to agree with the school board."

Bobcat co-editor Carrie Pierson said that the school board banned the ad because printing it would be admitting
(See AD, page 29)

Principal confiscates *The Bare Essentials*, claims paper violated sex-education law

School believed state code might apply to pregnancy and abortion feature

MICHIGAN — High school administrators confiscated over 700 issues of *The Bare Essentials* student newspaper after it ran a feature that the school said violated Michigan state codes concerning sexual education programs.

The Battle Creek Central High School newspaper staff finally distributed the January 20 issue a week after newspaper adviser Warren Kent convinced the administration the story did comply with state laws, Kent said.



The feature concerning pregnancy and abortion included interviews with one student who had had an abortion and one who had a baby, Kent said.

A sidebar to the feature included a list of local organizations and telephone numbers where students could obtain advice concerning pregnancy and abortions.

To write the story, student reporters conducted a 200-student survey, which the administration said violated Michigan Public Act 226.

According to the law, parental review of sexual education material and teaching of this information by qualified instructors is permitted, but teaching abortion as a method of reproductive health is restricted.

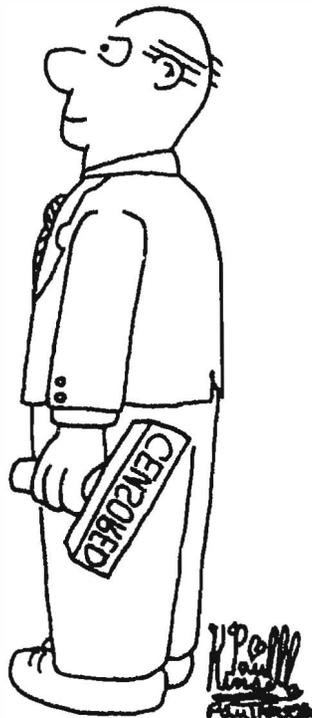
In addition, the code regulates interviewing students under the age of 18 about sexual issues without parental consent.

After several meetings between the staff of *The Bare Essentials* and the administration, Kent convinced school officials that the Michigan law only applies to classroom material and therefore cannot be used to restrict student publications.

Kent said that the school has no written policy regarding the newspaper.

A copy of *The Bare Essentials* is normally viewed by the principal before publication, but Kent said that as the students became more comfortable with the publication, they did not run this issue by the principal's desk.

"I don't know if any of this story would have been printed if we had run it by the principal first," Kent said. "And I don't know what will happen in



the future."

Kent added that the staff did receive full cooperation from the principal during the incident.

"They were not censoring us here. They were just trying to stay within the law," he said. "Once they started citing state laws, we knew we were okay."

Letters from the Student Press Law



Center and the Michigan Interscholastic Press Association helped in informing the administration of students' rights, Kent said.

"After the letters and reading the law closely, they realized the students hadn't done anything wrong," he said.

Kent said there is a need to address some controversial social issues in the student newspaper. The paper's polls indicated that while more than 70 per-



cent of the students feel women should not have an abortion, more than half of them are sexually active.

"Are you going to deny that kids are having kids?" Kent asked of the conservative inner-city community, which has plans to implement a day-care center for young children of students at the school. ■

Adviser says no to censorship, resigns

Calif. principal pulls front page graphic minutes before deadline

CALIFORNIA — The Claremont High School newspaper adviser handed in her resignation this spring after the principal demanded that either she censor the paper or he would.

Jane Purcell, adviser of the Claremont *Wolfpacket*, resigned after a January incident in which the principal censored an illustration of an allegedly racist flier that was to be printed as an illustration for a news story on the front page.

The censorship incident stemmed from the administration's attempt to control racial tension in the Los Angeles-area high school, said co-editor Sapna Khandwala.

Several fights broke out after a flier with the acronym "FWP," for Fuck White People, Power and Pride, circulated throughout the school. From there, vandals went on to spray paint the letters "KKK," to symbolize the Ku Klux Klan, on trash cans, tennis courts and lockers, Khandwala said.

A photocopy of the flier accompanied a story that explained recent racial tensions and possible solutions. Following a majority vote, the staff decided to run a "business-card size" illustration of the graphic with intentions of blurring the words, the co-editor said.

"We felt the flier gave the feature more hard-core importance that it was not getting with the article alone," she said. "The administration tries to cover up more harsh incidents."

Co-editor Rebecca Grabiner said that when the illustration came back, nearly every word was visible, but the staff voted that the illustration was necessary to explain the incidents.

When Grabiner and Khandwala went to the principal to verify some quotes, he noticed the illustration.

Current California law permits censorship of "material which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful

school regulations, or the substantial disruption of the orderly operation of the school."

In light of the outbreak of racial tensions after circulation of the flier, the principal demanded the illustration be removed from the *Wolfpacket* arguing that its use would disrupt the learning process and expressing his fear that it would incite a riot, Khandwala said.

Principal Lonnie McConnell argued that people may react to the graphics without actually reading the story.

"I don't want to shut off discussion of racism," McConnell told the *Wolfpacket*. "It is an issue which needs to be addressed, but graphics may just generate violent reactions instead of thoughts and discussions."

The *Wolfpacket* printed a blank white space next to the story with a quote from McConnell that said "Because of the racial nature of the flier and the graphic depiction of hatred, I, in consultation with district office officials and district legal counsel, decided that running the flier itself would cause a substantial disruption of school program."

The top of the white box read "The graphic intended for this space was censored by the administration fifteen minutes prior to our deadline yesterday."

Several meetings between the staff and the principal have not resulted in an agreement, although they remain on friendly terms, Grabiner said.

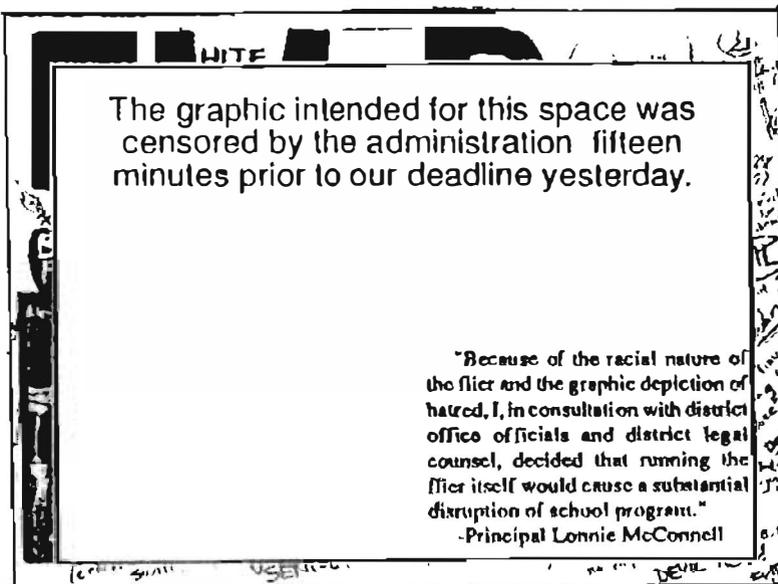
McConnell continues to argue that the administration has final say over student publications, while the *Wolfpacket* staff disagrees.

The staff is unsure what action to take next.

"It's not clear what we would do," Grabiner said. "Once we're censored, we can't go back and uncensor."

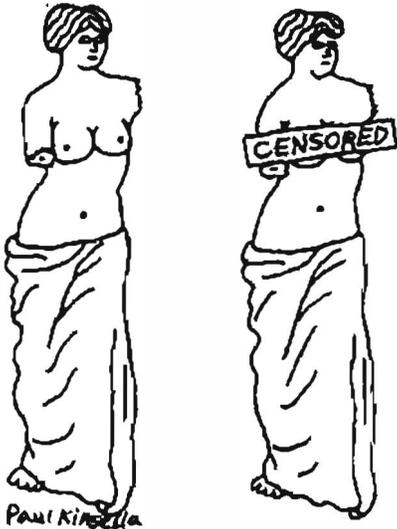
Both editors agree it will be difficult to find a replacement for Purcell, the newspaper's adviser.

(See CENSORSHIP, page 27)



The censored graphic was replaced with this editor's note.

VENUS de MILO (before and after)



KANSAS — A two-page feature dedicated to the controversial issue of premarital sex created all but controversy at Ellinwood High School when students used recent state legislation to their advantage.

The story revealed students' opinions regarding the social acceptance of premarital sex, which student Editor Ryan Liebl said would have created tension with the administration in the past.

Instead, Adviser John Mohn said the new Kansas free expression law prevented the administration from censoring *EHS Today*, the student newspaper.

"Fearful that they would be held responsible for what my journalism students publish, [the administration] prob-

Kansas law makes a difference; student story choices protected

Ellinwood High School student journalists are confident about printing controversial content in newspaper with protection of new anti-Hazelwood legislation

ably would have pressured me to control the voices of the students," he said.

The Kansas law, enacted in February 1992, returned free press rights to students that were restricted by the 1988 Supreme Court case *Hazelwood School District v. Kuhlmeier*. (See **LEGISLATION**, page 23.)

Student reporters gathered information for the story through a questionnaire distributed to about thirty students outside of class, Mohn said.

Originally, the students intended to distribute the survey to all students, but collided with the administration.

Regulating distribution of questionnaires during class was what Mohn described as the administration's only way to stop the story from print, so the students distributed a survey outside of class time to stay within regulations, Mohn said.

"At first this act was seen as insubordination on my part," Mohn said. "But I think I convinced [the administration] that they had no real case for that charge."

About 18 students returned the questionnaires to the paper with their ideas on such issues as the morality and consequences of premarital sex, Mohn said.

Ellinwood Vice Principal Jerry Henn said that he sees the role of the administration in the press as a supportive one, but would like

to be able to read and edit stories before they are printed in *EHS Today*.

"Being an administrator, our main concern is to make sure our school system comes off looking as good as possible," Henn told students.

EHS Today staff members said they do not think their story would have run without the new law on their side.

"The administration made it apparent that the story did not represent everyone's view at Ellinwood," Liebl said. "They were not happy with it, but knew they couldn't do anything about it."

Liebl said that positive feedback from students and the community revealed that they did accurately cover every side of the issue.

"The issue of student attitudes about premarital sex is a real issue," Mohn said. "The adults who are concerned about the bitter social consequences of those attitudes need to be aware of what they are dealing with before they jump in and try to make changes."

Mohn also said he was pleased the story sparked communication in several English classes about issues such as the morality of premarital sex, which is what he said is the purpose of a high school newspaper.

Mohn called the story "a small victory for those in Kansas who worked so hard to establish limited press freedoms for high school students." ■

Censorship

(Continued from page 26)

Purcell plans to stay on at Claremont High School in the English department, which voted unanimously not to nominate anyone from the department to take over the adviser's posi-

tion, Grabiner said.

Because of this incident, each *Wolfpacket* staff member has become well-versed in student press rights, the editors said.

"This is a taste of the real world," 17-year-old Khandwala said. "This is a taste of what can happen and what we can do." ■

Texas court finds religious leaflets unaffected by *Hazelwood* decision

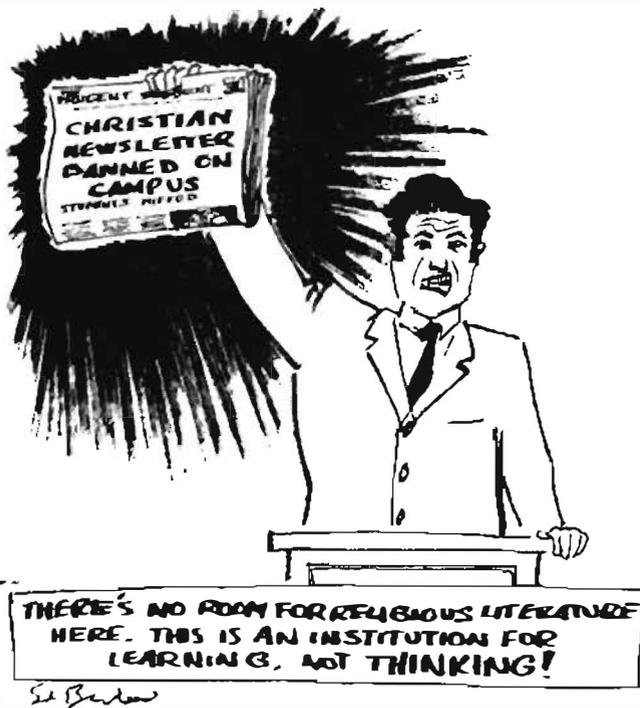
TEXAS—Students in Dallas schools have the right to distribute religious leaflets at school, a federal court ruled in September.

The decision in *Clark v. Dallas Independent School District*, 806 F. Supp. 116 (N.D. Tex. 1992), reaffirmed that the U.S. Supreme Court's 1969 ruling in the case *Tinker v. Des Moines Independent Community School District* still provides the standard for when school officials can censor non-school-sponsored expression.

The controversy in Texas began in the 1984-85 school year when students at Highline High School in Dallas were prohibited by school officials from distributing religious leaflets before and during school on school grounds.

Student Gaylon Clark and others filed suit against the school district claiming that their First Amendment rights were infringed by the school's restrictions.

In defending its action, the school argued that it was entitled to limit student expression because the school was not "an open forum." They relied on the Supreme Court's 1988 decision in the *Hazelwood School District v. Kuhlmeier* case, which said school officials could exercise greater control over a school-



sponsored student newspaper that had not been opened as a forum for free student expression.

But U.S. District Court Judge Robert B. Maloney said the school's reliance on *Hazelwood* was misplaced because in this case the religious tracts were not school-sponsored.

"This case involves suppression of a student's personal expression that happens to occur on school premises," the court's decision said. "*Tinker* provides

the standard for restricting student free speech on campus that is not part of a school sponsored program"

The court said that school officials could only justify their prohibition against the distribution of the tracts if they could show that the restriction was necessary to avoid a material and substantial interference with the operation of the school.

"The only evidence in this regard is that several students objected to the distribution of the tracts," the decision said. "If school officials were permitted to prohibit expression to which other students objected, absent any further justification, the officials would have a license to prohibit virtually every type of expression."

Although the court found the school's actions in violation of the First Amendment, it rejected the students' claim that the right to distribute religious material was also protected by the Equal Access Act. That federal law requires schools to allow student religious groups to meet on campus if other non-curricular groups are allowed to meet there. The court said that distribution of tracts did not constitute a "meeting" under the terms of the law. ■

Legislation

(Continued from page 23)

Proposed legislation in Idaho would protect school sponsored and underground newspapers from prior review. Rep. Millie Flandro, D-Pocatello, is House Bill 246's sponsor.

Wisconsin Rep. Peter Bock, D-Milwaukee, introduced Senate Bill 118 for a second try after Gov. Tommy Thompson vetoed it last session. Brad Kelley, an aid for Bock, said that the bill was referred to the committee on urban education Feb. 23, but is not hopeful of its passage during this session.

In Oklahoma, a student free press amendment tacked onto an education bill was introduced by Rep. Laura Boyd and died in the education committee this spring. Rep. Boyd said that legis-

lators argued that the First Amendment was already protected and there was not a need for such legislation. She said she plans to introduce similar legislation in the general assembly's next session.

Students filed a Missouri House hearing room Feb. 9 in support of House Bill 338. The bill, sponsored by Rep. Joan Bray, D-St. Louis, died in the education committee but is expected to be re-introduced in the next session.

Rep. Lynn Jondahl, D-Okemos, has drafted legislation in Michigan that would protect student journalists' freedoms, but has not yet introduced it to legislators.

Though legislative efforts vary from state to state, each of the bills attempts to return students' rights to what they were before the 1988 *Hazelwood* decision. ■

Ad

(Continued from page 24)

that Grand Blanc High School students have sex, something the community would not like.

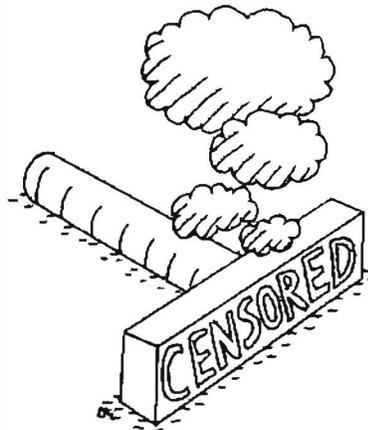
"There is a need for these phone numbers and information in my school," Pierson said. "There are 30 teen pregnancies right now."

Bernstein decided to withhold publication of the advertisement for fear of losing her position, she said.

"I had a direct order not to publish the ad," she said. "I would lose my job. [Running the ad] would be seen as an act of insubordination."

Bernstein said the school board misunderstands the role of the student newspaper. The board believes in providing the opportunity for students to write but in a way that avoids controversy, she said.

The adviser added that students publish stories with controversial story lines in every issue that range from homosexuality to abortion to teachers' resig-



part of the problem is that no formal policy exists regarding the newspaper and that the administration is ignorant of student's rights and responsibilities as journalists.

Normally, the principal would not have read the paper before publication, but Bernstein informed Lipe of the *Bobcat's* intentions of running the advertisement in order to prepare the administration for phone calls they might receive, she said. But once Lipe heard of the advertisement, he prohibited the *Bobcat* staff from publishing it.

The staff is currently trying to negotiate an agreement with Lipe concerning the extent of their free press rights, Bernstein said. ■

nations and have not had problems with censorship in the past.

"They [administrators] don't read our paper," she said. "We don't go out of our way to give the paper to the principal."

Staff members said that

Legislation

(Continued from page 12)

community, Carter said.

Campus police at the University of Tennessee at Knoxville as well as several other Tennessee schools currently keep open crime logs, but this law would ensure that the logs remain open to students across the state.

Memphis State public safety officer Roger Fowler said that crime records are open to student journalists at his school.

"I don't understand why this is an issue," Fowler said. "The dispatcher keeps a log and students can come in and get the information. That's the way it should be."

Legislative sponsors Gilbert and Draper said that open crime logs on campus are important, but reporting crime statistics of the off-campus student community will make campus crime numbers more accurate.

"A large number of college students live in housing off campus or frequent these areas," Draper said. "It is just as important that this information be disseminated as those crimes committed directly on campus."

The bill is supported by Margaret and Thomas Baer, who became active in the safe campus effort after their son's murder at the University of Tennessee at Knoxville in 1988. Margaret Baer said that Tennessee's crime laws need to be expanded for parents and students to have the whole picture about the safety of the campus community in choosing schools.

The bill is awaiting action in House and Senate committees. ■

Marquette

(Continued from page 20)

those ideas into practice we find they don't really exist at Marquette. It seems so hypocritical," said Millington.

Both Millington and Schnabel said that their experience has made them rethink their experience at Marquette.

"It makes me so sad," said Schnabel. "I love Marquette. In many ways, the past four years have been the best of my life. But given the current situation, I would have to tell a high school senior interested in journalism that they shouldn't come here." ■

Highland

(Continued from page 16)

Editors voted to run the picture with a story about the accident to warn students about the hazardous conditions of the road despite angered students' requests to turn the negatives over to the victim's girlfriend, Mellanbruch said.

Within an hour of the paper's distribution on campus, janitors reported seeing bundles of them in trash bins. Students had stolen more than 1,000 copies of the *Highlander*,

close to 75 percent of the newspaper's press run, Mellanbruch said.

Highlander editors did not press charges because they felt the students were acting on misplaced grief. But the uproar over the incident was enough to enrage the administration, she said.

The paper's adviser said that controversy surrounding the accident photo set the tone for the president's disapproval of the paper. Articles including pictures of racial graffiti and an abortion protest had angered the administration before the crash incident, he said.

Mellanbruch said that she thinks Priest's threats to cut the journalism department are a direct result of his dissatisfaction with the image the new publication creates for the college, but said that the journalism department is not the only one whose funding may be affected by a budget crisis.

Kyle is meeting with the president to discuss the terms of his contract this spring. Mellanbruch said that if the adviser's position is terminated, the editors will continue to print the newspaper independent of the college. ■

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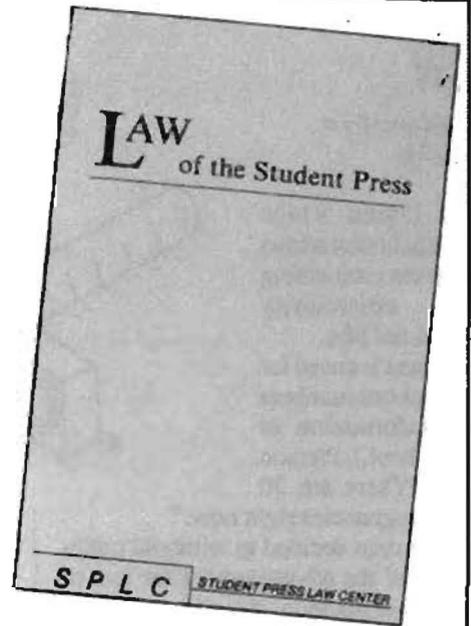
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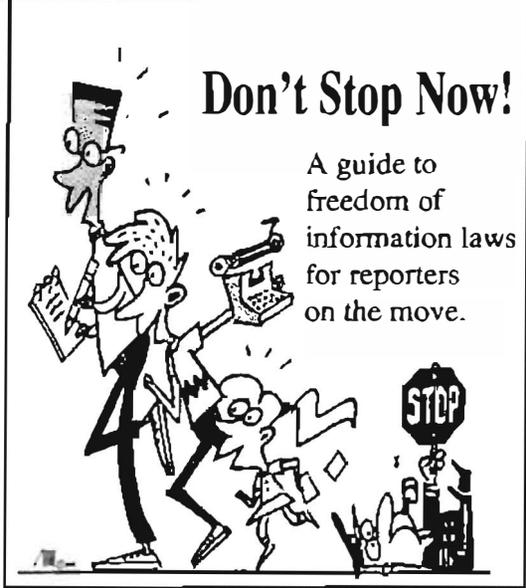
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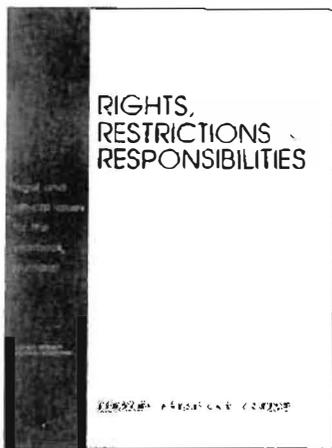
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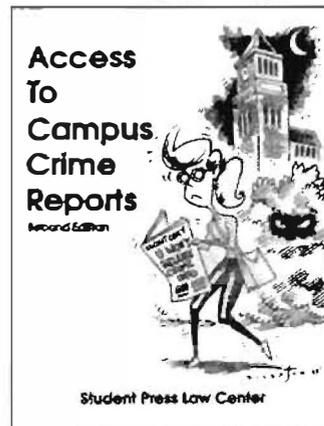
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