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SPLC legal requests rise in '95; high school journalist calls up

Seven years after the Supreme Court's Hazelwood decision, calls from the high school student media seeking legal help from the Student Press Law Center hit an all-time high in 1995. 542 high school student journalists or their advisers contacted the Center for legal help last year. The previous high was 499, recorded during 1994.

Once again, questions about censorship topped the list of high school concerns (39 percent), followed by questions about libel (23 percent), copyright law (17 percent) and freedom of information (6 percent).

In the last seven years, calls to the SPLC have increased almost 170 percent. We attribute much of the increase to the 1988 decision in Hazelwood School District v. Kuhlmeier, which provided school officials with significantly greater authority to censor many high school student publications.

The number of all callers seeking legal help from the Center rose only slightly last year. Overall, the SPLC staff responded to 1,409 requests from those seeking legal advice and assistance in 1995, up from the 1,402 legal questions received in 1994. Requests for legal help from college student media during 1995 numbered 806, a decrease of five percent from 1994.

Legal assistance provided by the SPLC ranged from providing information over the telephone to drafting opinion letters to making referrals to local attorneys who are members of the Center's pro bono Attorney Referral Network.

The Center received an additional 503 questions from individuals seeking information only or from the media seeking comment on student press issues.

As in past years, requests to the SPLC in 1995 came from all fifty states and the District of Columbia. The states that topped the list were: California (151 requests), New York (133), Illinois (79), Virginia (79), Massachusetts (78), Ohio (76), Pennsylvania (72), Missouri (70), Florida (69) and Washington State (67).

March (236 requests) and October (208) were the months reporting the most activity. July (47) and August (79) had the fewest legal requests.

Since 1974, the Student Press Law Center has been the only national legal assistance agency and information clearinghouse devoted exclusively to protecting and educating the student press about their freedom of expression and freedom of information rights. The SPLC is a 501(c)(3) nonprofit organization. All legal services are provided to the student media free of charge.

Keep the First Amendment (and the SPLC) by your side as you jump on the information superhighway.

The text of the First Amendment along with the Student Press Law Center address and phone number on a computer mouse pad. A great way to remind you what journalism is all about.

First Amendment Mouse Pad—$10 each plus $1 shipping per mousepad. ($11 total)
Send your prepaid order to: SPLC, 1101 Wilson Blvd., Suite 1910, Arlington, VA 22209

Spring 1996
How High the Toll?

A new federal law that attempts to control on-line information threatens the First Amendment rights of student journalists and advisers.

WASHINGTON, D.C. — The debate over how to deal with "indecent" material getting into the hands of minors via the Internet and computer networks may finally be over, at least from Congress' view. For media advisors, college and high school students and others who are concerned about First Amendment rights, the debate is just beginning.

On January 31, Congress overwhelmingly passed a new telecommunications law. The bill passed the Senate on a vote of 91-5, and the House on a vote of 414-16. President Clinton signed the bill on February 8.

The bill would establish criminal penalties for transmitting "indecent" material or making available "patently offensive" material in a person under the age of 18 by means of a computer network.

Anyone who "knowingly" transmits such information could be punished by up to two years in jail and fined as much as $250,000 for an individual and $500,000 for a company or business entity. The language would protect on-line providers, such as America On-Line, from prosecution if their systems are simply the means by which someone else transmits "indecent" material.

Indecency is defined in the bill as any communication "that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs." This limitation goes far beyond the legal definition of "obscenity" that the U.S. Supreme Court has said can be punished in printed materials.

Those opposed to the regulations said the "indecency" standards, which have been used in broadcast regulation cases, are too vague and would seriously restrict the potential of the emerging on-line medium.

Supporters say the bill would remove a lot of "smutty" material that is now openly accessible to anyone with an on-line account, including children.

Two large groups have filed challenges against the law in federal court in Philadelphia seeking declaratory judgments that these provisions are unconstitutional. Both actions challenge the indecency restrictions on the grounds that they violate the First Amendment and are too vague.

The American Civil Liberties Union, Journalism Education Association and Society of Professional Journalists are among the groups that have joined in the lawsuits.

In February, federal Judge Ronald Buckwalter granted a temporary restraining order enjoining the government from prosecuting anyone under the "indecency" provision of the new law.

A three-judge panel of the U.S. Court of Appeals for the Third Circuit was convened to hear the case in late March and April.

Candace Perkins Bowen, president of JEA has submitted an affidavit containing reasons why the organization is involved in the case.

Bowen said if the new law stands it could put advisers and their jobs in jeopardy because they will be responsible if the student retrieves "indecent" material by computer.

Bowen added, "Advisers don't hunker over kids when they are on computers" so it is unfair to put the responsibility entirely on the teacher.■
Editors win right to refuse ad

NEW YORK — Student editors at the City University of New York School of Law at Queens College (CUNY) defeated a former student in September 1995 in a lawsuit filed against them for refusing to publish his classified advertisement in the student newspaper.

Jackson Leeds, a 1993 graduate from CUNY Law School, brought action against the student editors of The Brief and school officials, contending that the paper’s refusal to publish a classified advertisement in the student newspaper violated his First Amendment rights.

The advertisement asked for material that would “discredit” certain faculty and administrators at the school “for use in a federal civil rights action against the school.”

The editors refused to publish the advertisement in the beginning of February because they felt it could be defamatory and might expose them and the paper to lawsuits.

When Leeds was notified that the ad had been declined, he filed a complaint claiming that his First and Fourteenth Amendment rights were violated by the editors’ refusal to print the advertisement.

In his complaint, Leeds stated that certain administrators and faculty at the school “prevented the publication” of his advertisement in The Brief without giving any details of how this occurred. Leeds alleged that the school threatened retaliation against the paper for printing articles he had published in the paper and that the school influenced The Brief by threats of withholding financial support and computer equipment. The judge ruled that Leeds provided insufficient information to prove the allegations.

In the judge’s final conclusion, he states “furthermore, the nature of this case— involving, as it does, the First Amendment rights of a student newspaper to exercise its discretion in accepting advertisements— requires a more substantial showing than Leed’s factually unsupported allegation of influence upon the newspaper editors by state actors at the law school.”

He also states that “it is difficult to believe that all three student editors would have supinely accepted the alleged intimidation of the school administration. Even if they had felt intimidated, students being students, more than likely they would have at least complained to some of their student colleagues about the administration or faculty pressure and the issue, in the natural course of events, would inevitably have become a subject of student

(See CUNY, page 13)

Dispute over ad contract settled

MISSOURI — What could have been a battle over administrative control over the student paper, ended peacefully this spring.

The University of Missouri at Columbia’s student newspaper came into conflict with school officials regarding a contract that administrators signed with the Coca-Cola Bottling Company. The contract prohibits advertising of any non-Coke beverage on campus.

The Maneater student newspaper uses new distribution boxes that have areas for advertising posters from a national advertising agency. The university did not want the paper to use the new boxes because there was a chance there would be a non-Coke beverage advertised. The student newspaper already had prior contracts for the advertising space.

After investigating the university’s Coke contracts, the Maneater discovered that the contracts do not affect the paper boxes but the university still did not want the new boxes on campus.

The staff decided they had three choices: agree to what the administration wanted, go to the school’s board of curators for clarification on the Coke contract or go to court.

They decided to discuss the situation with the curators. A compromise was agreed upon by the Maneater’s adviser, Barbara Burlison, and the board of curators. The news paper boxes with the area for advertising would be allowed on campus except in the main academic building and in the alumni building. Instead, the Maneater placed old boxes that did not have the ad space in those locations.

“The old boxes look bad, but we were willing to compromise with the university,” Burlison said.

NEWS STAND

SPRING 1996
Former adviser drops case for $64,000

WISCONSIN — An adviser who lost his job after helping journalism students cover controversial stories settled his claim against the university in March for $64,000.

The University of Wisconsin at River Falls is paying David Demers to drop his federal First Amendment lawsuit against the university and journalism chair J. Michael Norman.

"I am extremely pleased with the settlement," said Demers. "I hope this serves as a warning to administrators at other institutions that violations of the First Amendment cannot be tolerated."

"The total settlement figure represents a payment by UW-River Falls to Demers effectively 'buying out' the one year remaining on his contract, plus a payment by the State of Wisconsin of a portion of the attorneys’ fee he incurred in this litigation," said Chancellor Gary A. Thibodeau.

Bestiality story sparks investigation of teacher

WASHINGTON — A high school newspaper’s story about farm boys having sex with animals has stirred an uproar in the small farming community of Stanwood and has placed the adviser of the paper’s job in jeopardy.

The Spartan Spectrum’s adviser, Val Schroeder who, the school says approved the story by staff writer Liz Davis, is facing disciplinary action by school officials who want her teaching credentials withdrawn by the state.

"An article like this has no place in a high school newspaper, especially in a farming community," said Raymond Reid, the school district superintendent. "There are plenty of other things to write about. Many of our students live on farms. It was irresponsible to let that be printed. "Officials objected to the topic, not any specific information in the story.

Davis’ story in the Stanwood High School’s paper, headlined "How many of you out there live on a farm?" cited studies that a fifth of farm boys engaged in bestiality. The story stated that such acts were against the law and quoted the school counselor’s opinion about the issue.

Reid said that Davis would not be punished but that Schroeder would be disciplined by the school board.

Schroeder still holds her position as adviser and teacher at Stanwood High School but is currently undergoing an investigation by the school board.

Fern Valentine, a member of Washington Journalism Education Association, wrote a letter to the state superintendent stating that Schroeder was not "professionally unfit or immoral because of what her students wrote."

"One of the best things a student journalist can learn is critical thinking skills," Valentine said. "If the adviser makes all of the decisions you are sacrificing an important part of learning."

Valentine said Schroeder told the students the consequences they might face by running the bestiality story but the students still wanted to print it. She said Schroeder wanted the students to make their own decisions.

"Hopefully the state superintendent will read the case and throw it out," Valentine said.

"This was an important case because it demonstrates that colleges must respect First Amendment rights," said Demers’ attorney, Marshall H. Tanick. "It is ironic that a journalism department, which supposedly teaches students about the First Amendment, should have to learn such a costly lesson this way."

Demers said a portion of the damages settlement will be used to set up First Amendment scholarship funds at the University of Wisconsin and nationally.

"It was unfortunate that this matter could not be resolved before this," Demers said. "But I am extremely pleased that we will be able to set up some scholarships to help journalism students pay for college and remind administrators for years to come of the importance of respecting the First Amendment."

Student sues over name

CALIFORNIA — A case attempting to hold a yearbook adviser responsible for misspelling a student’s middle name was thrown out of court in November.

Parent Jacqueline Ackerman bought a $250 advertisement in the yearbook at San Gorgonio High School for her daughter, Shannon Christel Ackerman. When her middle name was accidentally misspelled as “Christee,” the parent blamed the adviser.

The parent filed a complaint with the school district demanding that Marilyn Sabens’ salary for advising the yearbook for the previous year be revoked. She also demanded that the school pay damages to her for pain and suffering.

The school agreed to refund approximately half of the payment of the ad and the cost of Shannon’s yearbook. When the student never came to pick up the money, Sabens thought the issue was over until she was notified that she was being sued in small claims court for $3,500.

(See ADVISER, page 13)
Gaining Popularity

Alternative publications open doors for student expression, but administrators are not always supportive

ad? Hazelwood-inspired rebellion? Or just searching for a voice? High school students offer many reasons why they produce underground newspapers. Whatever their reasons, most still find themselves getting punished.

In five underground newspaper incidents reported to the Student Press Law Center this spring, the students responsible were caught and then sentenced to different punishments. But in a different twist, most of these students knew their First Amendment rights, fought back and won.

In Reno, Nev., Pat Lee, a student at McQueen High School, was suspended for 10 days in December and was almost transferred to another school after distributing the second edition of his publication. He was accused of using language that was profane and threatening a school employee in his paper Kuhnspeierhsee (pronounced "conspiracy").

After meeting with the American Civil Liberties Union of Nevada, the Washoe County School District agreed to withdraw its request to have Lee transferred to another high school. Lee agreed to submit a retraction and apology to the official student newspaper, but did not admit his guilt for the charges made against him. The school has not prohibited Lee from publishing the underground paper.

"We are pleased to have been able to work this out with the school district," said ACLU cooperating attorney Patrick Gilbert. "The agreement probably saved the town a lot of money. And, Pat Lee gets to go back to McQueen High with his First Amendment rights."

Jason Hopkins, a student at Jacobs High School in Algonquin, Ill., was suspended in January along with three others for distributing an underground on school grounds without permission.

The school also called in the police to "scare" Hopkins into telling school officials who else was involved in the production of the paper. The officer threatened to arrest him if he did not reveal the others, Hopkins said.

Hopkins, one of the editors who began the paper, Not the Talon, said they started their own paper after the official school paper printed a student's wish to "get rid of all the freaks." He felt like they were targeting him and his friends so he decided to respond through his own newspaper. "We did it because we wanted to express our opinions," Hopkins said.

"We felt the Talon did not express our views," Hopkins said.

The principal threatened Hopkins, who had never been in trouble at school before, with expulsion if he distributed another paper. Hopkins said. He has since tagged the paper a little and has produced several more issues. He is backed by an attorney who will file suit if the school tries to expel him, he says.

In Columbia, Mo., a 15-year-old high school student was suspended in January after distributing an underground newspaper, The Red and Black, that allegedly contained racist, anti-Semitic dratibe.

Abe Haim, a student at Hickman High School, is backed by the American Civil Liberties Union of Missouri. They are investigating whether his First Amendment rights were violated and if the school illegally searched him and pressured him to tell who else was involved.

Haim paid for and printed his paper off of school grounds and also distributed it away from the school. He started his paper because he felt as though his views would not be printed in the school paper.

"The American Civil Liberties Union is seeking three things: First, remedy what he lost academically, for example let him take his exams," says John Coffman, the president of Mid-Missouri ACLU. "Secondly, an apology or statement saying [school officials] could have handled situation better, and third, create an open dialogue about racial issues. Let students know it is better to have open discussion than censorship."

Presently, Coffman is trying to settle the issue peacefully. At the request of Haim's parents, Coffman is writing the administrators and school superintendent to see if they will settle. "I'm trying to exhaust every remedy before going to court," Coffman said.

In Port St. Lucie, Fla., six students were punished for publishing a 10-page magazine, Wedge, which comments on the St. Lucie County school system.

Ryan DeCosimo, the editor and a student at Port St. Lucie High School, was suspended twice after
H.S. Censorship

Underground
(Continued from page 7)

each edition came out. The stapled pages of the magazine were distributed on campus, charging students any coin for a copy. The school claimed they violated school rules that prohibit distribution of non-authorized publications on campus. DeCosimo contacted the American Civil Liberties Union of Florida and the First Amendment Foundation in Tallahassee to see what his right were. The ACLU said the school may have over-extended their boundaries.

"The student's suspension is highly questionable and there are probably very strong grounds for a challenge," said Andrew Kayton, legal director for the ACLU.

Kayton believes "that these students bad a creative idea and they saw it as a way to make money. Sometimes students like doing something that is underground because they feel like they are doing something wrong. Under Hazelwood they can't express themselves freely in official school publications. This way they can."

DeCosimo vows to keep writing and to produce another issue.

A school in Glendale, Wis., has created rules that make it difficult for students to distribute their underground publication. A junior and five sophomores were suspended from Nicolet High School for distributing an underground paper they had published. Elliot Moeser, the school's top administrator, said the content of the publication was not the issue. School guidelines say students may distribute only non-school-sponsored materials after school ends and then only at two of the several exits to the building.

In November when an earlier issue of the Ricochet was distributed, the students followed the school guidelines. With a later issue they violated the rules when they distributed before school started. The editors said Ricochet was formed because some students thought the school was not covering issues they thought were important, said Peter Koneazny, an attorney for the ACLU of Wisconsin.

At Alhambra High School three students decided to publish an underground newspaper primarily because their school did not have a school newspaper at all. The principal objected to the paper at first and said it didn't belong at the school because it contained obscene words and littered the school," said Emily Kroes, an editor of Foneitkali.

Now the principal has started a prior review policy and the staff must show the paper to the principal before it can be distributed. To put an end to the underground, the school formed an official school paper. Kroes says it is more of a literary magazine that was incorporated into the yearbook class. 'It's really dumb,' Kroes said. 'We will still produce our paper as long as we can.'

At least one school decided no punishment would be issued and the administration would be reasonable in discussing an underground paper with students.

At Greenville High School in Michigan, administrators voiced concerns when the underground newspaper, Counter Culture, included profanity and criticized one specific teacher and school officials in general. Principal Harold Deines said he objected that the underground was distributed by being stuffed into students' lockers, denying them the choice of whether to pick up the paper.

"For the most part, when we did discuss the situation, [the students] were reasonable," Deines said. "I'll have to give them credit for that. I did not agree with their style, but we were able to sit down and discuss the situation as adults. At this point we are only handling the distribution and availability to students," said Deines.

No disciplinary action has been taken against the students. That could change if they violate the agreement about distribution, Superintendent Tom Pridgeon said.

Commissioner reverses action

NEW YORK — The state commissioner of education has reversed the findings of the Monticello Central School Board of Education, which disciplined Josh Herzog in January 1995 for participating in the publication and distribution of an underground newspaper.

In November, the commissioner found that Josh Herzog was not afforded due process because the charges for which he was disciplined did not state that the distribution of the newspaper occurred on school grounds or what issues would have been raised at his disciplinary hearing.

The commissioner said the school failed to present evidence that Herzog distributed the papers anywhere, let alone on school grounds.

The school district had filed a criminal complaint against Herzog and brought the in-school disciplinary action. The commissioner ordered that the criminal charges be dismissed and the suspensions be removed from his disciplinary record.

The Monticello School District is appealing the commissioner's decision to a state court.
Prior review policy threatened after student writes editorial

MICHIGAN — Students at Anchor Bay High School in New Baltimore got a harsh warning on what their school administrators find objectionable when the student-produced newspaper, Anchor Bay Times, was hastily sentenced to prior review after administrative complaints that an editorial was unfair and contained errors.

At issue is an editorial that 16-year-old student journalist Misha Charles wrote in December criticizing the school's decision to repair the gymnasium during the girls' basketball season and questioned whether the work would have been done during the boys' basketball season.

Principal Steven Lutz disagreed that the pre-publication review amounted to censorship.

"As instructors, we want the students to hold themselves to journalistic standards and produce articles that are fair and balanced," Lutz said.

"Her editorial was very educated," said Chris LaMillza, the Times adviser. Charles included rationale as to how the school could have saved more money by waiting to repair the gym floor after girls basketball season and included improvements in girls' athletics. "She was very informed," LaMillza said.

LaMillza added that the school is typical of any other school where girls are not treated as equal as boys concerning athletics. "The article caused a lot of griping," LaMillza said. "Yet, no one would write a rebuttal."

The school and the newspaper staff met together to come up with a concrete editorial policy that clarifies the students' and the school's rights.

"This has been a positive experience because all sides are having to come together and set rules," LaMillza said.

Currently, the school, student paper and board of education have implemented a "wait and see" policy for six months. The prior review policy has been placed on hold until needed. The administrators agreed that since this was the first time a problem has surfaced perhaps they reacted too hastily.

Paper censored due to homosexuality policy

NEW HAMPSHIRE — Censorship at Merrimack High School has sparked a legal battle that could set a precedent regarding discussing homosexuality in schools.

Principal Timothy Mayes censored two letters to Currents, the student newspaper, saying they violate the district's policy restricting the positive discussion of homosexuality.

The censorship sparked attention concerning the policy and prompted several members of the Merrimack community, including students and the Merrimack Teachers Association, to file a lawsuit.

The policy, titled the "Prohibition of Alternative Lifestyle Instruction," or policy 6540, prohibits any program or activity, including instruction and counseling, which has the "purpose or effect" of "encouraging or supporting homosexuality as a positive lifestyle alternative." It does not prohibit or restrict programs or activities that communicate a negative expression of opinion pertaining to homosexuality.

The lawsuit was filed because "the policy has directly and substantially curtailed the plaintiffs' freedom of expression," said the court complaint. The lawsuit also states, "This policy ... is constitutionally vague, violating the strict standards of clarity required by the due process clause of the Fourteenth Amendment and the free speech protections of the First Amendment."

The letters to the newspaper criticized the policy, which prompted the principal to censor them. Ironically, at the beginning of the school year, the paper reported on the policy and quoted school board members and two anonymous students arguing for and against the policy.

The principal said the article was acceptable because it was balanced, but the current letters had the potential to violate the policy.
H.S. Censorship

Principal violates Kansas press law; superintendent won’t punish censor

KANSAS — A middle school principal violated the Kansas Student Publications Act in December by refusing to distribute about 200 copies of Ellsworth High School's Bearcat and never received any formal punishment.

Two student reporters, Mandy Johnson and Amy Smith, demanded to know why the principal censored the paper. They also fought for their paper's distribution.

After Principal Bob Brock refused to distribute the paper, Johnson and Smith turned to the school administration for help only to find they would not answer any of their questions. They told their story to the Ellsworth community newspaper, parents and school board members. After drawing so much attention to the issue, Superintendent Kent Garhart agreed to allow the students to distribute 250 more copies of the Bearcat if they would drop the matter.

The censorship began when Bearcat staff writers delivered papers to Kanapolis Middle School. Included in the paper was a letter to the editor by Josh Svaty about five girls who were caught drinking at Kanapolis. Svaty said he thought the girls should have been kicked off the basketball team, instead of a five-day suspension.

Brock read the newspaper and told Johnson he did not want them. Johnson said Brock later told him he threw away the newspapers.

By throwing away their work Brock also disregarded the Kansas Student Publications Act, a state law passed in 1992 that protects high school student journalists from censorship by administrators.

Garhart said he did not see the need for any discipline of the principal. He thought public humiliation the press was punishment enough for the middle school principal.

Dawnae Bunch, faculty adviser for the paper and journalism instructor at the school, said she hoped Garhart would inform his faculty of the law to prevent future censorship attempts.

"I have seen nothing but unethical and unprofessional decisions by administrators," Bunch said.

Even though the students got to distribute their papers, Johnson still calls it an "empty victory."

"I hope nothing else comes out of this, and I hope the students get the newspapers," Johnson said.

"That's all we wanted. I am glad it's over. A lot of people were fighting. But a lot of other people were upset and blaming me, and it's not my fault. But if that's what it takes to get the papers delivered, fine. I'm glad people realize we're not just stupid high school students."

Cigarette story pulled from student paper

MISSOURI — "Two area businesses sell cigarettes to minors," read the Jaguar Journal headline. Underneath was only a large white space with a logo saying it was an investigatory report.

The story did not run because the principal at Blue Springs South High School censored it. Now, the school district is involved in a censorship struggle with the newspaper.

After students attended an American Cancer Society press conference on the dangers of smoking, they decided to create a special edition of the student newspaper on the topic.

The plan was to include a story on minors' ability to purchase cigarettes from local businesses in violation of the law. Before the students began the investigation they contacted the police to get permission to buy the cigarettes. A 15-year-old freshman and a 16-year-old junior went to eight local businesses.

Two of the eight illegally sold cigarettes to the minors.

Editor Jeremy Gates said the students wanted to run the story with names of the businesses and comments from the owners.

According to Gates, Principal Dennis Littrell censored the paper because businesses had allegedly called and were afraid the story would hurt their business. The superintendent said he would allow the paper to run the article if the business names were deleted, Gates said.

The staff decided to run the entire issue with the white space because of their commitments to advertisers. Other articles, ads and cartoons about smoking were printed.

After the local paper ran the story printing the businesses' names, the principal allowed the student paper to print their story, Gates said.
Story about sexual harassment charges removed from paper because ‘hurtful’

WASHINGTON — Censorship. It is a powerful word. One which sparks controversy whenever it is mentioned, and civil unrest wherever it is employed. Censorship is an authority’s right to prior review with the power to delete. It is now being practiced at Port Townsend School.

So began the front-page article of the Arrow, the Port Townsend High School student newspaper, after it was forced to pull a front-page story in February in which students alleged that a school staff member was guilty of sexual harassment.

The Arrow was notified in a memo from Principal Arcella Hall in which she stated, “I am activating my authority to monitor student publications. I will see the next copy of the Arrow before it is printed.”

“The staff saw it as a threat to their ability to do honest journalism and appealing Hall’s decision to Port Townsend School Superintendent, Dr. Gene Medina” reported the Arrow. They also discussed the issue of prior review with Hall, but no change was made.

Column leads to suspension, prior review

WISCONSIN — An editor’s column in February prompted administrators at D.C. Everest High School in Schofield to confiscate 1,400 copies of the student newspaper, suspend the student for sexual harassment and require prior review of all future issues of The Jet by the principal. One month later the principal censored the student paper again.

The copies of The Jet were destroyed after school officials objected to a column written by junior Chris Taber that described a romantic fantasy involving assistant principal Dawn Bratt.

Taber got the idea when he received a note from Bratt saying she had an idea for his column. In his column he described his first reaction to the note as “Oh my god, she wants me!” referring to the plots of movies where similar incidents had occurred.

Taber wrote in his column that when he went to the administrators’ office, “She sits at her desk and I sit on her lap, no, no just kidding. So I sit down and realize, ‘Hey maybe she does have an idea for my column! And she did.” He went on to tell about Bratt’s idea that rap music may go the way of disco. By the end of the column he concludes that his fantasy was misguided.

When he learned that Bratt was offended by the column, he wrote a letter of apology to her. Taber says in the City Pages, a weekly Wausau Magazine, that he wrote the column to be “light and amusing.” The target of the humor, was supposed to be himself.

“I know Ms. Bratt,” he says in the City Pages. “We had a good rapport, one for each other. My column really was not intended to make her look like a fool, but me.”

Taber accepted his one-day suspension but believes that prior review for the entire paper is going too far. Adviser Scott Blanchard, supports this opinion. But Superintendent Roger Dodd disagrees.

“It was poor judgment on behalf of the staff adviser and the student,” said Dodd. “The paper will go on. It’s a curriculum class.”

Dodd also said that “the entire issue would have died down by now if weren’t for media groups prodding to start trouble.”

Blanchard said that high school principal Tom Johansen will approve all of the paper’s editorial content before it is published.

In April, Taber was censored again. The column questioned the existence of God.

Arrow adviser Steve Simpson asked Hall for a copy of her orders and her justification for giving them. Her response stated, “I consider this article to be hurtful to a staff member and potentially disruptive to the operation of the school.”

The staff and the adviser are currently complying with the prior review policy but are also appealing it.

Simpson sent a letter to the members of the school board arguing that the Arrow is a “forum for student expression.” He added that the student editorial staff has controlled the content of the paper for the past two-and-one-half years. Simpson contends that because the Arrow is a student-controlled forum for student expression, the administration has no legal right to censor material unless it “materially and substantially disrupts the education process.”

Editor Elizabeth Martin decided to write a letter to the school board appealing the censorship. If the school board affirms the censorship then Martin plans to take the issue to court.

(See SUSPENSION, page 12)
Missouri's new Freedom of Expression Act prompted legal action against the state's censorship laws.

Schools in Missouri have been fighting against censorship, with new bills introduced in the state legislature that would give students and teachers more freedom in expressing themselves. The bills, introduced by Rep. Mary Lou Civitsel (R-Naperville) and Sen. Chris Boulter (D-Lincoln), aim to protect students' freedom of speech and expression.

However, the bills have faced opposition from some in the state, including Rep. Jim Riehl (R-Centralia), who has accused them of being unconstitutional.

The battle for free speech in Missouri is ongoing, with both supporters and opponents arguing for and against the bills. The future of the legislation remains uncertain, as it awaits further consideration in the state legislature.
Student wins Internet case, says harm done

WASHINGTON — The Bellevue School District has settled out of court with a student, who was punished last year for creating a satirical computer "home page" about his school.

In February 1995, Paul Kim, a National Merit finalist with a 3.8 grade-point average at Newport High School, created the home page from his own computer on his own time and included a disclaimer that read "no one associated with the school" was responsible for the page but himself. He also signed his name to the page.

However, without prior notice to Kim, the principal faxed a letter to National Merit officials withdrawing the school's endorsement of him; the principal also contacted seven colleges to which he had applied and revoked any recommendations.

The American Civil Liberties Union of Washington threatened to file a lawsuit against the district, contending that it violated Kim's First Amendment right of free speech.

"This is an important settlement because it protects the rights of students to engage in free speech on the Internet at home," said ACLU of Washington Executive Director Kathleen Taylor. "The district has recognized that the principal had no authority to discipline a student for expressing his opinions on his own time on a home computer."

In December, the district apologized to Kim, who is now a freshman at Columbia University. They paid him $2,000 and will seek to have him reinstated as a National Merit finalist.

Regardless of the settlement, Kim said, the damage is done. "Even with compensation and an apology letter, the damage is irreversible." ■

Adviser
(Continued from page 6)

Principal Phil Haley who appeared before the court along with a school district representative on Sabens' behalf, said the judge threw out the case.

According to Haley, the judge said the school had done enough by attempting to compensate the Ackermans for the cost of the ad and the yearbook.

Haley added that the judge commented, "students edit the yearbook also, not just the adviser. The annual was a school project. It isn't fair to blame just one person, especially the adviser." ■

CUNY
(Continued from page 5)

discussion at the law school."

Leeds alleged that the student editors, although not employed by the law school, were acting under color of state law in their decision not to publish his advertisement.

Courts have consistently held that only government officials or "state actors" can infringe First Amendment rights. Student editors have been found not to be state actors when making their own content decisions.

In dismissing the case, the judge ruled in Leeds v. Melz, 898 F. Supp. 146 (E.D.N.Y. 1995) that it was clear that the paper's editors who are law students are not state actors.

Leed's was not satisfied with the judge's decision and has appealed the case to the United States District Court for the Appeals of Second Circuit. ■
NEW JERSEY, NEW YORK & SOUTH CAROLINA — Three recent court decisions have reaffirmed a principle that should make college administrators less inclined to censor the student press: schools that allow student editors to make their own content decisions will be protected from liability if a libel suit is filed.

A South Carolina state court judge ruled in December that Clemson University was not responsible for material published by a student media organization when he dismissed a libel lawsuit filed against the school.

A former Clemson graduate student brought the suit over what he termed a "malicious and untrue" story published in The Tiger student newspaper in October 1994. The story was based on police reports relating to an alleged incident of indecent exposure.

Among the judge's reasons for dismissal were that the university was not responsible for items published by The Tiger because the paper was not subject to content review or censorship by the university prior to publication.

Special Circuit Court Judge Charles B. Simmons Jr., said in his order in Lentz v. Clemson Univ., No. 95-CP-39-66 (Cl. Common Pleas, Pickens County Dec. 20, 1995), "The basis of this well-settled holding is that by the terms of both the First and the Fourteenth amendments, freedom of speech and the press are protected against interference from state action, and such protection applies with no less force on the campuses of State Universities than in the communities at large."

The judge also ruled that the article itself was "a fair and accurate report of public documents" because it was written and published based on police incident reports.

Simmons said newspapers have "a valid recognizable interest in publishing reports of criminal investigations and activities and the public has a corresponding interest in receiving the information."

According to the opinion, the student, David A. Lentz, was arrested in October 1994 and charged with indecent exposure after he allegedly exposed himself to a university custodian in the bathroom of a residence hall. Lentz claimed that later that same month, the custodian, Debra Hendrickson, approached him and offered to drop the charges against him if he gave her money. Lentz reported the incident to campus police. Hendrickson was later arrested and charged with taking money to compound or conceal an offense. The charges against Lentz were dropped.

The Tiger initially ran a story about the incidents in their Oct. 28 issue. Nearly 85 percent of the copies of this issue (approximately 10,000 out of a 12,000 press run) were stolen from distribution spots around campus. No one has ever been charged for the theft of the newspapers.

The Tiger staff decided to reprint the issue for distribution on the following day. Lentz contacted the newspaper and they agreed to rewrite the story about his arrest, with the inclusion of Lentz's version of the incidents. The second version of the story was published in the reprinted edition of The Tiger on Oct. 29, 1994.

According to Julie Walters-Steele, Clemson University Director of Student Media Organizations, the newspaper tried to work with Lentz after he initially contacted them to include him in the coverage of the incidents surrounding his arrest. In addition to rewriting the story about Lentz's arrest, the newspaper staff contacted Lentz several weeks later when they received a letter to the editor that was sympathetic to Lentz's situation. The Tiger staff complied with Lentz's request to not publish the letter.

Approximately six months after the article about the incidents ran in The Tiger, the university received notice that it was being sued by Lentz.

Walters-Steele said that the university supported the newspaper in the lawsuit filed by Lentz and that she was satisfied with the outcome of the case.

A New York appellate court issued a ruling similar to that in the Clemson case in October 1995. The court ruled in the case McEvaddy v. City University of New York, 633 N.Y.S.2d 4 (N.Y. App. Div. 1995), that the student newspaper of the City University of New York was not an (See DECISION, page 15)
Security guard files lawsuit against editors

Nevada — A controversial underground newspaper at McQueen High School in Reno has resulted in a libel suit against students involved with the publication.

Sandra Lessman, a security officer employed by the Washoe County school district, filed a lawsuit in January against three McQueen High School students and their parents. The suit claims three counts of defamation, one count each of invasion of privacy and assault and three counts of negligent supervision. It was based on statements made in the second issue of *Kuhnspeeruhsee*, an underground student newspaper distributed at the school in December. (See GAINING POPULARITY, page 7).

According to Lessman’s complaint, student Patravut Leelacharoenpol (also known as Pat Lee), published *Kuhnspeeruhsee* with two friends, Jackie Shoemaker and Michael Robert Berry. The newspaper was then distributed around the school. Shortly thereafter, they allegedly distributed it to numerous other media, including publishing it on the Internet.

The complaint filed by Lessman maintained that at least one public media organization repeated a poem Shoemaker wrote in the publication about her, entitled “The Snaggle-Toothed Bitch.” That piece along with another written by Berry entitled “They Want Their Guns,” where Lessman was referred to as a “trigger-happy bitch,” “bastard” and “whore” caused Lessman “great emotional embarrassment and turmoil, as well as loss of privacy and work.”

Lessman is blaming the parents for “negligent supervision” causing her to suffer “severe emotional trauma causing her to incur damages.”

No trial date has been set in the case.

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**Decision (Continued from page 14)**

“agent” of the university. Therefore, the court ruled, that the university could not be held liable for libelous articles that the newspaper published.

James McEvaddy, director of buildings and grounds at CUNY’s Hunter College, filed a claim against the university in response to an April 1989 editorial in the *Hunter Envoj that he said was libelous according to the court documents. The editorial described allegations made by other Hunter College employees that McEvaddy had promoted a worker to a $50,000-a-year job with no responsibilities, that he had authorized his employees to do electrical work at the local police station in return for special parking privileges, that he had sent workers to clean up acid spills without adequate protective gear and that he had committed other inappropriate acts.

McEvaddy claimed that the university should be held liable for the *Envoj’s* publishing a “false, defamatory” editorial. He argued that the presence of a faculty adviser and the fact that the publication received school funds should make the university responsible for its actions.

In upholding the trial court’s dismissal of the case, the appellate court disagreed with McEvaddy’s arguments.

“The presence of a faculty adviser to the paper, whose advice was non-binding, and the financing of the paper through student activity fees dispensed by [the university], do not demonstrate such editorial control or influence over the paper” as to justify liability, the court said.

Other courts have protected public schools from liability for material published in student publications as long as they are not censoring the content. But a New Jersey court decision marks the first time a court has issued a similar ruling for a private university.


The suit was in response to statements made by university officials that an investigation had revealed use of university equipment and personnel for personal gain. Although it did not name them, the university’s statement did say that three members of the facilities staff had submitted their resignations. Gallo was one of those employees.

These revelations prompted the student newspaper, the *Daily Princetonian*, and other campus publications to name Gallo and the other employees who had resigned. Shortly thereafter, Gallo filed the suit.

The trial court dismissed the claims against all of the parties, and Gallo appealed the decision as it related to the university.

In April of 1995, the Superior Court of New Jersey, Appellate Division, affirmed the lower court’s ruling.

Gallo argued that the university should be held legally responsible for the implication in the *Daily Princetonian* article that he had engaged in the use of equipment and personnel for personal gain. But the court disagreed.

“[The statements were made by the authors of the *Daily Princetonian* [article],” said the court’s decision. “Therefore, the allegedly defamatory statements that appeared in the *Princetonian* are not attributable to Princeton and its administrators.”
Running in circles to get athletic records?

New federal laws and NCAA regulations can help you uncover valuable information you want to know — but that coaches, players and administrators may be afraid to share.

Scoopy Doo, ace reporter for The Paper at Highbrow College, heard from his inside source, Bad Breath, that the nationally ranked men’s foosball team at Highbrow received $250,000 of new equipment last year while funding for the women’s team was cut for the third year in a row. He also tells Scoopy that nearly half of the players from the team are in danger of flunking out because of poor grades.

Frankly, Scoopy has often wondered how some of them were ever admitted to academically competitive Highbrow College in the first place. Finally, Bad Breath says that the school plans to raise tuition next year to cover a shortfall in the athletic department’s budget. Given that Scoopy and his classmates already pay $50 for a foosball match ticket and $10 for a stadium hot dog (not to mention the $1 surcharge for ketchup), Scoopy wonders where all of the athletic department’s money goes.

Scoopy knows from past experience that Bad Breath’s leads can only be trusted so far. He will need independent confirmation. Unfortunately, he also knows that the tight-lipped public information officer will once again simply point to the framed “No Comment” sign on her wall when Scoopy approaches her.

Fortunately for Scoopy, however, much of the information he seeks is available — or will soon be available — through: (1) recently enacted federal legislation, (2) traditional state open records laws or (3) the National Collegiate Athletic Association (NCAA).

While students attending a public school have probably always had a right — and continue to have one — to much of the information Scoopy needs by using their state open records law, private school students were generally out of luck. In recent years, however, Congress and the NCAA, reacting to charges of administrative abuse and poor academic performance by student athletes in some college athletic programs, have sought to more closely monitor the situation by enacting new laws and regulations that require both public and privateschools to compile and disclose detailed information about the administration of their college athletic programs.

For example, the Student Right-to-Know Act and NCAA regulations grant students and the general public access to college and university reports regarding enrollment and graduation rates of student athletes. The Equity in Athletics Act requires schools to compile and make available to the public annual reports comparing the amount of money spent on varsity programs for both men and women. And federally mandated “Program Participation Agreements” compel schools to generate budget reports listing such information as athletic staff salaries, revenues from sporting events and total program expenditures.

As college athletics become an ever-bigger enterprise at many schools, the student media has an ever-growing obligation to monitor their programs. The following guide should provide you — and Scoopy — with valuable tools for obtaining the information you need to do your job.

Would you like to know...

• The graduation rate of football players at your school? Compared to other schools?

• What does the basketball coach at my school make?

• How much money does my school take in at their concession stands?

• How much did the athletic department spend on travel expenses last year?

The answer to these and other questions may be available to both public and private school student media under recently enacted federal legislation and NCAA regulations.
Student Athlete Graduation Rates, Admissions Standards and Financial Aid Information

The Student Right to Know Act, 20 U.S.C. § 1092 (e) (Supp. 1993), a federal law passed in 1990 to remedy the perceived abuse surrounding athletic scholarships and other athletically-related financial aid, is one avenue for getting access to this information. The law was also aimed at improving retention and graduation rates.

It requires most colleges and universities to issue an annual report to the U.S. Department of Education. This report must compare the graduation rates of student-athletes to that of other students, broken down by race and gender. It also must contain the total number of students at each institution compared with the total number receiving athletically related student aid participating in various sports.

Who must comply and what is the penalty for noncompliance?

All post-secondary schools that receive federal financial assistance (for example, institutional research grants, federal work-study assistance and other grants for students and National Direct Student Loans) and offer athletically related financial aid must comply with this act. This includes almost all post-secondary schools issuing athletic scholarships since virtually every post-secondary school - public and private - receives some form of federal financial assistance. (Note, however, that because NCAA Division III schools cannot offer athletically related financial aid, they will not be required by this law to provide graduation rate information specifically for student athletes. They are, however, required to provide the overall graduation rate for students at their school, 20 U.S.C. § 1092(a)(1)(L.).)

Schools that fail to submit a report to the Department of Education would risk losing their eligibility for federal aid or face other penalties for noncompliance.

Where can I get this information?

Reports required under this law must be filed with the Department of Education by July 1, 1997. Those schools that have not been keeping adequate graduation rate records must begin cataloguing that information on this date. All schools must report the data that they have (for example, the number of students attending, those receiving athletically related aid, etc.) regardless of whether or not they publish graduation rates. The Department of Education is then supposed to summarize the data and indicate how schools rank nationally.

According to Department of Education regulations, schools are also supposed to make their report reasonably available through appropriate mailings and publications. Reports should also be kept on file for students or the general public to review upon request and must be distributed directly to prospective student-athletes. If this information cannot be obtained from the individual institutions - although it is supposed to be - it should also be available by making a request (either informal or under the federal Freedom of Information Act, 5 U.S.C. § 552) to the Department of Education.

[For more information, see Student Assistance General Provisions; Final Rule (Student Right-to-Know Act regulations), 60 Fed. Reg. 61776 (Dec. 1, 1995)(to be codified at 34 C.F.R. Part 668.).]

In addition to requirements under the Student Right-to-Know Act, universities and colleges participating in NCAA competition are required by NCAA regulations, N.C.A.A. regs. 13.3 and 30.1 (1990), to make graduation rate (number of students graduating within six years of enrollment) or persistence rate (a measure of how many students in a given class return to school for the following year) data, broken down by race and gender, publicly available. Division I schools must issue graduation rate data for the classes entering six years prior to the current year. Division II and III schools are required to issue either graduation or persistence rate data annually as to how many students are enrolled.

These reports must list the number of entering student-athletes receiving athletically related aid in various sports, the total number of students in the school and the average graduation or persistence rates of previous classes for athletes and non-athletes. Division I schools are also required to report: (1) high school grade point averages for the collective group of entering student-athletes receiving athletic aid broken down by major sport, (2) average college board scores, (3) courses of study and (4) average time spent to graduate by athletes and non-athletes.

Who must comply and what is the penalty for noncompliance?

All colleges and universities participating in NCAA competition are subject to the NCAA's rules.
regulations. Division I and II teams that fail to comply with these regulations will not be eligible to compete in NCAA competition.

Division I schools have stricter requirements than do Division II schools, while Division III schools do not risk losing their eligibility to compete. However, Division III schools that fail to release the persistence rate data would be in violation of NCAA regulations and would be subject to lesser penalties to be determined by the NCAA enforcement division.

Where can I get this information?

The NCAA annually publishes two books compiling the graduation or persistence rates. Each book costs $12 and may be purchased directly from the NCAA’s main office in Overland Park, Kan. at (913) 339-1900. They are shipped fourth class mail and should be received within two to three weeks. Rush mail is available for an additional $3, reducing the shipping time to about a week.

All high schools are given free copies of these books annually. They can usually be obtained from a guidance counselor, coach or another school official. Unlike the Student Right-to-Know Act, these NCAA regulations are being currently enforced.

Financial Information Relating to Men’s and Women’s Sports

Athletic program financial data broken down by gender can be obtained using the Equity in Athletics Act, 20 U.S.C. § 1092(g) (Supp. 1995), a federal law passed in 1994 to address the unequal resources traditionally allocated to men’s and women’s athletics. It requires every coeducational college and university that receives federal funding and that participates in intercollegiate athletics to make an annual report publicly available. This report should compare the amount of money spent on men’s varsity sports programs to that spent on women’s, as well as list the revenues and expenditures for each team.

The report must also include: (1) a comparison of the amount of athletically related student aid awarded to student-athletes by gender, (2) the amount of money and other resources spent on recruiting student-athletes, (3) the annual revenue generated by varsity teams and (4) the average annual salaries of the head coaches and assistant coaches of varsity teams.

Who must comply and what is the penalty for noncompliance?

Every coeducational college and university—public and private—with an intercollegiate athletic program that receives federal financial assistance (for example, institutional research grants, federal work-study assistance or other grants for students and National Direct Student Loans) is subject to this law. Schools that do not comply with this provision risk losing their federal funding.

Where can I get this information?

There is no regulation indicating where the report must be made available. However, the Department of Education suggested in its regulations that if copies were left at the intercollegiate athletic offices, admissions offices, libraries or sent to each student by e-mail, this requirement would be satisfied. Students, prospective students, parents or coaches may not be charged for this information.

Members of the general public can be charged reasonable copy fees.

This law requires schools to inform students of their right to obtain the information included in the reports but the Department of Education will not regulate this requirement. The Department does, however, recommend that notice of the reports’ availability be given at least once annually in a widely circulated school publication, such as an institution bulletin or newsletter.

The first reports should be available by October 1, 1996. Since the same information is required of all schools, a mandatory format for the report will not be imposed. However, an optional model form is available from the Department of Education. If this information cannot be obtained from the individual institutions, though it should be, it is also kept by the Department of Education and should be available by submitting a request, either informally or under the federal Freedom of Information Act.

[For more information, see Student Assistance General Provisions; Final Rule (Equity in Athletics Disclosure Act regulations), 60 Fed. Reg. 61424 (Nov. 29, 1995) (to be codified at 34 C.F.R. Part 668).]

Athletic Department Budget Information

Detailed financial information about a school’s sports program can be obtained by invoking rights under another federal law, 20 U.S.C. § 1094(a)(18) (Supp. 1993), which requires schools to compile program participation agreements. This law was passed in 1992, like the Student Right-to-Know Act, to combat perceived abuse concerning athletic funding. It requires most colleges or universities to compile annual reports that detail the revenues and expenditures that can be attributed to their school’s sports programs.

Revenues include, but are not limited to: (1) gate receipts, (2) broadcast revenues, (3) appearance guarantees and
options and (4) concessions and advertising. Among the expenses that must be reported are: (1) grants-in-aid, (2) salaries, (3) travel, (4) equipment and (5) supplies.

Who must comply and what is the penalty for noncompliance?

Every coeducational college and university — public and private — with an intercollegiate athletic program that receives federal financial assistance and offers athletically related student aid (does not include Division III schools) is subject to this law. Schools that do not comply with this provision risk losing their federal funding.

Where can I get this information?

Beginning July 1, 1995, schools had six months after the close of their fiscal year to prepare and make the reports available for public inspection. While many schools must have their reports available now, a few reports may not be available until January 1, 1997 (for example, where a school’s fiscal year ended June 30, 1995). Your school’s due date will depend on the timing of its fiscal year.

The Department of Education has said that schools may implement their own reasonable guidelines for making these documents available to the public. For example, they may establish special times to view them or require an appointment. Such guidelines, however, may not impose an unreasonable burden on the requester.

These records will probably be kept at the athletic department offices or with the school’s financial officers. Due to the flexibility given to institutions in maintaining this information, there are various places that these reports may be kept.

What should I do if I have problems or questions obtaining any of the records described above?

These are new federal laws. As a result, many administrators may be unaware of their obligations and it will probably take some time for institutions to learn how to effectively implement them. Indeed, part of your job may include “educating” school officials of their responsibilities. While you should be understanding, you should also be firm. You — and your readers — are entitled to this information. While it is hoped that most schools will be cooperative, inevitably some reporters will run into roadblocks.

In the event of trouble, it will be important to put all requests in writing. Generating a paper trail is necessary for both personal reference and for holding individuals accountable. Initial problems can be directed to the Student Press Law Center at (703) 807-1904. For more specific questions or concerns about the federal laws discussed above you may want to contact the following individuals:

Paula Husselmann, Department of Education specialist responsible for the Student Right to know Act, (202) 708-7888, or David Lorenzo, Department of Education specialist responsible for the Equity in Athletics Act, (202) 708-7888.

Finally, if you use the methods suggested by these parties and are still having trouble, you may want to consider filing a formal, written complaint against your school with the Inspector General’s office at the Department of Education. You can write to the office at: U.S. Department of Education, Office of the Inspector General, 600 Indiana Avenue, SW, Washington, D.C. 20202-1510, or call (800) 647-8733.

For more information about the NCAA regulations, you can contact: Ursula Walsh, Director of Research, National Collegiate Athletic Association, (913) 339-1906, Ext. 7427.

Until the “glitches” are worked out of these new federal laws, you will probably find patience a necessary tool in obtaining the information you want. Even more important, however, is knowledge and persistence.
Students v. Professionals

Conflicts between a college paper and a commercial daily have led to the courthouse in a battle over access to records.

IOWA — Conflicts between a college student newspaper and a professional newspaper in Ames have made their way to court in a suit over access to the student newspaper’s records.

Partnership Press, the parent company of the Ames city newspaper, The Daily Tribune, filed suit in November against the publications board at Iowa State University. The board oversees the operations of the Iowa State Daily, the student newspaper at the school.

Partnership Press claims that the board is a government body and therefore should be subject to the Iowa’s Open Records Law. The records requested include information about the by-laws of the board, minutes and agendas from the board’s meetings since January 1993, correspondence and contracts with the university, university benefits to employees, use of university equipment and facilities, financial records, employment records and contracts, and advertising and marketing of the Iowa State Daily.

The Iowa State Daily has turned over some records, about 230 pages of documents, to an attorney for Partnership Press.

The board said it turned over its records voluntarily, since it believes the records are not subject to the open records law as an entity incorporated separately from the university. It refused to turn over documents relating to the newspaper’s marketing and advertising budget, strategy and plans because they claim those records are exempt from the open records law.

Gary Gerlach, the president of Partnership Press and co-owner of The Daily Tribune, said that the Tribune often challenges public bodies that do not comply with the open records laws. He said the paper has made it an editorial and corporate stand to make sure public bodies are abiding by the laws. The publications board, he said, is an arm of the university and therefore is a public body.

Jeff Stein, a member of the publications board and a lecturer at Iowa State, said that The Daily Tribune asked for documents that are not public under the open records law and that the publications board is not a public body subject to these laws. He said the lawsuit was filed prematurely and contains inaccuracies.

“We hope this lawsuit will be thrown out,” said Tom Beell, a journalism professor at Iowa State and a member of the publications board. Beell said the Iowa State Daily has a great potential to be hurt by this suit.

The trial is scheduled for late September.

There are many other disputes raging between the two newspapers aside from the records suit. Beell and others have said that this case is not about records, but the suit is simply the current weapon being used in the battle.

Both sides have started new papers that compete with each other on and off campus. Partnership Press is currently distributing two newspapers, one aimed at faculty and staff and one aimed at students, on the Iowa State campus.

Partnership Press has filed unfair competition claims against the university about the Daily’s competing publications. They claim the school paper has certain advantages in being at the university including free rent and a student subscriptions fee.

Beell said that Partnership Press

(See IOWA STATE, page 21)
Iowa State

(Continued from page 20)

has the advantage of free legal counsel, a much greater expense than what the Iowa State Daily gets from the university. Gerlach and Michael Gartner, owners of The Daily Tribune, are both lawyers. Beell said several members of the Tribune’s board are also attorneys.

The university has also instituted a new policy to deal with the distribution of three types of publications — university-sponsored, free non-university-sponsored and subscription non-university-sponsored publications.

University-sponsored publications, like the Daily, can distribute at 41 locations around campus. The Tribune’s paper aimed at students, The Campus Reader, is a free non-university-sponsored paper and can be distributed at seven locations and student dormitories.

The disputes between the two sides seem to boil down to competition, according to Dick Haws, the editorial adviser to the Daily. He said in the past few years, the managers of his paper have become more aggressive about increasing circulation and advertising outside of the campus. Lately, the paper has retreated from some of the areas to try and calm the disputes.

Gerlach said he believes the student paper’s professional managers have taken many opportunities away from the students.

He said his goals are to get the student newspaper back into the hands of the students and to protect his business from unfair competition.

The number of professional managers have not increased in the past few years, according to Janette Antisdell, the publisher of the Iowa State Daily. In fact, she said, several positions for students have been created on the business side of the newspaper to give the students hands-on experience.

Antisdell said her role, and that of the other professionals working at the paper, is to perform her responsibilities and to teach the students working at the paper about the business side of running a newspaper.

Beell said Gartner and Gerlach have been able to hide their true motive — maximizing profit — under the First Amendment. He said, “They are not the noble protectors of press freedom they pretend to be.”

Beell said professional managers have been doing the same jobs at the student newspaper for decades. He said many other large college newspapers have similar professional staffs. Beell said professionals run the business side of the newspaper and stay completely out of the editorial and news side.

The Daily Tribune is losing money, Stein said, so they are trying to survive. “Competition is fine, but a frivolous lawsuit is not,” he said.

After the lawsuit and unfair competition claims are decided, the hostility will probably continue, Beell said. He said the two sides will probably still have a strained relationship.

In the end, the future of both newspapers may be at risk.

Experts say healthy relationship leads to positive experience

Competition between student and commercial newspapers does not always lead to a courthouse.

In many university towns, journalists at school and town newspapers coexist in a cooperative atmosphere and work together to benefit print journalism, according to Jan Childress, president of College Media Advisers.

The student newspaper at the University of Oregon has a very good relationship with the Eugene newspaper, according to Judy Riedel, the student paper’s adviser.

She said the local professionals share their time and experience with the students. She said staff members from the local newspaper have served on the publications board of the student newspaper. Professional journalists have also come into the student newspaper’s office and talked with students.

Riedel said the two papers have a healthy competition for advertising and stories.

Another school with a complementary relationship is the University of Kansas. Tom Eblin, the adviser of the Daily Kansan, said one of the major reasons the two papers exist peacefully is that they basically have different audiences. He said some coverage overlaps, but the student paper mainly covers the campus and the local paper mostly covers the town.

The current economic strain on newspapers could be a reason for tensions between professionals and students, according to Childress. Everyone is concerned about their piece of the pie, Childress said, as more venues for news emerge and competition increases. This could lead to some of the conflict between student and commercial newspapers.

Student newspapers exist to prepare people to work in commercial newspapers, Riedel said, and commercial newspapers really hurt themselves by creating conflicts with student journalists.

Conflict is not necessarily harmful, Ebblin said, because students should get used to what happens in the “real world.” This is a free country and anyone can start a paper, Ebblin said, but he is confident that students can compete.

Increased conflicts between students and professionals are disturbing, according to Childress. Student journalists have an important place in the profession.

Forming better relationships between the professionals and students could be a good way to avoid conflict. Keeping the lines of communication open is helpful in maintaining a healthy relationship, according to Riedel.

“We try to let [the local newspaper] know we appreciate their generosity,” Riedel said.
Access

Student paper sues regents over secret phone calls and meeting

CALIFORNIA — Phone calls and a back room meeting have led to a suit against Gov. Pete Wilson and the University of California System Board of Regents.

The Daily Nexus, a student newspaper at the University of California at Santa Barbara, is suing the regents over closed meetings held before a vote last summer that repealed affirmative action in admissions and hiring throughout the university system. Wilson is a member of the board of regents.

The newspaper has emphasized that the suit is not about the affirmative action decision itself, which has been widely criticized, but instead about violations of the open meetings law.

The paper and Milloy are being supported by the ACLU of Southern California, the First Amendment Project, the Lawyer’s Committee for Civil Rights of the San Francisco Bay Area, Equal Rights Advocates and the ACLU of Northern California.

Tim Milloy, a reporter at The Daily Nexus and a plaintiff in the suit, said that Wilson made phone calls and held a back room meeting to secure votes before the public meeting began.

The Bagley-Keene Act, a state law in California, says that meetings held by state agencies, including regents, must be held in public. The suit filed by Milloy and The Daily Nexus alleges that the regents’ actions violated the act.

Milloy filed dozens of requests, most of which were denied, for information about these calls. He said he has been given different accounts by the governor’s office about what kinds of documents exist, if any.

North Carolina press takes on university system to gain access to chancellor’s advisory committees

NORTH CAROLINA — Journalists from around the state have joined forces to fight the University of North Carolina for access to chancellor’s committee meetings.

The North Carolina Press Association and twelve member newspapers threatened to file suit in April against the university system to open meetings of a planning committee established by Patricia Sullivan, UNC-Greensboro Chancellor. The committee, made up of university employees, students and community representatives, was set up as an advisory board to Sullivan.

At an April meeting, the Board of Governors decided to appoint a committee to try and settle the claim made by the journalists.

Kevin Schwartz, the general manager of The Daily Tar Heel, a student newspaper at UNC-Chapel Hill which is a party in the complaint, said he expects that the settlement will grant journalists access to the advisory committee meetings.

A 1994 amendment to the North Carolina Open Meetings law says that advisory committees of the university must be open to the public.

Schwartz said that there are many of these advisory committees that deal with issues from athletics to buildings and grounds. These committees can be made up of staff, students, administrators and the public.

The university’s chancellor has called these meetings staff meetings, according to Schwartz, even though some of the committees do not contain any staff members. Staff meetings are exempt from the public meetings law.
Three bills facing Colorado legislature tackle issue of e-mail as public records

COLORADO—State politicians and a student journalist in Denver have stirred debate over whether e-mail messages are covered by the Colorado Open Records Act.

In January, Becky O’Guin, a senior at Metropolitan State College of Denver, made requests to three state legislators and Gov. Roy Romer to see all incoming and outgoing e-mail messages from Jan. 1-16. O’Guin said she made the requests to see how much of a role electronic communications play in government actions. She also said her requests were made in response to legislation that has been introduced in the state legislature.

Three bills have been introduced to define how government electronic mail fits into the state’s open records laws. The first bill, introduced by Sen. Paul Weissmann (R-Louisville), was killed in the Senate Judiciary Committee. Rep. Ron Tupa’s (D-Boulder) bill has been postponed indefinitely and is currently in committee after a lengthy debate on the House floor in February. The third bill was introduced by Senate Majority Leader Jeff Wells (R-Colorado Springs) in March. It was passed by the Senate and was sent to the State Affairs conference committee of the House.

O’Guin’s requests were handled differently by the four politicians. Romer and Weissmann turned over some e-mail messages. O’Guin said the messages Romer released were only incoming communications.

Sen. Charles Duke (R-Monument) and Senate President Tom Norton (R-Greeley) refused to comply with the requests. Duke said he would rather go to jail than turn over the messages.

O’Guin later withdrew her request to Duke after learning that he was not using a state system for e-mail.

O’Guin said she is interested in taking further action to try and obtain access to electronic communications but that she plans on waiting until the legislature decides what kind of information is open to the public.

State supreme court grants motion to hear h.s. vote total case

VIRGINIA — The state supreme court has decided to hear a high school open records case. The court granted a petition for appeal in February, in the case of Wall v. Fairfax County School Board.

Lucas Wall sued the school board and his school’s student government adviser in May 1995 in an effort to try and obtain vote totals of student government elections at Centerville High School. At the time of the elections, Wall was the editor in chief of the Centerville Sentinel, the school’s student newspaper.

The school’s principle, Pamela Latt, told Wall that the vote totals would be disclosed last spring for the first time. Latt reversed her decision after learning that no other schools in the county release their vote totals.

A Fairfax County Circuit Court Judge ruled in May that the vote totals are exempt from mandatory release under Virginia’s Freedom of Information Act because they are scholastic records.

The Student Press Law Center filed a friend-of-the-court brief with the Virginia Supreme Court in support of Wall.

Action unlikely on bill that seeks to open files at Pennsylvania schools

PENNSYLVANIA — Action seems unlikely on a bill introduced in the Pennsylvania State Legislature that would shed light on records at state colleges and universities.

The legislation would subject universities that receive state funding to the state open records law, as is the case in most states. Currently, the law applies only to “agencies” of the state, which does not clearly include educational institutions.

Rep. Ron Cowell’s (D-Pittsburgh) bill is currently in the state government committee. Deborah Wynn, research analyst for higher education in Cowell’s office, said action on the bill this term is very unlikely. She said the Republican majority in the legislature is not interested in the issue.

Cowell first introduced this legislation in 1992 session of the state legislature. He reintroduced the bill in 1994 and again this January.
School settles suit, releases data

Rutgers University agrees to release its salary, budget information

NEW JERSEY — Rutgers University has settled a suit brought by a professional newspaper seeking access to the school’s salary and budget information.

The East Brunswick Home News received most of the documents it had requested through the settlement, according to Arlene M. Turinchack, an attorney for the paper.

Home News filed suit in August after the state university refused to release documents containing information about employee compensation packages, budgets, audits and other issues.

The freedom of information requests by the Home News for these documents stemmed from the newspaper learning that mortgage subsidies and housing allowances were provided by the school to professors as part of their compensation packages.

Rutgers, in refusing to release the documents, claimed that they were "confidential personal information" not subject to public access under the law.

New Jersey’s freedom of information law states that "all records which are required by law to be made, maintained or kept on file by any board, body, agency, department or official of the State . . . shall for the purposes of this act be deemed to be public records."

Turinchack said she believed Rutgers settled with Home News because of a recent court ruling against the school. A judge ruled that the school had to release documents about the university’s attorneys to a teachers’ union.

Settlement agreements are public according to two court decisions

MAINE & VERMONT — Two state courts have ruled that schools must release information about settlement agreements reached between schools and teachers.

Last December, a state judge ordered the University of Maine to turn over information about a settlement it reached with a former professor who was fired for allegedly inflating the college credit of a colleague’s son. The professor sued the school in federal court saying that he was wrongfully fired and the school settled the case out of court.

Bangor Publishing Co., owner of the Bangor Daily News, filed suit against the school after it refused to turn over portions of the settlement that the school said were held by the insurer and the school system’s private attorneys.

Justice Margaret Kravchuk said in her decision, in Bangor Publishing Co. v. Univ. of Maine, No. CV-95-223 (Me. Super. Ct., Dec. 4, 1995) if the university was correct in shielding these documents from public access, “then all public entities would be able to shield records otherwise accessible by sending them to their attorney for safekeeping.”

The Daily News and the University of Maine have been involved in two other disagreements over settlement records. Records were turned over in one case, the other case is currently pending.


The Barre-Montpelier Times Argus filed suit against the Town of Duxbury School Board after the board refused to release a portion of an agreement that related to an incident between the teacher and a student that led to the teacher’s suspension.

The judge also ordered that the school board pay $10,000 of the newspaper’s legal fees.

Air Force cadets print private paper

COLORADO — The Air Force Academy publishes a student newspaper — but if you are not a student there you would never know it.

The Warrior Update is only distributed inside the school’s gates and its content is cleared prior to publication by officials at the academy.

A journalist from a local newspaper, the Gazette Telegraph, had to submit freedom of information requests to the Air Force Academy simply to obtain copies of the newspaper.

The Air Force Academy is the only service academy, of three, with an official cadet newspaper. The paper has been published since 1993 every two months during the school year. An underground newspaper, The DoDo, has been published for years.
Court decision allows release of complaints, faculty evaluations, disciplinary records

MICHIGAN — A state appeals court ruled in March that portions of administrator and teacher personnel files are not exempted from disclosure under law. The documents at issue include performance evaluations, disciplinary records and parent complaints.

The decision was handed down in two cases that were combined on appeal. In both cases, the circuit court had also ordered the records to be disclosed.

In the first case, the Lansing Association of School Administrators sued the Lansing School District Board of Education, Lansing School District Superintendent and the Lansing District Personnel Director/Associate Superintendent.

The case, Lansing Assoc. of School Administrators v. Lansing School Dist. Bd. of Ed., No. 163316 (Mich. Ct. App. March 26, 1996), started in 1993 when the Parent Support Network, a group whose mission is to monitor the education process on behalf of African-American students and their families, filed a freedom of information act request to the Lansing School Board. They requested copies of performance evaluations for nine principals and vice principals. The administrators’ union filed suit against the board to prevent it from disclosing this information.

In the second case, teacher Christine Bradley sued the Board of Education of the Saranac Community Schools and the Saranac Community School District to prevent the release of her personnel records. The father of one of her students filed an FOIA request to obtain disciplinary records, written complaints, classroom transfer assignments, teacher evaluations and service ratings and liability insurance policies covering Bradley.

The court ruled that the records requests did not invade the privacy of the school officials in either of these cases and ruled that the documents are not exempted from disclosure under the law.

The administrators’ union argued that their collective bargaining agreement had a clause that said the evaluation of administrators would only be reviewed by “appropriate administrative personnel” and thus should exempt the evaluation from public disclosure. The court rejected this claim and said that “the defendant school district may not eliminate its statutory obligations to the public merely by contracting to do so.”

Records on student performance still closed to the public

MICHIGAN & MONTANA — Court rulings in two states have denied access to public school records relating to recognition of student achievement.

In Montana, the state supreme court ruled in Becky v. Butte-Silver Bow School District, 906 P.2d 193 (Mont. 1995), in November that the Butte-Silver Bow School District does not have to release records relating to a high school student’s denial of membership in the National Honor Society.

The court ruled that the files requested were not “documents of public bodies” under the state’s “right to know” provision.

In January, a Michigan circuit court ruled that Johnson Creek School District did not have to release records used by school officials to decide the winner of a college scholarship.

In her ruling, in Wisconsin ex rel. Blum v. Johnson Creek School District, No. 95CV-324 (Wisc. Cir. Ct. Jan 19, 1996), Judge Jacqueline Erwin said that “the disclosure of students’ marks is not mandated by public-records law.”

Elizabeth Blum, a high school valedictorian, sued the district to try and obtain information after the scholarship was awarded to another student last spring.

Judge grants parent access to child’s school records

TEXAS — A state appeals court has approved a parent’s request to a local school board for copies of his daughter’s disciplinary records.

Justice Maurice E. Amidei ruled in February that the Texas Open Records Act required the Klein Independent School District to turn over the records requested by Robert Lett. Lett had asked to gain access to information relating to his daughter’s low conduct grade in choir class at Doerr Intermediate School in the fall of 1993.

The school asked the Texas Attorney General to rule on the release of the information requested. The attorney general listed 64 pages of information he found subject to disclosure. The school then filed suit against Lett to overturn the attorney general’s decision.

Amidei, in Lett v. Klein Indep. School District, No. 14-94-1108-CV (Texas Ct. App. Feb. 22, 1996), overturned a lower court ruling for the school district that denied Lett’s request. In his decision, Amidei said, “Having found that the documents are discoverable and do not concern policy-making but only implement existing policy, we find that the documents are subject to disclosure.”

Rob Wiley, Lett’s attorney, said the records have not been turned over and that the school board recently decided to appeal the decision to the state supreme court.
Access granted to records and meetings of groups allocating student activity fees

NEW YORK — Organizations at public universities that allocate student activity fees have to open their doors and records according to two recent state court rulings.

In the first case, The Stony Brook Statesman v. Associate Vice Chancellor for University Relations, RJ1 No. 01-95-ST3981 (Sup. Ct. Albany Cty. Special Term, Jan. 22, 1996), Judge Vincent G. Bradley ruled in January that the Student Polity Association at the State University of New York at Stony Brook is a public body and thus is subject to the state's open records laws. The association is responsible for spending mandatory student activity fees.

Bradley ordered that the association turn over all the documents requested by The Stony Brook Statesman, the school's student newspaper, regarding a decision made by the group to spend $12,000 on a television consultant.

Last March, the newspaper discovered that the executive branch of the association had awarded a contract to a television consultant the previous October. The consultant was hired to advise the student-run television station at SUNY - Stony Brook. The lead consultant for NIA Entertainment, the consulting company, was a former student association president and a friend of then-president Crystal Plati.

Flannagan and the former editor in chief, Thomas Masse, filed a freedom of information request with Polity and the television station after learning that a lower bid had been submitted for the project.

The request asked for "all contracts and paper work concerning NIA Entertainment." Flannagan and Masse's freedom of information request and appeal were denied.

In the other case, Joseph Smith and Errol Maitland sued the City University of New York after they were locked out of a meeting of the LaGuardia Community College Association, a group made up of faculty, students and administrators. Both are students at LaGuardia and Smith is the editor of The Bridge student newspaper. Maitland is a broadcast journalist at the school.

At the meeting, $88,000 of student activity fees were allocated and other decisions were made. The state court judge in Smith v. City University of New York, No. 122489/94 (N.Y. Cty Sup. Ct. Jan. 25, 1996) ruled that the state's open meetings law does apply to bodies that allocate student activity fees.

"The Open Government laws are virtually the only legal protections students have over the allocation of their student fees," said Smith and Maitland's attorney, Ron McGuire.

Problems between Smith and the college began in September 1993 when The Bridge published a controversial article that was criticized as anti-Semitic. Since then there have been problems with funding of the paper, election of editors and publishing of the newspaper. The school also does not recognize the adviser to the newspaper because he is a part-time professor. McGuire said other groups have advisers who are part-time, however.

The paper has published only a few editions since it was shut down in 1993. The last issue was published in October. McGuire said that the funds for the paper are no longer frozen, but the school has set up a complex system to regulate the use of funds by The Bridge, which have made it impossible to publish a newspaper.

After the decision in January, Smith was brought up on disciplinary charges for publishing an unauthorized edition of the newspaper last October. The charges were dropped after McGuire threatened to file suit against them.

Administration backs down, opens doors to meeting

COLORADO — After receiving pressure from student journalists and negative publicity from local newspapers, the University of Colorado at Colorado Springs has opened access to the public to a committee searching for a new dean.

Last November, the student newspaper, The Scribe, was denied access to the first meeting of the committee searching for a dean of the College of Letters, Arts and Sciences.

The paper's editor, Gina Cerasani, said that she was willing to go to court if necessary to gain access to the committee's meetings. She said that the story of The Scribe's troubles with the school was picked up by the local media.

In mid-December, the school's chancellor agreed to meet the demands of the student journalists. Cerasani said the meetings were opened in order to avoid more embarrassment to the university from negative publicity.

The Scribe's demands were that the university comply with Colorado's sunshine law which requires that the meetings be open to the public and that 24 hours notice be given before meetings of the committee.
Student files case against Virginia Tech

Lawsuit hopes to set precedent regarding judicial proceedings

VIRGINIA — Whether justice is achieved by a college campus judicial system is a two-sided debate. Some say it is impossible while others commend the system.

Many journalists see campus disciplinary proceedings as the means for a school to preserve its reputation by keeping crimes a secret and sweeping crime-related events under the rug. The staff of the Collegiate Times at Virginia Tech is making just this complaint.

In 1994, Christy Brzonkala accused Antonio Morrison and another Virginia Tech football player of raping her six months earlier. When she reported the incident to the university she expected justice. During the first hearing, Morrison was found guilty of sexual misconduct and suspended for two semesters. Morrison was granted a second hearing on the grounds that the “sexual misconduct” policy had not been drafted in time to be included in the 1994-95 student code. He was found guilty of abusive conduct and was again suspended for two semesters. Seventeen days before the first football game, university provost Peggy Meszaros reduced Morrison’s punishment to probation and a one-hour counseling session.

Brzonkala has filed an $8.3 million lawsuit against the university. Her suit challenges the secret disciplinary systems used by colleges to deal privately with student offenses from theft to gang rape. She wants Virginia Tech barred from handling sexual assault complaints through its internal judicial process.

According to the Collegiate Times, Brzonkala felt misled by Virginia Tech’s confidential justice system, which denied her access to records about her case that Morrison received. Morrison has also complained that the proceeding was unfair to him. He has maintained that Brzonkala consented to sex with him.

When the Collegiate Times, which learned of the incident from Brzonkala, tried to get information from school officials regarding the case, it was turned down. The school claimed that the Buckley Amendment, the federal law that says schools can be punished for releasing student education records, prevented it from releasing the information. As a result, the campus newspaper could only report the situation based on interviews with Brzonkala and Morrison.

If Brzonkala wins her case, it could prompt universities to make more disciplinary hearings and records open to the public.

Larry Hincker, director of university relations for Virginia Tech sees the campus judicial system as a way to deal with violations of policies.

“We must have a way to deal with people who don’t have proper behavior for the community,” Hincker said. “We are not trying criminal actions.” If something is reported that we feel needs to be reported to higher authorities then we encourage the student to report it, Hincker said.

Hincker said the only criticism people can offer about Brzonkala’s case is the way the hearings were handled. “Some say we handled the second hearing with favoritism,” Hincker said. “We handle over 800 issues a year. This is the first time we’ve ever had public complaint.”

Terry Padalino, editor of the Collegiate Times, comments, “Virginia Tech will never change the campus judicial policy unless someone makes them.”

SPJ Task Force continues fight

WASHINGTON, D.C. — The Society of Professional Journalists has joined forces with members of Congress to push for legislation that would require timely access to federally required daily police logs on college campuses.

“We are shifting our energy into drumming up support for Rep. Duncan’s bill, HR 2416,” said Gordon “Mac” McKerral, president of the Campus Courts Task Force started by SPJ. The task force was created to support more public access to campus disciplinary proceedings, hearings and records when they relate to criminal behavior. “We are going to alert college editors to get involved in the fight.”

Rep. John J. Duncan’s (R-Tenn.) bill would amend the Higher Education Act of 1965 to require open campus security crime logs at institutions of higher education. The bill would require specific information be in the logs including the names of those arrested.

McKerral said the battle will not stop at opening campus police logs.

The task force will continue to push for Congress to clarify that criminal records are not educational records with regard to the Buckley Amendment, and its privacy provisions, McKerral said. The Buckley Amendment is a federal law saying schools can be punished for releasing student education records.

McKerral said that since the national media has picked up on the Virginia Tech case they will help educate the public about the problems that exist on college campuses and help on opening up judicial hearings on crime.

“The interest that the major media outlets have sparked is helping the Task Force,” McKerral said. “You don’t get the attention of Congress until the major media report on it.”

McKerral said he hoped legislative action on Duncan’s bill will begin by 1997. Rep. Duncan’s bill currently has 24 cosponsors. It is awaiting action before the House Subcommittee on Post-secondary Education, Training and Lifelong Learning.

In March the National Newspaper Association’s Board of Directors unanimously approved a resolution asking Congress to protect open access to police records, including campus police records.
TEXAS — Controversial stories have led to allegations of censorship at Incarnate Word College in San Antonio, according to John Tedesco, a reporter for the school’s student newspaper.

Last fall, Tedesco was working on a story about a basketball coach who was accused of sexual assault by a student. Administrators claimed they were worried about possible libel in the piece so they asked if the school’s attorney could look the story over.

The story ended up being read by several administrators and the attorney who requested the story. After some concessions were made between the two sides, a revised version of the story ran in The Logos, a week later than planned.

Tedesco said he believes the administrators were more worried about the school’s image than any libel in this story. “It is a pretty harmful practice when [the administration] can feel okay about putting words in our mouth,” he said.

The most recent incident happened in January when Tedesco was working on a story about a resident assistant at the school who was pregnant. Tedesco said he and Alex Garcia, editor of The Logos, received pressure from some administrators not to run the story. They went ahead and published the story despite the pressure.

Garcia said he has tried to make people aware of the censorship problems he has faced, but that he is not making much headway. He said there is not much interest on the part of the school’s publications board or the administration to try and work out these problems. Administrators at the school would not comment to the Report.

Tedesco said censorship has long been a problem when controversial stories come up at the newspaper. He said that according to the student handbook and bylaws, these incidents should never have occurred.

The student handbook says, “In the delegation of editorial responsibility to the students, the institution must provide sufficient editorial freedom and financial autonomy for the student publication to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.” It goes on to say, “The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.”

Garcia said that these incidents of censorship are part of the reason he is not going to work at the newspaper after this spring. He said what the administration wants is a newspaper run by the public relations department of the university. Next year, he said, it will be easier for them to achieve this because most of the current staff will no longer be working at the newspaper.

“Even if students get upset about something,” Tedesco said, “by next year the issue will be gone. It’s like typing on a computer for a year, then pushing the reset button when summer comes. All the work you’ve done, all the issues you’ve raised have been erased.”

The reporter’s view

John Tedesco, a reporter for The Logos, the student newspaper at Incarnate Word College, wrote this opinion piece for his paper about censorship at his school.

Isn’t it great having a student viewpoint published on Incarnate Word’s campus?

Sure, the Logos may have its share of problems, but at least it belongs to the students. It’s like the first car you ever bought that backfires and belches smoke — it’s not very pretty, but at least you can say it’s yours.

Sometimes, after constant tuneups and encouragement, our little car even struggles to the top of a daunting hill. You don’t know what to feel, pride because we made it, or fear because the brakes don’t work.

But getting in the car and seeing how it handles is important for Communications majors, and healthy for the school.

That’s why I’m alarmed when the administration kicks students out of the driver’s seat. Administrators tampered with several Logos’ articles this year, which means our baby is in biased hands and we’re stuck for the ride.

There’s a word that describes what Incarnate Word does. Let’s see, the first part sounds like sin. Sin...sin...oh, yeah, censorship.

I wish I could tell you about the atrocities administrators have committed, but since we’ve been censored so often, all I can say is that there was this [bleep] who [bleep]ed a [bleep] and ended up [bleep]ing.

Sorry, but I thought telling a story with all these censors around.

The Logos is no newspaper. The (See INCARNATE WORD, page 29)
College Censorship

Big city paper threatens to file suit against small college publication

PENNSYLVANIA — Student journalists at Bloomsburg University have been left wondering why the Village Voice is not picking on someone its own size.

Last November, staff members at the campus newspaper, The Voice, received a letter from attorneys for the Village Voice, a national weekly based in New York City, alleging trademark infringement on their name. The letter also claims that parts of the Bloomsburg University paper were "deliberately patterned" after the Village Voice.

Hank Domin, editor of Bloomsburg's paper, said he was "utterly shocked" by the letter. He said the actions taken by the Village Voice have brought his staff together. Domin said the whole staff agreed that they wanted to fight the Village Voice to be able to keep their paper's name.

Outside publications restricted under Georgia regents’ distribution policy

GEORGIA — State colleges and universities around the state are introducing new policies to try and control non-university publications distributed on campus.

These new guidelines are in response to a broad policy developed in April by the Board of Regents of the University System of Georgia. The regents' plan advises that non-university publications receive sponsorship by a student organization in order to have less restrictions placed on their distribution. Students would oversee editorial content and they would be considered student publications.

Georgia State University has approved a plan that bans non-university commercial publications not given approval by school administrators.

At Georgia State, non-university publications, with approval from the Office of Business and Finance, will be allowed to distribute in one designated area on campus. The plan also bans outside commercial businesses and all non-institutional groups from "indiscriminately" advertising on campus.

The Village Voice has not taken any further action at this time.

Bloomsburg University is a state school located north of Philadelphia. The Voice is a weekly paper that distributes 5,000 papers free of charge. The paper was founded in 1924 as the Maroon and Gold. In 1974 its name was changed to The Campus Voice and in 1983 the name was changed to The Voice.

The Village Voice is a weekly commercial newspaper with a paid circulation of 138,636.

Bill Green, a journalism professor at Bloomsburg and the newspaper's adviser, said he believes his school's paper caught the attention of the Village Voice because of The Voice's on-line edition on the Internet, which has been up since October.

Incarnate Word

(Continued from page 28)

news is being edited or deleted by the very institution we're reporting on. What you're reading isn't the student viewpoint, it's the school viewpoint under the guise of student bylines.

If you ask the guilty how they have been involved in censorship on this campus, they will deny it happens, as censors do. But these people are killing academic freedom, a value Incarnate Word is supposed to treasure.

All I can say is, censors are a bunch of [bleep].
April Fool’s edition creates controversy; editor fired, re-instated

COLORADO — You’re fired! April Fool’s!

That was the experience of the editor of the Criterion at Mesa State College in Grand Junction.

The newspaper staff decided to produce an April Fool’s day edition full of off-color humor. Editor Mark Borgard did not expect the issue to cost him his job.

On April 2, Borgard was informed by the school’s vice-president of student services, Sherri Pe’a, that he was fired from his position because of “mis-use of student funds.”

Borgard contacted several media groups and notified them of his firing, claiming his First Amendment rights had been violated.

On April 8, Borgard was re-instated as editor of the newspaper.

“I think the media [attention] had a lot to do with it,” said Borgard. “Because of it [university officials] were under pressure.”

The issue has been referred to the college media board which oversees the Criterion and other student publications. Fortunately, Borgard is also president of the board.

Although the editor was reinstated, college president Ray Kreft is considering charging the paper rent and utilities.

“He is obviously still upset and trying to find another way to punish the paper,” Borgard said.

He said the college could not charge them very much because of the amount of space involved.

Northwestern basketball player muzzled by NCAA

ILLINOIS — The National Collegiate Athletic Association recently reaffirmed its ability to strip student athletes of their free press rights.

In March, Dan Kreft, a basketball player at Northwestern University, was denied the right to write a column for Sports Illustrated. Kreft agreed to write the column and even said he would do so for free if the NCAA regulations required.

Kreft received national attention after he created his own web page on the Internet last fall and he updated it throughout the basketball season. Topics on his web page have included his relationship with coaches, the stress of studying and playing Division I basketball, and a teammate quitting during the season.

The NCAA told Kreft that he would be exploiting his position as an athlete if he wrote a bylined article for the magazine. The Association cited article 12.5.2.1 of their constitution for their decision.

In the fall of 1994, a similar controversy stirred in Florida over a football player who was writing restaurant reviews for his campus newspaper.

Anthony Ingrassia, an offensive lineman at the University of Florida, appealed a one-game suspension for writing the column and violating the same regulations cited in Kreft’s case. The suspension was lifted under conditions that he not choose the restaurants, pay for the meals himself and not receive pay for the articles he wrote.
College Censorship

Student governments use money to control content of newspapers

Pennsylvania & New York — Funding has become a weapon to control the content of college newspapers across the country. Two such battles are shaping up in New York and Pennsylvania.

The Spectrum, a student newspaper at the State University of New York at Buffalo, is currently in a dispute over funding with its student government association.

The Spectrum receives about 6 percent of its budget from a $1 per student, per semester fee paid by the 12,000 undergraduates at SUNY Buffalo, according to Eve DeForest, The Spectrum's business manager. The fee was started in 1987 by a student referendum when the newspaper was having financial difficulties.

The Student Association has denied the funding for the fall 1995 and spring 1996 semesters. The Student Association claims that the money is being withheld because the newspaper has not signed the contract to receive the money.

David Fortun, the managing editor of The Spectrum, said he believes the funding problem stems from the content of the newspaper although the Student Association has not said so. Debate over the newspaper was sparked last fall when it ran an abortion rights opinion piece.

National and campus anti-abortion organizations protested the story in the newspaper and called for a U.S. Justice Department investigation. An investigation was never started by the Justice Department.

Funding problems also exist at The Capitol Times at Penn State at Harrisburg.

Beth Haller, the newspaper's adviser, said she believes the SGA is unhappy with the coverage in the paper since she started assigning students to cover their meetings in the fall.

The SGA funds the newspaper and 29 other clubs with money collected from a student activity fee. The Capitol Times asked for $1,500 from the SGA to publish five papers in the spring semester.

Haller said issues of newspaper content were brought up at meetings where funding was also discussed.

Publications board gains strength under new policy at Northern Illinois University

Illinois — Journalists at Northern Illinois University recently won a moral victory, according to student newspaper editor Liza Lundholm.

Students working at the school's student paper, The Northern Star, have reached a compromise with university officials over the responsibilities given to the newspaper's publications board.

The University Council, the administrative body that oversees the publications board, decided in February on a new policy for the board that would have given it more control over student publications, including content. After meetings of the council and the board, a revised plan that gives less responsibility to the publications boards was approved.

The compromise reached by both sides changes some of the wording in the policy. The publications board, under the revised plan, will take a more active role in The Northern Star but the final content decisions will still rest with the students. Previously, the publications board has been involved only with the financial aspects of the newspaper.

Student journalists and administrators at Northern Illinois have been in conflict for the past two years since the journalism department was dismantled. Recently, the newspaper's long-time adviser resigned and the publication was put under the guidance of student affairs. Previously, the newspaper was overseen by the journalism department.

Lundholm said she believes the revised policy does not disrupt the Star very much. She said she believes the paper won this battle and she is happy with the outcome.
Newspaper theft problems continue across the country

The problem of newspaper theft continues to plague college campuses around America. Eighteen theft incidents have been reported to the SPLC since the last issue of the Report, raising the total number of thefts for the school year to 22.

Recent newspaper theft incidents suggest two recurring themes: student governments or school officials who encourage or abet those who steal the news and student newspapers that find they have little or no recourse for responding to the thefts.

For the Patriot Press of Central Florida Community College, newspaper theft has turned out to be the least of their problems. Apparently in response to a story about the school’s former president, who resigned amid allegations of wrongdoing, as many as 500 copies of the February 23 issue of the newspaper were stolen from distribution bins around the Ocala campus.

Mike Harris, the staff reporter who wrote the controversial story, said the paper received phone calls from faculty members who were finding the paper in trash bins. No charges have been filed, but they did report the theft to the campus police.

Staff members believe that the school’s embarrassment over the story and the attention surrounding the theft incident may have prompted the school not to renew the contract of the newspaper’s adviser, who has been a strong supporter of the students.

Several officials at the University of Hartford in Connecticut admitted to confiscating copies of the student newspaper The Informer from the student union and locking them away during an open house weekend in March. The reason, they said, was the issue’s lead story — "Stray bullets fired—strike campus apartment" — which they were afraid would scare off perspective students. Officials at the school’s admissions office maintain, and communications professors agree, that there was no censorship involved because the papers were eventually returned.

Informer editor in chief John Papa said it was a few admissions officials who were behind the incident, not the president or the school administration. Papa said he believes that between 500 and 750 copies were taken, out of 3,000 printed.

The Informer is not pursuing legal action — Papa said he does not think it necessary. However, he said that he would have liked to see admissions acknowledge that taking the papers was wrong.

"It was one department, which almost lied to perspective students," he said. "It was a very important story."

Between November 30 and December 1, about 4,000 copies of the College Voice of Glendale Community College were stolen, out of 5,000 total printed. Editors at the Phoenix, Ariz., school’s student newspaper said the papers — 80 percent of those printed — disappeared within twelve hours of distribution. James Laughlin, an opinion and copy editor at the Voice, said the paper did file a complaint with the campus police, and that the paper’s adviser sent out a campus-wide e-mail message informing people about the theft and requesting information about the individual or individuals responsible.

The stolen issue contained an article detailing the alleged misdeeds of a student government official. According to a staff editorial in the paper, a student government leader claimed to have been tipped off to the theft before it occurred, but failed to notify the paper or any school authorities. This, the editorial said, "directly contributed to the probability that recovery of the stolen issues or financial reparations would never materialize," making the official "nothing less than an accessory to the crime."

Voice adviser Larry Bohlender said he can hardly believe the theft occurred.

"It’s something that you read about, but I think it’s something you simply don’t think is going to happen to you. The social implications are just terrible — we don’t like what someone..."
Theft
(Continued from page 32)
says or does, so we’ll just destroy their channel, their medium, whatever it is.”

Bohlender said there is not a lot the paper can do at this point. As for closure, the editors’ letter said ideally they will be compensated.

A candidate for student government at the University of North Carolina at Chapel Hill seemed to think that newspaper theft would help his chances for election. According to a February issue of The Daily Tar Heel, student body president candidate Lee Conner admitted that he and his campaign staffers went to the paper’s drop boxes shortly before midnight, removed 800 copies of the newspaper’s election issue, clipped out his candidate profile and put the clippings into law students’ mail files while throwing the remainder of the paper away. Conner said he thought it was “an easy, free way to get the word out.”

Kevin Schwartz, general manager of The Tar Heel, estimated that the cost of printing 800 14-page color papers was $105. Conner, who lost the election, said he targeted law students because they traditionally turn out for school elections in large numbers. He maintained that he had every right to do what he did. “Everywhere I go, [the papers] are free,” he said. “We knew that they would just be recycled anyway.”

In a similar incident, more than 1,500 copies of the Carolina Review, UNC-Chapel Hill’s “conservative voice,” were removed from distribution points in classroom’s around campus. The issue criticized the political beliefs of Aaron Nelson, the editor. Conner and two other candidates for the student body presidency. Nelson said he fully supports the Review’s right to free speech.

At the beginning of this year, editors in Littleton, Colo. at the Arapahoe Community College student newspaper, The Rapp Street Journal, received a letter from student government officials. Referring to a newspaper shutdown at nearby Denver Community College, the letter warned that the same thing might happen to The Journal if they continued making “mistakes” and “misquoting”, the letter also threatened to reduce or cut the paper’s funding for next year.

Then, in March — after a student government official’s warning, “Wait and see what we have in store for you next” — close to three hundred copies of a Journal issue containing a story and an editorial criticizing the student government disappeared from newstands.

Matthew Davis, acting editor in chief of the Journal, said the paper filed a report with the campus police. No charges have been filed, however, because there is not any proof of who did the taking. He said the editors did have a meeting with student government officials to help clarify the paper’s role.

The entire 2,500 press run of the March 8 issue of the Washburn University Review in Topeka, Kan. were stolen. The issue contained a story criticizing the student government. The editors have filed a police report and hope to find out who was responsible. The incident cost the Kansas paper about $2,200 in advertising revenue and four-color printing.

In September 1995, The Rutgers Review — one of several student newspapers at Rutgers University in New Brunswick, N.J. — ran a controversial column denouncing convicted murderer and former journalist Mumia Abu-Jamal. Abu-Jamal received the death sentence for killing a police officer in 1981 and is appealing his charge claiming that he received an unfair trial.

In response to the column, entitled “Fry Mumia Now,” twelve angry students stormed the paper’s staff meeting the next day, and later destroyed 3,500 copies of the paper — more than half of the 6,000 printed. The campus police were unable to apprehend any of the students involved in the protest.

When the Review announced plans to press charges against the protesters, the Daily Targum (the New Jersey school’s largest student paper) wrote an editorial condemning the decision. “Pressing charges,” the editorial said, “will only exacerbate the situation, and nothing good will come out of it.”

James Cofer, author of the controversial column and editor of the Review at the time, said he was surprised that the Targum did not support them. “We as (See THEFT, page 34)

Alaska mulls anti-theft bill; San Francisco enacts new law

ALASKA & CALIFORNIA — As the number of free newspaper theft incidents continues to rise, lawmakers in at least two jurisdictions appear to be taking notice and offering their support to the media.

In response to the May 1995 theft of the University of Alaska-Southeast Whalesong, the Alaska State Legislature is considering a bill that would explicitly make the taking of free newspapers a crime. Chris Knight, editor in chief of The Whalesong at the time of the theft, is now working with Rep. Elton (Terry) Martin (R-Anchorage) the sponsor of the bill. Maryland is the only state that has such a law. It was enacted in 1994 after a rash of newspaper theft incidents there.

“No newspaper in the world would continue to publish with the knowledge that copies could be destroyed without legal recourse, nor would a newspaper be able to acquire funding through advertising if advertisers knew the newspaper could simply be thrown out,” Knight said in a letter to the Juneau City Attorney immediately after the theft of The Whalesong. Four hundred copies of The Whalesong were found in trash receptacles around the Juneau campus. Knight said he believed at least 1,000 copies were stolen — 50 percent of the paper’s press run.

No one was apprehended for the theft. Adviser Suzanne Downing said the school conducted a formal inquiry, but that nothing came of it.

Alaska House Bill 485 was introduced in February to prevent interference with the “distribution or (See ALASKA, Page 34)
Theft
(Continued from page 33)

sured that, being a newspaper, they would stand up for the First Amendment," Cofer said.

Review editors decided not to file charges against the students under the university's code of conduct. "It was not worth the time it would take to go through the process," Cofer said.

Approximately 2,000 copies of the St. Bonaventure University student newspaper, The Bona Venture, disappeared from distribution racks in January. The issue of the newspaper contained a story about an alumnus banned from the New York campus.

Michele Passalugo, editor in chief of newspaper, said a news editor saw a student taking a stack of papers from the student center around the time they were delivered. The Bona Venture printed a notice asking anyone with information about the theft to contact the paper or security services, but Passalugo said the case has basically been closed. At least one advertiser, with a $127 ad, demanded that the paper run its ad for free in the next issue.

Around 7,000 copies of the 19,500 press run of the Auburn University in Ala. Plainsman were stolen in November. Plainsman adviser Ed Williams said a McDonald's insert in the issue, complete with free food tickets, prompted the theft. The incident cost the paper $3,200, because 10,000 issues had to be reprinted to avoid losing $7,500 in advertising revenues. Williams said this was not the first incident of this kind at the Alabama school.

Williams said police thought it would be too difficult to prosecute because the papers were techni-cally free. Suspects were taken into custody, however, and the case was referred to the student disciplinary committee.

Editors of The Drummer, an alternative news magazine at Iowa State University in Ames, said they had 25 to 50 percent of the copies of a fall issue of their publication defaced or trashed. The school's department of public safety called the incident vandalism, not theft, because the papers were free to students. But they did offer video surveillance to help catch the culprits in the future.

In April, approximately 500 out of 5,000 copies of Independence Magazine, published by students at George Washington University in Washington, D.C., were stolen in front of the paper's student union office.

The staff does not know who stole the papers or why but says this is the second time this school year they have been hit.

The university president has offered a $100 reward for information leading to the arrest of the thief or thieves.

An April Fool's day issue at the University of Minnesota at Duluth prompted members of minority groups to steal 5,000 out of a 6,500 press run. The eight-page mock newspaper, the UMD Stateschic, contained remarks about gays, minorities, feminists and the Virgin Mary that some found offensive. The parody was wrapped around the real edition of the UMD Statesman.

The offended groups allegedly stole the papers and then distributed them at a rally protesting the UMD Stateschic and requesting the resignation of Ron Hustvedt, the paper's editor in chief.

Nothing has been done to the thieves because the chancellor said it was a creative and legal form of protest, said Hustvedt.

Hustvedt said the university is investigating to see if the writers violated the student conduct code.

About 8,700 copies out of 16,500 newspapers were stolen in March from the University of Michigan's daily student newspaper at Ann Arbor.

Allegedly the thieves stole the Michigan Daily and left signs reading "The Michigan Daily has been canceled today due to racism" reports a story from the Associated Press.

Megan Schimpf, the Michigan Daily's news editor, says the administration considers the stolen papers theft and campus security is undergoing a closed investigation.

Since the investigation is closed, the staff does not know who is responsible for the theft but believes it pertains to an editorial cartoon in the paper some thought was racist, Schimpf said.

Total monetary loss is reported around $10,000.

(See THEFT, page 35)
Anti-abortion insert prompts campus thefts

FLORIDA & GEORGIA — The debate over abortion rights has prompted theft incidents at two colleges this spring.

On January 23 and 24, 1,000 copies of a 12-page paid advertisement from an anti-abortion group, the Human Life Alliance of Minnesota Education Fund, were stolen out of the Bowerd County Community College student newspaper, The Observer.

At least two newsstands were also vandalized, and the paper received a number of “threatening and malicious” phone calls and letters to the editor in response to the incident. Several advertisers also threatened to pull their ads out of the paper, according to Jerry Elam, the Observer’s adviser.

The incident was reported to the local police department, which told the school that nothing could be done. Elam said the school’s director of student life, Penny McIsaac, requested that the paper not press charges with the police, assuring that if they did not, the students involved would come forward and the school would pursue disciplinary action against them.

McIsaac said three students have admitted being involved in the incident. They maintain that only two of The Observer’s bins were involved — only 100-200 papers.

A disciplinary hearing was scheduled to determine the extent of the students’ involvement and to determine the appropriate disciplinary action to take against them. McIsaac said their punishments could range from writing letters of apology to the staff of The Observer to monetary compensation to suspension from school.

Elam said he is grateful that school officials have been so cooperative. As far as motive, he thinks the students involved in stealing The Observer simply do not understand freedom of speech and of the press.

“They are not journalists,” he said. “They know little about the First Amendment and college press rights, and they just didn’t want to see [the insert].”

In a similar incident on January 3, approximately 500 inserts presenting an anti-abortion message were stolen from student newspapers at the DeKalb Community College in Clarkston, Ga. A week later, 200 copies of an insert containing an exposé of the student government were stolen.

Tom Lasseter, editor in chief of the DeKalb Collegian, said none of the thieves have been apprehended. Lasseter said the incident was reported to campus law enforcement officials, but that no charges were filed because there was no one to charge.

Contrary to the experience at Broward, Lasseter said the DeKalb administration has been wholly uncooperative.

“Frankly,” he said, “I’d be surprised if anything happens at all.”

Theft

(Continued from page 34)

Approximately 900 of 2,500 copies of the College Reporter were stolen from Franklin and Marshall College in Lancaster, Penn. in April.

Steve Goldstein, former editor in chief, believes that it was one of two controversial stories in the issue that could have prompted the theft.

The staff does not know who the thieves were and the school is conducting an investigation. Goldstein says he does not think anything will come out of the investigation.

The theft was reported to the vice president of Franklin and Marshall who oversees the campus police.

The paper was reprinted at no cost and distributed.

Alaska

(Continued from page 33)

reading of” free newspapers and other free publications. It states that “a person commits the crime of criminal mischief in the third degree if the person interferes with the distribution of a free newspaper or periodical or prevents other persons from reading a free newspaper or periodical ... with the intent to interfere.” The bill is currently in committee.

Downing said the bill is a very positive step, but that she thinks it may be difficult to get it pushed through the legislature.

“Some people just feel that free papers aren’t worth anything,” Downing said. “[Legislators] don’t know much about student press issues.”

In San Francisco the Board of Supervisors enacted an ordinance in March that will make free newspaper thieves subject to a misdemeanor charge and fines of up to $500.

The city ordinance makes it a crime to steal free newspapers and illegal for recyclers to buy newspapers they know were stolen for profit. Recyclers will be required to record the name, address, driver’s license and license plate of anyone who brings in more than 100 pounds of newspaper.

San Francisco is the first city to pass such a law that will protect free college student newspapers as well as free commercial newspapers.
Fighting subpoenas

A high school and a college editor finally shut the door to lengthy battles, sharing their experiences with others.

After living through the threat of being arrested and now facing the prospect of legal fees or fines, what does a student journalist do when the battle to fight a subpoena has come to a halt?

Stacey Burns and Michele Ames have decided to educate others on how journalists as a whole need to come together for one common cause - fighting subpoenas. Both editors were faced with court ordered subpoenas and decided the integrity of their paper was more important than turning over information the police requested but could have obtained from other witnesses.

Now that her fight has ended, Michele Ames, editor at the University of Minnesota's student newspaper The Minnesota Daily, is traveling to different media groups in her region to tell why she decided to fight and why others should also.

"Even though all journalists are competitive, the issue of fighting subpoenas must be handled together," Ames said. "We must stand and fight every single subpoena as a group. Alone we are too small, with too little resources. Even a large professional paper is unable to fight off all subpoenas because there just isn't enough time. All journalists must come together because that is the only way to win."

Stacey Burns says that student journalists need to be educated about their First Amendment rights.

Burns, now a freshman at Washington State University and the previous editor at Mountlake Terrace High School is also traveling to talk to different media groups. In April, she spoke at a Journalism Education Association/National Scholastic Press Association convention in San Francisco in a session titled "In Contempt: Battling the Erosion of Press Rights."

Burns' speech includes pieces of important advice. She says "know student press law and the major precedents. This applies to teachers and student editors. Communication is the key ingredient to stabilizing and maintaining a quality publication. Everyone in the hierarchy needs to be informed of what is going on with all aspects of the paper. The more communication you have with the faculty, administration and school district the better support you will get when something comes up."

"Use and abuse local media professionals and national press organizations," Burns adds. "Not only are these people great sources for seminars and teaching purposes, but also for advice. These people know their stuff and are more than willing to help."
College editor refuses to turn over photos, paper must pay fine

MINNESOTA — After a two-year battle, editor Michele Ames at the University of Minnesota in Minneapolis won a silent victory by not complying with a court decision to turn over unpublished negatives of a campus brawl, despite the threat of jail and fines.

The struggle ended on January 29 after Hennepin County District Judge John Stanoch found Ames in contempt of court for defying his request for the negatives and fined the newspaper $250 for each day testimony continued in the criminal trial the negatives were requested for.

"On behalf of the staff of the Minnesota Daily... we have to respectfully decline to comply with the order," Ames tearfully told the judge.

Trial testimony in the case of a student who was accused of assaulting a police officer in the fight concluded later the same day.

"Thank goodness it's all over," said Ames. "I'm terribly sad," she added, "most of all for the citizens of this state. It is very sad that the Minnesota courts don't recognize the important principles of this case."

The Minnesota Daily argued that surrendering unpublished information to police or prosecutors can cause reporters to be viewed as an arm of the law, creating a "chilling effect" on news gathering.

"We can't turn our presses over to the county attorney," said Ames. "When a journalist goes to cover an event, he does not go there as an average citizen. He represents his readers who can't go for themselves."

The Daily was not able to ignore the subpoena because of the state court of appeals ruled she was not protected by a reporter's privilege or the state's shield law.

"It is a matter of principle," Ames said. "It would be wrong for a paper to cooperate with the courts, especially when they can get the information elsewhere. More than 100 people were there that night. Why do they need us?"

Attorney Marshall Tanick, who represented the Daily, was positive about the battle, despite the fine.

"I don't think this was unsuccessful," Tanick said. "I don't think we lost. I think the effect ought to be embolden journalists."

"I always understood that I might go to jail for this," Ames said. "But this is an issue that our whole paper believes in. And you can believe me, we are never going to turn over those photos," Ames said.

Ames said she was not sorry that she and the newspaper had defied the court order. "If I had to face it again, I plan to do exactly what I did today," Ames said after the trial concluded.

A defense fund for the newspaper has $1,500 in pledges so far. The money will go to pay the fine and the Daily's $11,000 legal fees.

Film case unresolved, editor holds photographs

WASHINGTON — Former editor in chief of the Mountlake Terrace High School Hawkeye, Stacey Burns, has been left alone after she refused last year to comply with a subpoena to turn over photographs of a fight among students at school prosecutors wanted for a criminal trial.

Burns repeatedly stated in interviews with local and national media and in her newspaper that her refusal to turn over the photos was based on her concern that the newspaper remain an independent source of news and information, not an investigative arm of the police department.

The paper was not the only witness, so the police could have easily subpoenaed the other onlookers, said Burns.

Burn's attorney, Howard Stambor, says nothing new has happened with the case in six months. "[The case] is in limbo, and the ball is in the prosecutors court. Most likely the case will just disappear."

"Stacey wins because she didn't have to turn over the pictures," Stambor says. "Generically, nobody wins on paper."

"Of course, there is no statute of limitations on a contempt of court charge so the prosecutor could open up the file at any time and slap me with the charge," Stacey said. "So while I am celebrating the fact that I am probably in the clear, I am not boasting of a complete victory."
The Student Press Law Center gratefully acknowledges the generous support of the following institutions and individuals without whose support defending the free press rights of student journalists would be a far more difficult task. As a not-for-profit organization, the SPLC is entirely dependent on donations from those who are committed to its work. All contributions are tax-deductible.

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