

the UNIVERSITY DAILY

Serving Texas Tech Since 1925

THURSDAY

September 9, 1999
Volume 75, Issue 8

STATE NEWS —

NATIONAL NEWS —

WORLD NEWS —

THIS IS CENSORSHIP.

On the following pages, you will see the word "censored" repeated over and over. This is our own form of self-censorship and in no way implies that we have been censored or restricted in any way by Texas Tech University personnel. Please see our editorial explaining The UD's stance on p. 4.

U.S. Court of Appeals upholds decision of student media censorship

ARLINGTON, Va. — Citing "poor quality" and a purple cover, a federal appeals court in Cincinnati on Wednesday upheld the censorship and confiscation of 2,000 student yearbooks by officials at Kentucky State University. The court also upheld the school's removal of the student newspaper's faculty adviser from her position after she refused to censor material from the paper critical of the university.

Wednesday's decision in *Kincaid v. Gibson*, 1999 FED App. 0322P (6th Cir.), which could have an immediate impact on students working on student media in Kentucky, Michigan, Ohio and Tennessee, is the first time a federal court of appeals has used a 1988 Supreme Court decision that upheld a high school principal's censorship of a student newspaper to justify censorship of the college press. Over the last decade, that decision, *Hazelwood School District v. Kuhlmeier*, has led to a sharp rise in the censorship of high school student publications.

Under *Hazelwood*, school officials may censor school-sponsored student publications if they can show that they have a "legitimate pedagogical" (educational) reason for their actions. The Supreme Court standard gives great deference to censorship decisions by school officials, allowing them to censor when they find material to be "ungrammatical," "poorly written" "inappropriate," or "inconsistent with the shared values of a civilized social order."

For more than 30 years prior to today's decision, courts had consistently ruled that college journalists enjoyed First Amendment protections similar to those afforded the commercial news media.

The decision has left many who work

with the student media stunned.

"This decision represents an almost 180-degree turn from the strong First Amendment protections that have traditionally been afforded public college student media," said Mark Goodman, executive director of the Student Press Law Center.

"Make no mistake, if allowed to stand, the decision today will gut student journalism programs at some colleges and universities. We've seen that happen at a number of high schools in the eleven years since *Hazelwood* was handed down — and we'll see it happen at the college level now."

"Fortunately," Goodman said, "the Sixth Circuit's decision is not the final word in this matter."

The case began in 1994 after administrators at Kentucky State University in Frankfort confiscated approximately 2,000 copies of the 1993-94 student-produced yearbook, *The Thorobred*, which have remained locked in a university storeroom for almost five years. At the same time, school officials transferred the student newspaper's faculty adviser to a secretarial position after she refused to censor material from the paper critical of the university.

The Sixth Circuit's decision upholds a November 1997 decision by Federal District Court Judge Joseph M. Hood who had ruled against students at the university, including the yearbook's editor, who claimed KSU had violated their First Amendment rights.

Administrators at Kentucky State claimed that they confiscated the student yearbook because they were unhappy that the yearbook's color (purple) did not match the school's official colors. They also objected to the yearbook's inclusion of a current events section and to what they described as a gen-

eral lack of quality. Citing *Hazelwood*, Judge Hood had ruled that these were sufficient reasons for KSU administrators to confiscate the yearbook.

The district court's decision was sharply criticized by national journalism education groups. Representatives of every public college or university with an accredited public college journalism program in Kentucky, Michigan, Ohio and Tennessee (the states that make up the federal Sixth Circuit where the case was heard) joined in a friend-of-the-court brief filed last year asking that the lower court's opinion be reversed. Two other friend-of-the-court briefs in support of the students were also filed by civil rights and professional news media groups.

In reaching its decision today, the appeals court found that Kentucky State had not clearly established the yearbook as a public forum, which therefore allowed it to censor the publication based on the *Hazelwood* standard.

"The determinative element of [determining forum status]...is the intent of the school in chartering the publication," Judge Alan E. Norris wrote for the majority.

"The Court in *Hazelwood* noted...that if the school did not intentionally create a public forum, then the publication remains a nonpublic forum, and school officials may impose any reasonable, non-viewpoint-based restriction on student speech exhibited therein," Norris wrote.

The court recognized that while school officials had — until the yearbooks were confiscated — exercised no "hands-on control" over the yearbook, that alone was not enough to establish the publication as a forum.

Because the yearbook was not a public forum, the court concluded that "it is no

doubt reasonable that KSU should seek to maintain its image to potential students, alumni, and the general public. In light of the indisputably poor quality of the yearbook, it is also reasonable that KSU might cut its losses by refusing to distribute a university publication that might tarnish, rather than enhance, that image."

That argument does not wash with some. "When school officials are allowed to use student media as a public relations tool, it ceases to exist as a credible source for teaching students about journalism," Goodman said.

In a dissent, Judge R. Guy Cole criticized the majority for failing to recognize the differences between high school and college students as well as the role of a student yearbook.

"A yearbook is a student publication constructed by students, intended for students. It reflects their perspective of the college experience..." Cole wrote.

A decision about what to do next has not yet been made, though it may be hard for the students to back down now.

"In this country we don't — or at least we haven't until now — allowed government officials to confiscate thousands of copies of an otherwise lawful publication because their covers were purple or because they didn't sing the praises of a state institution. I can't imagine allowing such reprehensible conduct to go without a fight to the end now," said Mike Hiestand, staff attorney with the Student Press Law Center.

EDITOR'S NOTE: This press release was released by Mike Hiestand, staff attorney with the Student Press Law Center. For more information on the *Kincaid v. Gibson* decision, visit the SPLC Web site at www.splc.org.

Contact The UD

News	742-3393
Lifestyles	742-2936
Sports	742-2952
Photography	742-2954
Editor	742-3395
Advertising	742-3384
Fax	742-2434
Letters ...	TheUniversityDaily@ttu.edu

FRESHMAN COUNCIL ELECTIONS

Freshman Council serves as the representative body of the Freshman Class. Get involved in your Student Government Association!!

- Statement of Intent must be completed by all candidates wishing to appear on Freshman Council Ballot.
- Statement of Intent will be available at the Student Government Association Office, University Center Room 230, Sept. 7-10 1999.
- All intents must be filed by 5:00 p.m., Spet. 10, 1999.
- Elections will be on Sept. 21, 1999



Indiana Avenue
Baptist Church

Come Join Over
1,000 Students!



New Location
95th & Indiana
797-9704

New Service Schedule

- University Worship
Sunday 9:30 a.m. & 8 p.m.
- Bible College Classes
Sunday 11 a.m. & 7 p.m.
- Discipleship Classes
Tuesday 6:00 p.m.
- Prayer & Praise
Wednesday 8 p.m.

... leading people into
a growing
relationship with
Jesus Christ.



*Haircut
Minus The Salon.*

There's a better way
to save time & money



varsitybooks.com

Your Online College Bookstore

Save up to 40% on new textbooks.
Get them in 1-3 business days. Guaranteed.

*Books delivered in no more than three business days or your shipping is refunded. Some restrictions apply. See www.varsitybooks.com for details.

FORWARD

Decision demands action from First Amendment advocates

A U.S. Court of Appeals handed down a decision Wednesday that sealed the fate of Kentucky State University's student publications and, in turn, could have a detrimental effect on universities and colleges across the country.

The decision to uphold censorship and to confiscate 2,000 student year-books by officials at KSU is another lash at the First Amendment and seriously threatens the rights granted to college student journalists.

The court, in their decision, also upheld the school's removal of the student newspaper's adviser from her position after she refused to censor material from the paper. The decision came in *Kincaid v. Gibson* and will impact student media in Kentucky, Michigan, Ohio and Tennessee.

Journalists, whether they are in the learning process or in the professional field, have the responsibility to report news to their publics. This decision strips not only student media from our First Amendment rights but also strips our audiences of the right to be informed.

This decision, in any light, is unfathomable to media moguls across the country, but what is absolutely absurd about the decision is that it stems from the 1988 *Hazelwood* decision that allows high school principals to censor their schools' newspapers. This says to us that they are basing the credibility of college student media on the premise of high school journalism.

For more than 30 years now, student media have been granted similar First Amendment rights as those enjoyed by commercial media groups. Up until now, student media have been able to run with the big dogs, constantly in competition with local media news outlets. Now we're being told that we are not professional enough to do our jobs.

This does not even begin to touch the surface of what this decision means. On top of stripping us of our First Amendment rights, we would be censored by the people that make the news.

Right now at Texas Tech the editorial advisers for *The University Daily* and *La Ventana* have the authority of limited censorship. That is, if they determine an article, photo, cartoon, headline or cutline to be libelous, obscene, an invasion of privacy or a substantial disruption of the educational process, then they have the right to hold the story for review by the Student Publications Advisory Board at Texas Tech. The board is made up of faculty, staff and students from across campus.

Mark Goodman, executive director of the Student Press Law Center, hit the nail on the head when he said student media will cease to exist as a credible source for teaching students about journalism because the decision will allow school officials to manipulate the student media as a public relations tool.

We couldn't have said it better ourselves. This decision voids us of our watchdog roles in society and will allow the higher echelons of university administrations to be subject to zero accountability with no fear of being exposed for their wrong-doings. And to our public, this means that you will not get the news you deserve to know.

We, the editorial board of *The University Daily*, totally and utterly disagree with the decision handed down by the U.S. Court of Appeals on Wednesday and acknowledge that this decision will have a tremendous negative impact on the news coverage of university publications on campuses across the country.

This is your First Amendment right.

(Again, the word "censored" on the pages of today's UD symbolizes what it would be like if your newspaper was censored.)

Editorial Board

Wayne Hodgin
editor

Jason Bernstein
managing editor

Laura Hensley
techlife editor

Greg Kreller
photography editor

Greg Okuhara
news editor

Ismara Quant
copy editor

Lindsay Rowden
copy editor

Letters to the Editor Policy: Letters to the editor are accepted for publication on the Viewpoints page. All letters must be no longer than two, double-spaced, typed pages. Unsigned letters will not be published. Letters must be submitted in person, by mail or by e-mail. Letters are published at the editor's discretion, and the editor reserves the right to edit letters for libelous material, spelling and vulgarity. "Letters to the Editor" is intended as a forum for public discussion of issues relating to Texas Tech; personal attacks will not be published. The UD does not discriminate because of race, creed, national origin, sex, age, disability or sexual preference. Letters must be submitted with picture identification and telephone number to Room 211 of the journalism building, or to TheUniversityDaily@ttu.edu. Letters sent by e-mail must include the author's name, social security number and phone number.

Editorial Policy: Unsigned editorials are the opinions of The University Daily editorial board and do not necessarily reflect the views of Texas Tech University, its employees, its student body or the Texas Tech University Board of Regents. A column is solely the opinion of its author. Editorial policy is set by The University Daily editorial board. The University Daily is independent of the School of Mass Communications. Responsibility for the editorial content of the newspaper lies with the student editor.

[This section contains a grid of text that has been completely redacted with the word "Censored" repeated over and over.]

How's This For A Deal?

1500 for 1

JOIN FLEX FITNESS NOW AND THAT'S EXACTLY WHAT YOU GET- ACCESS TO 1500 CLUBS NATIONWIDE. MOVING? GRADUATING? GOING HOME FOR THE HOLIDAYS? NO PROBLEM. CHANCES ARE THERE'S AN IPFA AFFILIATED CLUB NEAR YOU. TECH SPECIALS STARTING AT \$19.95/MONTH

3501 50th St. 796-0227
Next to DFC Cycles and Fitness




Buy One Whataburger Get One Free!

Present This Coupon To Any Lubbock Area Whataburger For 2 Great Whataburgers For The Price Of One.

WHATABURGER

4802 50th St. • 1702 19th St. • 1717 50th St. • 7201 Quaker Ave.

hit the JACKPOT!



At **Alpha Plasma Center**
Earn **\$100** (on your first donation) in Two Weeks
Alpha Plasma Center
2415 Main (Across from the UP)
Appointments Available
747-2854
Mon 8-5 Tue-Thurs 8-7 • Fri 8-5 Sat-Sun 9-5

JAZZ

a Louisiana Kitchen



\$1 DRAFTS All day Monday
\$2.50 Drink Specials DAILY
HAPPY HOUR 4-7 Everyday

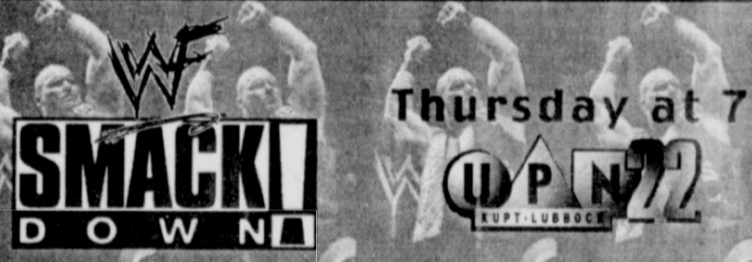
"Let The Good Times Roll"
Serving the Best Cajun Food Daily
LIVE ENTERTAINMENT

3703 C 19th Street • 799-2124

	THURSDAY	SEPTEMBER 9					
STAT. CHAN. AFFIL. CITY	KTXT 8 PBS Lubbock	KCBD 11 NBC Lubbock	KLBK 13 CBS Lubbock	KUPT 22 UPN Lubbock	KAMC 23 ABC Lubbock	KJTV 83 FOX Lubbock	
7:00	Bloomberg Body Elec.		Today Show		News	Recess Sabrina	Good Morning Magic Bus
8:00	Seaweed				Doug Hercules	America	Costly Ditt World
9:00	Mr. Rogers Barney		Later Today		Roseanne	K. Copeland Match Game	Regis & Kathie Lee
10:00	Teletubbies Wimzie's		Martha Stewart		Price is Right	Danny & Marie	View
11:00	Zoboomafoo Arthur		Sunset Beach		Young & the Restless	Howie Mandel	All My Children
12:00	Old House Bak'g Julia		News Days of Our		News Beautiful	Ricki Lake	News Port Charles
1:00	Sit Be Fit Barney		Lives Passions		As the World Turns	Paid Program Boy/World	One Life to Live
2:00	T. Turbot Dragon Tales		Hiwyd Square		Guiding Light	Mr. Cooper Martin	General Hospital
3:00	Arthur Wabbone		Rosie O'Donnell		Sally Jessy Raphael	Paid Program Ditt. World	Maury Povich
4:00	Zoom R. Rainbow		Oprah Winfrey		Jeopardy Seinfeld	E.T. Real TV	Montel Williams
5:00	Krat's Nightly Bus		News NBC News		News CBS News	Jerry Springer	News ABC News
6:00	NewsHour		News Extra		News W/ Fortune	Judge Judy	News Home Impr. Simpsons
7:00	NaTI Geographic		Friends 'PG Jesse' 'PG		Diagnosis Murder 'PG	WWF Smackdown	Whose Line Is Who's Line
8:00	Mystery!		Frankie 'PG		Shoofie 'PG		More Bloopers
9:00	Signature		E.R. 'PG		48 Hours	Ricki Lake	Nightline: New World
10:00	Nightly Bus		News Tonight Show		News David	Joe Brown Joe Brown	News MASH
11:00			Conan		Letterman U.S. Open	Hard Copy Real TV	Nightline Mad/You
12:00			O'Brien Later		Craig Kilborn	Paid Program Shop @ Home	Incorrect Access

SMACK! DOWN!

Thursday at 7



LUKE OLSON



Texas Cafe
3604 50th
Thursday - September 9th
www.lukeolson.com

Academic Computing Services

Texas Tech University

Employment Opportunities

Earn Students Top Dollar

When They Graduate!

Over the past 10 years hundreds of TTU Students who were formerly employed in the ATLC have landed excellent jobs with great pay. Many of these past employees have been in contact and have informed us that the experience and training received while working in the ATLC were major factors in obtaining these jobs.

USEFUL SKILLS INCLUDE

- Working with different platforms (Mainframe, PC, Mac)
- Working with different systems (Windows 98, Mac, UNIX)
- Working with popular software applications (Office, Email, Internet, Photoshop, etc.)
- Ability to work in a team environment

The following areas may have vacancies:

- Mainframe Help Desk Student Assistant (VMS mainframe knowledge required)
- Windows Help Student Assistant (good knowledge of PC software required)
- Mac Help Student Assistant (good knowledge of PowerMac software required)
- Part-time Receptionist
- Software Check-out Student Assistant
- Dispatch Student Assistant
- Art and computer graphic skills now needed!

Students who are interested in working in the ATLC and are qualified in one or more of the above areas may apply by filling out an application form and interviewing with Academic Computing Facilities on a "WALK-IN" basis or at the following times:

1:00 PM to 3:00 PM	9/8/99 Wednesday
8:30 AM to 10:30 AM	9/9/99 Thursday
12:00 PM to 2:00 PM	9/10/99 Friday
10:00 AM to 12:00 PM	9/13/99 Monday

Fox & Hound's Fantastic!

Fall Features!
4210 82nd Street
791-1526

Mondays - Are you ready for some Football!
All Miller Brand Longnecks Happy Hour priced \$1.00 Stadium Dogs
Dive into our "Pool without Water"

Tuesdays - German Beer Night
Special Pricing on all our German Draughts and Bottles
Plus Goldschlager, Jagermeister and Schnapps

Wednesday - British Pub Night.
All Lagers and Ales from The British Isle's, Happy Hour Priced All Night Long. Ask Your Server for what else!

Thursdays - TEX - MEX Night.
All Texas And Mexican Beers and Tequilas Priced for a Party! Plus \$1.00 off our Ultimate Nachos
Join us every first Thursday of the Month For our Famous Parrothead Partys

32 TV's
10 BIG SCREENS

21 & Up Welcome




STUDENT SERVICE FEE REQUEST 2000-2001

The Student Service Fee Budget Review Committee will begin budget review discussion for the 2000-2001 academic year after October 5, 1999. Departments or programs currently receiving Student Service Fees money must submit a budget request with twelve copies to the Office of the Vice President for Student Affairs by October 5, 1999.

Programs which might be eligible to receive Student Service Fee money support and do not now do so from either the Student Service Fee budget appropriations or the Student Government Association should submit budget requests to the Office of the Vice President for Student Affairs no later than Tuesday, October 5, 1999. Forms for submitting requests are available in the Offices of the Vice President for Student Affairs and the Student Government Association.

Three ways to beat the high cost of college.

1. The Montgomery GI Bill
2. Student loan repayment
3. Part-time income

The Army Reserve Alternate Training Program is a smart way to pay for college. First, if you qualify, the Montgomery GI Bill can provide you with over \$9,000 for current college expenses or approved vo/tch training. Second, if you have or obtain a qualified student loan not in default, you may get it paid off at the rate of 15% per year or \$1,500, whichever is greater, up to a maximum of \$10,000. Selected military skills can double that maximum. Third, you can earn part-time money in college, and here's how it works: One summer you take Basic Training, and the next summer you receive skill training at an Army school. You'll earn over \$2,000 for Basic and even more for skill training. Then you'll attend monthly meetings at an Army Reserve unit near your college, usually one weekend a month plus two weeks a year. You'll be paid over \$118 a weekend to start. It's worth thinking about. Give us a call:

1-800-USA-USAR

BE ALL YOU CAN BE.
ARMY RESERVE
www.goarmy.com



Grand Opening

Live Entertainment

Lubbock's Premier Dueling Pianos
Thurs, Fri, Sat 9pm - 2am

Dubious Groove

Friday, September 3 & Sunday, September 5

Also featuring 70's, 80's & 90's Dance Music
Sports & Games Forum

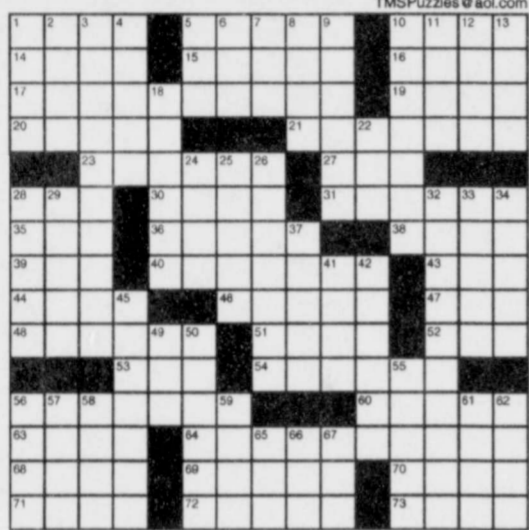
Mon-Thurs 2pm-2am Fri-Sat 2pm-4am Sun 4pm-2am
21 & up (18 & up after 2am, Fri & Sat)

In the Dab District
1718 Avenue F, Lubbock, TX

www.clubathens.com

THE Daily Crossword Edited by Wayne Robert Williams

- ACROSS**
- 1 Groening or Damon
 - 5 Muscat resident
 - 10 Entreaty
 - 14 Concerning
 - 15 Heathen
 - 16 Supreme Court Justice Warren
 - 17 Betsy Ross, e.g.
 - 19 Sicilian smoker
 - 20 Sweeping blow
 - 21 Patty Hearst, e.g.
 - 23 Diatribe
 - 27 Sieve card
 - 28 In favor of
 - 30 Grade sch.
 - 31 Marine mollusk
 - 35 One of the girls
 - 36 Lowest high tides
 - 38 Medical fluids
 - 39 Cool down
 - 40 Meryl Streep, e.g.
 - 43 Pop
 - 44 Profuse
 - 46 British PM (1970-74)
 - 47 Shoshone
 - 48 Bean and Welles
 - 51 of execution
 - 52 Climate
 - 53 Observe
 - 54 Most painful
 - 56 Rita Dove, e.g.
 - 60 Parallel bands
 - 63 Finished growing
 - 64 Eve, e.g.?
 - 68 Spanish cheers
 - 69 Aucklander, perhaps
 - 70 Sale-tag disclaimer
 - 71 Wood and nail
 - 72 ___ on (incited)
 - 73 Attention-getting sound
- DOWN**
- 1 Shoot wide
 - 3 Freshly
 - 3 Mata Hari, e.g.
 - 4 Music paces
 - 5 Choose



- By Roger Jurgovan Potomac, MD 9/9/99
- Wednesday's Puzzle Solved**
- | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| C | A | B | A | L | T | A | S | S | S | H | A | H |
| L | E | O | N | E | A | P | P | T | T | U | T | U |
| A | R | R | O | W | R | E | L | O | C | A | T | E |
| M | I | N | N | I | E | D | R | I | V | E | R | |
| S | E | E | N | A | Y | T | E | E | C | H | E | |
| S | T | O | R | K | G | I | N | O | C | A | K | E |
| W | O | O | D | Y | W | O | O | D | P | E | C | K |
| E | N | Z | O | E | L | L | S | X | R | A | V | S |
| A | G | E | R | L | D | S | A | H | A | | | |
| T | I | A | D | A | G | E | A | V | I | P | E | A |
| R | E | P | R | I | M | A | N | D | I | N | T | R |
| A | R | E | A | E | G | G | O | T | A | T | E | R |
| P | A | R | S | S | E | A | R | S | N | I | D | E |
- 45 Perle Mesta, e.g.
- 49 Born in Bordeaux
- 50 Tasty seed
- 55 Wristwatch part
- 56 Stick with a tooth
- 57 Unctuous
- 58 Rapiet's cousin e.g.
- 59 Hitch
- 61 Mother of Horus
- 62 Helper: abbr.
- 65 Mechanical tooth
- 66 Afore
- 67 Comic Caesar

GREAT LUNCH SPECIALS \$4.99 & UP

10% Off All TTU/TTU HSC Faculty & Staff

4th & Boston 744-0183

Ham - 1am Sun-Thurs

Ham - 2am Fri-Sat

When it comes to the **internet** there are two kinds:

1. Those who **put up**
2. Those who **shut up**

and **check out** the stuff that was just put up.

www.greekcentral.com

nothing captures greek life more completely.

For a free CD, go to our website, or call 1-888-GREEK55

\$8 GREEN FEES

Kings Park Executive Golf Course

78th & Quaker 797-PUTT

\$16,000 Scholarship Available

\$150 Stipend for Jr & Sr Army ROTC

Call Major Bill Kroeger 742-2141

COSMIC BOWLING

BUY ONE, GET ONE FREE (good anytime)

Brunswick South Plains Bowl

5150 69th St. 794-4844



Bring it.

Where it matters most.

As one of the world's leading diversified technology companies, we're breaking new ground in everything from **defense and commercial electronics, to aviation, to engineering and construction.** As a Raytheon employee, you'll contribute to the development of exciting, revolutionary technology designed to make life better, easier, and safer throughout the world. Such as our STARS air traffic control system. And our award-winning NightSight™ technology.

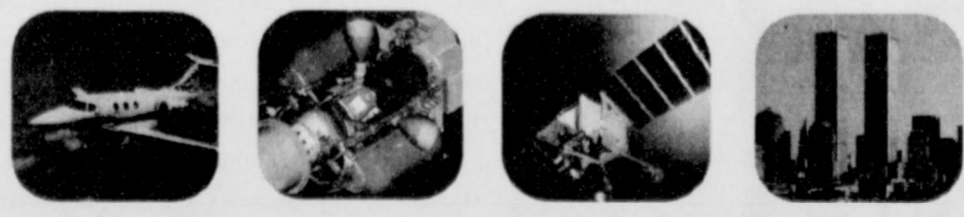
But it all starts with you. Your creativity. Your knowledge. And enthusiasm about the future. In return, we offer exceptional training and professional development opportunities. A supportive, down-to-earth work environment. And incredible benefits including flexible schedules designed to respect your quality of life.

So you can still show off all those great qualities of yours outside of work, too.

We have a lot to tell you about Raytheon and the exciting opportunities we have available. Plan on visiting our booth at your college career fair. If you are unable to attend the fair, please e-mail your resume to: resume@rayjobs.com (ASCII text only; no attachments), or mail to: Raytheon Company, Attn: National Staffing Data Center, P.O. Box 660246, MS-201, Dallas, TX 75266. U.S. citizenship may be required. We are an equal opportunity employer.

- Opportunities are available for exceptional students with the following majors:
- Aeronautical Engineering
 - Chemical Engineering
 - Civil Engineering and Construction Management
 - Computer Engineering
 - Computer Science
 - Electrical Engineering
 - Finance/Accounting
 - Human Resources
 - Industrial and Labor Relations
 - Management
 - Marketing/Communications
 - Math
 - Mechanical Engineering
 - Physics

Check out our Website at www.rayjobs.com/campus for further information including a calendar of recruiting events. At Raytheon, we strive to be the employer of choice for a diverse workforce by attracting, retaining, and recognizing the most talented, resourceful and creative people.



Bringing technology to the edge

Raytheon

Censored



Censored

Got news?

1-800-COLLECT

Save a Buck or Two.

www.1800collect.com

Savings vs. dialing '0' with AT&T.