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THURSDAY

September 9, 1999 Volume 75, Issue 8

STATENEWS —

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.

NATIONALNEWS -

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

ity" 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.

orded the commercial news media.

The decision has left many who work

with the student media stunned.

ARLINGTON, Va. — Citing "poor qual"and a purple cover, a federal appeals
ourt in Cincinnati on Wednesday upheld
the censorship and confiscation of 2,000
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with the student media stunned.

"This decision represents an almost 180degree 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

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 cuts 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

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 con-

In a dissent, Judge R. Guy Cole criticized

structed by students, intended for students. It reflects their perspective of the college experience...," Cole wrote.

A decision about what to do next has not

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.

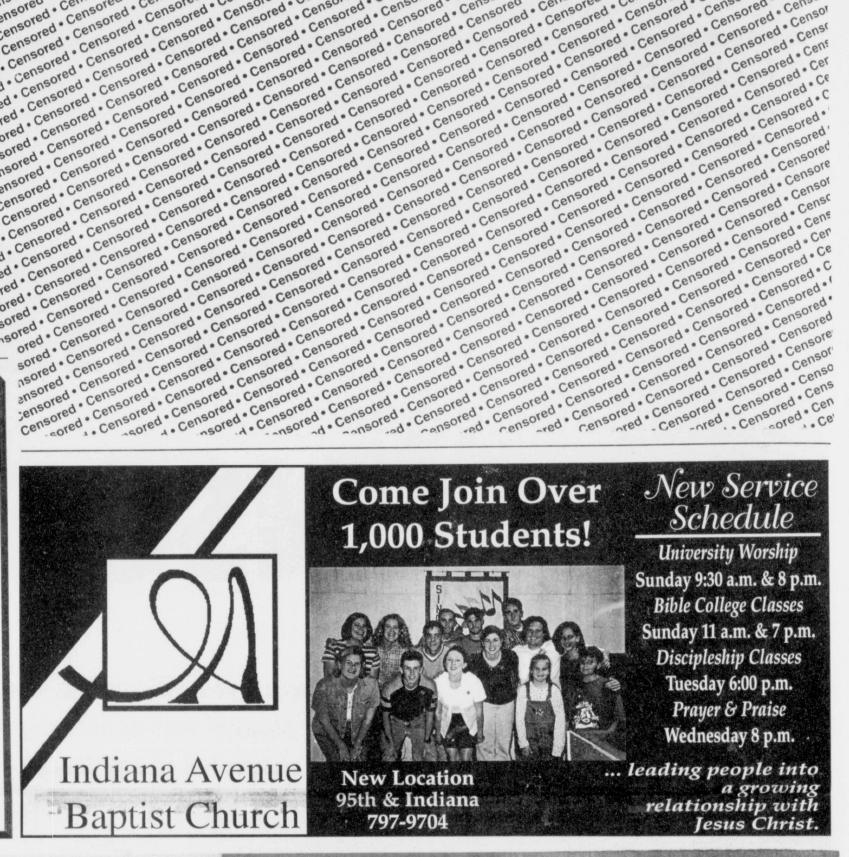
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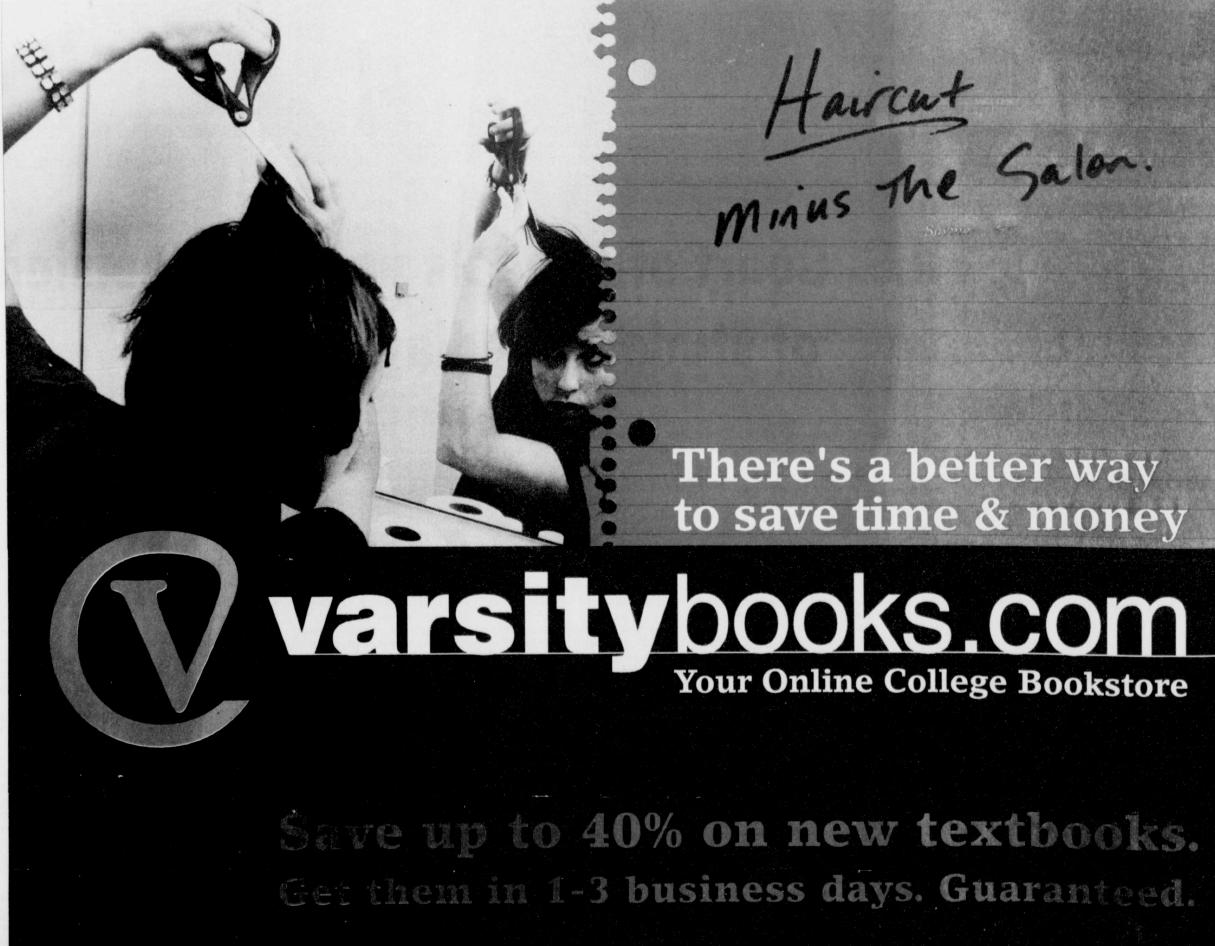
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Freshman Council serves as the representative body of the Freshman Class. Get involved in your Student Government Association!!

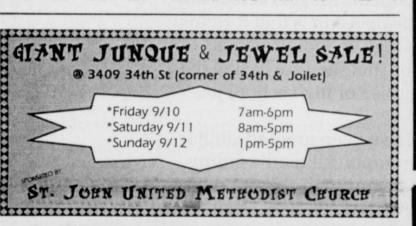
- Statement of Intent must be completed by all candidates wishing to appear on Freshman Council Ballot.
- Statement of Intents will be available at the Student Government Association Office, University Center Room 230, Sept. 7-10 1999.
- All intents must be filed by 5:00 p.m., Spet. 10,1999.
- Elections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



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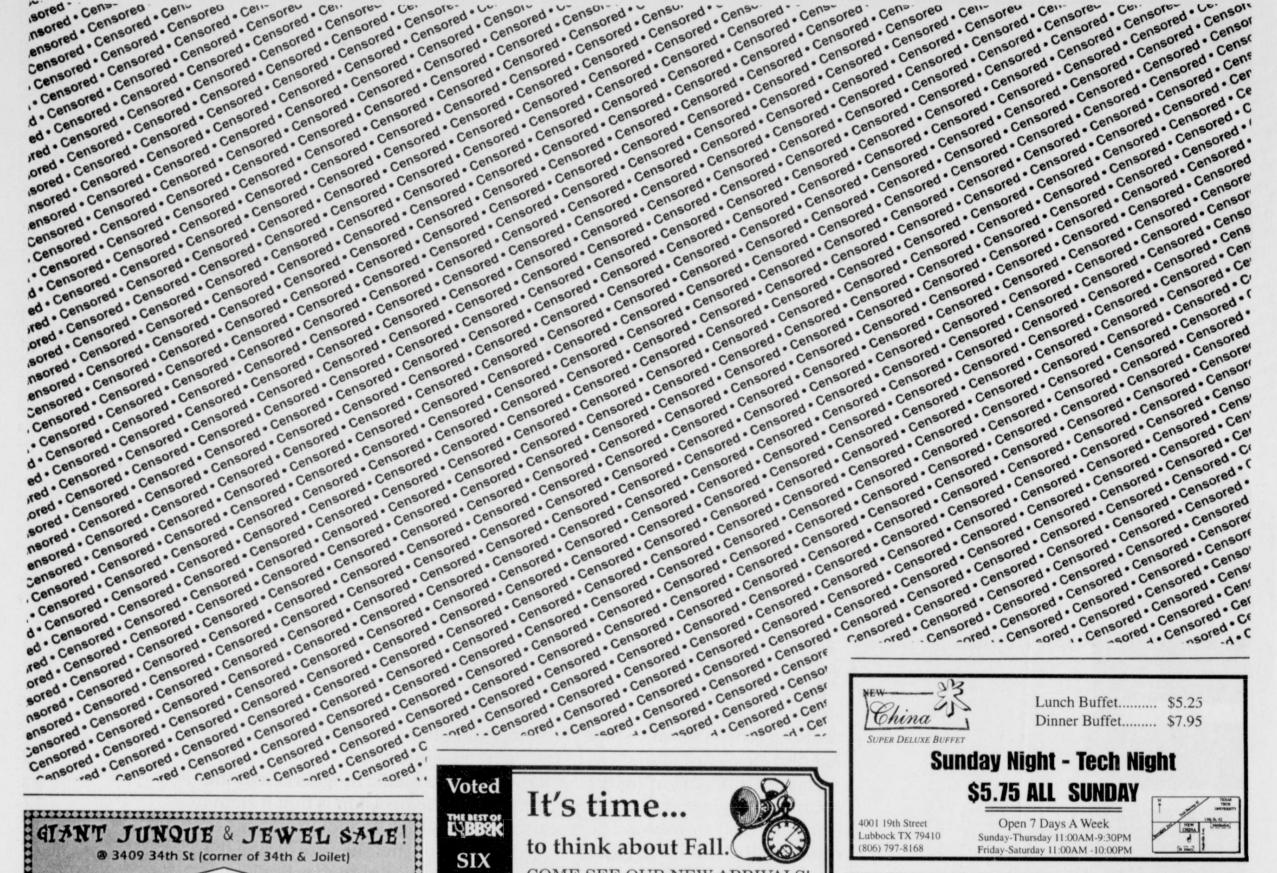


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Letters to the Editor Policy: Letters to the editor are accepted for publication on the Viewpoints page. All letters must be no longer than two, double-spaced, typed pages. Unsigned letters will not be published. Letters must be submitted in person, 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 The University Daily @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.

Decision demands action from First Amendment advocates

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.)

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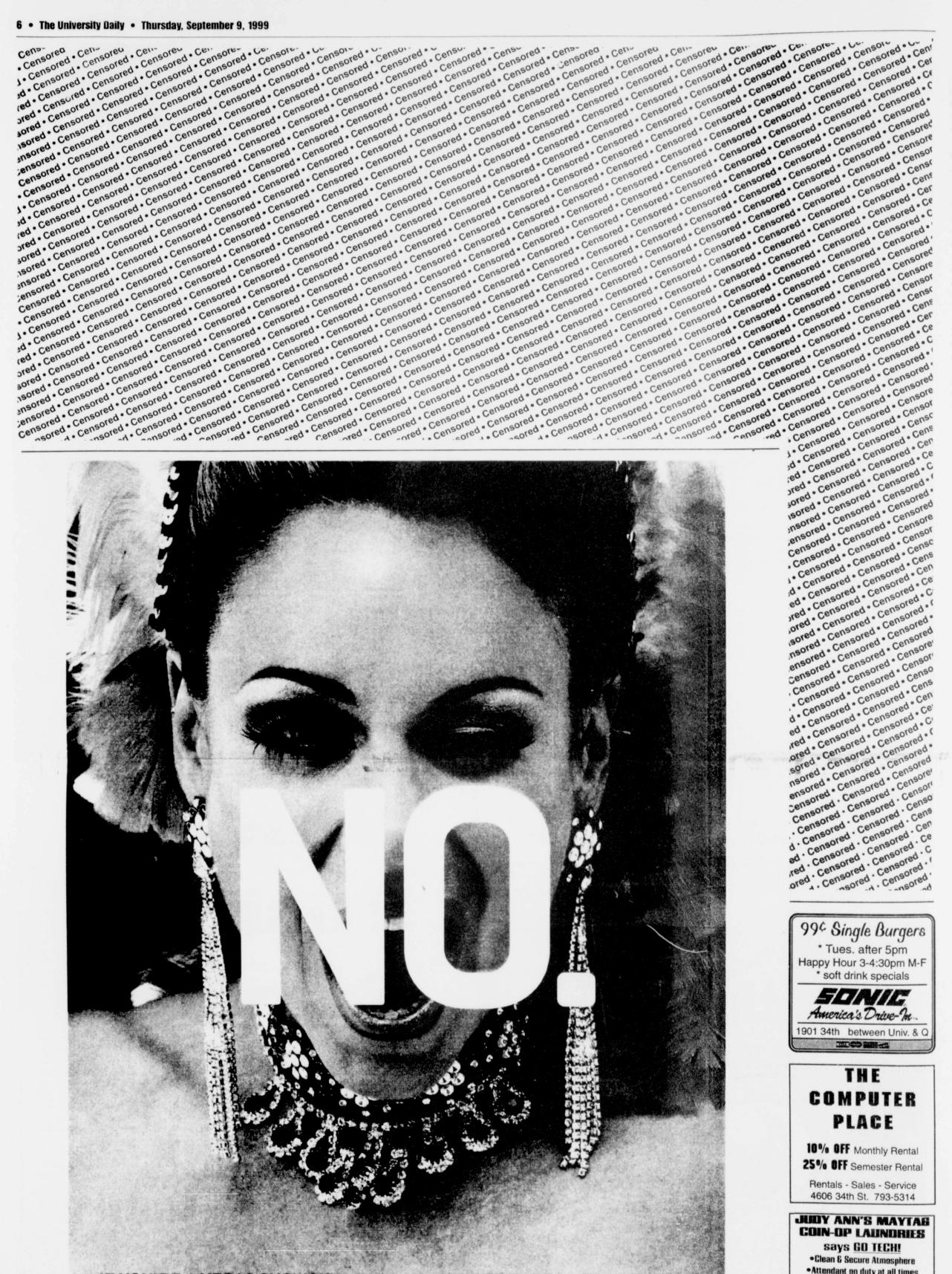
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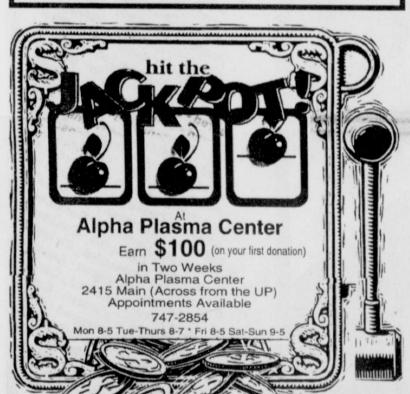
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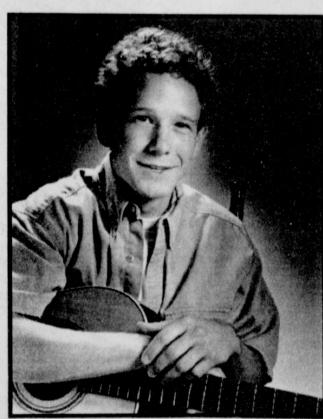
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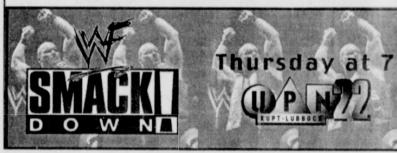
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8:00	Sesame Street	12	:	Doug Hercules	America	Cosby Diff. World
9:00	Mr. Rogers Barney	Later Today	Roseanne "	K. Copeland Match Game	Regis & Kathie Lee	Forgive or Forget
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11:00	Zoboomafoo Arthur	Sunset Beach	Young & the Restless	Howie Mandel	All My Children	People Court
12:00	Old House Bak'g/Julia	News Days of Our	News Beautiful	Ricki Lake	News Port Charles	Mills Lane Mills Lane
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2:00	T. Tugboat Dragon Tales	" Hlywd Square	Guiding Light	Mr. Cooper Martin	General Hospital	Nanny Paid Program
3:00	Arthur Wishbone	Rosie O'Donnell	Sally Jessy Raphael	Paid Program Diff. World	Maury Povich	PR Playback Magician
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7:00	Nat'l Geographic	Friends *PG Jesse *PG	Diagnosis Murder *PG	WWF Smackdown	Whose Line Whose Line	Police Video 'TV14
8:00	Mystery!	Frasier *PG Shoot Me *PG	"		More Bloopers	Cheating Death
9:00	Signature	ER. *PG	48 Hours	Ricki Lake	Nightline: New World	Cops Cops
10:00	Nightly Bus.	News Tonight Show	News David	Joe Brown Joe Brown	News MASH	Frasier Cheers
11:00		Conan	Letterman U.S. Open	Hard Copy Real TV	Nightline Mad/You	Jerry Springer
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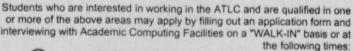
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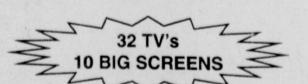
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STUDENT SERVICE FEE REQUEST 2000-2001

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.

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1. The Montgomery GI Bill

2. Student loan repayment

3. Part-time income

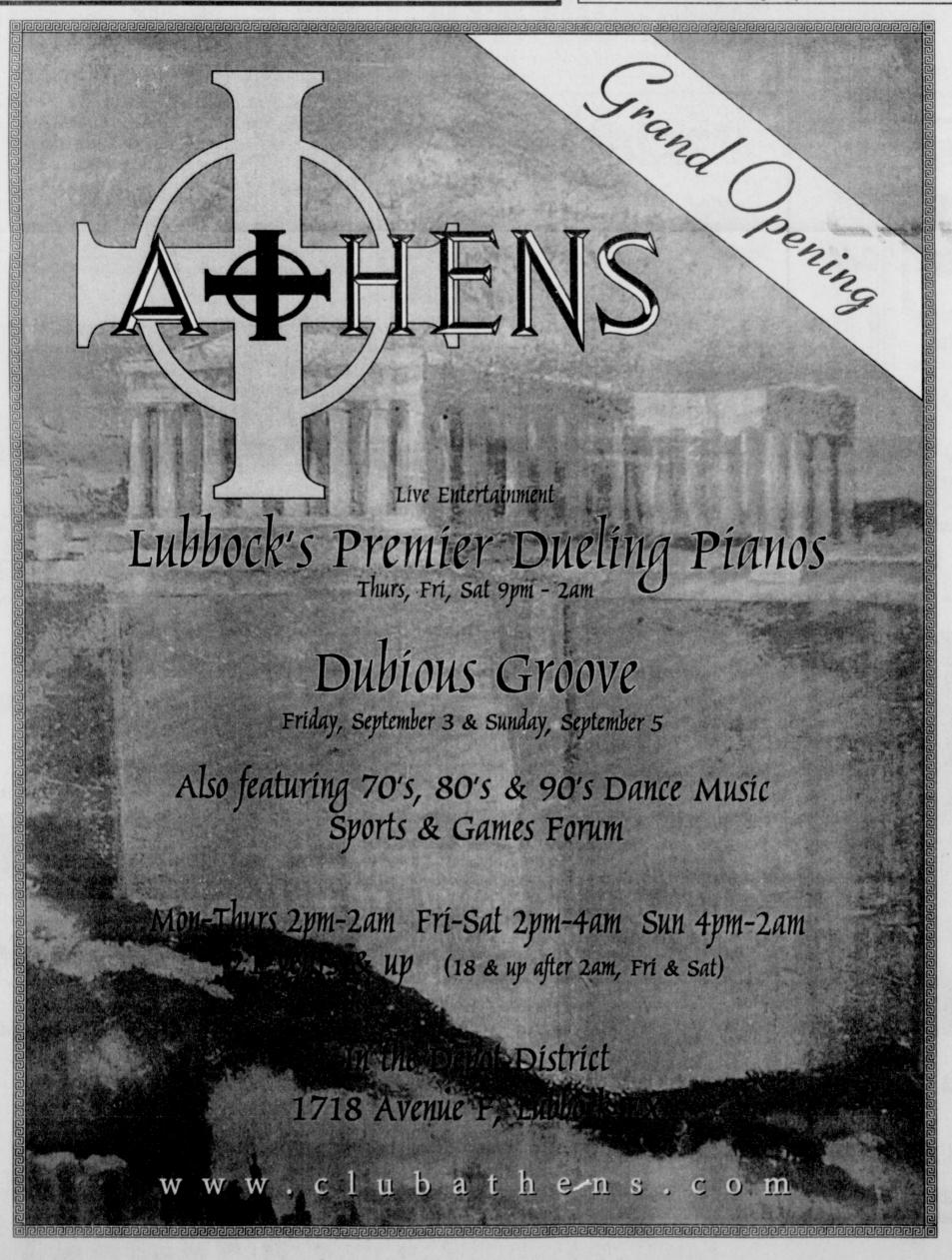
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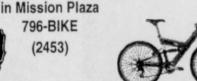
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Leigh Daniel isn't one to rest on her laurels.

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(As far as we can tell, she isn't one to rest at all.)

Becoming one of the country's top collegiate athletes took hard work. We're talking a total commitment to her sport. And because of her dedication, she's been nominated for a Honda Award. In addition to athletic ability, she's being recognized for academic achievement

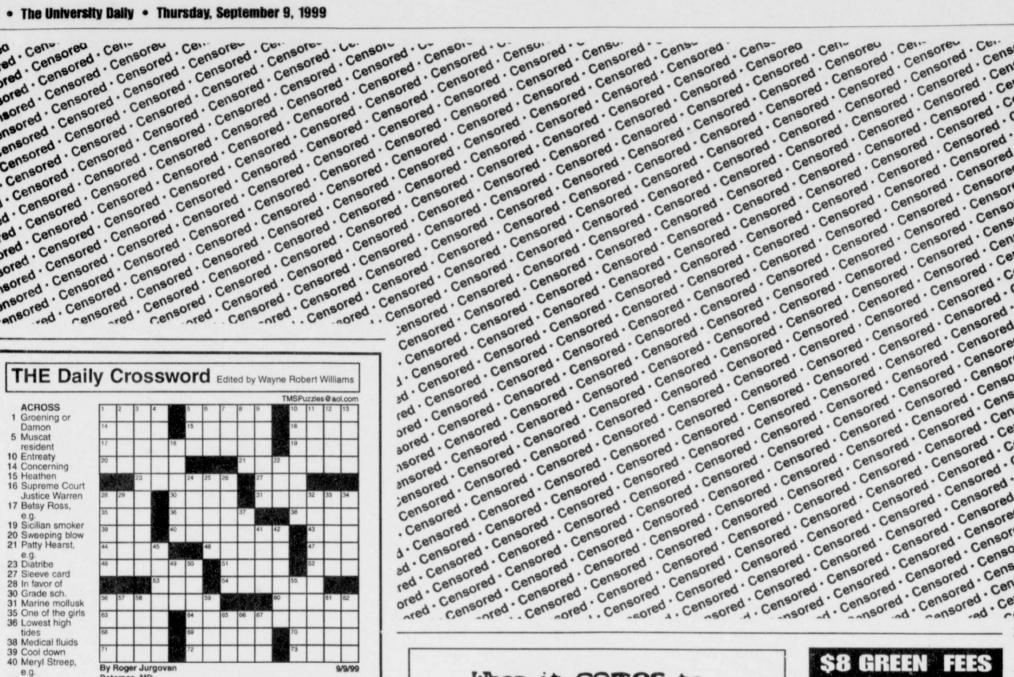
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> and community involvement. In her honor, we're making a donation to the women's athletics program at your school. We congratulate her for all of these accomplishments. She's clearly a woman who doesn't miss out on much in life. Except maybe a few hours sleep.

Congratulations to Leigh Daniel, Track & Field Texas Tech University, 1998-99 Honda Award Nominee

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8 "Bed Riddar

measure

9 Tailor's

10 Sophie

11 Past due

13 Woe is me

18 Williams of

22 Hospital letters

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25 "A __ in the

26 Eugenie, e.g. 28 Van Dine's

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Helper: abbr.

67 Comic Caesar

59 Hitch

66 Afore

61 Mother of

Horus

65 Mechanical

11am - 1am Sun-Thurs llam - 2am Fri-Sat

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1. Those who put up.

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2. Those who shut up

and check out the

stuff that was just

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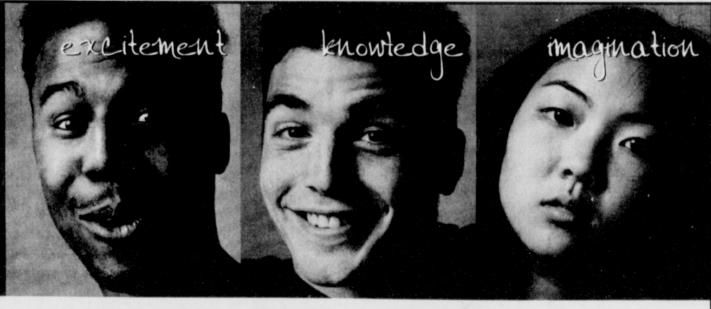
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The easiest way to make money. Delivering for Domino's Pizza. Apply today at 1617 University Ave. - Next to Schooner's. AT YOUR SERVICE, a local catering company is currently hiring vaitstaff. Hours are flexible, but must be able to work some mo

ing/lunch shifts during the week (M-F). Apply in person, 2407C 19th eet (behind Burger King) between 9am-5pm, Ask for Lyn. COCKTAIL WAITPERSON needed, Reflections Club Best Western, Plainview. Apply in person 2211 4th St., Club Luxor after 3:00p.m. or call 778-9283 after 12:00 noon.

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DELIVERY DRIVER needed for plumbing, heating & A/C warehouse

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address @ www.tyc.state.tx.us. Apply at Texas Youth Commission 4900 N. Lamar, PO Box 4260, Austin, TX 78765 (512)424-6130 EOE STUDENT ASSISTANT Position Available-Manual and CAD-Drafting experience. Field location of existing underground utilities prior to ex-cavation. As-built utility drawings according to field work. Transfer of drawings from roll files to flat files, requires documenting and filing. Pro-fessional or office dress a must... Work approximately 20 hrs per week to include part of Christmas break and summers. \$5.15/hr. Applications taken at Physical Plant, Room 105 until position filled.

STUDENTS do you need a job compatible with your college hours? have it! Make from \$7.50-\$9.50/hr 5pm-9pm Mon.-Fri. 10am-2pm Saturdays. We need professional PR people with positive attitudes , training provided. We're a nationwide 40 yr. old company. Immediate openings! Call 762-3141 ask for Joyce between 4pm-8pm only.

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