



January 15, 2010

Mona Field, President  
Los Angeles Community College District Board of Trustees  
770 Wilshire Boulevard  
Los Angeles, California 90017

Dear Ms. Field:

The Student Press Law Center and the Foundation for Individual Rights in Education are concerned about the state of free expression for student journalists at Los Angeles City College (LACC), and we concur with Senator Leland Yee's call for LACC's president, Dr. Jamillah Moore, to comply with state law protecting student free expression rights.

One of LACC's two October 9, 2009, press releases misleads readers by stating that LACC has "fully addressed all of the criticisms leveled at the college" regarding the decision by college officials to cut the budget of the student newspaper, the *Collegian*, by 40 percent. While College officials have since reduced the cut to 16 percent, this issue has never been the focal point of concern for those of us watching LACC's actions. Our concern, shared by other critics of LACC's actions, is rooted in LACC's pattern of interference with the work of the *Collegian*, LACC's unacceptable demands on *Collegian* staff, LACC Vice President Kim Perry's expressed desire (in meetings with *Collegian* adviser Rhonda Guess) to influence the content of the newspaper and, most recently, LACC's attempt to move the *Collegian* substantially out of an academic department and to place reporters "under Student Affairs" for mandatory content-based "counseling" by Associate Dean of Student Life Earic Peters.

LACC's other October 9 press release, featuring Senator Curren Price's statement that "there has been no trampling of First Amendment freedoms at LACC," is thus quite inaccurate. Not only did the senator's statement come mere weeks after a federal judge found the Los Angeles Community College District's speech code in violation of the First Amendment in *Lopez v. Candaele*, but a brief review of the roadblocks, hostility, and threats directed at *Collegian* journalists in the recent past indicates that the denial lacks factual support.

The following represents a sample, but not an exhaustive accounting, of the unacceptable treatment that journalists at the *Collegian* have experienced under Dr. Moore's administration. This is our understanding of the facts; please correct us if you believe we are in error.

- According to Guess, in August and September 2008, the *Collegian* declined to run a classified advertisement because the advertiser had not paid for earlier

advertisements. Dr. Moore summoned Guess and directed that the advertisement be run. During that meeting, Dr. Moore also stated—incorrectly—that video and still photos taken on campus would require releases. Guess recalls that she later found release forms delivered to her via e-mail from the Office of General Counsel.

- In April 2009, according to a May 13 article in the *Collegian*, student journalist Mars Melnicoff was working on a story about alleged academic fraud in LACC's basketball program. According to the article, basketball Head Coach Mack Cleveland told Melnicoff, "How long have you been at LACC? If you want to stay here, I highly recommend that you drop this story." This statement was a threat regarding Melnicoff's enrollment.
- In May 2009, according to *Collegian* student journalists, when they tried to interview the management of a construction company working on campus, the workers told them that Dr. Moore had informed them they could not speak to the student journalists. Later that same week, Dr. Moore told students—again incorrectly—that they were not allowed to shoot video of the company's Christopher Dunn in his office.
- On July 16, 2009, after Melnicoff's story had appeared in the *Collegian*, she attempted to cover a town hall meeting discussing the college's accreditation (LACC is on probation). According to Melnicoff and a transcript of the meeting, Dr. Moore stated that LACC usually requires prior notice when recordings are to be made—even though this was a public meeting. (In a July 20 e-mail from LACC District General Counsel Camille Goulet to Dr. Moore, Goulet verified that "a town hall meeting is a public setting." Goulet added not only that recordings are "permissible" at such meetings, but also that all attendees should understand that the media might be attending and recording the meeting.) According to Melnicoff, after the meeting Dr. Moore tried to have Melnicoff sign a "release" before she would be permitted to use the recording she had made of the meeting. Melnicoff instead called Guess, who overheard the conversation between Moore and Melnicoff. Melnicoff declined to sign the form.

The matter of the *Collegian's* budget cut is particularly troubling. On or about September 9, 2009, Daniel Marlos, Chair of LACC's Media Arts/Photography/Journalism Department, and Dean of Academic Affairs Allison Jones signed a "contract request form" for the *Collegian's* "printing services" budget in the amount of \$25,000. A copy of the document shows the amount with a line drawn through it and a 40 percent reduction to \$15,000, initialed "J.M." (presumably by Dr. Moore). After an outcry from *Collegian* staff and public attention, the cut was declared a "mistake" by Interim Vice President of Academic Affairs Kimberly Perry and was reduced to 16 percent.

After the news of the 40 percent cut came out, on September 29 Marlos was notified that a "counseling memo" was being placed in his employment file—without any prior notice or any hearing—on the false presumption that he had released the budget document to the

*Collegian*. The document is clearly a public record and its release by anyone was legally proper, yet the memo warned Marlos that he could be disciplined for “giving documents to people who are not involved in the decision making business of the college or district.” The memo was rescinded only after Marlos denied releasing the document.

Now, LACC has proposed moving the *Collegian* substantially out of an academic department to be put mainly under the supervision of Vice President of Student Affairs Lawrence Bradford and Dean Peters. According to Guess’s written notes of a September 24 meeting called by Perry with Guess, Marlos, Peters, Jones, and others, Perry proposed that the *Collegian*’s budget be put under the control of the Office of Student Services. In addition, according to Guess’s notes, Peters told her, “You are the journalism adviser, but when students leave the journalism area and go out to cover stories on campus, they are then under student affairs. That’s my area and I can help them ‘developmentally’” (a term used for content-based counseling of written material). When Guess asked why Peters intended to “be sitting journalism students down to talk with them,” Peters reportedly replied, “To help them developmentally, to counsel them.... [W]e can help them on the campus when they are in the student affairs area.”

Despite all of these events, press releases from the college insist that there is no First Amendment problem at LACC. It bears mentioning that no LACC investigator including Senator Price asked any of the *Collegian* students for input prior to LACC’s press releases. A truly impartial investigation requires interviewing the victims of LACC’s actions, and we urge the Trustees to assume this responsibility.

The fact that the college has occasionally retreated from its positions in no way excuses its wrongdoing. The college’s obligation to its students is not merely to respect student rights when caught; it is to respect those rights, period. And while the budget cut might well have been a “mistake,” the pattern described above cannot be excused as “innocent.”

An institution with LACC’s track record does not deserve the benefit of the doubt when it comes to First Amendment rights to freedom of expression and freedom of the press. Nor does LACC deserve the benefit of the doubt regarding its motive to put its student newspaper under the control of a school official who has stated his intent to burden the speech of reporters with “counseling” intended to influence the content of their publication.

The Student Press Law Center (SPLC) receives thousands of calls and e-mails from students every year. No institution in SPLC’s recent memory has attempted censorship as persistently or with as many diverse methods as Los Angeles City College. At some point, most institutions eventually learn their legal obligations and attempt to comply with them. Instead, LACC officials have ignored the substance of the criticism and redirected attention to the budget issue, even then calling the criticism of LACC’s actions “erroneous, misinformed, misguided, and willfully damaging.”

It does not “damage” LACC to ask that its employees comply with state law and the state and federal constitutions. LACC has damaged its own credibility with its stunning

inability to find a First Amendment violation in a climate where such violations seem to happen as a matter of course. Finding a First Amendment violation at LACC is like looking for a needle in a needle stack.

For all of its faults, Los Angeles City College's student newspaper is clearly serving its students well. LACC should be applauding its tenacious, serious, award-winning group of student journalists, students who are committed to telling the truth even when it brings the animus of their supposed educators. LACC's ability to retain these students in the face of such animus gives us hope that Los Angeles City College officials can do better. Indeed, they must, not only to respect First Amendment freedoms but also to respect their students and themselves.

We echo Senator Leland Yee's call for Dr. Moore to comply with state law, and we call on the LACCD Board of Trustees to act proactively to improve the climate for student journalists at LACC. The *Collegian* must remain editorially independent. With the school's accreditation already in jeopardy, this is a perilous time for LACC to take its moral and legal obligations lightly.

Sincerely,



Adam Goldstein  
Attorney Advocate  
Student Press Law Center



Adam Kissel  
Director, Individual Rights Defense Program  
Foundation for Individual Rights in Education

CC: Judy C. Miner, Ed.D., LACC Evaluation Team Chair,  
c/o The Accrediting Commission for Community and Junior Colleges,  
Western Association of Schools and Colleges