

# The Gamecock

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UNIVERSITY OF SOUTH CAROLINA

COLUMBIA, S.C.

**KINCAID VS. GIBSON**

## Federal court upholds yearbook censorship

BY CLAYTON KALE  
ASSOCIATE NEWS EDITOR

A federal court of appeals upheld the censorship and confiscation of 2,000 yearbooks by Kentucky State University on Wednesday.

Citing "poor quality" and displeasure with the yearbook's cover, the KSU administration locked the yearbooks away, refusing to release them to the students.

The student publication adviser, Laura Cullen, was also demoted to a secretarial position after she refused to censor a letter to the editor in KSU's student newspaper, The Thorobread News, at the request of Vice President of Student Affairs Betty Gibson. Cullen claimed that her demotion was in retaliation for not censoring the letter at Gibson's request.

The yearbook was paid for with an estimated \$9,000 in student activity fees.

Former Thorobread yearbook editor and Thorobread News staff writer Capri Coffey, along with KSU student Charles Kincaid, filed suit against Gibson and the KSU Board of Regents in November 1995, saying their First and 14th Amendment rights were violated.

Coffey and Kincaid also sued for breach of contract based on KSU's refusal to distribute yearbooks, which had been paid for with mandatory student activity fees.

Wednesday's decision in Kincaid vs. Gibson had an immediate effect on student media departments in states of the Sixth Circuit (Kentucky, Michigan, Ohio and Tennessee).

For more than 30 years before Wednesday's decision, high courts consistently ruled that college journalists shared the same First Amendment rights that commercial news media have.

"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.

The landmark case found precedent in a 1988 Supreme Court decision in the Hazelwood School District vs. Kuhlmeier. Hazelwood vs. Kuhlmeier states that high school officials can censor school-sponsored publications if they can give reasonable evidence that they have a "legitimate" educational reason for their actions.

Items that can be censored in high school newspapers under the Hazelwood decision include any material deemed "ungrammatical," "poorly written," "inappropriate" or "inconsistent with the shared values of a civilized social order."

The decision in Kincaid vs. Gibson is the first time a federal court of appeals has used the Hazelwood deci-

sion to justify the censorship of the college press.

The court's decision met sharp criticism from national journalism education organizations.

Representatives from every public college or university in the Sixth Circuit that has an accredited journalism program filed a friend-of-the-court brief asking that the decision be reversed.

Two other friend-of-the-court briefs were filed by civil rights interest groups and professional news media groups.

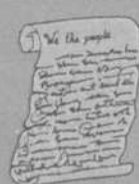
Judge Alan E. Norris wrote for the majority, "the Court in Hazelwood noted ... that if the school did not intentionally create a public forum, then the publication remains a nonpublic forum, and school officials may impose any reasonable ... restriction on student speech exhibited therein."

The court ruled that the yearbook had not been clearly established as a public forum and could therefore be censored by school officials.

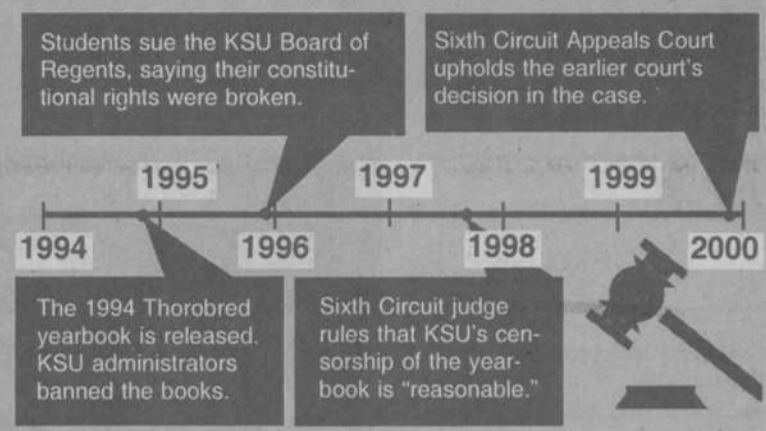
The court agreed that the yearbook was of poor quality and sided with the administration's efforts to confiscate the yearbooks.

In his written opinion, Norris said, "it is no doubt reasonable that KSU should seek to maintain its image to potential students, alumni and the general public. In

### Kincaid vs. Gibson: A History



The Sixth Circuit's decision in Kincaid vs. Gibson had an immediate effect on student media departments in Kentucky, Michigan, Ohio and Tennessee. Courts across the country, including those in S.C., can use the case as rationale in future decisions.



BRAD WALTERS GRAPHICS EDITOR

LAW SUIT SEE PAGE 2

**DEFENSE**

### Kentucky denies USC an overtime victory Sunday at Stone Stadium.



SEAN RAYFORD PHOTO EDITOR

USC players watch as the Kentucky goalkeeper blocks a shot on goal. USC fought a tough fight, eventually losing to Kentucky 2-1 in overtime play. USC is 3-2 for the season.

## Horseshoe courts recently renovated

BY CHARLES PRASHAW  
STAFF WRITER

Horseshoe residents have a better place to play basketball, thanks to a renovation project proposed and financed by Student Government and Campus Recreation.

Renovations were finished over the summer to the basketball court next to the Woodrow residence hall. The \$3,500 project included fixing old poles and putting up new nets and rims.

"The courts were in a poor condition ever since I was a freshman," said SG Special Projects Director Timothy Clardy, a graduate student, who first proposed the renovations. "Horseshoe students need a place if they want to go in their back yard and play ball."

The renovation project began in the spring earlier this year after Clardy gained support for the project from the student senate and contacted Director of Campus Recreation Hubert Camp to ask for help in financing the project. The cost for the renovations came from the Campus Recreation budget. Any money needed for further repairs will come from the same budget, which has also provided for projects like putting a weight room in Columbia Hall.

According to Camp, the renovated site was already a basketball court, which

made it easy and less expensive to repair.

Business junior Alan Welch thinks the court restoration is a good idea.

"At first, the only [problem with the renovation] was the rocks that weren't cleaned up made it hard to play," Welch said. While a renovated basketball court might be good news to some students, others have concerns about the possible noise pollution.

"I'm glad there is another place to play, but it is necessary to limit the times, because this is an academic environment," said SG Sen. Chris Ballou, a Woodrow resident. Camp said the court will be open from 10 a.m. to 9 p.m. to lessen the noise concerns. The hours will be reinforced by the court's lack of lighting and a sign, to be posted at the court in a couple of weeks, giving the court's hours and restricting the court's use to USC students.

"We meet with the Horseshoe RHA over similar concerns over noise pollution," Camp said.

"We have had no complaints so far," said James Davis, the Horseshoe residence hall director. "But USC police will handle any problems if they come up."

As of now, there are no similar projects in the works, but Campus Recreation is now finishing the new Strom Thurmond Fitness and Wellness Center, scheduled to open in fall 2001.

## Dining Services not extending service hours

BY BLAKE WILLIAMS  
STAFF WRITER

USC Dining Services reports that it has no immediate intention of extending its dining hours.

According to Managing Director Brad Masteller, Dining Services has found late-night operations unprofitable.

Chic-Fil-A, for example, operated at a significant loss when it stayed open until 2 a.m. during the spring semester's final-exam week.

Masteller said the operation was more

of a service than anything else.

"If we thought there was enough interest, we would explore late-night services, but the interest doesn't seem to be there," Masteller said.

However, some students are expressing an interest in late-night dining. Many students are wondering why Dining Services is not extending its hours.

"I am usually up really late, and it would certainly help out if I could order on my meal plan," international studies

DINING SEE PAGE 2

## SAGE increases membership, involvement

BY LAURA DEWITT  
STAFF WRITER

Students Allied for a Greener Earth is succeeding in its efforts for an increase in membership and involvement, according to club president Holly Selvig.

At the end of last year, SAGE had 20 active members. Selvig said they have doubled its membership to 40, students with 160 interested in joining. With the new school year, Selvig said SAGE is focusing on recruitment.

One way Selvig suggested to increase membership was to make everything fun. At SAGE's first meeting on Tuesday, treasurer Shannon Cox discussed the projects the organization would take on this year.

A civil disobedience training session is one of the prospective spring projects.

Selvig said the nonviolence training would better prepare members for further protests. She used the example of a group of students from Iowa who chained themselves to stop signs during a protest at Home Depot.

"It would help us learn not to kick them [police]," Selvig said.

The training sessions would include simulations where students would practice their role-playing skills. Selvig said the members would split into groups of protesters, police officers and employees. Then, the students would learn how to deal with various situations they might encounter during a protest.

Vice president Sara Van Wye said they were unsure of actual plans of the training sessions, but suggested the idea at the meeting to get more people interested in the organization.

The organization's biggest accomplishment to date was the agreement of Home Depot to stop selling old-growth wood. SAGE assisted the Rainforest Action Network in a nationwide protest of Home Depot.

Selvig said she thinks that every organization or group that assisted in the protest nationwide should feel that they made a difference in the fight to save the rainforests because every little bit helps.

SAGE held peaceful demonstrations during last October and on St. Patrick's Day in the parking lot of the Home Depot on Harbison Boulevard. SAGE members told customers of the damage the store is causing the rain forests and asked them to sign postcards addressed to the CEO of Home Depot that voiced their concern.

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**WEATHER**

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**INSIDE**



Columnist examines faith in his generation.

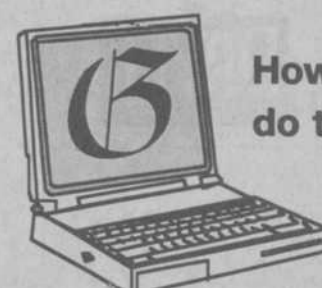
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**DATEBOOK**

SEPTEMBER 13 TODAY  
Gamecock news meeting, 4 p.m. RH333; Fraternity Council, 4 p.m. RH 322/326; Sorority Council, 5 p.m. RH 322/326; Organization Renewal & Treasurers Workshop, 3:30 - 5 p.m., RH Ballroom (6-7:30 p.m. for sports clubs only)

SEPTEMBER 14 TUESDAY  
SAGE, 8 p.m., RH315; AAAS, 6 p.m. RH Theater; FOCUS, 8:15 p.m. Women's Club; S.C. Student Legislature, 9 p.m.; Dance Marathon, 8 p.m.; Spring Board, 5:30 p.m.; RHA, 7 p.m. RH 307

**ONLINE POLL**



How will the Gamecocks do this season?

Go to www.gamecock.sc.edu to vote in this week's poll.