



# FIRE

Foundation for Individual  
Rights and Expression

June 1, 2023

Mary Gallagher  
Office of the President  
Los Angeles City College  
855 North Vermont Avenue  
Los Angeles, California 90029

*Sent via U.S. Mail and Electronic Mail (gallagmp@lacitycollege.edu)*

Dear President Gallagher:

The Student Press Freedom Initiative at the Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,<sup>1</sup> is concerned by Los Angeles City College's treatment of student journalists from *The Collegian* and the paper's adviser. Interfering with student press rights and potentially investigating the paper's adviser for defending the journalism program and *The Collegian* violates LACC's First Amendment obligations.

Our concerns arise from student journalist Juan Mendoza's May 2, 2023 attendance at a concert in the Herb Alpert Music Hall to photograph and cover the event for *The Collegian*.<sup>2</sup> While Mendoza prepared his camera, Christine Park, chair of LACC's Department of Music, confronted him and, though LACC advertised the concert as "free and open to the public,"<sup>3</sup> said "What are you doing here? You are not allowed. No cameras are permitted. This is a private event."<sup>4</sup> When Mendoza explained that he was a student journalist from *The Collegian*, Park responded that she didn't care and ordered him to leave. She did not give Mendoza the opportunity to put his camera away and stay without photographing the event.

Our concerns are further driven by *Collegian* reporter Louis White's May 19 visit to LACC's music building to photograph the space while on assignment for the paper. Prior to taking

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<sup>1</sup> For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our recently expanded mission and activities at [thefire.org](https://thefire.org).

<sup>2</sup> Michelle McCree, *Music Chair Out of Tune With Free Speech*, COLLEGIAN (May 10, 2023), [https://www.lacitycollege.edu/sites/lacc.edu/files/2023-05/Collegian\\_spring\\_2023\\_Issue4.pdf](https://www.lacitycollege.edu/sites/lacc.edu/files/2023-05/Collegian_spring_2023_Issue4.pdf).

<sup>3</sup> *Herb Alpert Music Center: Faculty & Staff Concert in Honor of Dr. Mary Gallagher*, LOS ANGELES CITY COLL., <https://www.lacitycollege.edu/campus-life/events/2023/5/2/herb-alpert-music-center-faculty-staff-concert-honor-dr-mary-gallagher> [<https://perma.cc/JE3S-8QA2>].

<sup>4</sup> McCree, *supra* note 2.

photos, White contacted the LACC Sheriff's Office to confirm the music building is open to the public. Nonetheless, building staff, claiming to feel "unsafe and threatened," reported White, resulting in three sheriffs' deputies attempting to eject him from the premises, even though he was photographing only its common areas open to the public.

These recent events are emblematic of a pattern of LACC mistreating student journalists. In 2021, LACC Athletic Director Rob McKinley ejected *Collegian* journalists from the locker room while they gathered material for a story, citing privacy concerns. Later, McKinley banned reporters from accessing the public soccer field.<sup>5</sup> When asked by a *Collegian* reporter to explain, McKinley said he "[doesn't] like [the journalist]" and questioned the content of prior *Collegian* stories about the soccer team.<sup>6</sup> In 2015, Park expelled a student journalist from a different music department event.<sup>7</sup> And in 2009, LACC's hostility toward *The Collegian's* reporting and staff led it to cut 40% of the paper's funding.<sup>8</sup> This history understandably fuels concerns from *Collegian* staff members and adviser Rhonda Guess that administrators have unconstitutionally restricted *Collegian* reporters' access to spaces on LACC's campus in retaliation for the paper's content.

Guess fears she may now face retaliation herself. Last November, Guess emailed you and the LACC academic vice president alleging the dean "attacked" the journalism program in her program review. Neither you nor the academic vice president responded until last week, when you asked Guess to meet on May 30 to discuss the emails and a particular issue of *The Collegian*. This meeting has since been rescheduled for June 5. You have not specified additional details about what the meeting will entail or if it is investigatory in nature. It is notable that this meeting to address months-old criticism comes amidst tensions between LACC administrators and *The Collegian*, during which time Guess has publicly supported the paper and criticized the college.<sup>9</sup>

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<sup>5</sup> Melissa Gomez, *At L.A. City College, student reporters decry censorship at public, on-campus events*, L.A. TIMES (May 24, 2022, 5:00 AM), <https://www.latimes.com/california/story/2023-05-24/1-a-city-college-student-journalists-face-censorship>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Adam Kissel, *FIRE and Student Press Law Center Address Threats to Freedom of the Press at Los Angeles City College*, FIRE (Jan. 18, 2010) <https://www.thefire.org/news/fire-and-student-press-law-center-address-threats-freedom-press-los-angeles-city-college>.

<sup>9</sup> Gomez, *supra* note 5.

When a public college like LACC appears to take retaliatory action against the student press<sup>10</sup> and faculty advisers,<sup>11</sup> it violates its binding First Amendment obligations.<sup>12</sup> The question is not whether formal punishment is meted out, but whether the institution’s actions in response to protected First Amendment activity “would chill or silence a person of ordinary firmness from future First Amendment activities.”<sup>13</sup> Likewise, the Supreme Court has made clear that “singl[ing] out” journalists for disparate treatment violates fundamental principles of freedom of expression.<sup>14</sup> The Court has observed that journalists must have access to public proceedings to play their vital role of facilitating government transparency by allowing for informed public discussion of government affairs.<sup>15</sup> Student journalists at *The Collegian* facilitate institutional transparency and informed community discussion of campus events.

The Supreme Court’s ruling in *Globe Newspaper Co. v. Superior Ct.* is instructive. There, the Court held journalists may be denied access to spaces traditionally open to the public only if the denial is “necessitated” by a “compelling” interest and is “narrowly tailored to serve that interest.”<sup>16</sup> LACC cannot articulate a compelling interest in each situation where administrators barred or attempted to remove student journalists from a space. When asking Mendoza to leave the concert, Park justified this order by stating the event was private, but advertisements of the event noting it was open to the public make Park’s privacy assertion clearly incorrect.<sup>17</sup> Even if LACC had a valid privacy interest in prohibiting Mendoza from photographing the concert—which it did not, as the event was public<sup>18</sup>—forcing him to leave entirely instead of asking him to put his camera away is not tailored to serve that interest.

Similarly, college employees sought to justify attempting to remove White from the music building in part by claiming the building was private. This is not true, considering it is open to LACC students and faculty. The staff’s other interest in removing White—that he allegedly made them feel “unsafe and threatened”—is meritless as well. While campus safety is

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<sup>10</sup> See e.g. *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973) (public universities cannot punish students journalists solely because they published offensive or indecent speech); *Stanley v. Magrath*, 719 F.2d 279, 282 (8th Cir. 1983) (public universities cannot alter a student paper’s funding mechanism in reaction to objections to the paper’s content); *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829–30 (1995) (public universities cannot deny funds to a student paper based on the paper’s viewpoint); *Glik v. Cuniff*, 655 F.3d 78, 79 (1st Cir. 2011) (journalists’ right to openly record law enforcement, including campus police, in public spaces, is well-established and they cannot be punished for exercising it).

<sup>11</sup> *Dambrot v. Central Mich. Univ.*, 55 F.3d 1177 (6th Cir. 1995).

<sup>12</sup> *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted).

<sup>13</sup> *Mendocino Envtl. Ctr. v. Mendocino Cty.*, 192 F.3d 1283, 1300 (9th Cir. 1999).

<sup>14</sup> *Minneapolis Star & Tribune Co. v. Minn. Comm’r of Revenue*, 460 U.S. 575, 582 (1983).

<sup>15</sup> *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 606–07 (1982).

<sup>16</sup> *Id.*

<sup>17</sup> *Herb Alpert Music Center: Faculty & Staff Concert in Honor of Dr. Mary Gallagher*, LOS ANGELES CITY COLL., <https://www.lacitycollege.edu/campus-life/events/2023/5/2/herb-alpert-music-center-faculty-staff-concert-honor-dr-mary-gallagher> [<https://perma.cc/JE3S-8QA2>].

<sup>18</sup> *Id.*

ordinarily a strong interest of the college, a student entering a public building on campus for reporting purposes poses no threat. This justification falls far short of compelling basis to remove him from a public space while engaged in protected journalistic activity. And while the music building staff members did not substantiate the claim that they felt unsafe and threatened by White's presence, making White leave the building after he obviated any fear that his presence posed a threat would not be narrowly tailored to serve even valid safety interests.

With respect to *The Collegian's* advisor, while Guess has limited details about the nature of the meeting to which she was summoned, its context and timing suggests a retaliatory investigation of her speech. Such action would violate the expressive rights LACC is bound to uphold not only by the Constitution, but by California's Leonard Law, which prohibits public California colleges from retaliating against their employees for protecting students engaged in constitutionally protected expression, including student press activities.<sup>19</sup>

Censoring the student press has implications far beyond the newsroom, depriving the entire campus community and members of the public crucial campus-related information and, ultimately, weakening transparency and trust in institutions of higher education. A corollary of the right to free speech is the public's right to know, and student media is an important conduit for this right to know about what happens on America's college campuses. Courts have recognized that the media, whether on or off campus, act as "surrogates for the public" in keeping a watchful eye on the operations of government actors, including those on public campuses, and restraining institutional abuses of power.<sup>20</sup>

LACC's fraught history with *The Collegian* and recent violations of the rights of its staff and potentially its advisor cast doubt upon the college's transparency on decisions and events that affect its entire community. The unique role of colleges as "peculiarly the 'marketplace of ideas'"<sup>21</sup> cannot be squared with burdens on the rights of student journalists and faculty.

Given the urgent nature of this matter, we request a substantive response to this letter no later than the close of business on Monday, June 5, 2023, confirming that LACC will reassure student journalists and faculty that they are free to exercise their expressive rights without unlawful interference from college officials, and dropping any improper investigation of Guess, to the extent one is ongoing.

Sincerely,



Anne Marie Tamburro  
Program Officer, Campus Rights Advocacy

Cc: Francisco C. Rodríguez, PhD., Chancellor, Los Angeles Community College District  
David Vela, President, Board of Trustees, Los Angeles Community College District

<sup>19</sup> Calif. Educ. Code § 66301(f).

<sup>20</sup> *Richmond Newspapers v. Virginia*, 448 U.S. 555, 573 (1980).

<sup>21</sup> *Keyishian v. Bd. of Regents of Univ. of State of N.Y.*, 385 U.S. 589, 603 (1967).