

FAL 3

Interviewee: Tom Julin  
Interviewer: Julian Pleasants  
Date: March 13, 2003

P: This is Julian Pleasants, and I'm in Miami, Florida, with Tom Julin. It is March 13, 2003. Where are you from originally, and where did you grow up?

J: I was born in Chicago, Illinois, and my family, very early on, moved to Ann Arbor, Michigan. When I was thirteen years old, my family moved down to Gainesville, and my father became the dean of the law school in 1971.

P: Why did you choose to attend the University of Florida?

J: Well, I did a lot of my growing up in Gainesville, and, actually, I had thought long and hard about going back to Ann Arbor to the University of Michigan. I actually wound up going to the University of Florida because of the *Independent Florida Alligator*. I had gone to Gainesville High School and I was the editor of the *Hurricane Herald* there, so I had gotten the whole journalism thing into my blood early on. The *Alligator* was just such a great publication that it's really the thing that convinced me that I would stay in Gainesville and go to the University of Florida, so I could work for the *Alligator*.

P: Did you intend at that point to major in journalism?

J: Well, you know, I didn't major in journalism. I wasn't really sure what I wanted to do or whether I wanted to be a professional journalist. I was actually more attracted to the layout aspect of the work originally. I ultimately became a political science major. Of course, my father having been in the law business for a while, I was always sort of thinking that might be a possibility as well.

P: When did you arrive at campus, and when did you get your undergraduate degree?

J: I started in the fall of 1975. I guess I actually started working on the *Alligator* during the summer when we were putting out the new student edition, and then I got my undergraduate degree in March of 1978.

P: Where did you go to law school?

J: I went to the University of Florida Law School and graduated there in March of 1981.

P: What did your father and your mother think about your work on the *Alligator*?

J: [Laughing.] They were very frightened of what was going on, I can tell you that. My mother was very concerned that some of the things I was writing about and the positions I was taking were going to cause all kinds of trouble for me in my career as I went forward. My father felt as though he should not try to influence me one way or another. He was really very good about staying out of it and in counseling my mother to not try to become overly protective of me in what I was doing. Of course, my father has passed away now, but my mother is still out there and she continues to be very concerned about what I am doing. Even today in my career, she calls me and says how can I represent these various clients.

P: I think it's interesting that your father, who was dean of the law school, could be on the sidelines, because you had some strong confrontations with [University of Florida] President [Robert] Marston [1975-1984].

J: Yes, I did. My father and President Marston, I don't know that they were best of buddies. My father was a very strong money-raiser, and he was very successful with the Florida Legislature. My perception of it from my position was that there was something of a contest going on between President Marston and my father because my father was drawing a lot of support to the law school, and I think that President Marston and some of the others felt that he was drawing support away from other aspects of the university, and so there was something of a rivalry going on.

P: So, Marston had a really difficult time; he had two Julins with whom he was competing.

J: That's very true.

P: When did you first go to work for the *Alligator*, and who hired you?

J: I went to work in the summer. Ron Cunningham was the editor, and I worked on the new student edition.

P: This is the fall edition for entering students?

J: Yes it is. That was the first paper that I worked on, but then the first editor that I really worked under was Tom Shroder; Tom Shroder was the editor at the time. I was hired to be the layout editor for the *Alligator* during the fall of 1975.

P: Did you do an interview for that? Did you talk with [Charles] Ed Barber [*Alligator* general manager] or any faculty?

J: The only interviews that the *Alligator* did [was when] you went in and spoke to the editors. It was Ron Cunningham, Tom Shroder was the managing editor under

him, Mindi Kiernan was the news editor, Deborah Ibert was the other news editor, and I think it was that group that made the decision, okay, we'll take you. I was shocked that they would not only hire me but hire me as one of the editors coming in just right out of high school. It was a huge job.

P: Obviously your experience in Gainesville High helped you.

J: I think that's what did it. I had done a lot of work on the paper there. Frankly, I think they were just glad somebody was going to do it. This was really before computers, and so all of the work was done by hand using wheels to proportion the photographs, and we would hand-draw out on paper all of the columns where they would go. It was quite a difficult job. The first paper that we did, I think, was forty pages, and that was on the first day of the fall semester, and I remember that it took us so long to get that paper done on that first day that the sun was coming up in the morning. As I went around the layout desk on my way out to go drag myself home, I saw that the next day's paper was waiting for me to be laid out, and I thought, oh, this is not going to be fun.

P: In that process, exactly what did you do, and how did you work that in with your class schedule?

J: My method was to go to all the classes and to take copious notes and to not do too much else. I found that the political science classes worked very well for that because you usually had a midterm and a final, and if I just went to the classes, I could minimize the time that I spent in classes and maximize the time that I spent at the *Alligator*. I was working, really from the time that I started, about seventy hours a week at the *Alligator*.

P: Even layout?

J: Yes, the layout days, because the layout days you had to come in around two or three o'clock, and then you were usually there at least through midnight, maybe one or two o'clock in the morning on the bigger, heavier papers.

P: Where were your offices then?

J: The offices were in the old kitchen of the Campus Inn. It was a very long, narrow sort of arrangement there. There were no windows in the building. We always used to say it was like being in a time warp in there because you would go in and the hours would just fly by. It would be like ten, twelve hours later before you'd go home, and it would seem like you had just gotten there because the work was so fast and furious.

P: And you were still using typewriters at that time?

J: We were using manual typewriters. I think the editor had an electric typewriter, but everyone else had manual typewriters. We had carbon paper. We had glue pots to put the different takes together with these long, yellow sheets of paper.

P: And lots of White-Out.

J: Well, we didn't use White-Out. I mean, everything was just all scratched out by hand, and then there was one computer that would typeset everything. But all of the actual copy, we had these lead pencils and we would strike through all the stuff as we were writing it, and then when you would edit things, you would actually cut the paper and then glue the different paragraphs into the order that they were supposed to go in, which was actually kind of dangerous. We had a fire one night because Dennis Kneale had taken the glue pot and somebody, I guess, lit a match, and the glue ignited in the building. Everything was safely extinguished, but it was exciting.

P: Where were your papers printed, in Ocala?

J: They were printed in Ocala, yes.

P: What time did you try to get the paper to bed?

J: We usually got done around midnight, but in the really big papers or when there were late night events, it was not at all unusual for those nights to stretch into the very small hours. You knew you were in trouble if "Sunrise Semester" came on the radio. You knew there's going to be trouble getting it out and published that day. The *Alligator*, of course, is a morning newspaper, and we always like to have it out on the racks as early as possible. I think it would usually get out around nine or ten [o'clock in the morning], but then there were some days, you may recall, that it just didn't get out until late in the afternoon.

P: What was your circulation at the time you came and when you were editor?

J: As I recall, the circulation was pretty close to the enrollment of the school, something in the neighborhood of 25,000 to 30,000.

P: I have 26,000, so that looks about right. During this time, did you not expand the distribution? Didn't you put more boxes around not just the campus but....

J: Yes. That was really one of Ed Barber's initiatives, where he wanted to reach out into the community and distribute in shopping centers and, yes, we did that.

P: Give me a description of what the newsroom would be like around eight or nine

at night and what kind of atmosphere was there?

J: When I first started, it was before the *Alligator* started paying minimum wage, so we had an unlimited supply of labor. The newsroom, usually at that time of day, we would be finishing up, but the newsroom was ordinarily packed. We had in that newsroom, starting around five o'clock, which is really when things started happening very fast and furiously, maybe thirty or forty reporters and editors all trying to get things together, and then we had a separate production crew in the back room, and we had the advertising group in another room. The typewriters would be going furiously. We were all along one long wall, and we all had phones by the typewriters. There were no separate offices, there was no sound barriers at all. You would have the constant typing and the phones going. It was just a madhouse.

P: It was chaotic but exciting?

J: Very. It was thrilling because you were really involved with all of the things that were the most important things that were happening, and the *Alligator*, we really regarded ourselves as a national newspaper in a lot of respects. We would look for the big national stories, and we would try to get some local angle on them. We would cover the presidential elections; for example, we would send people to cover Ronald Reagan. I remember when he was campaigning, I was sent to cover his campaign and we drove down with him to Ocala. It was just absolutely thrilling because we felt like we were big-time journalists even though it was just a student organization.

P: As a matter of fact, I think looking at the current *Alligator* papers, you did a lot more coverage than they do today.

J: That may be. I think a part of it was that Watergate had just happened. I started there in 1975. Of course, Nixon had just been thrown out of office, and so there was a feeling that the press could accomplish just about anything. *All the President's Men* had just been published, and actually we all went to see the movie because we felt like, you know, journalism was at its height.

P: That's a good point. I've talked to other people who really were inspired by Bob Woodward and Carl Bernstein's efforts.

J: It was a time when the student journalists were very cynical. I remember that Brian Jones, who was one of the editors back then, and Tom Schroeder, they were all extremely cynical of anyone who was in authority. There was always sort of a feeling as though you wanted to topple the president of the university. It was an unstated thing, but I think it was definitely a reaction to the whole Woodward and Bernstein thing; that was what the adversarial role of the press was, to

constantly be questioning authority.

P: Plus, the government and government officials had lost all credibility.

J: Yes.

P: And that is sort of passed down to some degree, I guess, to each level, even local political figures, governor, that sort of thing.

J: Yes.

P: What were you paid when you started out with the *Alligator*?

J: Oh, it was almost nothing. I don't even remember. It was like \$70 a week or something. Then, after a couple of years, we did start paying minimum wage, which seemed to be a huge, fantastic increase. We had a time clock that we would punch. There was a dispute between the *Alligator* and the wage and hour division, I guess, as to whether they had to pay....

P: Time and a half.

J: Yes, and they did. Those of us who were working seventy, eighty hours a week, we just really cleaned up, or so it seemed to us at the time. It was wonderful.

P: What were you paid as editor?

J: I think everything at the time I was editor was just based on whatever minimum wage was.

P: There was no higher rate for the editor?

J: I don't think there was any sort of special [rate]. I certainly don't remember any. The pay had nothing to do with the job. The pay was just really an incidental benefit, I think was the way most of us felt about it. Of course, I was living at home throughout this whole period of time because my family lived there.

P: You did pretty well.

J: So it was just gravy to me, yeah.

P: Did you have an official faculty advisor to the *Alligator* while you were involved?

J: Well, there were a number of journalism professors that we invited to critique the *Alligator*. I'm trying to remember who were the ones that were involved. There

was a rotating group that we would have. We would review the paper with the staff, and it was at our invitation that they did that. We were always trying to maintain our independence and not have a formal link, but we also wanted to have the benefit of those who had some real experience and could give us some objective criticism.

P: So, did either Hugh Cunningham [Director of University Information and Press Secretary to the President, U. F., 1955-1973] or [Horance] "Buddy" Davis [distinguished service professor, U. F. College of Journalism and Communications, 1954-1977] give you advice?

J: Buddy Davis did definitely; Hugh Cunningham definitely did not. Hugh Cunningham, we regarded as the official spokesperson for the university, and so he was the enemy in many respects. We were always in a very adversarial relationship with him. Linda Gray was wonderful. We thought that she was just a delight, particularly compared to Hugh Cunningham, whom we always regarded as someone who was trying to protect the president, to make the university look good, and to block our access to information.

P: Although at one point, you wrote an editorial in his behalf when it appeared that he was trying to open up the administration and Marston was trying to push him out the door.

J: That's true. By the end of my editorship, I was feeling that Hugh Cunningham had tried to do a good job, tried to really serve the president well, and also he definitely had tried to help us get a lot of information, and he took a lot of abuse from us over the years. So, by the end of my tenure there, I was feeling as though he was not getting his due from the president and that was not right.

P: Of course, he was the so-called inspiration to Dan Rather [CBS Evening News anchor] at one point.

J: I know that Dan Rather says that. I mean, he was a great journalist in his own right, but once a journalist goes from being a journalist to working for the governmental entity, then you just change roles.

P: What was your relationship with the non-student staff?

J: At the *Alligator*?

P: Yes.

J: I guess the top of the non-student staff would be Ed Barber. Ed was a fanatic about not interfering with the student journalists' editorial discretion. I mean, you could ask him and he would refuse to give his opinions about things because he

really didn't want to be [interfering]. He was a saint in that regard, and I think that's one of the reasons that the *Alligator* has historically been so good. The student editors were really told, look, you make all the decisions, nobody is going to second guess you, we're going to support you, whatever you do, whatever you publish, we'll deal with it. That was pretty much the relationship. It was a wall that existed, and it was pretty much true that there was a wall with the advertising staff, too. We weren't going to allow advertisers to push us around or to dictate what we were going to publish. It was really a very idealistic organization, and it worked. There definitely were problems from time to time with people complaining about this or that. Ed, I think, took the brunt of a lot of criticism from the university, why can't you stop these guys from doing this stuff, but he was just a saint about not interfering.

P: That's pretty unusual, is it not?

J: It is.

P: Other campus newspapers usually have either a faculty advisor or publisher or somebody who tries to at least give advice.

J: Yes, that's absolutely true. I do a lot of work with student newspapers down here, and I haven't ever run into anyone or any institution that operated the same way that the *Alligator* did. It was quite unique in trying very consciously to isolate the student journalists and make sure that outside influences weren't affecting their editorial decisions.

P: In that context, how important was it that the *Alligator* became independent? I think that was 1973, is that right?

J: I think it was 1973, yes. I think that's correct. That was Ron Sachs' doing, of course. That event really sort of set the tone for the *Alligator*. The *Alligator*, of course, had inspired that. The *Alligator* had been thrown off the campus because of its publication of the list of abortion referral clinics, which violated state law at the time, and Ron Sachs was dragged away in handcuffs, and the *Alligator* ultimately challenged the constitutionality of that law and won. It was that great legal victory that then led Stephen O'Connell, the university president at the time, to say, I can't be responsible for this, it's got to go. Then Hugh Cunningham and others worked to find a way to make it independent and to keep it alive.

P: As the university student newspaper.

J: As the unofficial, as the independent, student newspaper. That's really what today you'll see, still, on the masthead. It says, "Not officially associated with the University of Florida." That was a part of the "independent" deal, that in order to

still use the *Alligator* name, the *Alligator* had to have this disclaimer that it was not officially associated with the university. It all went back to Ron Sachs and that case.

P: What was your relationship with the Board of Student Publications?

J: In my day, we didn't have the Board of Student Publications have anything to do with the *Alligator*. The *Alligator* had been incorporated, and it had its own board of directors.

P: This is Campus Communications?

J: Campus Communications was the name of the not-for-profit corporation that published [the *Alligator*], and still is. The charter for that organization provided that there had to be a majority of students on the board, and then there were several non-students on the board. But it was always controlled by the students.

P: Did you have any pressure from either university alumni or politicians about your stands? I'm talking about, now, people outside of the university administration.

J: We really didn't run into that. I mean, we didn't have problems with alumni that I can recall. We had, I think, more support than anything else. We had a lot of people on the outside looking in at what we were doing at the time and they were saying, go get them. We really didn't have people who were criticizing us as doing the wrong thing or tearing the university down.

P: Board of Regents?

J: We had some battles with E. T. York [Jr., chancellor, State University System, 1975-1980; U. F. interim president, 1973-1974]. One of the things that we always sort of enjoyed going after was the debate between E. T. York and Robert Marston over funding; that was kind of a fun issue to go after. **George Bidell** was another person on the Board [of Regents] staff that was in charge of all the collective bargaining whom I got to know pretty well in those days. Actually, I always felt that we had good relationships, actually better relationships, with the Board of Regents and the staff there with the State University System than we ever had with the university administration.

P: I remember when Elizabeth Kovakovich came to campus and talked about the coed visitation, referring to the dorms as "taxpayers' whorehouses."

J: Yes, right.

P: So, you don't have any of that kind of conflict?

- J: No, we didn't. We really did not have outside problems.
- P: What about with student government or Blue Key? Was there a certain amount of competition or support there?
- J: The student government, in our days at the *Alligator*, we covered it, but we didn't regard it as all that important. We were very critical of student government as being unprofessional and hacks and doing things for political [gain]. We always saw those guys as these aspiring brown-nosing fellows that were doing things, shifting around a little money and putting on the Gator Growl and everything, but we didn't regard the things that they were doing as the important issues of the day. As far as our coverage of student government, we tended to downplay it, and I think that was one of the sources of tension. They wanted more coverage of student government. We did the elections and that sort of thing, but we wanted to cover bigger issues.
- P: At one point, and I guess it varies over a period of time, Blue Key had tremendous influence on campus, and at various points they had a lot of influence on the *Alligator*.
- J: Yes.
- P: Did you have any contact or cooperation with Blue Key?
- J: We had very little contact with Blue Key, and we had, I think, no members of Blue Key working for the *Alligator* at the time that I was there. We were really trying to keep ourselves separate and apart. It was also true of the fraternities; generally, we wanted to stay out of the whole fraternity system. It was all part of this feeling that we were independent and separate from everybody else.
- P: Even within the context of the student body?
- J: Absolutely. If anyone came in to the office from Blue Key, it was, like, watch out, what are they trying to do here.
- P: Did you ever have any confidential sources?
- J: I did have confidential sources, yes. There were a lot of stories that we were working on, particularly the funding stories. The university was going through a very difficult time in the 1970s, and there were lots of discussions that were taking place as to how cutbacks were going to be made, and so we were always looking for people that had inside information. Yes, I did find professors and administrators that would say look, I'd be glad to talk to you about this but I can't

be named, and we would promise them confidentiality.

P: The question is, of course, how far would you be willing to go to protect that confidentiality?

J: Well, I haven't had to have been tested on that. Would I go to jail? I guess I would. I mean, that's sort of every journalist's promise that they make. If you promise a confidential source, you really can't say that you're much of a journalist if you break that promise.

P: When you had a particularly difficult problem, to whom would you go for advice?

J: You know, it was the student editors I worked with who I really had the most confidence in. There were a few there: Dennis Kneale was one of the student editors; Andrew Froman was another one with whom I worked very closely; **Lisa Sherez** was my managing editor at the time. You developed such a close bond and relationship with those people because you spent so much time, and there was so much pressure, and there was so much outside criticism everyday. Every day when you publish information, you always get phone calls [about] why this isn't right and that isn't right, and it really bonds you with the people you're working with.

P: You weren't a journalism major, but did you ever get any class credit for any of your work at the *Alligator*?

J: There was never any class credit at all.

P: Do you think, based on your experience, that it would be beneficial for a student desiring a professional career to be a journalism major working on the *Alligator*, or could you do just as well without a journalism degree?

J: I think being a journalism major is a helpful thing. I took some journalism classes. I took an editorial writing class right before I became editor. I thought I should at least get something like that under my belt. The thing that was most educational was just the daily writing, the rigor of having to put out stories everyday. I've never had a more thorough educational experience, and I don't think you can really duplicate that in a classroom very well. I guess there's always been a debate about whether journalism should be a field of study. I always felt like I wanted to learn more about political science or history or sociology or English and those kinds of things. I felt like if I was studying the trade of journalism I wouldn't be getting as much out of the University of Florida as I could have.

P: A lot of people I have talked to in the newspaper business say that you can major in English or history or whatever and be just as successful.

- J: Yes.
- P: One of the things that Ed Barber was interested in was your very first story. Do you remember the very first story that was printed with your byline and your reaction to it?
- J: I'm not sure that I do remember my first story.
- P: Well, the first story that I have for you in my research was on September 22, 1975, and it was on parking problems on campus.
- J: [Laughs.] That sounds right, yes.
- P: Which, of course, has gotten progressively worse, as you know.
- J: Someone every year had to write the parking stories, and I guess that was my first assignment, was doing a parking story.
- P: And it was on the front page. So, what was your reaction?
- J: I remember it was always thrilling to have your name, your byline, on an *Alligator* story because you would go to class and you would see people reading it, and you would really feel like you were a star to have a paper with 25,000 copies out there and people in every class who would be sitting there reading it. So, it was always a lot of fun. It was a real thrill to have your byline out there.
- P: Let me go back to your editorial writing class. Did you have Buddy Davis?
- J: No, I had **Don**, I can't remember his last name.
- P: I've heard from talking with Carl Hiaasen [*Miami Herald* columnist, author] and people like that, that Buddy Davis was a holy terror.
- J: Yes, and that was one of the reasons I tried to avoid him. The other guy, Don something-or-other, he was very good, too, and he was tough, too.
- P: One of the things Buddy talks about is that when you write an editorial, you have to take a stand.
- J: Yes.
- P: Secondly, you have to express what you want to say precisely, and you don't repeat your view over and over again. Did you try to use those kinds of advice?

J: I had read Buddy Davis's editorials since the family moved to Gainesville in 1971. He has this very distinctive style, and it definitely was very much an influence on me. He had this sort of folksy style but he was always very strong, very pointed, and that was very much a style that I tried to use.

P: Let me go through the four years you worked at the *Alligator* and get you to explain what you did and when. You started with layout.

J: Right.

P: Then you became, I guess, a general assignment reporter?

J: That's right. For two quarters, I did the layout job, as I recall, and then for the following four quarters, I was a staff writer. Pretty early on in that experience, I was assigned to the collective bargaining beat. At the time, the university was going through its first election, and so I had the pleasure of covering all the debates, and it was a fascinating thing. I remember Melvyn New [U. F. professor of English, 1966-1976] was very much involved in the organization, and the university was very concerned about the impact that it would have. That was a part of the whole thing that got me interested in the financing of everything, because U. F. F. [United Faculty of Florida] was very critical of the financing and felt that faculty salaries needed to be higher and all that. Most of the time as a reporter, I was on the collective bargaining beat.

Then, after that year of doing that, I went onto the news desk. That is the hub of the *Alligator*. That is where it all truly came together because the news editors, there were two of them at the time, and they would decide what were the stories that they were going to send out to staff [to cover], and we had this big staff. You had about forty reporters at your disposal as a news editor, and you could send them anywhere, and you could tell them to do anything. It was really a tremendously powerful sort of position. It was great. You'd think of an idea and you'd say, go over there, talk to this guy, talk to that guy, and you could get all the information you wanted about virtually anything going on at the university. They would come back and they would bring you all this stuff, and you'd read through it and edit it, and you were there really from sun-up to very late at night getting the whole job done. Your job was to deliver all of the copy to the copy desk and to the layout editors, and once that was done, you could leave.

P: At what point did you decide that you wanted to be editor?

J: You know, as you're going through that intense process.... There was something of a logical progression. If you became a news editor, you were almost automatically a candidate. That seemed to me to be a very attractive job,

principally because that was the only person at the *Alligator* who had their own office, and so you could get a little bit out of the constant mayhem and you could collect your thoughts. It was a tiny little cubicle at the back of the office, but at least you had a place there. It was only big enough that you could fit three other people just sort of jammed in there, and that's where, really, all of the very intense action at the *Alligator* was. The news editors were just constantly trying to keep up with producing the news. Then it was the editor and the managing editor and the two news editors who would meet at the end of the day and they would decide, what's the most important [issue], what are we going to put on the front page? And the editor's job was to get an editorial written every day.

P: Did you write all the editorials when you were editor?

J: I wrote most of them. There were some days that we had guest editorials. Brian Jones was still around, and he was a great, great writer, a great editorial writer. So, it was always a delight to have him contribute.

P: Were the guest editorials signed?

J: None of the *Alligator* editorials were signed, and that was the historical tradition, that the editorials were the editorial of the *Alligator*. We felt that it carried more importance as an unsigned editorial.

P: What process did you go through, and who selected you as editor?

J: The editors were selected by the board of directors of the corporation. There was an application process, and you basically would submit some of the work that you had written and you'd give some sort of a written statement about what you would do as editor, what would be your priorities, and then there would be a meeting. The meetings that we had were open meetings. We felt that was important, that those could be accessible to anyone who wanted to see what happened.

P: Particularly since the *Alligator* had taken an editorial position advocating the same for the university administration.

J: That's right. We didn't have to. We weren't, obviously, a state agency and we weren't subject to the Sunshine Law, but our position was, openness is a good thing, it is a better process, it produces better results, and so we thought what's good for the goose is good for the gander.

P: Did you go before the board and have a specific interview?

J: There was an interview session where you were grilled. I remember we were

asked questions about ethical issues, about source issues, about whether you would accept payments of money if people were coming to get things published. There was a very close grilling on all the usual subjects.

P: This was when Tony Kendizior was the general manager [1973-1975]?

J: I think so, yes.

P: He would be on the board, and Ed Barber would be.

J: I don't think Ed is actually on the board. I think he just was the general manager, and then there were, I think, six...

P: So, he didn't take any part in it?

J: He was always there. He was present as sort of the manager of the thing, but then the board members would actually do the voting.

P: Who else was vying for the position when you were selected?

J: I think that the three candidates in my race were me, Dennis Kneale, and Andy Froman. Of course, Dennis and Andy both became editors after I did. They didn't win the election against me, but they ultimately got to serve in the job.

P: At this particular time, UF was still on quarters, I believe. Is that right?

J: We were still on quarters, yes.

P: How often would the editorship change?

J: It was a two-quarter term.

P: Did you feel that was too short? Or maybe too long?

J: It was just right. Today, six months seems like a very short period of time, but having lived through that, at the time it seemed very long, even though we were working in a very furious sort of a pace. There was so much work to do. You really were quite exhausted by the end of each quarter. I'm not sure that, really, you could go much longer than two quarters doing as much work as we were doing at the time.

P: Did the *Alligator* win any awards, or did you win any awards? I know the journalism school won a lot of Hearst Awards. I was wondering if the *Alligator* got any recognition.

- J: [That is] something I never paid much attention to. Ed was always the one who was preparing all of the applications. I can't claim any great awards myself.
- P: Were there any lasting friendships formed with people while you were on the *Alligator*, and do you still keep in touch with them?
- J: I do, and there's a number of people, of course, who have become lawyers, and I see them. Robert Rivas [Florida attorney, well-known for his defense of the First Amendment and for his pro bono work with the downtrodden] was one of the news editors at the time, and I'm still in touch with him. Dennis Kneale, I guess he's editor at *Forbes* magazine, and I see him from time to time. There's a lot of different *Alligator* folks whom you see all over the place.
- P: Did the *Alligator* staff socialize together?
- J: We did. There was usually a keg party, you know, somewhere in Gainesville on Friday or Saturday night. But you could not overindulge too much because by Sunday you had to be back at the paper and ready to get the thing back on the streets on Monday. So, after Thursday night and you get the Friday paper out, you had a very short window of opportunity to celebrate.
- P: And catch up on your schoolwork.
- J: Schoolwork, you know, it waited until the end of the quarter. You'd get through everything and you'd get all the papers done, and then you'd really cram like crazy to try to stay up with all the schoolwork.
- P: Did it affect your academic performance?
- J: I don't think it did. I did well in undergraduate school, well enough to get into law school and everything. I'm not sure that I would have done any better if I hadn't been doing the *Alligator* stuff. I always did well in high school and in school, and I always felt like I wanted to do well. It didn't detract from it at all, I don't think.
- P: Some students argue that because of all the extra time, you are more focused and you use your time more efficiently.
- J: I think that's absolutely right. You had to get it done.
- P: You did not have any option.
- J: That's right.

P: Were there any romances in the staff room, or did anybody get married?

J: There were plenty of romances. This is, of course, in the pre-AIDS days, so nobody was too much worried about all the sexual activity that was going on. Personally, I really didn't have much of a love life going on at the time. I just didn't have time for it. It was only later on in law school days and thereafter that I really started to resume a normal dating life.

P: When you look back on your experience at the *Alligator*, what did you learn from that experience, and what impact did it have on your personal life and your professional life?

J: It certainly has made me too much of a workaholic. It taught me a lot about dealing with people and really not having any fear of dealing with people who were in positions of importance. That was something that I learned because the *Alligator* editors I worked under when I was just a writer, I mean, you'd hand in a story and they would say, did you ask President Marston this? You'd say, no, I didn't ask him that. They'd say, call him up and ask him. And you'd say, well, it's six-thirty at night, you know, I don't know. They'd say, look, call him, he's a person, he'll answer the phone, ask him the question. They would do that, and you would call, and nine times out of ten, you could get whoever was the person that they were telling you [to call], and they would answer the question, and you would go, gee. And you can pretty much do that for anybody. It just gave you a real feeling of self-confidence and a feeling that you don't need to be afraid of other people just because of the position that they have or who they are.

P: How did it impact your legal career?

J: It very much shaped my legal career. What I'm doing now is I am a media defense lawyer. Basically what happened was I just fell in love with being in contact with journalism, and I also got very much involved with the law when I was a journalist because of the conflicts that we had with the University of Florida. So, it seemed like an ideal combination of the fields, was to go into the media law field, and that's what I do now.

P: Did you ever consider, before you chose law school, a career in journalism?

J: I was thinking about that, and I guess what happened was I graduated in March of 1978, and you could then go right into law school, into the spring class there. Without losing a beat, I could go into law school and not go through the internships and everything, and that's what I wound up doing. It just all flowed naturally together, and I really didn't think too long and hard about that. Well, if I wanted to be a professional journalist, I could always go back to that after law school, but once you get into law school, 95 percent of those people are going to

wind up being lawyers.

P: It was interesting, in the people I've talked to, a lot of people who worked at the *Alligator* went on to law school.

J: Yes. It's a very natural career flow. The writing helps people so much; that's the thing that, really, you get out of working at the *Alligator*.

P: You get the ability to make decisions, you're more disciplined in your thinking, and you learn how to write perhaps more sparingly, more precisely.

J: Yes, it is that style of writing – simple declarative sentences, using active verbs. Law school was very much like that. You could do very well on law school exams if you would write them in a very journalistic sort of style.

P: Let me now ask you about some specific articles you wrote and some of your editorials. As you indicated earlier, you did a lot of work with the beginning of the United Faculty of Florida, becoming the faculty representative before the Board of Regents.

J: Yes.

P: On a personal level, what was your reaction to faculty being unionized?

J: I thought it was a good thing. I thought it was a way that faculty could have a much stronger voice in the governance process than they otherwise did. I'm not sure why I was more sympathetic to that point of view than others, but it just made good sense to me that faculty should unite and should try to present another voice at the table as to how to run the university.

P: As a matter of fact, you did an article on the students who were trying to seek a voice at the bargaining table.

J: Yes, right.

P: What did you think of that?

J: I thought that was good, too. I mean, is that the graduate student union?

P: Yes.

J: I remember covering that whole thing as well. It just seemed to me [that] labor, generally, I thought all the principles that govern labor relations ought to have the same impact in the university setting as they do elsewhere, and that without that,

you would tend to have administration taking advantage of labor and not sharing enough.

P: You wrote earlier about the fact that at one point U. F. faculty threatened to strike and the first collective bargaining agreement wasn't a very good pay raise. I think they'd asked for some ridiculous sum like 60 percent and got 5.5 [percent].

J: Yes, that's right. I remember that, yes.

P: What was your reaction to the fact that although U. F. F. represented the entire state – did you think they did an effective job at U. F.? There were a lot of faculty who thought they did not.

J: I thought it was just the beginning of that process. I could see that it was difficult, and there were a lot of conflicting views. Of course, they couldn't strike, I think was the law at the time. That was, I think, one of the things I editorialized against. I thought that you really couldn't bargain very effectively without the right to strike. I guess it was my view that I wasn't too surprised that they were having a difficult time being effective in light of the way the law was written at the time.

P: You also did a story on the fact that Florida at the time, I think, was something like eighth in population and forty-seventh in spending for higher education.

J: Yes.

P: Here again, I think your story had to do with the fact that we needed at that point to broaden the tax base.

J: Yes. I mean, I still think that today.

P: We're still waiting.

J: That's right. I think at some point it's got to happen. Florida probably needs an income tax. I think that those states that have really great universities have good sources of funding, and Florida just cannot keep going on not funding its universities.

P: I thought that was a very interesting point of view coming from a student newspaper, and I thought it was a rather astute, sophisticated understanding of the problem.

J: The students who were working for the *Alligator* were very liberal at the time. They had that sort of mind set, there's no question about that, and a lot of us still are. We think that education is very valuable and that wealthy people should

contribute more and that they would benefit more from it.

P: You also did an article criticizing E.T. York because the *S. U. S. Reporter*, which was the Board of Regents' magazine, had been turned into, in effect, a propaganda organ.

J: Oh, yes.

P: You were criticizing use of taxpayer money to defend the decisions made by E.T. York and the Board of Regents. So, you took on just about everybody, I guess, at one point or another.

J: That's what we thought we were supposed to do. It was not a question of whether we should write things that were supportive or things that were critical. We felt as though we weren't being good journalists unless we criticized in a constructive and positive way problems that we found. That was the whole approach.

P: In January of 1976, I don't know if you remember specifically, three women were passed over for production manager. It was given to a male without any experience, and they sued for sexual discrimination and ending up winning. **Linda Holmler** was put in, and the newspaper donated several thousand dollars in advertising to women's causes.

J: Yes.

P: Was that a valid suit? Did you think there was actually discrimination?

J: You know, I don't know. It's funny, it was part of the separation that existed between the editorial staff and the rest of the newspaper. I think it's certainly a valid criticism that we, the student journalists, weren't paying enough attention to what was going on in our own shop. We didn't. We really didn't know or pay any attention to that. It happened, and it was something that we didn't have a whole lot of awareness [of]. It was, again, part of this whole wall, because they weren't really coming in and trying to exert influence over us [and] we never did that to them either.

P: You did a story on Bob Burton Brown, who was the dean of what then was called University College. He was discovered to have been involved with some misfeasance or malfeasance, I'm not quite sure, but some money had not been effectively accounted for, and then he was returned back to the College of Education with his dean's salary. I think you wrote, that was insufficient punishment for someone who....

J: Yes, I remember that. We were always looking for that kind of thing, stories and editorials about those things. That's what we felt was our role was, to find those things and to criticize them.

P: At one point, somebody, and I forget who, stole something like 17,000 *Alligators* out of the bins.

J: Yes.

P: What was that about, and what was your reaction?

J: Shortly before I became editor, there was a hotly-contested student government election. One of the political parties had learned that the *Alligator* was going to endorse the other side and decided that the solution to the problem was to steal the *Alligator* so that the endorsement wouldn't get out. It was just a horrendous kind of a thing. The *Alligator* then did an extensive investigation to find out how this had been done and who had planned it. There was a story that was written by **José Seriego**, who is now the general counsel for **Mas Tech** down here [in Miami], working for that organization. I think Brian Jones also worked very closely on it. They did that story very much in the style of *All the President's Men*, the way it was written with no naming of all the sources. It was written just as a story, as if you were there, and they told how it had happened. The *Alligator*'s objective really was to get the state attorney to go after these guys, to prosecute them. There was threatened prosecution, and I think ultimately the state attorney did not follow through because these guys were very well-connected, Blue Key, guys whose fathers were politicians and in the legislature and everything, and they got away with it.

P: Actually, ten of them were convicted of violating the student conduct code.

J: Oh, well, at least that.

P: Was Jim Eaton involved in this?

J: I don't want to name names, because I'm not sure now who [it was]. It was the Jim Eaton/**Dan Lobeck** election, as I recall.

P: That's correct.

J: I think Dan Lobeck was the guy we endorsed, and Jim Eaton was the Common Sense Party, I think is what it was. Whether Jim was involved, I can't say now who all were the people that were involved in it.

P: On January 12, you did a report on Ronald Reagan. What was your experience

in covering him?

J: I thought he was so old at the time.

P: Well, he was.

J: Now, this is in 1976. I thought, this guy is just so old, there is no way that he would ever be elected president, which is just incredible that he was then elected thereafter and served for two terms.

P: This is that highly complicated and complex Republican contest over the nomination between Gerald Ford and Ronald Reagan that was so close that it was not decided until the convention.

J: That's right.

P: So, he was down in Florida campaigning or trying to get Republican....

J: It was very early in the campaign, I remember, or it seemed so. I and a reporter, **Steve Dosier**, drove down, [and] we were following him to Ocala. Steve was a very ambitious photographer, and he urged me to pass the limousine that Reagan was traveling in. He was hanging out of the window of my car shooting the pictures of Reagan through the window there as the Secret Service people were all, like, getting very anxious about what we were doing.

P: At this point, I think he was not as well-known as he was later because he was a governor of California, and people knew him from the 1960s and Berkeley and his crackdown on that, but probably not so much as a national figure yet.

J: That's correct, yes.

P: Since you were a political science major, did you cover other political events, governors, senate races, anything like that?

J: I remember there were the attorney general races, [Robert L.] "Bob" Shevin's [Florida Attorney General, 1971-1979] race, we covered things like that. We covered all of the major state elections. Again, we regarded ourselves as there to do much more than just cover what was going on on-campus. We always wanted to be a part of national and state politics.

P: One of the things you uncovered was that there was a contract to print the undergraduate catalog and it was done without bids.

J: Yes.

P: And, obviously, that's against state law. What was the general reaction by people when you would report these sorts of things? It had to be pretty embarrassing, if had you not reported it, they would have just gone ahead with it, right?

J: Oh, yes. There was always a lot of criticism for stories like that. Why are you trying to stir up trouble, was the general reaction that we would get. I remember that story, and I always felt that was a very good sort of hard-hitting story because it was really a solid thing. But that was it. I mean, you would publish things like that, and then nothing would happen thereafter. It would be excitement for one day and then be gone.

P: Would you follow up on these?

J: We would try to follow up on it, but we were there for such a short time and there was so much stuff to be done that a lot of it would get lost in the wash.

P: Plus, they could just put it off until you left.

J: That's right.

P: That would be the easy way to do it. Now, that summer of, I believe, 1976, the *Alligator* was in some financial difficulty. They owed the university \$93,000, and they tried to borrow money from the student senate activity fees.

J: Yes.

P: And they had a big problem with getting that money that was needed for summer publication. There was some conflict between the *Alligator* and student government and some conflict still with Blue Key throughout this?

J: Right. We always hated to have to go to student government to ask for money. I felt it was a real conflict to do that.

P: There is another issue in October of 1976. Lawton Chiles [Florida governor, 1991-1998, died in office; U. S. senator, D-FL, 1971-1989] comes to campus, and you did a profile on him. This is when he was running against John Grady [American Party]. What did you think of Lawton Chiles?

J: I thought he was marvelous. I thought he was a very down-to-earth politician, very honest, straightforward, straight-talking sort of a guy. I had a lot of respect for him.

P: He is running for reelection because in 1970 he did the "walking Lawton" bit.

J: Yes, right.

P: He still maintained that sort of average guy persona.

J: Yes, he always did.

P: Did you think he was a good senator?

J: I thought he was an excellent senator.

P: The graduate student proposal to be part of the bargaining unit did not work out, and so what they asked for was a pay raise. That was turned down, and you came out again in defense of the graduate students, that although they weren't part of U. F. F, they should be included in whatever pay raises the faculty would get.

J: Right.

P: Do you think that, again, created any problems for you vis-a-vis the administration?

J: The administration did not like me. I mean, that's sort of the long and short of it, because I was always criticizing things, I was always looking for problems, and it always seemed as though I was on the other side of whatever President Marston's position was. I think personally, on a real personal level, he just didn't like me. I remember there was one time that he came to the offices to sit down and to talk with us, and I don't remember what the issue was, but I remember we were questioning him. We were questioning the decisions and the wisdom of some [of the things he did], and he walked out. He just didn't think that was an appropriate thing to do. Of course, we felt that was the only appropriate thing to do. I never thought that he could respect us as journalists; he always saw us as students.

P: Or muckrakers.

J: That's right.

P: In the interview we had with him, he didn't like to talk about the *Alligator*.

J: He didn't like us. He had this Virginian kind of air about him, and, of course, he was a medical doctor. That sort of gave him all the arrogance of a lot of different things. He never felt comfortable engaging in banter with student journalists.

P: He thought you all were too aggressive, that you were trying to stir up trouble as

opposed to [engaging in] a legitimate, journalistic process of uncovering the facts.

- J: I guess in fairness to President Marston, we definitely were trying to stir up trouble. We felt that was what we were supposed to do. We enjoyed very much the fact that we would get reactions to stories when we had found something was wrong, and that we were taking the other side of issues that he felt strongly about.
- P: Discuss the issue of **Terry Galvin**. You had sent him to Kent State where they were having a conflict over putting a gym at the same place where the protest and death of six students had taken place.
- J: Yes. That was, I think, the first day that I was editor. Terry Galvin, he was a very enterprising young guy who wanted to cover the Kent State thing. I think it was his idea to do that, and we said, okay, let's do it, it makes sense. Then, I got a call at home that Terry was in jail or something of that order. He eventually, I guess, got released, and we got his photos back, and it was really a great story, a firsthand account of what had happened at the site there.
- P: He was eventually convicted and fined \$100, but in journalistic parlance, it was worth \$100, right?
- J: I think so. I don't know whatever happened to him, but he was a real enterprising guy.
- P: Another thing you were trying to do, I don't know if you were specifically involved, but the *Alligator* wanted to open up all the student court proceedings to the public.
- J: Yes.
- P: Ultimately, I believe the Florida Supreme Court either refused to hear the case or turned it down.
- J: Yes. That was a legal proceeding that was initiated before I was editor. I guess **Larry Turner** had handled the case.
- P: He was the attorney for the *Alligator*?
- J: He was the attorney for the *Alligator*. He, of course, had become fairly famous. He had represented the Gainesville Eight and Scott Camil, who was shot, I think, in connection with the protest at the Republican convention or something like that.

P: Right, in Miami.

J: Yes. So, Larry was something of a legend. I'm not sure how he became our attorney, but he was very much sort of the hippie, pot-smoking, you know, Bob Dylan kind of guy.

P: Had long hair.

J: Yes.

P: You know, of course, Larry is a judge now, so he has cut his hair.

J: I know. It doesn't make any sense to me, but I guess that's what he's doing. He had handled it, and then he lost that case on the theory that the Buckley Amendment [Family Educational Rights and Privacy Act of 1974] protects all of those proceedings and overrides the Sunshine Law. But that was really sort of the initial thing that got me interested in the Sunshine Law and how it applied to the university.

P: And that could have literally gone either way.

J: It is a close question and there have been subsequent cases on that, but when you're dealing with the Buckley Amendment and the Sunshine Law, Buckley tends to override.

P: At one point in October, you sent Tim Smart to attend a deans' retreat in Marineland.

J: Yes, correct.

P: Tell me what happened there. That was the time that Marston got very angry at you and said you were irresponsible and unreasonable because you sent him [Smart] there, and I guess you told him not to leave, that even if they expelled him he was supposed to stay.

J: Well, by this point in time, we had started to look very closely at the law and what the law required, and we came to the conclusion, Tim and I did, as well as other editors at the *Alligator* and Larry Turner, that the law required the university to have open meetings. So, it was illegal for the university to require a reporter to leave those meetings. A lot of the reporters, we would talk about this and what we [should] do and what would be the strategy. I certainly said, well, if you want to stay, I think that you're allowed to stay, and we'll back you up on that. And that's what Tim did. Tim felt, okay, if that's our position, that's what the law is, I don't have any reason to leave, I'm not going to leave. I'm not going to allow

myself to be bullied, and so long as you, as the editors, stand behind me, I'll stay. And he did. When he refused to leave that meeting, Hugh Cunningham called me from Marineland and said, Tom, we have the reporter here, I would like you to ask him to leave. And I said, well, that's not what the law is. Our lawyer says that he can say, and so I'm going to ask him to stay if he would like to stay. Hugh Cunningham said, well, President Marston is going to brand you as irresponsible and unreasonable. I said, well, he has to do what he has to do, but that's what we're going to do. And that's what happened, was that the university published in the *University Digest* section this big headline that I was irresponsible and unreasonable, which was just delightful to me to have my adversary so upset about what we were doing.

P: And then you had an opportunity to write an editorial in rebuttal, so that worked out better.

J: That's right.

P: And then you can appear reasonable.

J: That's right.

P: But the law is a little unclear. I know at one point, Larry Turner was not absolutely certain that the *Alligator* had a right to have a person at that meeting.

J: Yes.

P: And I remember on another occasion [that he] apparently pulled a bit of a switch on you and said, well, there was an attorney there, and this was attorney-client privilege.

J: Right.

P: But no one, or at least the *Alligator* reporter, was notified of the meeting.

J: Yes. I mean, they were always looking for excuses to close down the meetings, and Larry was very cautious. He had lost the one case, and I think he didn't want to lose another case, and, of course, we weren't really paying him anything, so he wasn't too anxious to take on another losing cause. Ultimately, we couldn't persuade Larry to bring another test case, and so the battle went on between the *Alligator* and the university over open meetings for a long time without it getting into the legal process because our lawyers were uncertain about the result.

P: Although you were constantly confronting them.

J: We constantly confronted them because it was a time of crisis at the university.

There were many very important meetings where they were literally trying to decide whether they were going to close down the College of Arts and Sciences for a period because, they felt, we just don't have the money to keep it open.

P: Or cut faculty or cut back students?

J: Yes, real, major, deep, hurtful sort[s] of cuts, and so we wanted to be there and we wanted to report about that. We felt we needed to get the message out that this harm was being done to the university. At the same time, the university was trying to keep it all confidential because I think it was embarrassing to some, and there was this feeling that you really couldn't make the tough decisions if you were going to be criticized. So, there was real tension going on meeting after meeting after meeting, and we were literally chasing administrators through the halls of Tigert Hall because they would stop a meeting and literally run away and try to find a way to get to a room that they could close before we got there. It was ridiculous.

P: One of your editorials was interesting because you said, at this point, it's no longer a legal question; it's the students' right to know. We pay tuition, we are students here, these are decisions that affect our lives; why aren't we properly informed?

J: Yes. I had yet to go to law school, and Larry wasn't absolutely sure about the law. So, I started to say, look, this isn't just a legal issue; it really is more about the students who are at this university now [who] should be invited to participate. They learn about how to be good citizens in the world from participating in the educational institutions that are teaching them.

P: Then you did an editorial, and I presume you wrote this, "U. F. President Robert Marston has lost all credibility."

J: At least with me. [Laughs.]

P: Part of that had to do not just with the closed meetings but the fact that he had not been forthcoming about the financial crisis at the university.

J: Yes, that's right.

P: That was not just to the students; that was to the Board of Regents as well as, to some degree, the faculty had not been apprised of the specific situation.

J: Yes, and that's what I was hearing from the confidential sources that we mentioned earlier. There were people on the inside, in the administration and with the faculty, who were extremely critical of President Marston, who did not

think he was doing a good job. A major criticism they had was that he was just too excluding in the process, didn't bring people in enough.

- P: At some point, I think they started bringing campus police in to make sure that nobody got into the meeting.
- J: They did. This was part of the thing that was just ridiculous. They had armed guards posted outside of their meetings. The *St. Petersburg Times* thought this was very funny. There was a reporter there who came up and did a long story about the ongoing battle that the *Alligator* was having with the university over the closed meetings and took pictures of the armed guards keeping us out of the meeting.
- P: Why do you think Marston continued to pursue this line? It was pretty clear at a certain point he was getting a lot of bad publicity and this was not helping at all. It would have seemed reasonable for him to meet with you, and, in fact, at one point you did meet with him one-on-one in the law school.
- J: Yes.
- P: Did you come to any sort of accommodation?
- J: No, we never did. I think what happened with Dr. Marston was that he was getting a lot of bad legal advice at the time. **Tom Biggs** was the university attorney, and I don't really think he was very strong on any of this. I think he was trying to do what President Marston wanted him to do, and he knew that President Marston didn't want to be bothered with these children who were chasing him around, and was there any basis to keep us out? So, he came up with a legal theory to keep us out. It was just, in my opinion, bad lawyering that led them into this very extreme sort of view. They could have very easily defused the whole situation.
- P: All they would have had to do was say, well, good, come on in, we'll let you sit at this meeting.
- J: Yes.
- P: And after a while, wouldn't you get tired of it?
- J: There's nothing more boring than a meeting that you're welcomed into.
- P: Plus, if there are a lot of faculty talking, it's going to be boring anyway.
- J: Absolutely right.

P: That was something that he could have diffused in five seconds.

J: Yes, absolutely correct.

P: So, is this sort of a stubborn streak, or do you think he really was trying to withhold information from the university?

J: I think he sincerely believed that the decision-making process was better done without a lot of noise and involvement from the outside. He had been the director, of course, of the National Institute of Health and so hadn't had to deal with the cacophony of public debate and dissent and all of that, hadn't had to deal with building consensus in the same way that you do at these kind of open state institutions.

P: Now, there was another meeting that Gene Hemp held in February of 1978, and an *Alligator* reporter and a photographer were actually threatened with expulsion and formally, I guess, eventually charged with trespassing.

J: Yes.

P: They went before Rob Denson [dean of student affairs, U. F., 1973-1977] , and he said they violated the law. I think you referred to it in an editorial as sort of a kangaroo trial because Denson said, well, they've got a good argument, but they're guilty.

J: This was Barry Klein who was, I guess, the only *Alligator* reporter who was actually arrested in all of this. This was actually soon after I had graduated and gone on to law school, when Barry was arrested. I thought, this will finally resolve the question of whether the Sunshine Law applies or not, but it didn't. I guess the criminal charges ultimately were not prosecuted, and that was the end of that.

P: But still leaving a bad taste.

J: Very much so, and still the issue was unresolved as to whether the law applied to the university.

P: I don't know whether this was something that you set up or something that was done previously, but almost everyday you published an "inside section" of the paper.

J: Yes.

P: This is just a series of things that I picked out that were covered: Jai-Alai, putting stray animals to death, the ballet, cocaine use, and pick-up lines used at bars.

[laughing] That's a rather diverse series of topics to cover. How did you decide what to cover?

J: We had a group of feature writers at the time who put out the inside edition, the inside section of the paper. Brian Jones was very much a part of it. José Seriego was, **Stewart Emerick**, as I recall, was there. Just tremendously talented people who loved to write long pieces about life and about the arts and that sort of thing, and it was something that we really encouraged. They had their own [ideas]. I wasn't really directly a part of that. We just loved to let them do their thing.

P: In fact, one of the articles was about how to date the freshness of foods being served in the cafeteria.

J: I remember that one, yes.

P: This is a really good example of investigative journalism, which one does not usually associate with student newspapers.

J: Yes. I don't know why that has become the case because it's such a wonderful forum in which to do investigations.

P: At one point, you wrote an editorial saying that when Marston took office he said we're going to open everything, we're going to have everybody involved, and then you wrote an editorial saying he's broken his promises.

J: Yes. I can't remember how I discovered that. It was some research that I did, and I was just shocked to find out that he had made that promise, that when he was first signing up to be president, that was one of the things that he really emphasized, the openness. So, we really were going back and saying, this is just terrible that he has broken a promise.

P: What about – I guess this is when you're still editor – the Ted Bundy and the Chi Omega murders in Tallahassee, would you cover that as sort of a breaking news story and keep the students apprised of what was going on, or would you just assume that the *Gainesville Sun* or other newspapers would do that coverage?

J: No. I mean, we really did feel as though we were doing a better job covering a lot of stories like that than the *Gainesville Sun* was. Nobody at the *Alligator* ever thought much of the *Gainesville Sun*, other than Buddy Davis. We thought Buddy Davis was a great editorial writer, and that was what we thought was the whole *Gainesville Sun*. The rest of the *Gainesville Sun*, we thought, just really wasn't doing a very good job and that we had to do it ourselves.

P: What about sports coverage? Did you emphasize that when you were editor?

- J: I didn't emphasize that. We had some great sports editors, **Nick Puglesia**, I remember, was one of them. The sports guys, they did their own thing, and sports women; we had a good group of women sports writers at the time. **Melody Simmons** was one I recall very well because she went into the locker room and [Paul] "Bear" Bryant [University of Alabama football coach, 1958-1982; the "winningest" coach in NCAA Division I history] had her arrested or thrown out. Sports was a different part of it, and that was not so much my focus; I kind of let them do their own thing.
- P: But absolutely critical at the University of Florida, obviously.
- J: Obviously, [it] always was.
- P: So, there is quite a bit of competition, literally, between the *Gainesville Sun* and the *Alligator*.
- J: We felt that we were doing a much better job. The *Gainesville Sun* didn't, at the time, cover the university nearly as aggressively or in as much detail day to day as we did.
- P: I think at that time they had an education editor, **Cliff Cormier**, who was doing some stuff, but looking at his reporting of what was going on on campus and what you guys were saying....
- J: Totally different.
- P: Completely. It was like you were at two different campuses.
- J: I know. We had the inside story on just about everything that was going on, and we had the force to do it. We had a really big staff, and they had great sources inside at Tigert Hall and everywhere, so if something was going on, we usually knew about it.
- P: I wanted to bring up some more topics on the inside of the newspaper: Steve Martin [comedian, author] comes to the Florida Gym, the work of night custodians, professional wrestler Dusty Rhodes, and fox hunting. Now, once again, these are a disparate group of articles, but it would seem to me from the perspective of the student [that] they would be interested in reading these things.
- J: There was always something different in the *Alligator*. We really strove to do things that were interesting, deep pieces, and we had really good students that would be involved in some of these different kinds of activities and would want to write about them, and we'd let them go.

- P: Is there anything else that we can talk about in regard to your years as editor that I have not asked you, because now I want to go to some of the legal issues you've been involved in since you've left the *Alligator*.
- J: I think we've covered a lot of stuff, yes.
- P: Well, let's start out, and I don't know the best way to do it. I propose to just go chronologically.
- J: Sure.
- P: The case of **Terry Wood v. Robert Q. Marston**. Would you talk a little bit about that and how you got involved?
- J: Terry had been a reporter for the *Alligator*, and she had been there, I guess, a number of years before I was there. But Terry and I wound up in law school together, and she decided that she was going to start up, or restart, the law school newspaper, *The Verdict*, which is just this little sort of tabloid paper. I thought, okay, I'll help you do that, although I felt it was very much beneath me since I was coming from the professional *Alligator* and now I'm going to help her do this. But she wanted to do it, and I thought, okay, fine. Then, soon after she had done that, the law school started to look for a new dean. My father had stepped down, and a search committee was underway. Terry says to me somewhat casually, should we cover the dean search and screening committee? I said, well, it should be an open meeting. [laughing] So, she said, okay, let's do that. Next thing you know, the chairman of the committee is saying, I'm not sure whether the law allows you to be here or not; it was Fletcher Baldwin at the law school, a great Constitutional law professor.
- P: He should have known better.
- J: He asked for an opinion from the university attorney, Tom Biggs, as to what was the law. Tom Biggs gave his opinion that you should exclude them from this meeting.
- P: Let me stop you. Didn't it seem unusual that Fletcher Baldwin, a constitutional expert, would ask an opinion from Tom Biggs?
- J: It always seemed strange to me, and it still seems strange to me, that Professor Baldwin did not side with us in that debate. I mean, he was a very liberal, wonderful scholar of the Constitution and the First Amendment and all of that, but somehow early on in the debate he decided he didn't want to be in the middle of it and taking a position. He was going to follow the dictates of university

administration.

P: Do you think Marston had told him that he needed to have the meeting closed?

J: I think that's right. I don't know exactly how. I know that there was an opinion that was given by the university attorney, and whether President Marston reviewed it or knew about it, I'm not sure if he did at the beginning. Certainly as things got underway, he knew what was happening and went along with that. That's how that whole debate got going. So, we had, finally, presented to us – on a silver platter, if you would – a test case, which would be Terry Wood and me and the *Alligator* against the search and screen committee and President Marston, who had ultimate authority over it.

P: And Marston thought he had gotten rid of you [laughing].

J: I know. I remember when I graduated, we did this ceremony [and] he gave my hand a really firm shake, but then I went on to law school, and so it continued.

P: What was the final outcome of that case?

J: Well, the case first went to trial in Gainesville. Judge Tench –

P: Benmont Tench.

J: – was the trial judge. **Sandy Beaver** was our lawyer. **Larry Turner** helped with it, but it really was Terry Wood and I doing almost all of the legal work, drafting all of the papers involved in the suit. We won the trial. Judge Tench concluded that the Sunshine Law applied. He finally determined that the issue that had been such a thorn in my side for such a long time, that we were right all along, and that all meetings of the university had to be open to the public. The university appealed. They had Chesterfield Smith, who had been president of the American Bar Association [1973-1974], represent them [and they] took it up to the First District Court of Appeal. I argued the case there against Chesterfield Smith and lost in a two-to-one decision. Then we took it up to the Florida Supreme Court, and Terry and I both argued against Chesterfield Smith there, and we won there by a six-to-one vote of the Florida Supreme Court.

P: That's pretty significant to beat Chesterfield Smith.

J: It was a very satisfying victory, yes.

P: That has had a tremendous impact on the State University System.

J: I'm sure that it has. I'm sure that there are those who would say that it's bad...

P: Some people argue it's a negative thing.

J: ...and some who would say that it's good, right. I've always thought it was a fascinating debate as to whether an open university and open decision making is a better process than a more closed, secretive sort of process.

P: Well, it's going to be interesting because we're starting a search for the new president at the University of Florida, and people are arguing, because it will be an open search, you won't get the credible candidates.

J: Yes. Well, I think history has shown that you can get credible candidates. I mean, it's certainly a wonderful position, it's a great opportunity for many people. I'm going to be very surprised if you can't get credible candidates for that job.

P: The next case is *Campus Communications v. Marshall Criser*. The *Alligator* wanted information from the NCAA [National Collegiate Athletic Association] investigation of Charley Pell [U. F. football coach, 1979-1984, fired for NCAA violations].

J: Yes.

P: Explain how you got involved in that case.

J: I remember when President Criser first came into office. We were thinking okay, finally we've got a new president, and maybe we'll have a different approach to things. We had just won the case against the university and thought that we had established pretty firmly that everything had to be open, but President Criser had a press conference early on – I was listening to it down here in my office in Miami – in which he was announcing this investigation [NCAA investigation of the Florida football program] and that he had directed all of the university people involved in this not to release any records. I thought, what? How can this possibly be? We spoke to the people at the *Alligator* and they said, yeah, we want to get all of these records and all of this information; it's just crazy that President Criser now, having already beaten President Marston, is going down the same road. So, we said, okay, we'd be glad to file a lawsuit against the university, and we did. That case was quickly settled. The university decided not to pursue a long, slogging defense on this one, quickly released all of the records of the NCAA investigation, and that was all reported in the *Alligator*, as well as all the other press [that] joined in that case.

P: Why do you think Criser did that, because it seemed likely that this information was going to become public anyway, sooner or later?

J: I think he just didn't know the law.

- P: Ouch.
- J: You know, there's not a lot of lawyers that know all the aspects of the public records law or the Sunshine Law. He was coming out of private practice and was used to, I think, an environment where there was a lot more confidentiality. He hadn't worked at a state agency before.
- P: Plus, the disclosures would be very embarrassing for the university.
- J: Right, so he naturally wanted to keep everything confidential. After that, they always blamed us, the *Alligator*, for having kept them from winning the SEC [South Eastern Conference] Championship because of that.
- P: I'm sure they still talk about that.
- J: I'm sure they do.
- P: You cost them an SEC ring. But I believe Marston hired Pell, did he not?
- J: I think that's correct, yes. I'm sure that's right.
- P: Criser should have known that he had similar problems at Clemson.
- J: Yes, that's correct.
- P: Then *Campus Communications v. Department of Revenue*, which had to do with the sales tax exemption for the *Alligator*?
- J: Yes.
- P: Explain that case.
- J: The Department of Revenue took the position that the *Alligator* was not entitled to the sales tax exemption for newspapers because the *Alligator* was not a newspaper, which didn't make a whole lot of sense. Their theory was, since you're giving it away, it doesn't qualify under the regulations. One of the regulations was that you had to be selling the newspaper for it to be a newspaper. That case also went to the Florida Supreme Court, and they did this Gertrude Stein-type opinion saying, "a newspaper is a newspaper is a newspaper." So, we won that case for the *Alligator*.
- P: Then the 1986 case, going back to this Buckley Amendment, *Campus Communications v. Criser*, and here the police department would not release the

names of the victims of the crimes.

J: That's correct, yes.

P: Here again is this conflict with the Buckley Amendment.

J: Yes, that's right. What the university argued there was that all of the police records fell within the definition of educational records. Educational records are exempt under the Buckley Amendment and under the Florida Public Records Law. We said, how are police records educational records, and particularly when you're talking about the victims? It's nothing about the victims' education, I don't think, that they were a victim of the crime. It was really more of an effort of the university just to be protective of students and not release that information. We argued, look, there isn't an exemption for that information; we're at the university level; university students need not be treated like children. They should be treated like anyone else if you're a victim of a crime. That case ended at the trial level. The trial judge ruled that, no, the records of the criminal activity and the names of the victims were not educational records. It was one of the first decisions in the country that had interpreted the Buckley Amendment in that way. There has been subsequent decisions, I think, in Missouri, and I think Georgia has had a similar sort of a decision, but that was the first one that had established that principle.

P: But you can understand, at least in this case, it seems reasonable from the point of view of the university to protect the names of some of the victims because some of these were women who were rape victims.

J: These records were not rape victims.

P: Okay.

J: These were victims of fairly minor crimes, and the university's position was whatever type of crime was involved; it wasn't dealing just with rape victims.

P: Okay. *State of Florida v. Danny Rolling.*

J: Yes. Of course, Danny Rolling, the serial murderer, he had been arrested and was being prosecuted for the many horrible murders on the University of Florida campus. The editor of the *Alligator* at the time was a woman by the name of Jaime Abdo, and she had done a lot of reporting about Danny Rolling and had interviewed him in jail and had come to know a lot about him. A lot of the investigation, of course, was confidential as to the crime scenes, and all the evidence was kept confidential until the trial. Because it was confidential, the nature of the crimes, of course, it was generally known that they were these

horrific sort of murders, but there was a lot of information and speculation about exactly how he had done it and what he had done to the students that he had killed. There was all the talk about the decapitations and so forth and the display of the bodies. The students and obviously everyone was horrified, and I don't know if you remember, but a lot of parents were pulling their kids out of school. They were talking about shutting down the school to try to stop the thing. It was really an incredible, horrible situation. But the real facts about exactly how the crimes had been committed were not known because so much of the investigation was confidential, even after Rolling had been captured and was being prosecuted. The prosecution was very concerned that, during the case, they would have to introduce into evidence the crime scene photographs, and these included the victims in the photographs. The state attorney – I think it was Rod Smith at the time – hired Jon Mills from the university to represent the interests of the family members of the victims. Jon was hired because he had been very much involved with the Florida constitutional amendment that protects privacy. It seemed logical that he should step forward and protect the privacy using the new privacy amendment, and he prepared a very scholarly brief that said to Judge Morris...

P: Judge Stan Morris.

J: ...Stan Morris, please seal all of these photographs, keep these things confidential, even though we're going to use them as evidence in the case. The media, the professional media, the *Miami Herald* and the *New York Times* and the *Tampa Tribune*, there were conferences that we all had, the lawyers from all these different newspapers had, and it was a collective decision that was reached that this would not be opposed, that this was a bad case and there should not be an attempt to resist the victims' plea to close these photographs.

P: All of the press, the media, agreed?

J: All of the media agreed that this would be the way to handle this, that this could only be a black eye and a horrible loss, and it would look like the press was just trying to do a horrible thing in trying to get access to these photographs. I continued my representation of the *Alligator*, and Jamie talked to me about this and she said, I really don't agree with that. She said, what is the law, what is the law in this? I said, well, the law is that if something is introduced into evidence, it's presumptively open. We did some research, and we found that historically in murder cases, judges had prevented the copying of those kinds of photographs, but they had allowed reporters and the public to actually see the evidence that was being used in these cases to convict people and, in some cases, to put the people to death.

P: In this case, they had to use the photographs to prosecute him effectively.

J: That's right. What happened was, Rolling ultimately pleaded guilty, and so there was going to be no trial at all, but then there was the question of whether the death penalty would be imposed. The prosecution had to use the photographs in that phase of the case, and so the issue then was presented. I told the rest of the press, the *Herald* and the *New York Times*, look, the *Alligator* doesn't want to go along with this decision not to oppose it, I think that we're going to oppose it. There were many lawyers who said to me, do not represent them in that; it will be a disaster for the press if you do that. I said to Jaime, they're all saying it's going to be a disaster; you ought to rethink this; it may be perilous for your career in the future. She said, no, look, I have to see those photographs. I have been talking to this guy, I've heard all the rumors, people here have this need to know, and I want to be able to tell the readers, my readers, what happened here. So, I said, all right, that's very commendable, and we'll go ahead and do that. We'll file a memo opposing the request to seal these photographs for the *Alligator*. We told the rest of the press, the decision has been made, that's what we're going to do, and they, one by one, changed their position and all joined in with the *Alligator* and said, if you're going to do it, we're going to have to support you, and they did support us. We made the argument to Judge Morris, and he agreed that the *Alligator*'s position was consistent with the law and that, that would serve the interest of the community in getting through this horrible event to at least know that the evidence of the crimes was open to the public and could be seen.

P: But you had to come physically to the courthouse to view that?

J: Yes.

P: It was not disseminated via television or newspapers.

J: That's correct. You had to come to the courthouse to see it, and then afterwards you could go to the clerk's office after the trial, and hundreds of people did.

P: Have they ever been released to the media, those pictures?

J: Those photographs are still at the Alachua County Courthouse. You can still go down there today and look at them if you would like to, but you still cannot copy them; that order preventing copying is still in place.

P: What happened with Danny Rollings' so-called girlfriend? She apparently ended up publishing a book about the case. Could he have given her permission to use those photographs, or they are property of the state, I presume, at that point.

J: That's correct. I remember there were all kinds of issues about the Son of Sam Laws, whether he could somehow financially benefit from the crimes. That's what

the Son of Sam Laws do, and there were allegations that, that's what she was doing in some way. I guess she ultimately did publish something, but I don't remember.

P: But as I understand, he did not profit.

J: That's my understanding, yes.

P: The next case is, of course, Lisa Gier King. This was the Delta Chi Fraternity incident. She was a stripper who alleged that she had been raped, and they had videotaped the events, I guess.

J: Yes, I know. I thought, oh my God.

P: Before I get into that, were you working sort of on call for the *Alligator*? When they found that this was a critical issue, they would call you for help, or were you constantly in touch with them?

J: Yes. Ever since I left the *Alligator*, I had such a fondness for having worked there that I really enjoyed staying in touch. I've tried to, with each successive editor, let them know if they needed help, if they had a hard problem, they could always give me a call and we could talk about it and try to work things out, and then for the really tough cases that we would be glad to, on a pro-bono basis, represent them in whatever were the cases that came up.

P: Is that on an individual basis or your law firm?

J: Well, I've always worked for law firms – originally, I was with Steel, Hector, and Davis and now with Hunton and Williams – and it's the firm that really agrees to do it on a pro-bono basis.

P: Because they have to release you from your other responsibilities.

J: That's correct. Well, they don't release me from my other [responsibilities]; they add these responsibilities to what I'm doing.

P: Same as being editor of the *Alligator*, right?

J: Pretty much.

P: Work until midnight.

J: Yes.

P: In this particular case, what was your argument? Once again, Rod Smith is

involved.

J: This one, the editor there, she said, we want to get a copy of the tape. This tape showed, supposedly, this woman, Lisa Gier King, a stripper who was claiming that she had been raped by all of these fellows at the Delta Chi Fraternity. I thought, this is going to be harder than all the rest of them. I called Rod Smith and asked him what was his position about this, and he said that he had reviewed the tape and he had determined that there was not a rape that was committed, that she was fabricating this charge, and although she was engaged in sex with these guys, she clearly was inviting it, and that was his position on it. Of course, the National Organization for Women [NOW] was furious with him about this. In talking with him, I said, I don't think that there's any public exemptions to the public records law that would be applicable to this. He said, I don't think there are either, and, frankly, I would like to release this because I think once the NOW folks see this, they'll agree with me that this is not a rape that's going on here, because they're all yelling that I should be prosecuting these guys. But he said, I'm concerned about her privacy rights, and if I release this, I may be liable for violating her rights in some way or another. So, I suggested to him that he announce to the defense lawyer who was representing Lisa Gier King that he was going to release it and that if he wanted to assert her privacy rights he would then have an opportunity to come forward, to present a motion to the judge, Judge [Chester] Chance, and then the judge could make a decision about whether it would violate anyone's rights in releasing it. That's a pretty good idea; I'll go ahead and do that. He made his announcement, I'm going to release this thing. The lawyer on the other side did file his motion, and Judge Chance said, well, I guess I'm going to have to look at this tape. He took it home over the weekend and studied it and came to the conclusion that there was no basis in the law to withhold the release of the tape, and the tape was released.

P: Did you ever view the tape?

J: I never did. I spoke to the editor after she looked at it. I know that she looked at it, and she was horrified. She thought it was the most brutal, horrendous thing that she had ever seen. She was shocked that these fraternity guys were engaged in this kind of thing. I think she was very much of the opinion that it was a rape and that it should have been prosecuted by Smith. Of course, the tape ultimately then became the subject of a motion picture.

P: A documentary. But once it was released, in this case, it was released publicly, so people could copy it and use it in any way they wanted to.

J: It was. The *Alligator* got it released, and then the rest of the world media all demanded copies, and it was distributed internationally. Segments of the tapes

were played on television all over the world.

P: Probably still on certain sites, right?

J: I'm sure it's available.

P: So, in this particular case, there was certainly a different set of circumstances because the Rollings case was so brutal and it would be of such harm to the families. In this case, this was a woman who was an exotic dancer who had agreed to come, knew she was being videotaped, and therefore had lost her right to privacy.

J: Well, there has always been a question about whether there is a right of privacy, and that was a part of that case.

P: Now comes *Campus Communications v. Dale Earnhardt*. It gets even more complicated, I guess.

J: Yes, I know. It's an ever-building sort of thing that we've got going with the *Alligator*. This was a case – it still is a case that's ongoing at this time – where the *Alligator* was not initially in the lead on this. The *Orlando Sentinel* was very much leading the charge after Dale Earnhardt had been killed in the final lap of the Daytona 500 race. The *Sentinel* was publishing stories that he had been killed because NASCAR [National Association for Stock Car Auto Racing] hadn't required a head-and-neck restraint system. The articles were incredible because in the week before the race, the *Sentinel* had done a series of articles predicting that this was going to happen, not to Dale, the number one star in the sport, but they said this was going to happen to racers because it had happened to other racers. There had been three in the last, I think, three years before this race who had all died in the same way, the same injury, and the *Sentinel* was very much advocating that this safety device had to be used. So, when Dale Earnhardt was killed, they came out with these stories saying, basically, we told you this was going to happen. NASCAR was very distressed, and the NASCAR fans were, of course, very upset that Dale had been lost, but they were much more upset with the *Sentinel* for criticizing NASCAR. It was soon after his death that Teresa Earnhardt filed a lawsuit, to the surprise of everyone, asking that photographs be sealed that the medical examiner had. It was unclear why she was doing this because no one had asked to see them.

P: Do you think this was at the behest of NASCAR?

J: I'm quite sure that it was, and the reason that I say that is that she was represented by NASCAR's lawyers in this.

P: Well, Thom Rumberger also represented her, did he not?

J: He came in afterwards. After the NASCAR lawyers had filed the suit, I think it became clear to them that they wanted a more forceful lawyer in the case. Thom came in and reworked the case and made it into a much bigger deal than the NASCAR lawyers had.

P: One theory was that the photographs somehow could demonstrate that the death was due to the lack of restraints.

J: Definitely. I mean, that's the real reason that we want to see the photographs, to see what sort of evidence they provide one way or another on that issue.

P: So, this is a liability issue as opposed to a personal issue for Teresa Earnhardt, that it would cause grief and pain to her if those pictures became public.

J: She certainly says it will cause grief and pain to her, but what happened was, the day after she filed her suit, NASCAR came out with its statement saying that the reason he died was that his seatbelt broke. And then the manufacturer of the seatbelt came out and said, there's no way in the world that my seatbelt broke; somebody must have cut the seatbelt after the crash. There's still litigation between that fellow and NASCAR. So, when that statement was made by NASCAR, that it was the seatbelt rather than the lack of the head-and-neck restraint, the photographs all of the sudden became very much the focus of press interest. The *Sentinel* then wanted the photographs, as did the rest of the world media, to find out whether NASCAR was engaged in some sort of a coverup to deflect the criticism that the *Orlando Sentinel* was heaping upon them.

P: Normally, in a case like this, it's public record, correct?

J: That's correct. Autopsies had always been public, autopsy photographs. You could go down and go through thousands of them, and people did for many different reasons, for research reasons and medical reasons, criminal investigations, insurance, all kinds of different reasons. So, it was natural, once the photographs had become an issue, for the press to ask them. Now, the *Alligator* was not really covering this at all. This was pretty far removed from the campus, but the *Alligator*, because of its involvement and the development of the public records law, was asked by the *Orlando Sentinel* to get involved and to support them in this, as were other newspapers around the state. [They said] please file an amicus brief and help us with this, because the *Sentinel* was besieged by death threats and advertisers pulling out, and they wanted to communicate to the public that, we're doing this for a good reason, we're not trying to exploit his death or publish these photographs, we want to see the evidence.

- P: But it is interesting that they would go to the *Alligator* as opposed to, say, the *New York Times* or the *Washington Post*.
- J: Well, they went to everyone, and they went particularly through Ed Barber. Ed was the one who was approached initially through the press association to file an amicus brief. Ed called me up and said, would you file an amicus brief for the *Orlando Sentinel*? They would like our support. I said I would be glad to do that. I thought this would be a one-day assignment. It was not. What happened was that the rest of the press decided that it made sense to compromise, and the compromise that was going to be reached was that they would have an expert appointed by the court who would review the photographs, who would give the press an official version of what was seen in the photographs, and then the photographs would be forever sealed. This, again, was a circumstance where I talked to the editors at the *Alligator* and said, this is what the press wants to do, do you want to go along with it? And they said, what's the law on this? I said, the law is that autopsy photographs are required to be opened. [They said] well, then let's stick to our guns and let's not go along with what the rest of the press is doing.
- P: This was a guy named Myers, I believe, who was thought of to be a non-partisan individual.
- J: Yes, Barry Myers.
- P: As opposed to somebody who worked for NASCAR.
- J: That's correct.
- P: The first analysis of the photographs were by NASCAR physicians.
- J: That's right.
- P: Okay. So, now they're shifting a little bit to have more of an unbiased view.
- J: That's right, and Barry Myers was a well-respected forensic pathologist, I think he knew a lot about sports injuries, and he seemed like a very qualified guy to do this. So, I think that the *Sentinel* and other media, they made a principled, logical decision that, well, we don't need to fight this battle if we can get somebody in there who will truly give us an objective view of what these photographs show. We don't need to see them ourselves. And the *Alligator* didn't go along with it ultimately. It probably seems like I'm pushing the *Alligator* all along to do this, but it really was a very independent view of the editors and the people on the board of directors who thought this through in a very careful way as to whether they

wanted to pursue this particular claim. The view was that the media shouldn't be compromising the public records law, and the law is what the law is and if it requires that these photographs be opened, let's simply ask the judge to let us see these photographs; and we may not ultimately publish anything, and we may agree with what Dr. Barry Myers says, but we would like to at least see for ourselves.

P: In fact, Ed Barber said that on all these occasions, Delta Chi, they didn't publish those, they didn't publish the Rolling photos; they had not done this just so they could publish them in the *Alligator*.

J: That's right. This really was a case that was driven very much by an analysis of the law and the feeling that the law should be followed and that reporters should insist on principle here.

P: Did Myers ever look at the photographs and make a report?

J: He did, and he came out with a report, and he didn't describe the photographs at all. He came to certain conclusions that were a typical sort of expert's opinion – very qualified, very hard to tell exactly what he's saying about the thing. It was, in many ways, very unsatisfactory in terms of whether it resolved anything. In my opinion, the rest of the media got a very bad bargain because they just didn't get a very thorough analysis of the photographs at all. When the *Alligator* decided to press the case, we were left as the only media that were challenging the lawsuit that Teresa Earnhardt had filed, so that left us in a position where it was us against Teresa Earnhardt. The case was tried on national television for three days before Judge Joseph Will in Daytona Beach. Teresa was there crying throughout the whole trial, and they brought in other witnesses who testified about how horrendous it would be to have all these things displayed on the Internet and so forth. Ultimately, Judge Will, before he could reach any conclusion, the governor stepped into the case, and the legislature stepped into the case and changed the law and said, we're going to repeal, basically, this aspect of the public records law, create a new exemption for autopsy photographs, and that became the focus of the case.

P: I'm not a lawyer, but if you do it retroactively, doesn't that violate due process?

J: Yes, it does, and that's one of the major issues that we have, is whether it's constitutional to retroactively apply an exemption like this.

P: So, Judge Will never delivered a decision or a finding on that at all?

J: He did. He said it's perfectly constitutional to have retroactive legislation like this. That was one aspect of his ruling.

- P: Would he have ruled in her favor if the legislature had not intervened?
- J: That's a good question. He ruled on that aspect of her case orally at the end of it. Her theory was, if the law requires that these records be released, I have a constitutional right of privacy, the same argument that was being argued by Jon Mills in the Rolling case. I have this constitutional right of privacy that overrides the public records law and that requires the medical examiner to keep these things confidential. We argued, no, there is no such constitutional right like that. This right of disclosure privacy has been discussed in some cases, but it's been rejected by the Florida Supreme Court over and over and over. The U. S. Supreme Court has never really recognized anything like this, and it would really be a very dangerous thing if anyone can come in and stop release of public records because they're claiming they would be upset by the release of them. Judge Will agreed with us that there isn't that type of right when he announced his oral ruling; his written ruling, though, he rejected that. So, he was inconsistent.
- P: Well, of course, the Kennedy autopsy photos have never been released.
- J: They haven't, but there's a special deal there. I mean, what's interesting about the Kennedy assassination was that the Kennedy assassination photographs were, for various reasons that I'm not quite familiar with, deemed to be a part of the Kennedy [estate]; they were owned by the Kennedys. So, when the Kennedys provided them to the Warren Commission, they did it under a special grant that restricted access. Interestingly, Lee Harvey Oswald's autopsy report is fully open, and there was a police officer who was also killed and his autopsy photographs are open.
- P: You know that decision was made by Earl Warren, who was head of the Warren Commission, and that he agreed on a personal level that he would accept them and provide that exemption to the Kennedy family, which turned out to be a big mistake. But the issue now is, who took those photographs? Does ownership of the photographs come into play at all?
- J: The medical examiners?
- P: The medical examiner took [them]? Were there any other photographs taken?
- J: No, these were all taken by paid county employees, medical examiners.
- P: Okay. There were no paparazzi photographs or anything like that?
- J: No, nothing like that.

P: These are just the autopsy photos we're talking about.

J: That's correct.

P: So, what is the status of the case now?

J: Judge Will's decision, the *Alligator* appealed that to the Fifth District Court of Appeal. It upheld his decision, so we've lost there. Then, the Fifth District Court of Appeals certified the case to the Florida Supreme Court as one of great importance, and it is now fully briefed there, it is pending, and we are awaiting a decision from the Florida Supreme Court.

P: When do you expect that decision?

J: They haven't set oral argument yet, which is troubling me because it's been a while since it's been fully briefed, and I'm not sure whether they're going to have oral argument. I think that they will, and if they do, it probably would be in the fall, and I think we could probably have a decision by the end of the year.

P: Do you think you can win that? Because the composition of the court has changed quite a bit lately.

J: Well, that's true. Governor Bush has been making quite a few appointments. He's just had Raoúl Cantero [appointed to the Florida Supreme Court], and Justice [Kenneth B.] Bell has just been appointed to the court up there, and they are definitely...

P: More conservative.

J: ...more conservative judges. So, it's definitely a tough, tough sell, but the law is clear that the exemption, as it was enacted, it not only is unconstitutional because it is being applied retroactively, but it also violates Article One, Section Twenty-four of the Florida Constitution, which says you can't create exemptions that are broader than necessary to serve the purpose for which they were enacted. This exemption applies not only to Dale Earnhardt's autopsy photographs but all autopsy photographs that ever existed or that ever will exist. Many of these photographs are decades and decades old, there are no relatives that are living, and so the law clearly violates that prohibition because it's much broader than necessary to serve the interest that it was enacted to protect.

P: They would have been better off if they'd have applied it just to Teresa Earnhardt?

J: There are questions about whether you can do it in that way. I think the legislature, if it really wanted to solve this problem of people being upset by autopsy photographs being released, should have done what we did in the Danny Rolling case: they should have said, you can't copy these things, but you can see them. That would keep them off of the Internet, and it would keep them out of the newspapers.

P: But that might not satisfy NASCAR.

J: It definitely would not satisfy them because then they would be exposed and we could see what they had done.

P: So, do you think NASCAR has had, obviously, an influence on Governor Bush and the Republican legislature to promote this legislation, because this bill was passed rather quickly?

J: That's correct, and then there were reports that NASCAR was making substantial contributions, political contributions, to the Republican Party. It was very much a thank-you-very-much for this special exemption for us. I mean, NASCAR is big, big business for the state, it's a very powerful influence, and, obviously, it was able to just get this exemption enacted like that.

P: If the legislature had not intervened at all, on the face of it, it seems like a pretty clear-cut case that this is public record.

J: It was an easy case. It should have been an easy case. What people say about this is, hard cases or bad cases make bad law because the judges just will not follow the law. It's a very sad commentary on the state of the judiciary, where you're saying judges, because of the ramifications of what the law requires, will not follow the law. I'm not sure that's going to be the ultimate end result here. I do think we have a very good chance in the Florida Supreme Court in getting access at least to see those photographs, and that would be a very good result.

P: Before we conclude, talk a little bit about the Brechner Center for Freedom of Information at the University of Florida and what value that has in terms of discussing issues of First Amendment nature.

J: It has been a tremendously valuable thing because it's the one institution that really does collect all the information about cases like this. The big cases like the Earnhardt case, you hear about. You don't hear about the many, many other small battles that take place at the local level between city commissions and ordinary citizens, small newspapers and county commissions and police forces. They have done a tremendous job in publishing their newsletter and assembling all of that information, and it's always valuable in cases to show the breadth of

the law that has developed out there. Florida truly is, Earnhardt notwithstanding, probably the most open state in the country. Probably, it is the most open government in the world, the government in the state of Florida, because of the Sunshine Law and public records law here.

P: As we saw in the 2000 Election when all of the court cases were televised.

J: Yes, absolutely.

P: What is the future of the First Amendment now, not just for the *Alligator* but for newspapers in general? Because in some cases, the **Brandsburg** case, for example, was a little bit of a blow to First Amendment rights. Do you see more conservative courts moving to restrict First Amendment rights?

J: Actually, I don't. I think that some of the most conservative judges are some of the most ardent believers in how the First Amendment operates, particularly at the level of the United States Supreme Court.

P: United States Supreme Court Justice Antonin Scalia is a good example.

J: Scalia is a good example, Thomas is a good example, Rehnquist even to some degree. Rehnquist, he's not always the best example. The First Amendment, the way that it operates, it is one of the most central components of a system of free enterprise and capitalism. The ability of individuals to have information is so critical to their ability to make decisions about what they're going to do with their property and how they're going to develop businesses and grow the country. I think that the really conservative judges who really have private enterprise as the bedrock sort of thing that they believe in, they do very strongly enforce the First Amendment in many different contexts, and I think that we're continuing to see it. You have aberrational cases in areas like campaign finance and in cases like protecting the ability of judges to speak out. We had a decision dealing with that recently from the United States Supreme Court.

P: Such as the Pentagon Papers?

J: The Pentagon Papers case, of course, is very...it's getting kind of old these days, but it is still [important]. The Supreme Court has done a very good job in continuing to interpret the First Amendment in a way that keeps information flowing.

P: So, you see that as something that will continue to be protected because it is so essential to a democratic society?

J: I think so.

P: What happens, now, in war time or when we are theoretically at war? We've noticed that the defense department has made grave restrictions on the media's right to information, some of which is understandable because it deals with national security. How do you think that will be worked out?

J: Well, that's certainly the most difficult challenge to the First Amendment right now. I think you're right, that there are going to be judges who, at this time, see the desire to protect national security as being paramount, and that will result in restriction and access to information about the government. It will impinge on reporters' rights in a lot of ways, and it's going to be a challenge. There's definitely going to be a challenge, but I'm not pessimistic about the First Amendment going away or being substantially eroded. I think it is going to always stand there as a critical part of what we're doing.

P: What is the future of campus newspapers? You said you had worked some with South Florida. Do you think they still have a strong impact in the community and at the university?

J: I really think that they don't have as much of an impact as they had at one time, but I think that may change. I think certainly as we go into war and we're dealing with terrorism, you're starting to see more activity on campuses, more life and death, death really, threats. We're going through the whole cycle again, I think. So, while campus newspapers may be somewhat dormant now, I think they're always going to be a critical component. They are almost all on the web now; they're publishing in that way. In many cases, they're publishing more in that way. I think as the Internet becomes more and more common, you're going to see student journalism again start to flourish in that context rather than the papers.

P: I remember reading some articles in the *Alligator* during the reaction to Kent State, when O'Connell had the black student protesters arrested. Here, the *Alligator* got heavily involved and wrote some very, very strong editorials. You sort of sense that we might be getting back to circumstances that would lead the newspapers to get more involved than they are now.

J: I think so because it's the student newspapers, when the risks have to be taken and when the other point of view has to be expressed, it's typically the damn fool student journalists who are going to be the ones who will do that. They just don't realize the danger that they're putting themselves in. They don't have a big house and big mortgage and a job to protect; they're new and they're fresh, and they're unafraid.

P: Plus, they are not owned by the *New York Times* that has a bottom line.

J: That's exactly right.

P: So, they are in a sense free to take on these ideological battles.

J: Yes. So, I think that they will continue to do that whenever there is the need to do that.

P: Is there anything else that we haven't talked about that you would like to discuss or any final comments that you would like to make?

J: I would say I'm extremely impressed by the depth of your research. I haven't gone back to many of these stories for years and years. It's quite a remarkable job you've done.

P: Well, it's very fascinating because I was on the faculty during this period of time and I had completely forgotten most of these events and some of the names, so I really enjoyed reading through all these.

J: Great.

P: Well, on that note, we'll end the interview, and I want to thank you very much.

J: Thank you.