

The Demise of the Media Board and the Birth of the CDAA, 1979-83

By Rick Neel, CLAS '80

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In the spring of 1979, the simmering struggle between *The Cavalier Daily* and the University over the power of the administration's Media Board finally came to a boil.

The confrontation encompassed a lot of issues. A student, John Davies, had complained to the Media Board that he was forced to leave the staff because he was active in conservative Republican organizations. Of course, our position was that a student could not be a journalist and an activist simultaneously, regardless of his political views. But Davies insisted that the CD was dominated by liberals who squelched opposing points of view.

At the bottom of it all, though, was a question of power: would *The Cavalier Daily* recognize the oversight authority of the Media Board and, if so, to what extent?

Up until Michael Vitez became editor, in 1978-79, CD managing boards had been careful not to confront this issue directly, while still zealously defending the newspaper's editorial independence.

On the basis of what turned out to be poor legal advice, Vitez changed this strategy and became more aggressive in challenging the Media Board's planned oversight role. University President Frank Hereford set a trap in the spring of 1979, in the transition between Mike's board and mine.

First, Hereford goaded Vitez into confirming that *The Cavalier Daily* was refusing to recognize the authority of the media board. Then, Hereford went to the Board of Visitors, which happened to be meeting that week in the Rotunda and told the Visitors that the CD was operating in direct defiance of the Visitors' authority. Hereford secured the Visitors' blessings to remove all University support, including office space from the newspaper if the new Managing Board continued this defiance.

During this period Board of Visitors meetings were closed to the public. I first learned of these developments from a student who sought me out on the Lawn, Saturday afternoon, March 31, 1979. By chance, that student had been permitted in the Board of Visitors' closed meeting to give a report and while there had witnessed Hereford's tirade against *The Cavalier Daily*.

It was the end of transition week at the paper, and I was looking forward to taking over the reins the next day as editor-in-chief of a proud and venerable student newspaper. My

reverie ended abruptly; I would have no honeymoon; I found myself in the middle of a crisis even before my first day on the job. Hereford had picked the most vulnerable time for *The Cavalier Daily* in which to launch his strike.

Hereford did not summon our Managing Board to his office to be officially informed until Monday, April 2 (my second day as editor-in-chief). Twenty-four years later, I can still see Hereford leaning back in his chair and trying to get his pipe started with his hands visibly shaking. Of course, he wasn't the only nervous guy in the room that day.

Mike Vitez sent me to see his lawyer, who eagerly assured me that he could rush into court and secure a temporary restraining order against the University Administration. This advice to me seemed too good to be true. I remember sitting in this lawyer's office on lawn furniture and noticing that the bookshelves were made of cinder blocks. Whether it was the advice itself or the dorm-style furnishings, I knew I would need to run this by another lawyer.

Hereford kept pressing to force our hand, and we agreed to leave temporarily our Newcomb Hall offices in response to his demands. We took up the *Daily Progress'* generous offer to use its facilities in the meantime to continue to publish *The Cavalier Daily*. I kept stalling until we could get a better understanding of our legal position.

That's where our alumni came into the picture. By then the story of our plight was being carried nationwide. From the beginning, I started receiving calls from Tim Wheeler, Steve Wells, Sam Barnes and other alumni. Thanks to the connections of our alumni, *The Cavalier Daily* soon had its own "dream team" of lawyers, led by respected Charlottesville attorney and alumnus Ted Hogshire and supported by the Student Press Law Center, the American Civil Liberties Union and other respected attorneys in Washington, D.C. and Richmond.

These lawyers carefully reviewed *The Cavalier Daily's* situation and gave me consistent advice. We would be highly unlikely to secure a TRO from a court. It was not enough merely to articulate a fear that the media board might use its authority to exercise prior restraint on the newspaper's editorial content. Previous editors had been successful in lobbying for the removal of the more egregious sections in the media board's governing document.

The last thing I wanted to do was to go to court and lose; the Administration would have used that "victory" to chain us to the media board.

Thankfully, the national news coverage of the confrontation was placing as much pressure on the Administration as the Administration was placing on *The Cavalier Daily*. Thomas Jefferson's University could not afford to sustain such bad publicity for much longer. Both sides were motivated to reach a settlement, and we entered into tense behind-the-scenes negotiations to find terms both sides could accept.

On Thursday, April 5, 1979, approximately 1,500 students rallied on the Lawn in protest against the Administration's actions. The pressure on the Administration reached its height. As dusk fell that evening, I walked into Pavilion VIII (then the President's Office) and reached the accord that ended the confrontation. Present were Exec. Vice President Avery Catlin (Hereford was out of town), University Legal Advisor George Grattan, Sandy Gilliam and Bill Fishback, Director of University Relations, among others.

The relief I felt on reaching the end of the confrontation was also etched on the faces of the administrators in the room. Both sides had been through an ordeal.

In a curious dance of language lawyers could appreciate, my board first reaffirmed our constitutional right to protect the newspaper's editorial content from prior restraint and then acknowledged that the Board of Visitors had certain oversight responsibilities respecting university publications and that it had delegated certain of those responsibilities to the media board. For its part, the Administration agreed that the media board could not force the newspaper to print letters of censure (a matter that had been a significant point of contention).

I had achieved my objective: getting *The Cavalier Daily* back to its former strategy where it could attend to its business and blissfully ignore the media board. I found myself simply too busy as a newspaper editor to accept invitations from the media board to meet. I preferred to meet directly with readers to address their concerns, and I did not need an intermediary for that. The confrontation left the media board thoroughly discredited and, while it survived for another year or so, the media board never offered a serious threat to the newspaper and ultimately died.

The Cavalier Daily Alumni Association has its roots in that 1979 confrontation. The invaluable assistance I received from alumni during that administration-initiated confrontation made me determined to formalize the alumni support network and to protect future editors from facing the type of grueling experience I had.

My personal vision for the association, though, was much broader than merely a short-term defense mechanism for the newspaper (although the newspaper clearly needed it at the time). I saw an opportunity as well to reach out to our alumni to enrich *The Cavalier Daily* experience for current staffers and to make a positive impression on the entire University community about the role of journalism in society.

One positive experience I took from the media board confrontation was meeting so many talented, successful and concerned alumni. They rallied to *The Cavalier Daily* during the confrontation, and they shared with me a desire to see a more formal alumni network established. It takes more than one person to create a successful organization, and we had a great team of motivated alumni who gave birth to The Cavalier Daily Alumni Association in 1983.