



August 27, 2009

Commissioner Mike Slive
The Southeastern Conference
2201 Richard Arrington Blvd. North
Birmingham, AL 35203
VIA FACSIMILE

Dear Commissioner Slive,

The Student Press Law Center is an advocate for the rights of the student media to gather and disseminate information. We have been monitoring the ongoing discussion over the “terms and conditions for use” of media credentials for SEC sporting events in the 2009-10 season, and are concerned about the potential impact of some provisions on student media.

We echo the concerns raised by the leaders of the ASNE, APME, and APSE in their August 19 letter. We appreciate that the Conference has taken their comments into consideration and is looking at ways to ameliorate some of the most worrisome conditions in the proposed regulations. We are writing to emphasize several additional points that, in our view, may uniquely or disproportionately disadvantage college student journalists and their publications.

First, restricting the ability of credentialed student journalists to shoot and Web-post their own game-action video highlights – understanding that they may not disseminate live game coverage substituting for the licensed telecast – does not appear to serve any legitimate purpose. Nor do open-ended restrictions on blogging that are left to be enforced on a case-by-case basis. Indeed, to allow college officials to make on-the-spot determinations about which bloggers are “blogging too much” and eject them from the press box is an invitation to viewpoint-based censorship, a reality that the Student Press Law Center deals with every day.

Journalism schools across the country, including those in your conference, are emphasizing to students the need to obtain work samples that showcase their skill at blogging and videography to prepare them for the jobs of the future. It would be a shame if graduates of SEC schools were disadvantaged in the job market because they could not compile a portfolio of work competitive with those of other colleges’ graduates. We encourage you to remember that student-athletes are not the only students whose future is impacted by the decisions you are making.

Relatedly, please remember that college student journalists often rely for their living expenses on money earned through freelancing. When you tell a duly credentialed student photographer that he may not pick up an extra \$50 reselling prints of the photographs he shot while working at minimum wage for the student newspaper, that is taking pizza off the dinner table, with no perceptible benefit to your rights-holders. It is particularly worrisome that at least some versions of the proposed rules can be read to limit a journalist's ability to exhibit his own work on the Web as part of a portfolio (because such use could be deemed unconnected with news coverage) or to furnish copies to entities other than media partners that the Conference deems legitimate (such as the operators of awards competitions, who often exhibit winning contest entries on the Web).

Finally, we urge you to reconsider any blanket attempt to prohibit, or greatly restrict, the sale of commemorative editions of newspapers and other such items. Student publications are constantly being told to maximize their earned revenue so as to be less financially dependent on school funding. The impact on SEC rights-holders from a student newspaper's sale of T-shirts is negligible, but the loss of that revenue can be critical to a financially strapped student publication. As you are no doubt aware, there is a recognized First Amendment right for media entities to promote their journalistic work. Any attempt to prohibit the sale of promotional items would be not merely pointless, but likely unlawful.

It does not appear that the Conference considered the unique impact on the student media when formulating these proposed rules. The Student Press Law Center would be pleased to be a resource in helping put together some reasonable guidelines that protect the legitimate interests of the Conference and its broadcast rights-holders, while also safeguarding the rights of all journalists, including students, to gather and distribute the accounts and images that their audiences expect and deserve.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Frank D. LoMonte". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Frank D. LoMonte, Esq.
Executive Director
Student Press Law Center

cc: Marty Kaiser, ASNE
David Bailey, APME
Garry D. Howard, APSE