

Florida

Staff pleased about university sentence for newspaper thieves

The incident has been called "an outrageous attempt to squelch a voice on campus," and now the Florida criminal courts will decide if laws have been broken.

Criminal charges have been filed against four students at the University of Florida in Gainesville in connection with the confiscation of large quantities of the *Florida Review*, a conservative monthly distributed free of charge to UF students.

Believed to be one of the first cases involving the theft of a "free" newspaper ever to go to a court of law, legal opinion on the issue is lacking. (See Legal Analysis, "Stolen Words," Winter 1987-88 Report.) John Stephenson of the Florida state attorney's office, who filed the theft charges February 9 on behalf of the paper, believes the case can stand on its own.

"If we can establish any value (of the papers) whatsoever, we have a basis for a criminal suit," Stephenson said.

Paul Paffe, the *Review's* editor, agrees, and claims that if nothing else, the papers have intrinsic value to the people that produced them.

"Despite something being free, it's free in a limited quantity," said Paffe, "and that quantity is generally known."

According to *Review* executive editor John Cornelius, the incidents of theft are nothing new, and center around a long-standing feud involving conservative activists on campus.

The feud began when Paffe, then President-elect of UF's College Republicans, and Andreas Nechyba, then-acting President and current *Review* editor, accused Joe Saviak of vote fraud in his bid to defeat Paffe. *Review* staff members exposed them, according to Cornelius, and reported their actions to the *Independent Florida Alligator*, UF's student newspaper. The *Alligator* reported the allegations, but Cornelius says the *Review* never ran any stories about them.

The club then split into factions.

with Saviak and his supporters forming a new College Republicans group and Paffe and Nechyba founding the Student Republicans, which Cornelius claims is the "legitimate conservative organization at the University of Florida."

Review staffers had reason to believe their papers had been stolen before, so in July 1987, Paffe and *Review* associate editor John Cserop set up vigilance near one of the *Review's* distribution boxes, which had recently been filled.

According to Paffe's written account, four men drove up, emptied the box, ripped off its display cover, then proceeded to two other boxes, which they also destroyed, emptying their contents into a plastic bag from a nearby trash can.

Paffe took photographs of the incident, then called UF police, who returned the stolen papers to him, took the names of the four students and released them.

The police filed a report on the incident, and disciplinary proceedings were undertaken against the students by the administration. Formal charges were not pressed at the time by UF police because of what Paffe referred to as "a lack of precedent."

"These people truly have used theft to censor us," Cornelius said.

"They are spending their time, if not their money. They're paying for the paper in a different way."

**Paul Paffe,
editor, *Florida Review***

"This effort was undertaken by these people in a deliberate attempt to wipe out our circulation."

Paffe agreed, and said he felt "repulsed by [the thieves'] lack of good judgment and ignorance." He also pointed out that the *Review* only covered the vote fraud issue after the most recent theft occurred, and denied the defendant's claims that they picked up the papers in order to distribute them to their fellow frat-

nity members.

"We expect people to read our articles," Paffe asserted, "They are spending their time, if not their money. They're paying for the paper in a different way. And we expect readers to patronize our advertisers as well."

Paffe claims that at least 1,500 papers have been stolen in this and other incidents, including a theft as recently as January 1988, and that the *Alligator* has been very supportive during the crisis.

Ed Barber, president and general manager of the *Alligator*, said that their support was due at least in part to a similar incident years ago, when the *Alligator* faced a similar theft problem. That case never went to court, explained Barber, because it would have required revealing the identity of a confidential source.

"We, having been stung before [with theft], not only felt outraged for the principle of the matter, but we want the *Review* to win so that this wouldn't happen here or at other campuses across the country," Barber said.

Richard Ovalman, staff counsel for the *Miami Herald* and a specialist in "distribution law," also believes that the case could be very important.

"The law must recognize that just

because a paper is free, no one can take it upon themselves to remove it from general circulation," Ovalman said.

Cornelius said he has also discussed the possibility of filing a civil suit in the case with Tom Julin, a Miami attorney and media law specialist, focusing on the property rights of the *Review* and a tortious interference with circulation and advertising relationships. ■

SUMMONS TO APPEAR

IN COUNTY COURT
ALACHUA COUNTY
STATE OF FLORIDA

SHERIFF'S USE ONLY

CLERK'S USE ONLY

STATE OF FLORIDA

1988 MAR 10 A 8:09

CASE NO. 01-88-00981-MM-D #1
ACCJIS NO. 88-01192
S.A. NO.

SAVIK, JOSEPH C.

CLERK OF CIRCUIT
COURT
GAINESVILLE, FL

To all and Singular the Sheriffs of the State of Florida, Greetings:

These are to command you to summons the above named Defendant to appear before the Judge of our County Court, at 201 East University Avenue, Alachua County Court-house, Courtroom 200, in Gainesville, in Alachua County, on the 29 day of MARCH, 19 88 at 1:30 o'clock P. M.

to answer the charge now pending in said County Court for said County, for
FILED AS: PETIT THEFT 812-014

and have then and there this writ, with due return of your action endorsed thereon.

HEREIN FAIL NOT UNDER PENALTY OF THE LAW.

Witness: A. CURTIS POWERS Clerk, and the seal of said County Court at Gainesville this 17th day of February, 19 88.

A. CURTIS POWERS, Clerk County Court

By: [Signature]
Deputy Clerk

DEFENDANT INFORMATION

(LAST, FIRST, MIDDLE)
NAME: SAVIAK, JOSEPH C.
STREET: 1814 W. UNIVERSITY AVENUE
DATE OF BIRTH: 09-20-68
RACE: _____ SEX: _____ HGT: _____ WGT: _____ HAIR: _____ EYES: _____
PHONE: 378-5138 ZIP: _____
CITY, STATE: GAINESVILLE, FLORIDA
COMP: _____ BUILD: _____ MPPI: _____
W: _____ M: _____
ALIAS: SAVIAK, JOSEPH C.
DRIVERS LICENSE: _____ STATE: _____ YEAR: _____ NUMBER: _____
VEHICLE LICENSE: _____ STATE: _____ YEAR: _____ NUMBER: _____
SOCIAL SECURITY NO.: _____
OCCUPATION: STUDENT
PLACE OF EMPLOY AND ADDRESS: UNIVERSITY OF FLORIDA
GPD #: _____ AGENCY REPORT #: _____
LGTH EMPLOY: _____
ADDITIONAL REMARKS: _____
INVESTIGATING AGENCY: _____

SHERIFF'S RETURN

Received this Summons the 19 day of Feb, 19 88 and;
 executed it on the 29 day of March, 19 88 by delivering a true copy to: Joseph C. SAVIAK
 returned it unexecuted on the _____ day of _____, 19 _____.

[Signature], Sheriff Alachua County, Fla.
By: [Signature]
Deputy Sheriff

Remarks _____

[Handwritten initials]

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88-981-MM
88-981-MM

THE COUNTY COURT OF THE EIGHTH
JUDICIAL CIRCUIT IN AND FOR
ALACHUA COUNTY, FLORIDA.

THE STATE OF FLORIDA

COURT NO. 88-981-MM

-vs-

SA NO. M/JWS

FREDERICK R. LEWIS
DANIEL CARLSON
JOSEPH L. GUFFORD
JOSEPH C. SAVIAK ✓

CHARGE: PETIT THEFT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

EUGENE T. WHITWORTH, SR., State Attorney of the Eighth Judicial Circuit prosecuting for the State of Florida in Alachua County, charges FREDERICK R. LEWIS, DANIEL CARLSON, JOSEPH L. GUFFORD, and JOSEPH C. SAVIAK on or about July 22, 1987, did then and there knowingly obtain or use, or endeavor to obtain or use certain property of The Florida Review Foundation, Inc., to-wit: newspapers, of the value of less than \$300.00, with the intent to deprive the said The Florida Review Foundation, Inc. of a right to the property or a benefit therefrom, or to appropriate the property to their own use or to the use of any person not entitled thereto, contrary to Section 812.014, Florida Statute.

EUGENE T. WHITWORTH, State Attorney
Eighth Judicial Circuit of Florida

John W. Stephenson
ASSISTANT STATE ATTORNEY
(904) 374-3681

STATE OF FLORIDA
COUNTY OF ALACHUA

Personally appeared before me JOHN W. STEPHENSON, Assistant State Attorney of the Eighth Judicial Circuit of Florida, who being first duly sworn, says that the allegations set forth in the foregoing INFORMATION are based upon facts that have been sworn to as true, and which if true, would constitute the offense therein charged, and that he institutes this prosecution in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of February, 1988.

BOND SET AT \$ _____

JUDGE

Kayda G. Smith
NOTARY PUBLIC

Notary Public, State of Florida at Large
My Commission Expires June 30, 1989

