JUNE 8, 2008

SUNDAY NEWS

SERVING LANCASTER CITY and COUNTY

Lancaster County Circulation 100,000

Taking the bait

Editorial

When F&M overreacted terribly to the actions of the publisher of an alternative newspaper, it made the mistake many others made and played into his hands.

Franklin & Marshall College may have won a Pyrrhic victory in its battle with Ron Harper Jr.

The college's police arrested the newspaper co-publisher last week for trespassing on school property after he was warned to stay away. Yet not only is it unclear whether he actually did set foot on F&M land -- it's fairly clear that the officers overreacted in taking Mr. Harper into custody.

So now the former 5thEstate.com editor is calling for federal investigations into civil rights abuses, and he and co-publisher Chris Hart Nibbrig are talking about legal action.

And the story that F&M wants to go away is spiraling out of the college's control.

Last month, the alternative Lancaster Post weekly published a story about two F&M basketball players charged with taking bottles of alcohol from the Iron Hill Brewery.

After Mr. Harper tried to get comment from F&M President John Fry, including visiting Mr. Fry's home in Lancaster Township, the college sent Mr. Harper a letter warning him to stay off college property. The president's residence is owned by F&M.

Then, according to Mr. Harper and Mr. Hart Nibbrig, stacks of the free paper started disappearing from convenience stores, and a newsbox near the Fry home was taken. They believe someone connected with F&M was taking the papers.

All this set the stage for June 2, when, the publishers said, they were replacing the stolen newsbox. Franklin & Marshall officers showed up; Mr. Harper and Mr. Hart Nibbrig said the police grabbed Mr. Harper's video camera and Mr. Hart Nibbrig's still camera, assaulted Mr. Harper and threw him to the ground, and took both men into custody for trespassing.

F&M says Mr. Harper walked up the driveway of the Fry home. But,presuming that account is accurate, isn't that a citation for trespassing and not a takedown situation?

For his part, Mr. Harper says he didn't go near the grounds. If his version is accurate, the arrest was not only excessively forceful but improper. Whether it warrants federal action is a decision we'll leave to the FBI.

Freedom of the press means freedom to distribute the news and freedom to gather it, as well as freedom to print it. As long as Mr. Harper and Mr. Hart Nibbrig weren't violating the law, they should be able to exercise those rights without police interference.

Leaving aside the legal questions, let's consider the pr actical ones. F&M surely wanted the story of the basketball players -- who have been charged but whose case has not yet been resolved -- to fade away. The best way to do that, from the college's viewpoint, would have been to ignore it.

Instead, F&M did exactly the wrong thing -- the thing that made the story a news event featured in every major county media outlet.

Mr. Harper is a provocateur. He's known for aggressive use of his video camera, but no matter how annoying, recording in public isn't illegal. Given his track record, he might have been hoping for a confrontation with F&M, and he got one.

Over the last eight years, the smartest officials have learned that the best way to respond to Mr. Harper's provocations is not to take the bait.

Other officials have snapped up the bait, to their sorrow. Remember the Lancaster County Convention Center Authority, former board chairman Jim Pic kard and that infamous pie-tossing episode?

By overreacting, Mr. Fry and the F&M police seem to fall into the latter camp.

Now, instead of the basketball players being a one-week wonder, thc story has metastasized into something far bigger.

Unless F&M can produce credible evidence of trespassing, the college should withdraw the charges, apologize and learn a valuable lesson:

You can win a battle and lose a war.

(c) 2004-2007 Lancaster Newspapers