

Paper drops suit vs. schools over lesbian incident

Reporter still barred as trespasser

By Cheryl Wetzstein
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A Massachusetts newspaper has withdrawn its lawsuit against the West Springfield, Mass., school system stemming from an incident in which lesbian activists distributed leaflets in an elementary school on Valentine's Day.

In dropping its lawsuit, the Springfield Union-News also ended settlement negotiations that called for the paper to apologize for a reporter's handling of the "Lesbian Avengers" story.

In an article April 1, the newspaper's editor said the reporter's actions "were neither improper nor wrong."

The newspaper "came to the conclusion they couldn't win in court . . . and folded their tent and walked into the night," said William O'Shea, superintendent of West Springfield public schools, yesterday.

He said he and other school officials would report on the case to Cowing Elementary School parents Monday night.

A letter of trespass against Union-News reporter Jeanette DeForge remains in effect, Mr. O'Shea said.

On Feb. 14, four women wearing T-shirts identifying themselves as "Lesbian Avengers" showed up at Cowing Elementary. They stood in the school by a side door and gave arriving students leaflets about lesbianism and homemade candies.

The leaflets displayed the phone numbers to two homosexual teen groups and a hot line for homosexual men.

The lesbians' school appearance was covered by Miss DeForge and Union-News photographer John Suchocki, who came to the school after the newspaper got a tip about the activists' plans.

The front-page story outraged parents, angry their children were confronted in a school hallway by lesbian activists and a news team — none of whom had permission to be in the building.

Spurred by scores of phone calls and letters, Mr. O'Shea issued a letter of trespass against Miss DeForge. The letter forbade her entering any of the school system's nine schools or other school properties, except to attend public meetings.

The Republican Co., publisher of the Union-News, filed a lawsuit to have the ban against Miss

DeForge lifted, arguing that her constitutional rights were being violated.

The school system filed legal papers defending the school's right to insist that all visitors, including journalists, report to the principal's office to obtain clearance.

School officials also offered a settlement proposal asking that the newspaper "acknowledge" that it had breached school policy and print "some kind of apology," said Augustus Wagner Jr., a Boston attorney for the school system.

Draft letters were exchanged, but agreement on the wording of any statement was not reached.

On March 30, Joseph P. Pessolano, an attorney for the newspaper company, informed school officials that the Republican Co. was withdrawing its lawsuit.

"The Republican Company is aware of the policy . . . regarding visitors to school buildings, and

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can assure you that its reporters, including Miss DeForge, intend to follow that policy, consistent with their legal rights and obligations in the future," Mr. Pessolano wrote.

The Union-News, however, does not believe that "its actions were, in some way, wrongful," Mr. Pessolano said.

In a statement the next day, Springfield Union-News Executive Editor Larry McDermott said: "We remain convinced that our reporter conducted herself in a professional manner and that her actions were neither improper nor wrong."

Mr. O'Shea said the newspaper's defense of Miss DeForge's behavior is "sheer, utter hogwash. . . . What she did was clearly wrong."

"If that was his belief, he should have pursued his lawsuit," Mr. Wagner said yesterday.

In a separate case, school officials have asked Hampden County District Attorney William Bennett to take legal action against the four Lesbian Avengers who passed out leaflets in the school.

Mr. Bennett's office has said it plans to file trespassing charges against the four women.