



BOSTWICK & JASSY LLP

April 20, 2009

Editorial Board  
*The Tomahawk*  
Fallbrook High School

To the editors:

We represent the plaintiffs in the lawsuit discussed in the “Special Edition” of the Tomahawk released to the Fallbrook High School campus community on March 25, 2009. We are disappointed that the “Special Edition” presented only statements from the District. We were not contacted to discuss this matter at all, even though we were open to having such discussions, as the “Special Edition” mentions. We are also disappointed that the “Special Edition” contains many factual errors advanced by the District, which remain to be litigated, and some of which we address here:

- Principal Rod King censored the “Article” and “Editorial,” despite warnings in advance from the journalism advisor, Dave Evans, that such censorship would violate the law.
- Principal King did not give Mr. Evans or the student editors an opportunity to address any concerns about the Article or Editorial. Principal King did not say he was concerned with the accuracy of the Article or the authorship of the Editorial. Principal King did not say he needed more time to review them. He simply censored them.
- Principal King and the District make a large issue of the Editorial’s use of the term “our children” as a supposed indication that the Editorial was not written by a student. First, pick up any well-regarded newspaper on any given day and you will see that editorials are written in the first person plural (i.e., using words like “we” and “our”). That is the way editorials are written. In particular, leading newspapers have used the phrase “our children” in editorials. Second, despite unsupported suggestions to the contrary, the Editorial was written by student Margaret Dupes and was edited and placed by student Daniela Rogulj. Ms. Dupes, Ms. Rogulj and Mr. Evans have sworn to this under oath. Principal King has not made any statements under oath in this case.
- Mr. Evans made several attempts to resolve these issues informally before we were retained. After we were retained, and before we filed suit, we sent a detailed letter to the District in an effort to avoid litigation. We, too, were rebuffed. Litigation was a last resort, but it was only our lawsuit and motion for a preliminary injunction that finally prompted the District to lift the censorship of the Article and Editorial in the

“Special Edition,” albeit surrounded by many incorrect and unsupported statements by the District.

- There are many other issues raised in the “Special Edition,” such as the circumstances surrounding the censorship of the Article regarding former Superintendent Anthony, that we are confident will support our clients’ assertions if this case proceeds to trial.

Very truly yours,



Jean-Paul Jassy  
Bostwick & Jassy LLP



David Blair-Loy  
ACLU Foundation of  
San Diego & Imperial Counties