

Admin. spies on students and cancels student gov't election

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Courtroom victory saves remedial classes at CCNY—for now

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THE MESSENGER

AN INDEPENDENT STUDENT NEWSPAPER

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UNIVERSITY OF HARLEM

CUNY'S WAR ON CUNY

THE FIGHT TO PRESERVE OPEN ADMISSIONS AGAINST ATTACKS BY THE BOARD OF TRUSTEES INVOLVES NOTHING LESS THAN BLOCKING EDUCATIONAL APARTHEID

BY ROB WALLACE

SEPTEMBER 9—In late May, the Board of Trustees of the City University of New York ended CUNY's 29-year-old policy of Open Admissions by aborting remediation classes at CUNY's senior colleges. City College is a senior college. But in August a State Supreme Court judge blocked the change in policy.

As started in 1970, the Open Admissions policy allows any New York City high school student who obtains a diploma a spot at CUNY. Those students who can not handle the college material are placed in remedial courses until they can. The point of the policy was to allow access to a college education to students that were traditionally provided substandard high school educations by the public school system.

Open Admissions was implemented after black and Latino students at City College started successful protests against the exclusionary nature of the CUNY system which in 1969 was comprised primarily of white students.

Following implementation of Open Admissions, a veritable revolution in education swept New York City. By 1976, the majority of CUNY students were of color. By the early 1990s, 63% of CUNY undergraduates were non-white, 54% black or Latino. One barrier in the racial apartheid of New York education had been smashed.

On May 26, the Board of Trustees began to implement the apartheid once again. The Board voted to block from entering CUNY's four-year senior colleges any student who could not pass proficiency tests in math, reading, and writing. The Board planned to implement the new policy at CUNY campuses starting September 1999. The Board, comprised primarily of Mayor Giuliani and Governor Pataki appointees, oversees CUNY-wide policy.

The new policy would effectively end remediation classes at the senior colleges. As of now under Open Admissions, students who could not pass any one of the tests could still attend the colleges, take remedia-

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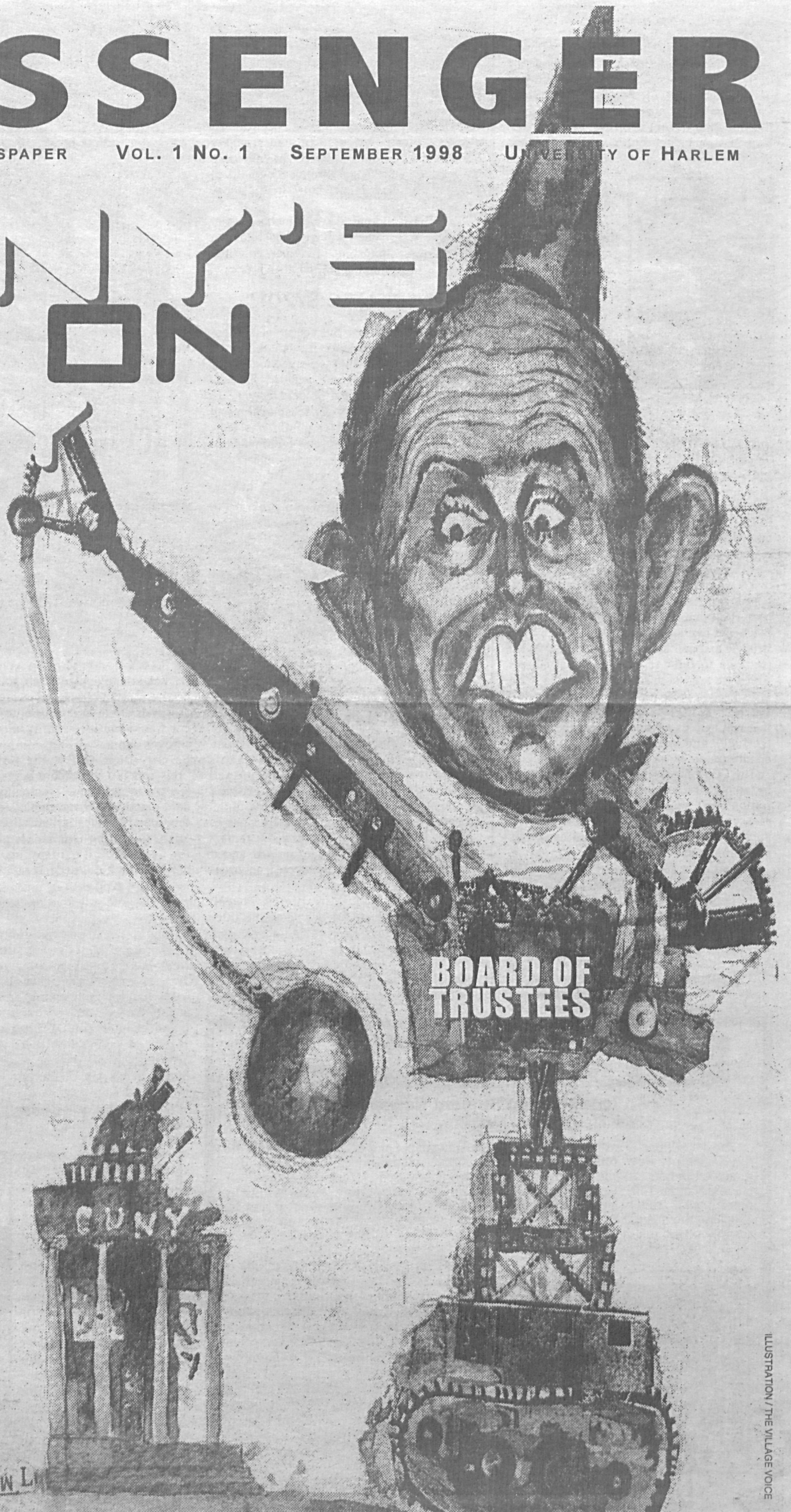


ILLUSTRATION / THE VILLAGE VOICE

Bananas

Summer of Spying and Drama

ELECTION RESULTS nullified? Activists spied on and followed? A private police force cracking down on political organizing? Is this Burma? Or Suharto's Indonesia? Nope, it's the banana republic of City College situated on 138th Street and Convent Avenue.

As revealed in these pages, CCNY President Yolanda Moses nullified the recommendation of the Student Elections Review Committee to accept the results of the Graduate Student Council elections run last April (see page 2). She also shut down the official graduate student newspaper, the *CCNY Messenger*. CCNY Security Director Timothy Hubbard admitted to spying on politically active students with a surveillance camera hidden in a fake smoke detector. Shit is deep at City College.



CCNY Pres. Moses: spineless in the face of adversity

In the face of sharp attacks on CCNY from Giuliani, Pataki, and the Board of Trustees, President Moses chose to *attack* the students organizing to save CCNY. She stayed silent, never challenging the Board of Trustees at their meetings, never speaking out publicly against the end of remediation at her college. Yet she tells us she supports remediation! That is cowardice. Not only does she refuse to speak out for something she says she believes in; she refuses to even let students speak out for their educational future.

Yet we continue to fight for our right to an education. We will continue to fight to preserve open admissions at CUNY which Black and Latino students won through bitter struggle and political protest in 1969. We will continue to fight to save remedial classes, which we are not ashamed to say that many of us need because the high schools failed us. We are here because we thirst for knowledge that will help us advance personally and collectively and will not let politicians or administrators block our education.

The *CCNY Messenger* has been shut down by administrative decree. But the administration can't stop this new publication, *The Messenger*, because it is an independent publication that receives no funding or support from them.

The struggle for access to education will take different forms at different times, but it will continue. Spying, cancelling elections, and shutting down newspapers cannot stop that. The movement will grow in other ways. Get involved and together we will build a future worth fighting for! Stop by NAC 3/201 for more information.

¡La lucha continua!

IT WAS JUNE 1, the day before last spring's commencement, and four days after the CUNY Board of Trustees voted to end all remedial courses at four year colleges at a tumultuous meeting where 24 people were arrested.

On that day, a CCNY employee approached a CCNY student who he knew to be an activist. He told him that what appeared to be a smoke detector in front of NAC room 3/201 really wasn't a smoke detector at all. He said that the "smoke detector" actually was a surveillance camera. The CCNY employee said he had seen the surveillance equipment—a receiving device, a TV monitor and VCR recording the image in front of the "smoke detector" in the room next door to 3/201.

The student, David Suker, gained access to the room where the employee had told him the recording equipment was. Upon entering, a long, bizarre summer started at CCNY.

WHY NAC 3/201?

NAC 3/201 has been the center of student activism on campus since it was taken over by student activists during a student strike in 1989. The room was renamed the "Shakur-Morales Community and Student Center," in honor of two revolutionary leaders who had gone to CCNY in the 1960s, and it was dedicated to student activism and building links between students and the Harlem and Washington Heights communities.

It is the home of the Pre-University Program, a grassroots student-run program to prepare high school students for college. The Pre-University Program brings over 200 high school students to CCNY every Saturday. It is organized and staffed entirely by volunteers, and it is free for the students.



GOING PUBLIC

AFTER SUKER SAW the surveillance equipment, he and two other students—Ydanis Rodriguez and Brad Sigal—videotaped footage of the surveillance camera and equipment, and called student-rights attorney Ron McGuire, who immediately came to campus with a reporter from the *Amsterdam News*. The equipment was examined and it became clear they had uncovered an organized surveillance operation.

Attorney Ron McGuire filed a lawsuit against City College on behalf of the three students two days later, alleging that their constitutional rights to free assembly had been violated. They did not, however, know who exactly at CCNY was running the surveillance operation. The equipment was

anonymously given to Mr. McGuire for safekeeping, who immediately brought it before the judge. At that point the CCNY Security Department, seeing that they had been "caught in the act", acknowledged that the equipment was theirs.

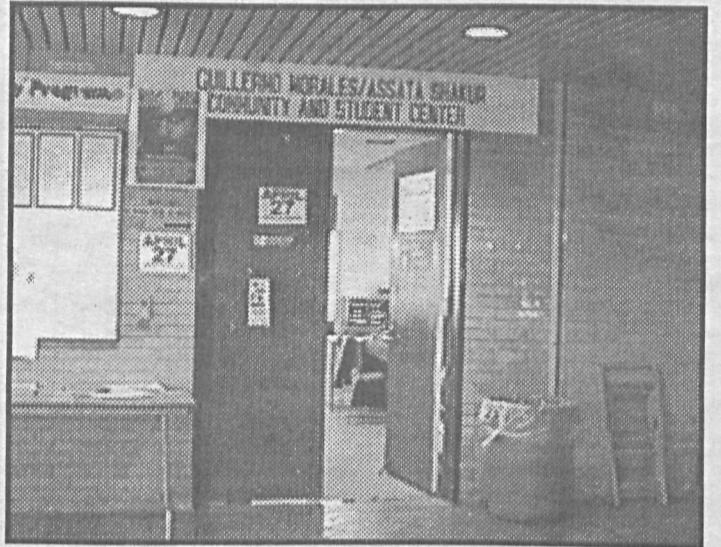
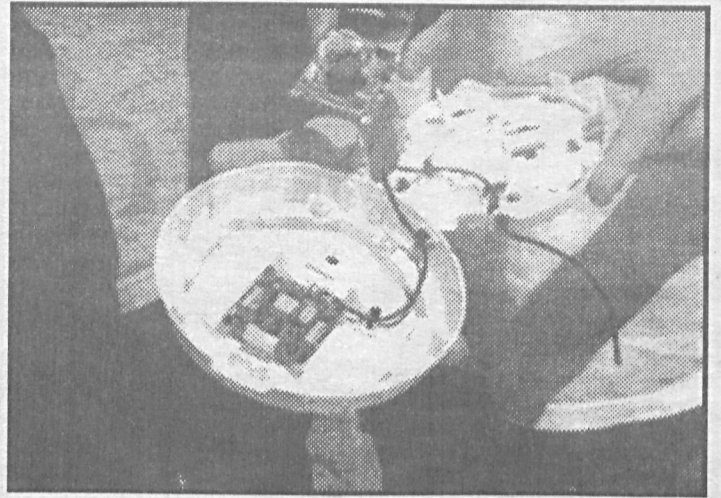
The students held a press conference on the steps of City Hall to break the story to the public. That night, the story broke on all the television news programs (it was the lead news story right after one of the Chicago Bulls playoff games), and over the next week it hit almost all of the New York newspapers including the *New York Times*, *El Diario* and the *Daily News*.

MOSES BUSTED

CCNY PRESIDENT Yolanda Moses didn't seem to know how to respond. If she knew about the surveillance, then she authorized spying on students organizing peaceful and legal activities. If she didn't know about it, then she was out of touch with possibly illegal spy operations going on under her reign. So the CCNY administration made up a far-fetched tale to explain their political spying.

The June 5 *Daily News* reported that, "Officials at the Harlem campus said the camera was a routine security measure to stop thieves from swiping computers." CCNY Security Director Timothy Hubbard stated, "This was just a standard surveillance device we use to determine criminality. It's a standard practice we have employed over the years to combat crime." It is certainly unsettling if it is "standard" for CCNY security to spy on students with hidden cameras. But even that explanation, unsettling as it was, did not give the whole story.

Many on campus questioned Hubbard and Moses's story. The *New York Times* reported on June 17 that, "Gary Benenson, a Mechanical Engineering professor at City College and chairman of its faculty union chapter, said security officials were correct in saying that there were burglary problems on campus—he has lost six computers in his lab in the last two years, he



Top: the spy camera inside the fake smoke detector. Bottom: The entrance to the Shakur Morales Center, NAC 3/201, where the spy camera was installed.

said. But, he added, the security office had done little to prevent thefts, and he had been told to install his own alarms."

THE REAL REASON FOR THE SURVEILLANCE

REALITY FINALLY caught up with Security Director Hubbard. When he was subpoenaed by McGuire and the students, he was forced to submit an affidavit explaining his reasons for the spying operation. In his affidavit, dated June 10, 1998, he still tried to maintain that the main reason for the surveillance was to prevent computer theft. But the truth squeaked out at the end of his affidavit.

Directly contradicting all the administration's denials of political spying, he said there were also two other reasons, both political. In Hubbard's June 10 affidavit, he states:

"Finally, the third reason for placing the camera outside room 3/201 was in response to a report of a possible student or non-student take over of all or portions of NAC, includ-

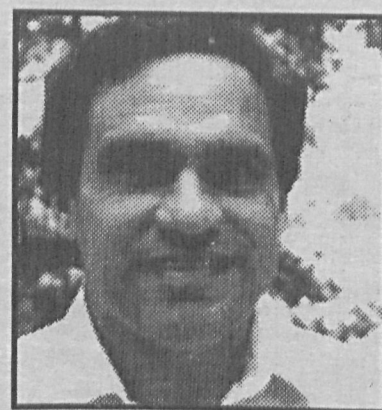
"Democracy Cancelled" continued on p. 4



CUNY's Hero: Prof. Crain

IN EARLY AUGUST, a judge ruled that CUNY had most likely violated the state Open Meetings Law at their meeting last May 26 where they voted to end remedial classes at all four-year CUNY schools. The judge put a hold on CUNY's plans to end the remedial classes until the lawsuit winds its way through the courts. The lawsuit in question was filed in 1995 by CCNY Psychology Professor William Crain, along with CCNY Education Dept. graduate student David Suker. They alleged that CUNY repeatedly violated the Open Meetings Law. The judge agreed (for more on the lawsuit see article starting on page 1).

Prof. Crain has been tireless in his efforts to save access to education at CUNY. He has fought day and night for over 20 years. If there



Professor William Crain

is an event, he is there. If there is a protest, he is there. If there is a hearing on CUNY, he's speaking at it. He truly supports his students.

His lawsuit that stopped the end of remedial classes is a tremendous victory. It shows that with a little bit of thought and effort, one person can have a huge effect on the futures of millions of people. It shows the cowardice of administrators who cow-

ered and feared to speak up for their students. Prof. Crain's efforts to defend CUNY once again return CCNY to the forefront of the CUNY struggle. If you see Prof. Crain in the hall, or if you have him in a class, just say "thank you." And do what he always tells students to do—get involved!

THE MESSENGER

An Independent Student Newspaper
138th St. & Convent Ave., New York, NY 10031

The Messenger is an independent student newspaper put out by students of the City College of New York, though it has no formal relationship to the college. It is produced periodically by an editorial collective. The *Messenger* aims to serve CCNY students, other CUNY students, and the Harlem community. We seek to do this by reporting on student activities for empowerment, enjoyment, and survival and by exposing the misdoings of those in power. The articles in *the Messenger* do not necessarily reflect the views of the editors of *the Messenger*, CCNY students, or anybody other than the individual writers.



This special disorientation issue of the *Messenger* was put together by a conspiracy of thousands.

Any similarity between this publication and any other publication is purely coincidental. This newspaper is not funded by the CCNY administration, student governments, clubs, or any other body of CCNY. Like it says on the cover, this is independent journalism, baby! Watcha gonna do now?

Publishing Date—Sept. 10, 1998
Press Run—5,000

Remediation Tug-of-War

Continued from page 1

tion courses, and retake the exams when ready, albeit within a certain set time. The remediation courses were therefore a linchpin of Open Admissions.

The Board's decision turned the three assessment tests into entrance exams. You can't pass the tests? You can't enter CUNY's senior colleges. No other public university in the country uses such entrance exams. The tests act then as another barrier for New York's poor and working class. The senior colleges have been shown by studies by Lehman College's David Lavin to be gateways to higher education and professional jobs for a generation of students of color.

The Board's vote to end remediation officially returned apartheid and class war to CUNY.

APARTHEID AGAIN

ANNE PAOLUCCI, the chair of the Board of Trustees, told reporters after the vote, in revealing language, "We are cleaning out the four-year colleges and putting remediation where it belongs," at the already devastated two-year community colleges.

The end of remediation at the senior colleges will effectively "clean out" tens of thousands of poor, principally black, Latino, Asian and immigrant students.

According to CUNY's own study, five colleges, including City College, would lose half their entering students under the Board's new policy. City College has already lost over 3000 students, many in good academic standing, over the past three years. The losses at City College can be attributed to budget cuts, tuition hikes, and City College-specific departmental closures. In 1995, Yolanda Moses, City College's president, closed, among several other departments, four ethnic studies departments and an entire School of Nursing.

The CUNY report declared under the new Board policy minority students will be worse hit. The report stated 55% of Latino, 51% of Asian, and 46% of black students who would have been allowed entrance under present admissions criteria will be barred from entering the senior colleges. Whites too will be blocked, with 38% kept from entering by the new policy. In total, 12,000 students—46% of 1999's entering class—will be barred if the policy is successfully implemented.

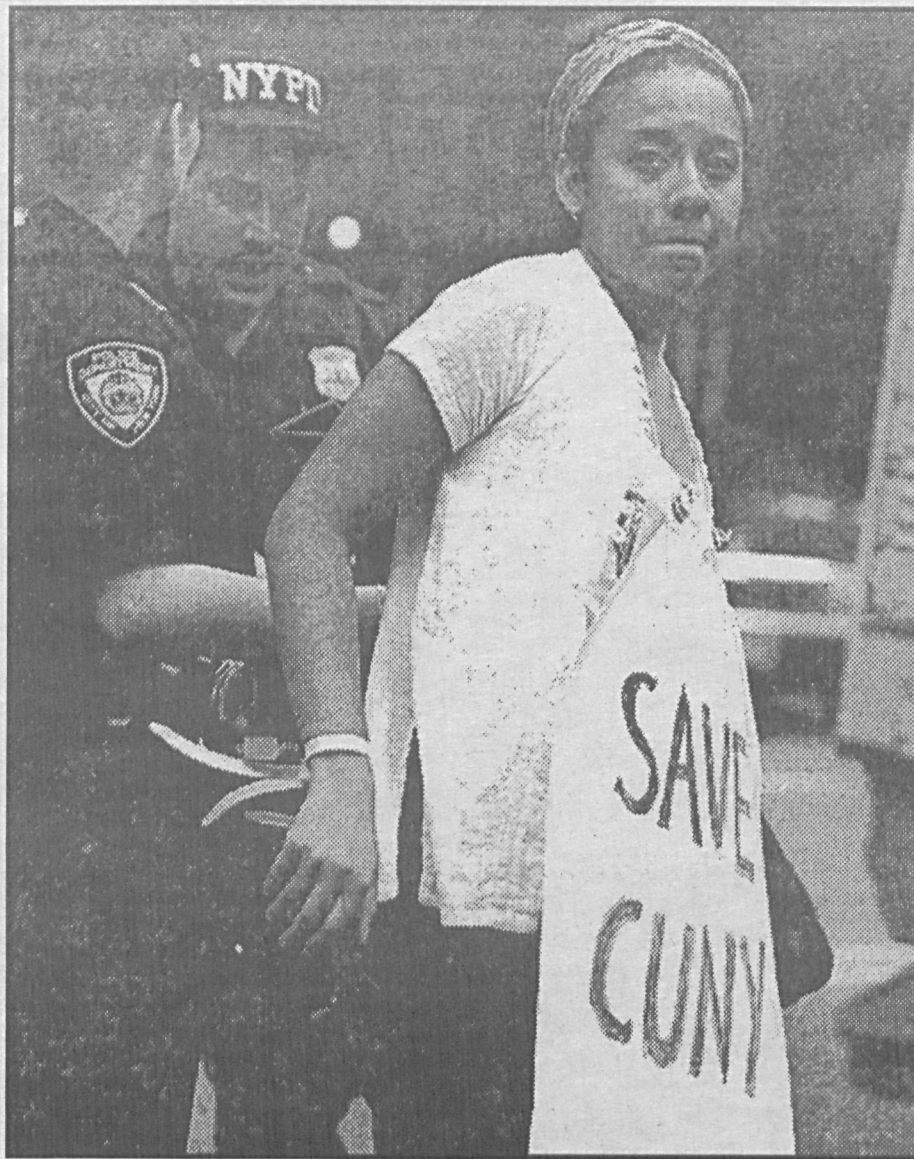
The CUNY report seconded projections by Lehman College professor Lavin who has for years tracked the positive effects Open Admissions has had and continues to have on CUNY students and New York City. Lavin and colleagues reported that of the 8,000 regular students who entered the senior colleges in Fall 1997, 5,000 would have been excluded under the new policy. That included 2/3 of the entering black, Latino and Asian students, and half of the white freshman.

Clearly, if this policy is implemented it would represent one of the worst defeats New York City's working class will have suffered this half-century.

The Board of Trustees was provided the CUNY report a week before it voted in the new policy. And Lavin's study had been available for months. So Board members, many of them bankers and government hacks, were quite aware what impact their decision would have on the schools and their students. Indeed, before the vote, the Board met for an hour with CUNY lawyers to discuss the likelihood lawsuits would be leveled at the university system on the grounds the new policy racially discriminated.

Mayor Giuliani, who has continually hammered CUNY with threats and recriminations, called the Board's vote "courageous". He declared, "[The Board's] vote sends a powerful message that CUNY is starting the important process of restoring its reputation as one of the great public institutions of higher learning in this country."

Under the new policy, many students brilliant at political science or physics, for example, but not so verse at the material any one of the entrance exams would test, would be barred entrance to the senior col-



Hunter College SLAM / Student Government member Sandra Ynoa was among the 26 people arrested at the Board of Trustees meeting last May.

leges. Imagine a newly immigrated Einstein barred from City College because he flunked the reading entrance exam. Completely unreasonable—indeed mad—and certainly not "restoring [of CUNY's] reputation" as thousands of remarkable students are driven away in a veritable brain drain.

One of the vilest villains in this affair, and they are numerous, is Board of Trustee Richard Stone. Stone, who seems your usual wet noodle liberal, had been wavering for months on ending remediation, before casting the deciding vote against remediation. He declared the vote, "one of the most difficult decisions I have ever made in my life." In sum, Stone, a Columbia University law professor, voted to end remediation at an inner city college system, while his own elite Ivy university continues to offer remediation for comparatively more affluent and better prepared students.

A LEGAL BATTLE WON

ON AUGUST 10, State Supreme Court judge Elliot Wilk served an injunction against the Board's decision to end remediation at CUNY's senior colleges. The decision stems from a suit brought against the Board for violating state Open Meetings Laws when it voted against remediation May 26. The suit was brought by Professor William Crain of City College's psychology department, and David Suker, a CCNY graduate student.

New York's Open Meeting Law or "Sunshine" Law which, as of October 1979, provides the public the right to attend meetings of public bodies and watch their decision-making process. As defined by the law, public bodies include state agencies, and public corporations like cities, counties, and school districts.

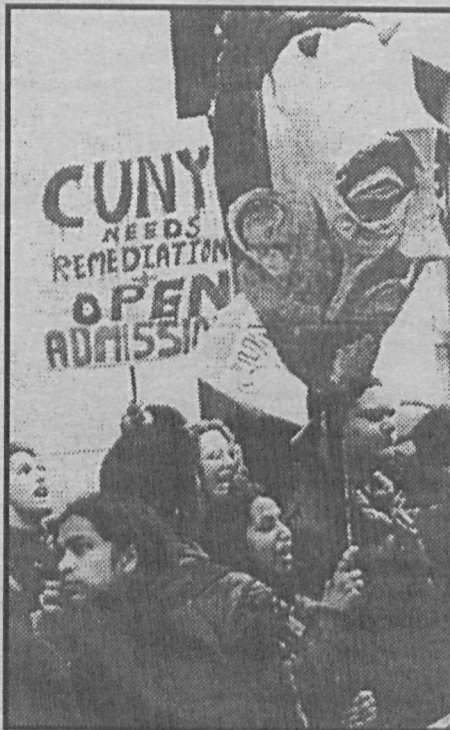
The Board meetings are held in a first floor conference room at CUNY Central on E. 80th Street. The plaintiffs charged, and Justice Wilk agreed, that the meetings violated the Open Meetings Laws because they were held "in a room which [the Board] knew to be too small." Moreover, the Board would reserve many of the available seats for Board staff, CUNY administrators, and

the press, leaving few seats for the public.

Furthermore, on May 26 the Board ejected what few public audience members remained. Inside the meeting, six audience members were arrested, "including those watching and listening peacefully," as Justice Wilk's ruling put it. Among those arrested were a Franciscan nun and Assemblyman Ed Sullivan (D-Manhattan), the chairman of New York State Assembly's Education Committee. Outside the building, 20 demonstrators protesting the decision were arrested.

The Board, never elected by their CUNY constituency, would not permit such violation of Board "democracy", as Chair Paolucci called making fundamental decisions on the future of CUNY behind closed doors!

"This is a huge victory for the forces of democracy in this city," said Crain of Wilk's decision. "Hopefully, it will force the CUNY board to reconsider their closed-meetings policies, as well as the destructive decision



CUNY students protesting the Board of Trustees

to eliminate remedial education for thousand of students who need it."

Anthony Coles, a senior Giuliani advisor, called the ruling "ludicrous". He declared, "There is very little question that this decision will be promptly reversed on appeal and will not stand in the way of CUNY's efforts to raise standards. The opinion clearly is written by a judge who considers his own personal viewpoints to be more important than the law."

The Giuliani administration has lost just about every lawsuit filed against the City for violating Open Meetings and Freedom of Information laws. NYC Advocate Mark Green, State Comptroller Carl McCall, and then-Manhattan Borough President Ruth Messinger all won Freedom of Information suits against the city. New York taxi drivers won an Open Meetings lawsuit. That indicates "personal viewpoints" aren't the problem, but that crimefighter Giuliani and his agencies continue to break the law.

Coles' comments, and later Giuliani's personal attacks, apparently so pissed-off Wilk that in late August he denied what CUNY had automatically received from other state judges in the past: a stay of the injunction while CUNY appealed. That means the Board's decision is currently blocked and the campuses must refrain from making any moves to dismantle remediation programs.

The Board's decision is also being contested on another front. Earlier this summer, former City College administrator and current faculty Board of Trustee representative Bernie Sohmer requested New York State's Board of Regents to review the decision to end remediation. The Regents oversee education state-wide, including CUNY's master plan, a document describing the structure of CUNY and the principles by which the university is to be run.

Sohmer charged that because ending remediation fundamentally changes admission standards and the very structure and mission of CUNY, the Regents would have to review the decision. A key question the Regents are looking into is whether sufficient access to CUNY would be maintained if remediation were ended at the senior colleges. From CUNY's own report and Professor Lavin's work access under the new policy would be denied.

That so worries the Board of Trustees that, in their usual style, the Trustees have launched a war against the Regents, bitterly questioning the Regents' authority to review the Trustees' decision. That in turn pissed off the Board of Regents which is less open to political pressure from Giuliani and Pataki. As of *Messenger* presstime, the Regents are still reviewing the Trustees' decision to end remediation.

BUT TO CLINCH VICTORY...

BUT ULTIMATELY, the decision to end remediation will have to be blocked by CUNY students. Legal and bureaucratic finagling won't get the job done. Political power is the only reason why this absurd decision to end remediation is being pursued. So it is political power, the kind that is exercised in protest out in the streets, that will in turn counteract these racist, classist attacks. After all, political protest was how Open Admissions and remediation were won in the first place. Moreover, City College student protest and organizing in 1989, 1991, 1995-1998 helped blocked budget cuts, tuition hikes, arming of security guards, and the swindle of a new ID card—CUNYCard.

CUNY students need to exercise political power by organizing against the CUNY administration, both at CUNY Central and here at City College. Only those most affected have the interest, and the power, to defend an Open Admissions policy that permits New York City's working class and black, Latino, Asian, and immigrant peoples the right to earn a college degree. Otherwise, CUNY administrators, whatever race they may be, will willfully send CUNY back in time—to educational apartheid—if it would further their own careers.

Isn't that right, President Moses?

BIG BROTHER AT CCNY Democracy Cancelled at CCNY

Continued from page 2

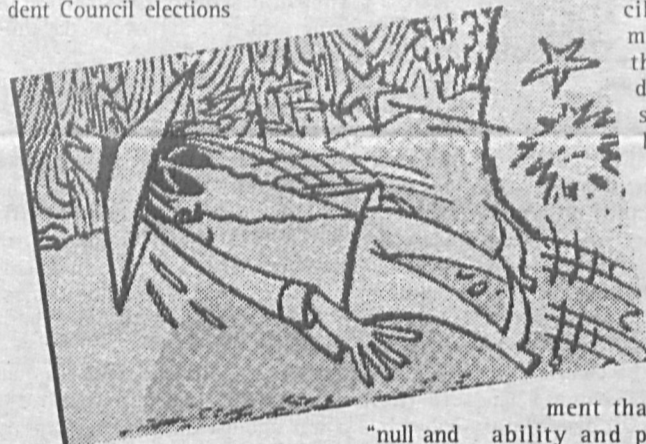
ing room 3/201. [I was informed] that a group of students (or non-students) might be planning to attempt to take over the building sometime around commencement, on June 2, 1998 ... [so] we decided that the security staff would keep an eye out for unauthorized persons on the premises, including in and around 3/201."

This stunning admission directly contradicts every other statement made by President Moses and university spokespeople. For example, Moses stated in a "Presidential Communiqué" dated June 22, 1998, "I wish to assure the College community that [the use of surveillance directed toward students or other persons based upon their political views] has never and will never occur at CCNY." In her affidavit to the court dated June 23, 1998, Moses repeats the same theme, saying, "City College has not conducted and will not conduct any surveillance against any of the plaintiffs or any other students or visitors to City College ..."

Hubbard says one of the reasons for the surveillance was to monitor for a political protest or building takeover at commencement, while Moses says City College has never and will never engage in political spying. Since their affidavits contradict each other, it appears that either Hubbard or Moses is lying under oath.

MOSES RETALIATES

STUNG BY THE BAD PUBLICITY, President Moses lashed out in retaliation at the students who had discovered the secret camera. On June 18, President Moses took the highly unusual step of declaring last spring's Graduate Student Council elections



"null and void," while also changing the locks on all GSC offices to keep out both the outgoing and the incoming student governments. These actions effectively shut down the graduate student government.

CCNY administrators locked the editors of the *CCNY Messenger* graduate student news-



Front cover of the June 4-10, 1998 edition of the *Amsterdam News*

paper out of their office as well, asserting that the *CCNY Messenger* was actually just a newsletter of the GSC, and therefore it would be shut down along with the GSC. This was convenient for Moses, since one of the plaintiffs, Brad Sigal, was also editor of the *CCNY Messenger*, which had consistently criticized the Moses administration's inaction in defense of open admissions.

WHY MOSES DID IT

PRESIDENT MOSES RESORTED to these anti-democratic measures because she didn't like the slate who won the GSC election, which included Rodriguez, Sigal and Suker. The election was swept by the "New Millennium" slate, who won 10 of the 11 council seats. The slate included many prominent activists in the struggle to save remediation and open admissions at CUNY. Moses had been wishy-washy on the issue all year, and CCNY students had confronted her numerous times to try to get her to take a stand against Mayor Giuliani and the CUNY Board of Trustees. Moses was fearful of an activist student government that would demand accountability and political backbone in this tumultuous time at CUNY.

The Student Election Review Committee (SERC), which coordinates and certifies student elections, had already certified the GSC election as a free and fair. Normally, this would be the end of the story. But President Moses twisted a rule allowing college presidents to

review SERC decisions, declaring that the election was not certified until she said so.

President Moses accused the *CCNY Messenger* graduate student newspaper of 'biasing' the election, saying that the it was biased toward the New Millennium slate. Even though it did not endorse any candidates, Moses asserted its supposedly



Students at City College

slanted coverage constituted a subtle endorsement. Therefore, she said in a twist of logic, the *CCNY Messenger* constituted campaign literature, and therefore the cost of producing it (which she said cost \$1400 even though receipts show it cost less than \$400) put the New Millennium slate over their spending limit.

Most student newspapers at CUNY overtly endorse candidates every year. This is normal and acceptable journalism. *The New York Times*, *the Daily News*, *the Post*, etc, also endorse candidates in elections. Elections are not cancelled because a newspaper endorses candidates. This past spring, student newspapers at College of Staten Island, Hunter College, and Brooklyn College all endorsed candidates, including candidates that were on the staff of the endorsing newspaper.

The inconvenient fact for President Moses is that there is nothing illegal, wrong, or even unethical about a newspaper endorsing candidates (which the *CCNY Messenger* didn't even do!), even if it is an endorsement of a slate that includes members of a paper's own staff. The public can determine the bias of a newspaper on their own; it is not the role of a college president to determine for students that a newspaper is biased and then shut that paper down and cancel an election.

CHALLENGING MOSES'S ACTIONS

THE LEGAL PROCESS grinds along at a snail's pace, and if the courts find President Moses's actions illegal, it will probably be after the goal she desired—damaging student activism

at CCNY—has already been accomplished. The legal challenge is important, but student activists are focusing more on putting mass pressure on President Moses.

The CCNY Coalition to Defend Open Admissions is demanding that President Moses recognize last spring's legitimate GSC election and re-open the *CCNY Messenger* graduate student newspaper. While this has not yet happened, the campaign has generated a huge showing of solidarity from students and faculty across the country. Over 50 graduate student governments and graduate student unions signed an open letter to President Moses written by Bryan Hannegan, the President of the National Association of Graduate-Professional Students (NAGPS). Hundreds of individual students around the country have also sent protest letters to Moses.

NAGPS President Hannegan's letter to Moses expressed "strong opposition to your recent actions against the City College of New York's Graduate Student Council (GSC)." Hannegan's letter declares that Moses's actions "set a precedent which threatens the rights of students at any college or university in the United States, and these actions show blatant disregard for the fundamental principles of a free society: freedom of speech and association."

As students are speaking out around the US, students at City College and other CUNY schools must also speak out more vocally if Moses is to feel the pressure. Until CUNY students' bring their collective weight to bear, President Moses will continue to run roughshod over democracy. This will make it that much easier for Giuliani and the Board of Trustees to implement their insidious plan for educational apartheid at CUNY.



Students are encouraged to contact President Moses and let her know that you oppose her actions in shutting down the GSC and the *CCNY Messenger*. President Moses can be contacted at:

Phone: 212-650-7285
Fax: 212-650-7680
Email: ytm@crow.admin.ccny.cuny.edu

Straight From the Horse's Mouth

The following are excerpts from CCNY Security Director Timothy L. Hubbard's affidavit to the court on June 10, 1998. His comments show that the spying on students in NAC 3-201 was politically motivated. The "building takeover" Hubbard refers to was totally non-existent. There was no such protest planned. But Security imagined activists were planning this in response to CUNY's abhorrent action five days earlier in voting to end remediation, which would cut the student body at CCNY in half. Hubbard's affidavit also shows that the spy operation was brought on (or at least given a 'non-political' cover) by a barrage of bogus security reports filed by former GSC chair Martha Flores.

"As Director of Security, I requested and was given an appropriation to purchase a small 'covert' security camera. This particular camera is operated by the transmission of a signal from a small camera lens hidden inside a smoke detector which is then transmitted to a larger piece of recording equipment. This camera is video only—and has not been set up for audio recording. Since I became Director of Security at City College, we have used nearly identical equipment on a number of occasions for surveillance of public areas for the detection and prevention of criminal activity."

"The 'covert' camera was placed in a public hallway outside room 3-201 on May 29, 1998. Neither the camera nor any other recording devices was placed inside room 3-201.

"I decided to place the camera outside room 3-201 for three reasons. First, and most important, was the spate of recent burglaries. In my professional opinion, I felt that the most likely place the next theft could occur was on the third floor ... I determined that the hallway outside room 3-201 was the best place to put the camera."

"The second reason I placed the camera outside room 3-201 was in response to concerns expressed by Martha Flores, Chairperson of the Graduate Student Council ("GSC"), concerning recent thefts of GSC's property...

"...I placed the camera outside of room 3-201 ... to address the specific concerns raised by Ms. Flores."

"Finally, the third reason for placing the camera outside room 3-201 was in response to a report of a possible student or non-student take-over of all or portions of NAC, including room 3-201. One of the City College administrators, Charles DeCicco, Director of Public Relations, was informed by a faculty member that a group of students (or non-students) might be planning to attempt to take over the building some time around commencement, on June 2, 1998. Mr. DeCicco informed me and others of this, and we decided that the security staff would keep an eye out for unauthorized persons on the premises, including in and around 3-201."