



NEW ERA: 'Isn't LGH Great!'

In a June 12th front page article titled "Fiscal health of hospitals: mixed", the *New Era* endeavors to explain (rationalize) Lancaster General Hospital's amazing \$135.8 million profit, up 27.5 percent from 2006, as follows:

"Though the large size of its facilities alone would seem to guarantee big revenues and

profits, LGH is exceptionally efficient inside those facilities, the council report shows.

"LGH had an operating profit margin of 18.12 percent, meaning that for every dollar of revenue generated by patient care, about 18 cents was profit. That's about four times the minimum margin that industry analysts say is needed for a healthy bottom line."

WATCHDOG: 'Maybe Yes, Maybe No'

Even the dullest Introductory Economics student, let alone a reporter and editor worth half their salt, would recognize that a major reason for such unusual profits might be non-competitive market conditions that permit higher prices and thus higher profits than would be normal.

In their usual way when it comes to covering the Big Five - Franklin & Marshall College, Fulton Bank, The High Group, Lancaster General Hospital and The Lancaster Newspapers - the *New Era's* article poses no challenging questions, cites no critics, and serves as a rooting section: Aren't we just great!

EDITORIAL: Two Projects; Only One Deserves Celebration

The Pennsylvania Academy of Music (PAM) was conceived by struggling artists (almost all classical musicians struggle) and in large part paid for by the wealthy as a gift to the community, no strings attached.

The Convention Center / Marriott Hotel project (CC), was conceived by the very rich, will be almost entirely paid for by taxpayers, and the sponsors stand to make tens of millions, in large part through one-sided arrangements.

PAM has the potential for drawing to Lancaster hundreds of students in residence, thus

generating housing, retail sales, and tourism for downtown Lancaster, and providing culture for the community.

The CC will create a black hole between Lancaster Square and the Seventh Ward, taking the place of mixed use residential development and blocking gentrification to the south.

Last week, three hundred wealthy people who love and gave much to Lancaster and asked for nothing in return had good reason to celebrate their accomplishment. It won't be quite the same feeling when the CC opens in 2009.

F&M: Are Students Safe from Security Force?

Does Franklin & Marshall College think the Gestapo-like treatment of two members of the media on Tuesday, June 3 will soon be forgotten?

F&M needs to recognize that the incident, largely recorded by video, demonstrated the administration's failure to understand the appropriate use and limits of a private security force, and how poorly trained are the officers to whom parents have entrusted their college age youngsters.

F & M should:

1. Release the official and complete incident and arrest report(s) of Ron Harper, Jr. and Christiaan Hart-Nibbrig, co-publishers of the *Lancaster Post*.

2. Make the school officials available to the

media for interviews and questioning, including President John Fry and Public Safety Director Maureen Kelly.

3. Allow or require the Public Safety Officers to tell their side of the story, and be open for questions from the media.

4. Explain why Hart-Nibbrig was arrested, held, and released with a Defiant Trespass Notice, when no one has alleged he had trespassed on the grounds of the residence of F&M's president.

If the F&M Public Safety Officers made mistakes, admit it and apologize. Even more importantly, assure the students, faculty, alumnae, parents and neighbors that you are going to take corrective actions, including ethics training for Fry and police training for Kelly and the force.

Legal Opinion: F&M's Bogus Defiant Trespass Letters

NewsLanc engaged a prominent law firm to analyze and write an opinion concerning whether Franklin & Marshall properly is interpreting and utilizing Defiant Trespass notices. The report is posted at <http://newsLANCPA.blogspot.com/2008/06/f-m-wrong-re-defiant-trespass.html>. What follows is an encapsulation:

"First the trespass statute provides that one could be charged with defiant trespass when notice has been given by: *'an actual communication to the actor to leave school grounds as communicated by a school, center or program official, employee or agent or a law enforcement officer'*."

"...the term 'school grounds' means any building of or grounds of any elementary or secondary publicly funded educational institution, any elementary or secondary private school licensed by the Department of Education, any elementary or secondary parochial school, any certified day-care

center or any licensed preschool program.'"

"This definition does nothing to help F&M. **Certainly tenant restaurants and stores should not be considered 'school grounds' and even if they were, a lessee, like the Iron Hill Brewery, owns the present interest in the property leased.** A restaurant could send its own "no trespass" letter, but its property would not necessarily be governed by a "no trespass" letter sent by the landlord."

"Also hurtful to F&M's position ... is the second defense to trespass charges: *'the premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises'*"

"If they use their police force to try to remove someone who is complying with the law from a public area, they run the risk of a civil rights violation for arresting someone without probable cause."

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