

Petition update

Organized, informed resistance seems to confuse Penn State.

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Nittany Valley Water Coalition

State College, PA

Sep 30, 2017 — <http://nittanyvalleywatercoalition.org/index.php/2017/09/30/organized-informed-resistance-seems-to-confuse-penn-state/>

Following is the text of a notice printed on plain white paper and hand-delivered Friday, Sept. 29 to David Stone, Nittany Valley Water Coalition activist, at the Whitehall Road site, by Zack Moore, PSU Vice President of Government and Community Relations.

"PENN STATE UNIVERSITY NOTICE AGAINST TRESPASS

This property is owned by the Pennsylvania State University.

However, it is not open to the public.

You are hereby notified that you are not allowed, licensed or privileged to place any personal property on this property.

Should you fail to adhere to this Notice, any personal property you have placed on this property will be subject to removal by the University.

THIS IS YOUR FINAL NOTICE."

CRITICAL ANALYSIS

There are a lot of strange things about this document.

1. It's not on any letterhead: not Penn State, not a municipal police department, not a county sheriff, nothing.
2. It's unsigned and unattributed. Not signed by Zack Moore, nor by PSU VP for Finance and Business David Gray, nor by PSU President Eric Barron, nor by PSU Board of Trustees Chairman Mark Dambly. No way to know who wrote it.
3. It's not dated.
4. It doesn't cite any federal, state or local law or authority to support the assertions contained within it. Nor does it cite any internal Penn State administrative directives or policies.
5. Most intriguingly, it walks back from the demands and threats stated and/or implied the prior day's email thread. There is no reference to Penn State's demand that the protestors themselves leave the site or risk arrest and imprisonment. The notice only asks that protestors remove their stuff, which consists of some folding chairs, coolers, canopies and signs, or risk having their stuff taken away by parties unidentified.
6. In the first two sentences, it makes an attempt to separate the notion of Penn State as a public university from the notion of Penn State's land as open to the public.
7. Further, it carefully avoids asserting that protestors have no "right" to be on the site with their personal property, by stating only that the protestors are not "allowed, licensed or privileged" to have their stuff with them.

Nittany Valley Water Coalition activists don't think Penn State has a legal leg to stand on.

And, based on the peculiar form of this alleged "notice against trespass," it appears Penn State executives know the same thing.

They're just hoping to bluff their way through and intimidate the water coalition into compliance based on innuendo and Penn State's powerful reputation, even though Penn State has no legitimate authority to impose its will in this case.

BERNIE HOFFNAR'S RESPONSE

In response to the Penn State notice, water coalition activist Bernie Hoffnar spent a few minutes yesterday on his own computer, with his own printer, to produce a similar unsigned, undated, non-letterhead, legally-unsupported document, which he then handed to David Stone last night as a rebuttal:

"PENN STATE UNIVERSITY NOTICE TO CANCEL THE NOTICE AGAINST TRESPASS

This property is owned by the Pennsylvania State University and the State of Pennsylvania and its citizens. The property is open to the public as it has been in the past.

You are hereby notified that you are allowed and privileged to keep any personal property on this property that you wish.

This is our final notice to you."
