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Student editors react to *Hosty* decision

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February 28, 2006

Student editors at three student newspapers said college journalists need to be discussing the effects of *Hosty v. Carter* now that the Supreme Court has agreed to hear the case.

"[*Hosty*]'s come up from time to time [in our newsroom]," said Aaron Berman, chief editor of Eastern Illinois University's student newspaper, the *Daily Eastern*. "It's not just with the staff and a few professors as well. I think that every newspaper should just have conversations with their advisers just to have a better understanding of the situation and where they stand."

The Court's ruling lets stand a June 2005 [decision](#) by the 7th U.S. Circuit Court of Appeals that could provide university administrators with authority to restrict school-sponsored speech by public college students and faculty, including at some student newspapers, at schools in Illinois, Indiana and Wisconsin.

The 7th Circuit's decision is only binding in Indiana, Illinois and Wisconsin. It does not create a direct conflict with decisions of other state and federal courts around the country.

At Northern Illinois University, student newspaper editor Derek Wright said that university administrators at the university have not had a history of restricting free speech, but he still fears the possibility.

"It's scary, especially for us, because last week we published the *Muhlenberg* cartoons," he said. "If the schools are now going to be allowed to step in and do something like that, it could prevent future decisions on hot button issues."

Although he spoke of the possibility, Wright said that he is not particularly concerned about the *Northern Star* being censored immediately because of *Hosty*. The paper is funded entirely by advertising, but it maintains some ties with the university. The *Northern Star* and other independent papers that are completely independent from the university are not affected by the *Hosty* decision because they do not fall under school-sponsored speech. However, if a paper is housed in school office space, for example, could be enough to constitute school-sponsored speech.

Nonetheless, Wright described the university president and the paper's administrators as being "very supportive of the free press," he said.

Wright is not letting the fact that the environment at Northern Illinois University has been press friendly in recent years prevent him from taking measures to protect free speech. "Freedom of speech is a fundamental right," he said. "The paper is currently looking into being recognized as a public entity."

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forum by university administrators.

The Student Press Law Center is encouraging students in Illinois, Indiana and Wisconsin to call upon their schools to pledge their commitment to free expression by explicitly designating their student media as "public forums" where students have the right to make editorial decisions free from administrative interference. In the appeals court decision in June, a small number of schools in the 7th Circuit have done so, but it is expected that others will follow as student and faculty demand such action. (See <http://www.splc.org/publicforumcolleges>)

"This ruling changes the playing field. People in Illinois, Indiana and Wisconsin care about free expression and need to take steps today to defend a free press; they want to ensure a free press will be around tomorrow," said Mark G. Hertz, executive director of the SPLC.

The *Northern Star* is not the only paper attempting to be declared a public forum. Ball State University's student newspaper, *Ball State Daily News*, is also local to be declared a public forum, said Editor in Chief Dave Studinski.

"I definitely feel like it's something that needs to be done," he said. "So in the history of freedom of the press, we shouldn't have a problem" being declared a public forum.

Studinski said he is not only thinking of the present but also toward the future.

"It's the future generations that have to worry about this," Studinski said. "There aren't any problems with this administration, but what happens if the administration changes, when the president leaves?"

The appeals court ruled that the Supreme Court's 1988 decision in **Hazelwood School District v. Kuhlmeier**, which has been used to restrict the First Amendment rights of elementary and high school students and teachers, could apply to colleges and universities as well. The appeals court decision is in stark contrast to decades of law that have protected college student journalists' free speech from censorship by school officials unhappy with what they publish.

Organizations that filed briefs supporting the students in the *Hosty* case were upset with the Supreme Court's decision, but that they will continue to defend students' rights.

"The Supreme Court made the wrong decision flat out," said Greg Lukersmith, president of the Foundation for Individual Rights in Education, a non-profit organization dedicated to defending individual rights at colleges and universities. "The decision has badly muddied the legal landscape when it comes to free expression. I've previously called this decision a disaster, and I stand by that."

—by *Ricky Ribeiro* SPLC staff writer

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