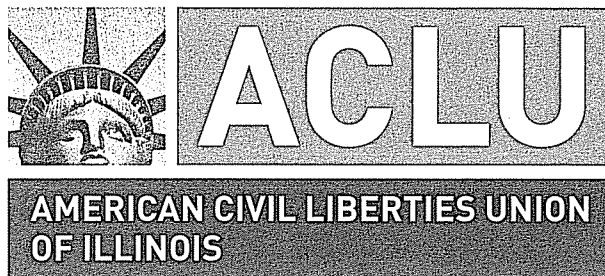


AMERICAN
CIVIL LIBERTIES UNION
OF ILLINOIS

LEGISLATIVE OFFICE

P.O. BOX 506
NEW LENOX, ILLINOIS 60451
(815) 462-5997
FAX (815) 462-5998
WWW.ACLU-IL.ORG
MARY E. DIXON, DIRECTOR



CHICAGO OFFICE

180 NORTH MICHIGAN AVENUE
SUITE 2300
CHICAGO, ILLINOIS 60601-1287
(312) 201-9740
FAX (312) 201-9760

June 22, 2007

The Honorable Rod Blagojevich
Governor, State of Illinois
207 Statehouse
Springfield, IL 62706

RE: College Campus Press Act (Senate Bill 729)

Dear Governor Blagojevich:

On behalf of the ACLU of Illinois, I urge you to sign the College Campus Press Act, Senate Bill 729, into law. The bill received overwhelming bipartisan support and reconciles the needs of a free press with the practical concerns of college officials.

What Senate Bill 729 Does:

The College Campus Press Act, as amended, restores critical First Amendment rights that Illinois college student journalists enjoyed prior to 2005 allowing them to create and edit student-run publications on Illinois college campuses without undue and arbitrary censorship by administrators. To assist these young adults make wise decisions as to content and encourage balanced journalism, the bill ensures faculty media advisors can play a strong role in guiding student journalists and editors. The bill also draws clear distinctions between what speech is attributable to students and attributable to an Illinois campus, while creating immunity for state colleges from suits arising out of the content of student-run media created by students or unaffiliated, off-campus contributors. Finally, the bill does not displace the prerogatives of Illinois college officials to discipline student journalists and editors for harassment, threats, intimidation, or engaging in categories of unprotected speech (such as obscenity and incitement to imminent lawlessness).

What Senate Bill 729 Does Not Do:

The College Campus Press Act's reach is limited. It only affects the collegiate level in Illinois and does nothing to impact K-12 officials. If enacted, elementary and secondary school officials in Illinois would retain the high degree of oversight and editorial control they currently possess over student-run publications.

History of the Issue

In February 2006, the U.S. Supreme Court declined to review *Hosty v. Carter*, 412 F.3d 731 (7th Cir. 2005) (en banc), a controversial panel decision out of the Chicago-based Seventh U.S. Circuit Court of Appeals that severely undercut the independence of student-run press on Illinois

college campuses. In *Hosty*, the Seventh Circuit ruled college officials were not liable for shutting down the *Innovator*, a student-edited publication at Governors State University, because of a series of published articles critical of the university administration. To arrive at this result, the *Hosty* Court, in part, extended the Supreme Court's 1988 *Hazelwood School District* decision from the K-12 context to the college level. In *Hazelwood*, the Supreme Court determined high school newspapers – unless they were by “policy or practice” considered to be “public forums” – were subject to a high degree of school oversight and editorial control. Thus, the College Campus Press Act accepts the approach articulated in *Hazelwood* (and applied in *Hosty*) by providing a uniform answer for all Illinois college campuses under the “policy” prong of this approach. In other words, the bill levels the playing field for all Illinois student-run public college media outlets under current First Amendment analysis.

Supporters & Positive Press Coverage

To date, there is no known opposition to bill. Proponents of record include the ACLU of Illinois and the Illinois Federation of Teachers.

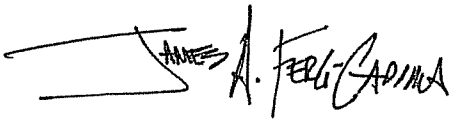
The bill, moreover, has garnered wide media attention from around the state and country. For example, local media outlets such as NPR, the *Chicago Tribune*, the *Star Newspapers*, the *Chicago Reader*, the *Daily Egyptian* (student-run newspaper of Southern Illinois University Carbondale), and the *Alestle* (student-run newspaper of Southern Illinois University Edwardsville) have covered the bill's progress. And, in-state editorial boards from the *Chicago Sun-Times News Group*, the *Daily Herald*, the *Northern Star* (student-run publication of Northern Illinois University), the *Daily Vidette* (student-run newspaper of Illinois State University in Normal), and the *Daily Illini* (campus newspaper of the University of Illinois, Champaign-Urbana) have all come out in support of the College Campus Press Act. Even the *Harvard Crimson*, the nation's oldest continuously published daily college newspaper, recognized Senate Bill 729 as “an important step forward” for the freedom of the press and declared the bill to be model legislation for other states to emulate. See *Preserving a Free Campus Press: An Illinois Law that Prevents Administrative Meddling is an Important Step Forward*, HARVARD CRIMSON, Apr. 2, 2007, <http://www.thecrimson.com/article.aspx?ref=517957>.

Closing

The ACLU of Illinois support laws that protect and promote the freedom of the press, even for junior reporters, and that minimize suits and liability for speech, even for campuses. We believe the College Campus Press Act to be an apt legislative compromise on both fronts and respectfully ask that you sign Senate Bill 729 into law.

Thank you in advance for your consideration of our views.

Very truly yours,



James A. Ferg-Cadima
Legislative Counsel

Cc: Joseph Handley, Deputy Chief of Staff-Legislative Affairs
The Honorable Susan Garrett, State Senator
The Honorable Naomi Jakobsson, State Representative