

The Reporter



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The Nation's Oldest National Honorary Collegiate Journalism Organization

From the President

SCJ is on the move

By Bill Ruehlmann
SCJ President

Here's your lead: plans are in the works to move SCJ headquarters from Clarion University this year as our feisty and fearless executive director, Art Barlow, embarks upon retirement in December. He has been an SCJ executive powerhouse for a dozen years and has served tirelessly as our longtime supporter and national president before that -- in addition to his full-time calling as a professor.

Our job is to continue supporting young journalists and the First Amendment according to his shining example and that of so many others, so look for important news coming out of the impending ACP/CMA National College Media Convention in Kansas City Oct. 26 to 30. If you can be there, come to our SCJ annual meeting, which will be listed in the program, or call me at the Westin Crown Center when you get there for the rooms and times.

You will be a part of SCJ's history and future!

Meanwhile our correspondence, membership services and national competitions continue as before.



Depicted are Dr. Bill Ruehlmann and Kelli Davis, the Virginia Wesleyan College chapter president who contracted meningitis suddenly last semester but fought back from life support to graduate with her class and with honors. She was also news editor of *The Marlin Chronicle*, VWC's campus newspaper. (Photo Courtesy of the Virginia Wesleyan College chapter of SCJ.)

You can help ensure our future by keeping your chapter membership up to strength and by seeking new chapters for us. Once more into the breach, dear friends, once more!

As ever,
Bill Ruehlmann
President

The SCJ Reporter is looking for stories!

If you have a story idea or an upcoming event please email the Reporter Editor, Mary Beth Earnhardt, at:

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Or call:

(814)393-2526

Hosty v. Carter:

The Latest Battle for College Press Freedom

The U.S. Court of Appeals for the Seventh Circuit, in a decision on June 20, 2005, said the Supreme Court's 1988 Hazelwood decision limiting high school student free expression rights could extend to college and university campuses.

The case, *Hosty v. Carter*, pits student editors at Governors State University in Illinois against school administrators and the Illinois Attorney General's office, who argue that the students' First Amendment rights were no greater than those of teenagers in high school.

The Facts:

Governors State University was sued by student journalists Margaret Hosty, Jeni Porche and Steven Barba in January 2001 after Dean Patricia Carter told the newspaper's printer in October 2000 to hold future issues until a school official had given approval to the student newspaper's contents. The paper, the *Innovator*, had published news stories and editorials critical of the administration. Carter's directive was issued despite a university policy that said the student newspaper staff "will determine content and format of their respective publications without censorship or advance approval."

In November 2001, a federal district court allowed the case to go forward against Dean Carter and in early 2002, the university appealed.

The case generated national attention in part because of the controversial argument made before the appeals court by the state attorney general in defending the school's right to censor the student newspaper. Illinois Attorney General James Ryan asked the appeals court to extend the Supreme Court's 1988 Hazelwood decision, which limited the First Amendment protections for high school students, to public college student expression.



In a friend-of-the court brief filed in the case, a coalition of media and First Amendment groups said "such restrictions have no place at a college or university" and that they were "gravely concerned" about the consequences if the court were to adopt the state's argument.

A three-judge panel of the court handed down a decision on April 10, 2003, that offered strong support for college press freedom. *Hosty v. Carter*, 325 F.3d 945 (7th Cir. 2003). The court refused to grant Dean Carter qualified immunity, finding that Hazelwood was not the appropriate standard for censorship of college student media and pointing to the more than three decades of law providing strong First Amendment protection to the college student press.

[A copy of the this decision](#) is available from the court's Web site in PDF format. However, this decision has now been vacated.

The Illinois Attorney General filed a petition on behalf of Patricia Carter for a rehearing en banc before the federal appeals court. On June 25, 2003, a majority of the active judges of the court granted that petition and vacated the three-judge panel's decision.

An 11-judge panel of the U.S. Court of Appeals for the Seventh Circuit heard oral arguments on Jan. 8, 2004, and handed down a decision on June 20, 2005, supporting the university.

Without defining the First Amendment rights college journalists are entitled to, the seven-judge majority of the court said that that

the analysis used by the Supreme Court in the Hazelwood decision was applicable at the public college and university level. The court said that a court confronted with an act of student newspaper censorship by a college official must first determine if the publication was a "designated public forum" where students had been given the authority to make the content decisions. The majority said that the fact a publication might be extracurricular was not determinative of its public forum status.

Second, the court held that even assuming that the *Innovator* was a public forum, the dean who censored the publication was entitled to qualified immunity from damages for infringing the students' rights because she could not have reasonably known that the limitations of the Hazelwood decision did not apply to college and university student publications.

A copy of this decision is available from the court's Web site in PDF format.

The Current Status:

The student journalists have filed a petition asking the U.S. Supreme Court to hear the case.

Should You Care About This Case?

Many people and organizations that care about the college press do. Among the organizations that joined in a friend-of-the-court brief in support of the students: the Student Press Law Center, the Associated Collegiate Press, College Media Advisers Inc., the College Newspaper Business and Advertising Managers, the Community College Journalism Association, **the Society for Collegiate Journalists**, the Association for Education in Journalism and Mass Communication, the Associa-

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Hosty

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tion of Schools of Journalism and Mass Communication, the American Society of Newspaper Editors, the Associated Press Managing Editors, the Reporters Committee for Freedom of the Press and the Society of Professional Journalists.

This case isn't just about newspaper censorship. Any school-sponsored student expressive activity (including student-selected speakers, films, theater and student government) could be subject to prior approval and censorship under analysis approved by the Seventh Circuit.

What Can You Do?

This case is not over. You can continue to make a difference. Here's how:

1) Stay informed about the case and make sure your campus community is as well. The First Amendment rights of all public college and university students could be affected by this ruling. How many people on your campus have even heard about the case? Make sure you know what's at stake and your audience

does as well.

2) Ask your top school administrators to sign off on a statement supporting student press freedom and give them heat if they aren't willing to do so. What this statement should say can be as simple as this:

[Name of school] recognizes and affirms the editorial independence and press freedom of all student-edited campus media. Student editors have the authority to make all content decisions and consequently they bear the responsibility for the decisions that they make.

3) Keep the pressure on your school officials to express their support for student free expression in writing, and keep your readers informed about the progress of your effort. Start a campus petition or a blue-ribbon campaign (in support of free expression) and create a regular feature for your publication about the status of free expression protections on your campus.

This story is reprinted with permission of the Student Press Law Center. For more information about the issues of the student press check online at www.splc.org.

Proposals for Changes to SCJ Contest Rules

Compiled by
Mary Jennings

First Vice President and
Contest Director

The following are suggestions from advisers and from judges for changes in the rules for the SCJ competition.

Proposed Change 1. "Spot news photography" changed to "News photography"—because spot news photo opportunities are rare on campuses, whereas news photo opportunities are far more common. Judges had, of course, excluded news photos from the "spot news" competition.

Proposed Change 2. To reflect the reality of digital photography, the "print" requirement should be changed to "print: film, laser or inkjet" in all photo categories.

Proposed Change 3. For consistency's sake, all newspaper categories except NP1 should specifically require full tearsheets. NP1 will now be divided into NP1a—weekly and less often, and NP1b—more often than weekly.

Proposed Change 4. At the suggestion of a judge, NP22 should read "Inside Page Design, Hard News" to differentiate it from NP18 "Front Page Layout."

Proposed Change 5. To reflect the realities of broadcast studios, the media allowed should be expanded to allow CDs and DVDs. (This according to suggestions from both advisers and judges.)

Proposed Change 6. Yearbook entry procedures now specifically exclude tearsheets. Evidently the old wording—"Submit two copies of your book"—was not fully understood by everyone.

Proposed Change 7. Because the contest director does not receive entries from schools with more than 7,000 students, it is proposed that the small and large school yearbook categories be combined in 6a and 6b.

Have a legal question? Check out
SPLC online to find help.

www.splc.org

Also, remember the Fall 2005 ACP/CMA National Convention will take place in Kansas City on October 26—October 30. Look for SCJ events in the upcoming program. For more about CMA check online at:

www.collegemedia.org

and about ACP check online at:

www.studentpress.org.

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Notes from the Executive Director



What a year—and this is only the launch. SCJ certainly has a full agenda, but for all of us in the student press the pinnacle issue is LAW.

The 20 June 2005 decision of the U.S. 7th Circuit Court is our Katrina. When Mike Hiestand called on behalf of the Student Press Law Center and asked if SCJ would join the case as “amicus curiae” I responded with a hearty ‘yes.’ I was proud to have been asked.

This is, perhaps, SCJ’s finest role. For years Mark Goodman has warned us, but now the levee has been breached. It is time for the Supreme Court to reaffirm the fundamental rights of student journalists to have the protection of the First Amendment.

I have already experienced the chill from this decision. Here at Clarion University, the student newspaper’s Executive Board was told by an administrator that there were ‘cases’ that could be used to ‘shut them down.’ When pressed to produce such ‘cases’ this copy of the 01 July 2005, p. A3, edition of *The Chronicle of Higher Education* was delivered.

I have included a copy of this article with this issue of *The Reporter*.

Please report any incidents on your campus concerning repercussions of *Hosty v. Carter*.

In other business, we look forward to opening a dialogue on this and other issues at the 2005 CMA/ACP Convention in Kansas City and continuing it at the 2006 SCJ Biennial Conference in Valdosta, Georgia.

This event in student journalism only reaffirms our commitment to protecting the student press, and it serves as a reminder of the importance of organizations like SCJ and SPLC. Your continued support is necessary and vital.

SCJ Chapter Notes and News

Congratulations to our new members at:

McDaniel College, MD—7 new members;

Clarion University, PA—5 new members;

Neumann College, PA—7 new members;

Muskingum College, OH—6 new members;

Valdosta State University, GA—8 new members;

Stevens Institute of Technology, NJ—11 new members;

Lock Haven University, PA—1 new member;

Hampden-Sydney College, WA—3 new members;

Kingsborough Community College, NY—6 new members.

See you at CMA in Kansas City!



The SCJ Reporter

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