Bill with alternate language proposed by university legal representatives
SECTION 1. IC 21-XXXX IS ADDED TO THE INDIANA CODE TO READ AS FOLLOWS:

Sec. 1. As used in this chapter, “constitutional protection” refers to free speech and free press rights that may be exercised in a public forum under the United States Constitution and the Constitution of the State of Indiana.

Sec. 2. As used in this chapter, “state educational institution” includes the publicly and privately supported institutions of higher education operating in Indiana.

Sec. 3. As used in this chapter, “student publication” includes any of the following:
(1) Student newspaper, including an internet site maintained by the student newspaper.
(2) Student radio station, including an internet site maintained by the student radio station.
(3) Student television station, including an internet site maintained by the student television station.
(4) Any other publication or broadcast that is:
   (A) published or broadcast by students; and
   (B) financially supported by the state educational institution.
The term does not include a student publication that does not receive financial support from the state educational institution.

Sec. 4. (a) The president or other chief administrative officer of a state educational institution may designate one (1) or more student publications of the state educational institution to be a public forum.
(b) Except as provided by subsection (c), in designating a student publication to be a public forum under this section, the state educational institution agrees to the following:
   (1) The state educational institution will not exert editorial control over the student publication or advertisements in the student publication.
   (2) The state educational institution will not censor or otherwise exert prepublication approval over the content of the student publication.
(c) This chapter does not limit the right of a state educational institution to do the following:
   (1) Discipline students or restrict a student publication for harassment, threats, intimidation, obscenity, or other speech that is not entitled to constitutional protection.
   (2) Alter the amount or extent of resources provided by the state educational institution in support of a student publication for financial reasons that are not related to the content of the student publication.

Sec. 5. The state educational institution that designates a student publication to be a public forum under this chapter is immune from all civil liability for the material, editorials, or other content of that student publication.

Sec. 6. The president or other chief administrative officer of a state educational institution may reverse the designation of a student publication as a public forum. If the designation is reversed, the state educational institution is no longer immune from civil liability under section 5 of this chapter with respect to that student publication.
Important People and Groups:
Profiles of prospective authors/sponsors; of leaders in the legislature; and of groups who assisted the committee during our process

"I have a hard time understanding editors and news executives who think press freedom for high school and college students isn't their concern. When some in our industry brush aside and show indifference to censorship and free speech issues in schools, they are damaging our future, and the future of a democratic society." Ken Bunting, associate publisher of the Seattle Post-Intelligencer, in response to the Seattle Times saying that college journalists should learn to live with censorship.
Profiles of Prospective Authors/Sponsors of the Student Free Press Act:
*Information summarized from the Indiana Legislature Web site (www.in.gov/legislative/)

**Senator Tim Skinner,** Democrat, District 38: Elected to the State Senate in 2002, Skinner is a teacher of economics, government and geography at West Vigo High School in Terre Haute. Skinner serves as the ranking Democrat on the Senate's Tax & Fiscal Policy committee. He also sits on the Appropriations; Education & Career Development; and Natural Resources standing committees and serves on the FSSA Evaluation Committee and on the Commission on Military and Veterans Affairs.

Skinner earned both his bachelor's and master's degrees from Indiana State University.


**Rep. Sheila Klinker,** Democrat, District 27: First elected in 1982, Klinker is the outreach liaison for the Purdue University School of Education. She has a Master's degree in elementary education, administration and supervision from Purdue University. Klinker serves on the following standing committees: Ways & Means (Chair, Subcommittee on K-12 Education), Local Government (Committee Vice Chair) and Judiciary.
Senator Vi Simpson, Democrat, District 40: Simpson has been a tireless advocate for improving Indiana's public schools and universities. She currently serves as the ranking Democrat on the Senate's Homeland Security, Transportation & Veterans Affairs Committee and is a member of the Health & Provider Services; Commerce, Public Policy & Interstate Cooperation; Insurance & Financial Institutions; and Rules and Legislative Procedure standing committees. Simpson received her law degree from Indiana University School of Law.

Senator Brandt Hershman, Republican, District 7: Elected to the Indiana State Senate in 2000. He is the Majority Whip, chair of the Senate Utility and Regulatory Affairs Committee, ranking Member of the Rules and Legislative Procedure Committee and the Agriculture and Small Business Committee. He also belongs to the Energy and Environmental Affairs Committee and the Tax and Fiscal Policy Committee. He was awarded the 2006 Indiana Telecommunications Association Legislative Champion Award.


Additionally, Carolene is the co-host of a weekly television news segment, "Community Link," on Central Indiana's CBS affiliate (WISH-TV Channel 8) which highlights news from The Indianapolis Recorder; and co-host of the Recorder On Air Report (ROAR) television show on Central Indiana cable networks and WDNI-TV Channel 65.
**Rep. Dave Crooks**, Democrat, District 63: Crooks started working in radio at the age of 17. He lives in Washington, Indiana and is the president of DLC Media, Inc., which operates radio stations in Washington and Vincennes. Crooks was first elected to the Indiana General Assembly in 1996. He is currently chairman of the House Committee on Commerce, Energy & Utilities; vice chairman of the House Committee on Technology, Research, & Development; and is also a member of the House Committee on Small Business & Economic Development.

**Rep. Joe Micon**, Democrat, District 26: Micon is the Executive Director of the Lafayette Urban Ministry (since 1990). He received his Bachelor of Arts from Purdue University. Micon serves on the following standing committees at the Indiana House of Representatives: Education (Committee Vice Chair), Environmental Affairs, Financial Institutions, and the Technology, Research, and Development.

**Rep. William (Bill) Friend**, Republican, District 23: Friend is the Republican Floor Leader for the House. Although Friend will not author the bill, he has said he is a strong supporter as his son is in the journalism program at University of Indianapolis. Friend was first elected to serve the constituents of House District 23 in 1992. During his tenure at the Statehouse, Representative Friend has been a ranking member of the House Republican Leadership. Representative Friend was the Republican Floor Leader from 2002-2004 and was selected to serve as Majority Floor Leader after House Republicans won the majority in the 2004 election.
**Rep. Peggy Welch**, Democrat, District 60: Welch received her bachelor's degree in Social Studies and Education from Mississippi College in 1977. She involved in the university theater circle and is on the Indiana University School of Nursing Advisory Board. She is the on the following committees: Ways & Means (Medicaid & Health Subcommittee Chair), Public Health (Committee Vice Chair) and the Family, Children, & Human Affairs.

**Sen. Brent Steele**, Republican, District 44: Steele was elected to the State Senate in 2004 and served as the Minority Whip from 2001-2002. He is on the following committees: Corrections, Criminal & Civil Matters (Chair), Judiciary, Ethics, Insurance & Financial Institutions, and Rules and Legislative Procedures. He received his law degree from Indiana University in 1972 and his bachelor's in education in 1969.
Sen. Richard Young, Senate Democrat Leader, Democrat, District 47:
Young entered the State Senate in 1988 when he was appointed to complete the unexpired term of then-Senator Frank O'Bannon. In 1996, Young was elected Democrat Leader by the Senate Democrat Caucus, a position he has held since.

Over the years, Young has worked on a variety of agricultural, community development, education, labor, health care and fiscal management issues. Young currently serves as the ranking Democrat member on the Senate's Agriculture & Small Business and Rules & Legislative Procedure standing committees and as a member of the Natural Resources Committee.

Rep. Pat Bauer, Speaker of the House: Democrat, District 6: Bauer was selected to serve as Indiana's Speaker of the House on Nov. 7, 2006. He will serve in this role through the 2007 and 2008 sessions of the Indiana General Assembly. The Speaker of the House presides over the legislative activities of the Indiana House of Representatives.

Speaker Bauer has served previously as House Democratic Leader and as chairman of the House Ways and Means Committee. He serves as Vice President of External Partnerships at Ivy Tech Community College. He also is a member of the advisory boards for Indiana University-South Bend and the Urban Enterprise Association of South Bend, Inc.

Rep. Brian Bosma, House Republican Leader, Republican, District 88:
Bosma was elected to the House in 1986. He received his law degree from Indiana University. He was selected as Republican Floor leader in 1994 and Republican Leader in 2000. After Republicans became the majority party in 2004, Brian was selected as Speaker of the House. After the 2006 election, Brian was again picked to lead his caucus as House Republican Leader.
Governor Mitch Daniels, Republican: Mitchell E. Daniels Jr. is the 49th Governor of the State of Indiana. He was elected on November 2, 2004, and sworn into office on January 10, 2005. Prior to running for public office for the first time in his life, Mitch Daniels served in top leadership positions in business and government. In 1967, President Lyndon Johnson named Daniels a Presidential Scholar as the state's top male high school graduate. Daniels went on to earn a bachelor's degree from the Woodrow Wilson School of Public and International Affairs at Princeton University in 1971 and, while working full-time, he earned a law degree from Georgetown University in 1979.

House Public Policy Committee
2007 Regular Session
Committee Members:
  Chair: Representative VanHaaften
  Vice Chair: Representative Denbo

Senate Commerce, Public Policy & Interstate Cooperation Committee
2007 Regular Session
Committee Members:
  Chair: Senator Riegsecker
  Vice Chair:
    Members: Becker R.M., Jackman, Merritt, Steele, Walker, Weatherwax, Howard R.M.M., Breaux, Rogers, Simpson

Senate Education and Career Development Committee
2007 Regular Session
Committee Members:
  Chair: Senator Lubbers
  Vice Chair:

House Education
2007 Regular Session Committee
Committee Members:
  Chair: Representative Porter
  Vice Chair: Representative Micon
  Members: Cheatham, Kersey, Robertson, V. Smith, VanDenburgh. Behning R.M.M., Dermody, T. Harris, Noe, Thompson
Important People/Organizations to know:

**Hoosier State Press Association**

A trade organization incorporated in 1933, the Hoosier State Press Association (HSPA) represents Indiana's daily and nondaily newspapers published at least once a week with general, paid circulation. Nonpolitical and non-sectarian, HSPA is dedicated to protecting and empowering the great tradition of newspapering in Indiana.

Hoosier State Press Association: [www.hspa.com](http://www.hspa.com)
Steve Key - General Counsel
(317) 624-4427
skey@hspa.com

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**The Student Press Law Center**

The Student Press Law Center is an advocate for student free press rights and provides information, advice and legal assistance at no charge to students and the educators who work with them.

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**Mike Hiestand** -- Mike is an attorney with the Student Press Law Center. He was our main point of contact with the SPLC regarding legal advice. We made sure to run the draft of the bill by him for suggestions, etc. He also worked very closely with those in Washington and testified in committees, etc. so he has great experience with the whole issue.

E-mail: mhiestand@splc.org
Phone: (360) 325-8986

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**Diana Hadley** -- Diana is executive director of the Indiana High School Press Association. Diana will be a great person to work with on the high school side of things.

E-mail: dhadely@franklincollege.edu
(317) 738-8199
The Society of Professional Journalists is the nation’s most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta Chi, SPJ promotes the free flow of information vital to a well-informed citizenry through the daily work of its nearly 10,000 members; works to inspire and educate current and future journalists through professional development; and protects First Amendment guarantees of freedom of speech and press through its advocacy efforts. The SPJ has many professional contacts that would come in handy in gathering support for the bill during the legislative session.

Current President Christine Tatum
Assistant Features Editor/Online Features Editor
The Denver Post
101 W. Colfax Ave.
Denver, CO 80202
(303) 954-1503
Cell: (303) 881-8702

Sen. David Long, President Pro Tem, Republican, District 16: Long was elected to the Senate in 1996. He is on the following committees: Rules & Legislative Procedure, Chair, Joint Rules (ex officio), Corrections, Criminal & Civil Matters, Past Chair, Insurance Subcommittee, Past Chair. He received his law degree from the University of Santa Clara in California. He is the general counsel of the Pizza Hut Inc. in Fort Wayne. His wife, Melissa, is a news anchor at WPTA-TV in Fort Wayne.
Advice and Reflections:
Hints, tips and thoughts from those who have gone through the process of attempting to pass college press acts

"These survey results are disturbing, because they indicate that most young people take the freedoms of speech, religion and press for granted," says Eric Newton, Knight Foundation's vice president/journalism programs. "What you take for granted, you don't protect. What you don't protect, you may lose."

First Amendment study results press release published on J-Ideas.org
Advice and Reflections: Tips, Thoughts and How-to’s from those who have been there

From Brian Schraum- A student at Washington State University who started the movement there to pass legislation

- Make sure your author/sponsor is passionate about the issue; otherwise the bill will fall through the cracks as they forget about it for more important bills. Having someone who cares about the issue will give you a real advantage.

- Work very closely with all college and high school newspaper advisers; these advisers will be your biggest allies. YOU HAVE TO WORK FROM THE GROUND UP TO GET SUPPORT so you should start low with students and individual high schools.

- Visit high school conferences and classrooms to talk with students. Get them to write letters to their congressmen. It can be a good lesson plan with learning about the First Amendment. A lot of high school advisers took groups of students to the hearings in Washington just to show their support.

- Make sure you have a short, one page information document to give to legislators at the hearing stating WHY we need this bill. Provide a list of examples of censorship cases, problems, testimonies, etc. to make it a real problem, not just a philosophical idea.

- Be ready for the broadcast stations. Discuss what you will do about FCC regulations, etc. Get their support as well if they are included in the bill.

- The only real opposition was high school principals and administrators in Washington. Sit down with the administration association just to kind of feel them out on it; they may be more supportive if you persuade them rather than surprise them- otherwise they will have a knee jerk reaction.

- Also make sure you have the support of major professional newspaper editors. We made that mistake in Washington and an editorial written by one newspaper killed our efforts.

- Have the author/sponsor’s office work to find list of preferable speakers for the committee hearing. We had a good mix of a college student, high school student, adviser, and editor of big paper in state. Try to keep your testimony short or they’ll lose interest.

- Usually it’s the chair of the committees that have the most control so try to identify which committee the bill will go to and talk to that chair face-to-face if you can.

- Get local media to constantly write stories about the bill. Try to keep it in the public eye and keep people interested in it. You have to convince the public that it’s really important – bring in other aspects, like civic education and Constitution Day. If you connect it to that it’s like being an American... kind of like apple pie – no one is censoring that.
Advice from Angela Thomas, former assistant director of J-Ideas

*Questions and answers summarized*

Q: What should we be willing to give up if it comes to a compromise to get this bill passed?
A: The adviser protection clause. If there are unions for teachers you can give up the adviser protection because they can join unions, which will be able to fight for them.

Q: Where ideally do we want to aim for the bill to go regarding the different legislative committees?
A: Historically bills in the education committees go nowhere. You really want it to end up in the public policy committees. So find those people to sponsor or author your bill. Get their support.

Q: What's the best piece of advice you could give someone trying to pass legislation?
A: Face-to-face meetings are the best way to convince legislators. But the real way to get a law passed is to work from the ground up. You have to get the support of everyday people – i.e. the voters. You have to let the legislators hear from the people that they want change.

Q: What should we beware of when they are trying to pass legislation?
A: Timing is everything. Timing in legislative sessions is more important than who you know, what bill you’re trying to introduce or anything else. It’s all about the timing. For instance, this past legislative session was all about property taxes in Indiana. Property taxes were in the media, on everyone’s minds, in every speech, etc. So this was not the time to try to pass a student media bill. The bill could be fine in all aspects to every legislator in the legislature, and you won’t be able to pass it during a session that’s worried about another issue.
Advice from Rob Melton, activist and high school adviser in Oregon

The best way to get a legislator to support your issue is to get his or her constituents to call the office. In my six years of experience, the best way to do that is enlist the help of your statewide teachers association and/or journalism associations, because you immediately have a network throughout the state you can activate.

The next best way to appeal to a legislator is through the power of story. In fact, calling (or e-mailing or writing a letter) and telling a story is probably the most powerful combination you can use. Why is that? When legislators are talking with a constituent or at one of the many functions they attend, they sometimes get asked about a specific issue. If it's your issue, they can use one of your stories as an example of why a law is needed.

If you can frame the issue big enough (see my previous comment about putting together a coalition on a given issue) and have compelling stories representing diverse points of view, you'll have many people working with you to support a proposed bill. That makes all the difference in the world.

For example, the Family Security Matters web site shows that support for our student free speech initiatives may come from an unlikely source -- conservative families and organizations. You know when the liberals and conservatives are on the same page that we've got Trouble right here in River City. It starts with "T" and rhymes with "C" and that stands for Censorship!

Here's an excerpt from their Web site:

"Oregon made a terrific decision to sign this bill into law; students with conservative opinions, in that very liberal State, should let out a collective sigh of relief. Now they can write and broadcast controversial (by Oregon standards, of course) opinions of an ideologically conservative nature. Since Oregon schools (colleges, in particular) suffer from Draconian speech codes, this bill is a welcome one."

I'm telling you all this because I want you all to be First Amendment Warriors wherever you live, whatever your viewpoint may be. Training is free through your local or state teachers organization, and there are already people there who will be delighted to show you the ropes, especially if you've already got an issue in mind. You, too, can learn how to be a strong and effective advocate with political savvy. But you'll need a great story or two!
Reflections from Merv Hendricks, ICPA’s Student Free Press Act committee leader

Our committee was filled with good people of the highest intentions and good minds. The group had admirable energy and good follow-through. What we lacked in this process was legislative know-how. We were, I fear, quite naïve about how easy it would be to make the law happen because the concepts make so much sense to us.

Much earlier on in the process, our committee should have met with representatives from the state universities to engage their support and to understand their concerns upfront. Instead, we waited until they caught wind of the bill and requested a meeting as they saw themselves being portrayed in the bill language as evildoers. They then produced counter language that we in no way could agree with. By then, it was too close to the start of the legislature’s short session for us to adjust.

We also needed, early on in the process, to have consulted all of our members to make sure that the bill language we were advancing did not, in fact, harm them. We did have some legislative guidance from the state press association, but what we really needed was a lobbyist to work the bill on our behalf — someone schooled and skilled in the inner-workings of the legislature.

All of us on the committee tried to work in that arena, and succeeded in several ways. But still we were, to use a baseball analogy, rookies who tried to hit major league pitching: fastballs, change-ups, sinkers, sliders, curves and knuckleballs. All of those are apt descriptions of the legislature’s twists and turns, ups and downs, ins and outs. All of these factors and more need to be addressed more thoughtfully next year if ICPA is to achieve the goal of getting such a bill passed into law.

A first step, taken this summer, ought to be to contact the state press association and see if it will take this cause on as one of its chosen projects for the next session of the legislature. If not, ICPA may need to find a lobbyist (which could be, for instance, a retired, legislature-savvy journalism professor or adviser).
Reflections from David Studinski, president of the Indiana Collegiate Press Association

**What did you think of the process?**
Though I expected the internal politics and power struggles, but I didn’t expect the universities to pretty much shut us out. In one meeting they single-handedly put a halt to our progress. It’s not that they were worried about students having too much control, but rather the fallout from communities perceiving students have too much control. Were this anywhere but this conservative hotbed, we’d had this bill passed.

**What piece of advice would you give to anyone entering/going through the process?**
You can’t be too prepared. Imagine scenarios and map your way through them before they happen. Develop strategy, have a mentor and keep team leaders. If you’re a larger organization, form a subcommittee.

**What do you hope ICPA will accomplish next year?**
I would like to see us continue to chase this dream down, but I realize how difficult it will be without university backing. If nothing else, we need to build awareness about the issue. If people don’t perceive this as a problem they won’t bother fighting it. (Especially in a presidential election year.)

**Is there anything you heard, thought, saw, etc. that you thought someone else attempting this should know?**
Perception is everything. It doesn’t matter what the real effects of the effort will be, it only matters how the effort will be perceived by the voting public. Build a support network first and have backing for when things hit the fan. Gather e-mails, phones and addresses of people who support you. Keep people aware and updated. Make your constituents understand the situation and more importantly give them a feeling of investment.
Letter-Writing Campaign:  
How to write an effective letter to your legislator to gather support for your cause.

"Unfortunately I don't believe students understand or appreciate the First Amendment. Perhaps this is the case because they have not really experienced it. Too often in schools where they should be learning about their rights and responsibilities through action, they merely read about these in textbooks. Nothing makes these more real than having to wrestle with the consequences of standing up for what you believe -- and students aren't offered that opportunity very often or challenged to take a risk on their own."

Candace Perkins Bowen, School of Journalism and Mass Communication, Kent State University; from “The Future of the First Amendment"
Tips for letters to elected officials

- Your name and address must be included so that you may receive a response.

- Type your letter on personal stationary - it shows you care enough to take the time.

- Make it personal, say who you are, a constituent, a party supporter, someone who campaigned or voted for them, etc. in the first paragraph.

- The letters should be addressed to elected officials in their hometowns or to those who represent the area of the college or university attended. (To locate a student's federal representatives go to Common Cause's CauseNET Action Center to get the name and address of elected officials by zip code. For state or local representatives, check the Internet for that state or city).

- Include personal stories. Legislators can better argue their decision to support your bill when they have compelling evidence fresh in their minds. Stories stick better than statistics and facts.

- Use simple language (within reason). Staff workers in Congressional offices are not experts on all issues.
Your Name & Address {PLEASE DO NOT FORGET THIS!}
Date

________________________(NAME)
U.S. Senate
Washington, D.C. 20510

(OR)

________________________(NAME)
U.S. House of Representatives
Washington, D.C. 20515

Dear Senator____________: (OR) Dear Representative____________:

The first paragraph of the letter should contain your purpose for writing the letter. Please identify that you are talking about the Indiana Student Free Press Act which will be introduced to the Senate in the upcoming legislative session.

Include information that supports your position and how the proposed legislation or issue affects you personally. Anecdotal evidence is a very effective and persuasive lobbying tool. Try talking about times you’ve encountered censorship as a journalist, or other cases you’ve heard about in Indiana.

Offer your expertise if it is relevant. Believe it or not, as a journalism student you may have experiential or trained expertise that may be useful to legislators. Explain WHY we need this bill. Why is it important for college journalists to have First Amendment rights?

Always ask the senator or representative to take some action. In this case, you should ask the senator to support the Student Free Press Act.

Always thank the senator or representative for something. You can thank them for their time, their effort or for their support of the legislation.

Be courteous, to the point, and try to keep the letter to one page.

Sincerely,

Your signature
Your printed name
Dear

As students of Ball State University, we are concerned with the First Amendment rights of college students. We have seen examples of censorship in everything from our art department to our college newspaper. We feel that as college students we are responsible enough decide when and how to express our opinions, and that they should not be subject to censorship by administrators or anyone else.

In 2005, the 7th U.S. Circuit Court of Appeals decided in Hosty v. Carter that the Supreme Court's 1988 Hazelwood decision limiting high school student free expression rights could extend to college and university campuses. If this decision is left in place, if a law protecting collegiate students' First Amendment rights is not enacted, then the future of free expression is at stake.

At the college level, we are learning the skills needed to be active, involved citizens in this society. We are the next generation of journalists, artists, educators, politicians, activists, businessmen and leaders who will be protecting the democratic process. Because of this, college students must be in an environment that is free from infringement of these rights, or they will not know why and how to fight for them when they are taken away.

Legislators in Oregon (H.B. 3279) and Illinois (S.B. 0729) recently passed similar student free expression laws in their states. Please join them, and us, in supporting efforts to end administrative censorship at public universities. Please introduce a bill into the legislature next session in support of a student free expression in Indiana. Then vote YES for college students learning, accepting and freely using their First Amendment rights as any adult should be able to do.

Thank you for your time and consideration on this matter.

Sincerely,
SPEECH WRITTEN FOR ICPA 50th ANNIVERSARY CONVENTION

In 1988 the U.S. Supreme Court ruled in Hazelwood School District v. Kuhlmeier that public high school officials had the authority to censor most student newspapers and other forms of student expression.

The effects of Hazelwood on our public high school have been predictable. The administrators running our high schools did exactly what the Founding Fathers knew administrators would always do without a clear limit on their ability to control speech: they exercised such control. We saw a prime example of this in Fort Wayne recently.

Mike Hiestand with the Student Press Law Center recently wrote, “More troubling than any of that, however, is that students have started to graduate from high school without the foggiest notion of a living First Amendment and why it is relevant and vital to how things are supposed to work in our country.”

And now we’re passing that lack of knowledge on to college students.

In 2001, students at Governors State University in Illinois sued the dean of their journalism school. The dean told the newspaper's printer to hold future issues until a school official had given approval to the student newspaper's contents. The paper had published news stories and editorials critical of the administration.

The students won at two lower courts, but in June, seven appellate judges reversed the lower court rulings, officially opening the college door to Hazelwood. The Hosty decision now stands for the three states under the 7th Circuit Court – Illinois, Wisconsin and Indiana.

Currently, almost every public college student newspaper in the country operates like a public forum because up until this case it seemed clear that is what the law required. But for students in Indiana, Hosty means that college officials now have a choice. "Public forum" status is not automatic.

Most of you, especially at the major universities such at Ball State, Indiana and Purdue, probably aren’t worried at this point. We’re fine, you’re saying. Our presidents have granted us public forum status. They agreed to a free press. That’s great. Did you get it in writing? Better yet, did you get it legalized? Because the Indiana Collegiate Press Association tried to. We tried to pass a Student Free Press Act this past year to guarantee those rights. And the three major universities balked at our efforts.

This is not to say that your school is going to start censoring your publication. In fact, most of the objections they had were based on legality concerns. Yet the facts of the issue remain... as long as we do not have it, in law... that college media cannot be censored at anytime... college administrators have the option of doing so... and with precedent sent, they could probably get away with it.
During the course of the past year, the Indiana Collegiate Press Association wrote up a bill to be introduced into the Indiana legislature that we called "Dave's Law" in honor of Dave Adams, a longtime member of the board who passed away this year. We found an author for our bill but pulled it from this year's session to take the time we needed. We will be continuing our efforts in passing this law over the next year and I'm here now to ask for your support. In the coming year, please help us in whatever way you can.... whether it comes in printing editorials, writing letters to your legislators or just talking to professional and college journalists in your area.

College advisors across the country say many of their students don’t know the press's role: the role of questioning authority... of seeking and covering the news, no matter how controversial the topic.... of confirming the authenticity of statements made in a university press release prior to publication.

Please help the Indiana Collegiate Press Association in the next year give college journalists the environment they need to learn these important skills... so that they can become the future watchdogs of society.

Thank you.
Wish List

Happy Holidays
Dear Collegiate Journalist, Adviser, and Staff,

In 2001, three students from Governors State University in Illinois sued the university after administrators demanded prior review of the Innovator, the student newspaper. Patricia Carter, the school’s dean, had told the newspaper’s printer to hold future issues of the paper pending approval of its content.

In 2005, the 7th U.S. Circuit Court of Appeals decided in Hosty v. Carter said that the Supreme Court's 1988 Hazelwood decision limiting high school student free expression rights could extend to student media on college and university campuses. The Supreme Court refused to rule on the case in 2006. Due to this decision, administrators on your campus could censor your publication, ridding you of your First Amendment rights without repercussions from the court.

The Indiana Collegiate Press Association is trying to pass a law that would effectively render the Hosty v. Carter decision inapplicable. Titled the “Student Free Press Act,” this bill is being introduced to the Senate in January. But we need your help.

Inside this package are an envelope, a stamp and a CD. On the CD is the list of every senator and representative in the state by district, a generic letter with “fill-in” spots for you to edit and sign, and some instructions on writing your own letter to a representative/senator in support of this bill.

We on the ICPA board are asking you to take at least 10 minutes of your day to fight for the First Amendment rights for collegiate journalists. We’d prefer that you write your own letter with personal examples of why you believe in this cause. However, if all your time allows is to edit and sign the letter we’ve provided, put it in the stamped envelope and mail it, your actions will not go unnoticed. You will be aiding our effort by letting your representative and senator know that you would like him/her to support the Student Free Press Act.

If you have any questions, please contact the ICPA Vice President for Online, Jacque Wilson, at jdwilson2@gmail.com. Thank you for your help in this important matter.

The Indiana Collegiate Press Association
Dave Studinski, President
"The First Amendment was designed to protect offensive speech, because nobody ever tries to ban the other kind"

Mike Godwin, American attorney and author
Contact Information:
These people have been through the process and might be able to help you if you have questions

Brian Schraum – Washington Coalition for Responsible Student Expression coordinator
253-261-7307
bschraum@yahoo.com

Mike Hiestand – attorney with the Student Press Law Center
360-325-8986
mhiestand@splc.org

Alberto Morales- student at Indiana University, involved in censorship lawsuit in New Jersey
determined1@gmail.com

Rob Melton, advisor from Oregon
robmelt@gmail.com

Jim Ferg-Cadima – legislative counsel for ACLU in Illinois
312-201-9740 ext. 332

Dr. Tim Gleason – Dean of the University of Oregon, School of Journalism and Communication
541-346-3739
tgleason@uoregon.edu

Representative Dave Upthegrove- sponsor of 2007 bill in Washington
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Summary of the Web site design/development process:

http://jdwilson2.iweb.bsu.edu/thesis_site/index.html

I started designing this Web site with a typical navigation and structure. I wanted something clean cut and simple that would explain the problem and provide a summary of the information available. I didn’t want to go too in-depth because I don’t believe people spend a lot of time reading on the Internet. I wanted to catch their attention right away.

That is why I decided to make the Web site page look like a newspaper. I figured that newspaper people would be the ones most likely to look at the site, so I needed to have something they could identify with. I wanted the site to be easily recognizable. Unfortunately I have a lot of experience designing Web sites; I have no experience designing newspaper pages.

I began designing the site in Photoshop. After several frustrating attempts, my newspaper design friend suggested InDesign. InDesign is not a program I have done a lot with so it took me awhile to relearn. Eventually I looked at the front-page designs of several newspapers to get a general idea of what I wanted as a layout.

Once I had the overall design, I had to figure out how to translate a newspaper design into a Web site. Navigation to other pages wouldn’t be easy so I had to put everything on one page. I didn’t want to scare away anyone with a lot of text so I had to enlarge the text size and summarize the stories quite a bit. I then had to find pictures and receive permission from the photographers to publish them on the site. Once I had the design done in InDesign, I exported it to Photoshop to do the cutouts. I then transferred the images to Dreamweaver to link the files and make rollover buttons.

I wanted people to be able to download .pdf files of the different bills and contact information. I also wanted them to be able to download my “How-to” booklet so they could get the full amount of information without having to mail it to them. I accomplished this though links where pulled quotes used to be.

Overall I was hoping the Web site could be a kind of introduction to the problem and a summary of what other states have done so far. I will be sending the link to David Studinski, president of the Indiana Collegiate Press Association, in hopes that he will link to the page from the ICPA site.
“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

—First Amendment to the Constitution of the United States of America
Works Cited


Dickson, Tom and Holmes, Ivan and Minden, Liz. “Buckley Amendment, Censorship Still Problems for College Newspapers.” Southwest Missouri State University. 1997 College Media Advisers Inc.


Indiana General Assembly. <www.in.gov/legislative/>


The Power to End Hunger: Results. “Write a letter to your member of Congress.” <http://www.results.org/website/article.asp?id=1359>


**Editor’s Note: These selected emails summarize the correspondence between the ICPA committee members during the 2007-2008 school year. They show the process over time, as well as the hard work and dedication of each member. Most importantly, they display the debates the committee had over certain aspects of the bill.**

**Date:** 07/31/07 1:15 p.m.  
**Subject:** There ought to be a law  
**From:** Merv Hendricks  
**To:** Ruth, Jacque and Jeanne

Jacque, Ruth and Jeanne,  
Hi! 
I had e-mail with Vince Filak last week on the topic of possible anti-Hosty legislation that we discussed at the ICPA board meeting on July 21. He said his intent is for those of us who are interested in the topic to “run with it” and to keep him informed in our progress.

The four of us have expressed interest in the topic and have agreed to work on a committee to organize the effort. Jacque was the first to express interest in the topic at the board meeting, and it apparently fits well with her academic interest. I believe Ruth said that she had conversations with the late, great Dave Adams, who was leading the way on this before his tragic death last month. I understand that Jeanne took part in a conversation (in December?) with Dave and Steve Key, counsel for the Hoosier State Press Association, and has insight on the points discussed and the strategies suggested. Jeanne also has a couple of contacts who could help us lobby the bill. I am just interested (self-interested) in moving the effort along in whatever ways I can assist.

I write to suggest that the next step is for the four of us to compare notes. While an in-person meeting is preferable, my guess is that a conference call might better fit our collective schedules right now ... as summer schedules are concluding, back-to-school issues are being finished and preparations for fall semester are heating up. An hour or so on the phone in one's office or from home, from a time standpoint right now, to me beats taking nearly a half day for travel and meeting time.

— Merv Hendricks

**Re: There ought to be a law**  
Witmer, Ruth A, Jeanne Criswell, Jacquelyn D Wilson: All times ok.

**Date:** 08/13/07 9:29 a.m.  
**Subject:** Re: There ought to be a law  
**From:** Merv Hendricks  
**To:** Jeanne, Jacque and Ruth

Dear Jeanne, Jacque and Ruth,

Reminder: We are scheduled for a conference call discussion of an anti-Hosty law for Indiana at 3 p.m. this Wednesday, Aug. 15.
I see in Jeanne’s minutes of the board meeting that she has elevated me to chair of this august group, which I don’t remember agreeing to. : > ) I am only trying to organize our little working group so we can at least get started before the avalanche called the beginning of the semester buries us all.

To get us going, here is a suggested outline (I would not call it an agenda):

-- Jeanne, can you report to us on the Adams-Key-Criswell conversation from some months ago about this topic (Key being Steve Key, counsel-lobbyist for the Hoosier State Press Association).

-- Could you also talk to us about your conversation with UIndy’s liaison to the legislature about his offer to help and your potential contact, through one of your students, to the Indiana House majority floor whip?

-- Ruth, if you could fill us in on the plans you and Dave Adams had discussed, that also would be great. I’d be especially interested in how he thought the idea of including high school press freedom in the bill would play in Indiana?

-- Jacque, if you can fill us in on your perspectives on such a law, that would be enlightening.

-- If you have time, please scan the attached laws from Illinois, Oregon and California. I just checked the Illinois Web page, and it appears the governor still has not signed the bill there. I hope that does not indicate a problem. The two others are law. We can discuss the pros and cons of all three, as they might well serve as models for an Indiana bill.

-- If you know of potential legislative sponsors, that would be good information to have.

-- We then will need to decide our next steps in our attempt to keep this moving.

Thanks for your thoughts on this topic and for your willingness to devote your time to it. It is very important work that could offer decades of payback for Indiana’s collegiate press.

Talk to you Wednesday ...

Peace, love and the First Amendment! (Hey, that would make a good T-shirt slogan!)

-- Merv Hendricks

Date: 08/15/07 2:19 p.m.
Subject: Fw: Legislation Info
From: Jeanne Criswell
To: Merv, Jacque and Ruth

Merv, Ruth, and Jacque, I just received this information from Mark Goodman. I won’t have a chance to look at it before our telephone call, but just in case it should prove useful later, I’m passing it along.

Jeanne Criswell
Hey, Jeanne:

It was great to see you, too! Here’s what I’ve got regarding contacts for the other state legislation supporters:

- **Illinois** (this bill was entirely an effort of the ACLU in Illinois it seems): Jim Ferg-Cadima (legislative counsel for Illinois ACLU) - (312) 201-9740 ext. 332

- **Washington** (unsuccessful, but they worked hard at it): Brian Schraum (Wash. State U. student initiator of bill and great strategist): 253-833-9111 x2375 (work); 360-825-3260 (home); 253-261-7307 (cell); Rep. Dave Upthegrove (the sponsor): 360-786-7868; upthegrove.dave@leg.wa.gov

- **Oregon** (this largely came from high school folks, but there was some college support): Dr. Tim Gleason, dean of U of Oregon School of Journalism: 541-346-3739; tgleason@uoregon.edu

Hope this helps!

Mark

Jeanne Criswell

Date: 08/15/07 5:36 p.m.
Subject: Fw: ICPA Legislative Committee
From: Jeanne Criswell
To: Merv, Jacque and Ruth

Colleagues,

I love the idea about “Dave’s Law.”

I have sent the attached e-mail to our legislative liaison. I also have spoken with our managing editor, who has given me contact information for his father (Bill Friend) and arranged for me to speak with him at 10 a.m. Friday.

As soon as I can get into his office, I will ask my colleague on the SPJ board to find out what the Hoosier Chapter of SPJ might be willing to do to support us and whether they can recommend anyone to sponsor the legislation. I believe John Krull at Franklin is the current president and was active in ICLU, so he may be another possibility. He was the one who sent a letter for all our newspapers to print last year about the erosion of student press freedom.

If later we need to have a meeting in Indianapolis, I will be pleased to have you all come here (or we can go to a restaurant here in town).

Good talking with everyone. Hope this is helpful.

All best wishes,

- Jeanne Criswell

Date: 08/17/07 12:35
Subject: Dave’s Law_Telephone Call with Rep. Friend
From: Jeanne Criswell
To: Merv, Jacque and Ruth
ICPA Colleagues,

I have spoken with Rep. Bill Friend (Republican Floor Leader). At his request, I have sent him copies of the Illinois Campus Press Act and the Oregon College Press Law (as well as a link to the SPLC information page about Hosty v. Carter).

Rep. Friend said that he will be happy to look at these and if he feels he can support the legislation, he will get back with us to get the legislation drafted through the Legislative Service Agency and develop a plan to get it passed. He may be willing to become an author/sponsor of the legislation. (I mentioned that our group will be discussing this with Steve Key, and he said that he knows Steve very well.) He said timing is critical because the bill would need to be drafted and circulated by mid-November. He said the January to mid-March session is a short session and could be extended and preempted by the property tax situation.

Merv, when you talk with Steve, can you please let him know about this?

- Jeanne Criswell

Date: 08/22/07 11:34 a.m.
Subject: Re: Dave's Law_Telephone Call with Rep. Friend
From: Jacque Wilson
To: Merv, Jeanne and Ruth

Hello all,

I have spoken with Angela Thomas, the legislative director of J-Ideas, here at Ball State about our mission. She is going to provide us with many contacts that will possibly help us out, as she was involved heavily in the passing of the Oregon law and in Washington. I'll start contacting those people to find out how they got started and got the law passed (at least in Oregon =)

She also suggested starting a massive letter writing campaign. I think this is a great idea and I would be willing to spearhead it. I feel that because I am a student I will hopefully be successful at getting other students behind the effort. Please let me know if you have any ideas regarding this. Thomas suggested mailing boxes of postcards to school media organizations and having editors have their staffs put stamps on them, sign them, and send them out.

One other thing we may want to consider... obviously you're never sure who's bad-mouthing who because of what, but Thomas said that while Steve Key is a great supporter for the effort publicly, personally he doesn't believe in getting free expression rights for all high school students. This may be why he is suggesting we don't include that in our law. Nothing obviously to deter us from working with him as he has the resources, but something we may just want to keep in mind.

I hope everyone is either having a great first week of school or is enjoying their last few days of summer!

Jacquelyn D Wilson

Date: 08/23/07 12:01 p.m.
Subject: Re: Dave's Law_ Telephone Call with Rep.Friend
From: Merv Hendricks
To: Jacque, Jeanne, Ruth and Vince

Folks,
I just finished a phone conversation with Steve Key, general counsel and chief lobbyist for the Hoosier State Press Association, concerning the kind of school press freedom bill we have discussed.

Major points:

-- HSPA is supportive of such a bill (at least generally without knowing all of the specifics), but is not in a position for the upcoming short session of the legislature to be the primary force in getting the bill written, sponsored and introduced. HSPA's main agenda for the next session will be dealing with public notice advertising, a high priority from its members. (This is similar to the HSPA stance last year: we will support such a bill, but we cannot lead the way because of other responsibilities to our larger membership.)

-- He believes that ICPA would need to be the lead group on this bill.

-- Key says that he would "work the bill" and support it if it is filed.

-- He said he also would consult with us to plan strategy.

-- He also would sit in with meetings with potential or secured legislative sponsors to help persuade them to support the bill.

-- As we have discussed, he wonders whether a high school part of such a bill would pass, mainly because of opposition from the state school boards association. He says, as we did in our conference call the other day, that we could put high school language in the bill and then be willing to jettison that portion if it met disapproval. (We probably ought to have a philosophical discussion, perhaps at the Sept. 29 board meeting, about whether we are comfortable doing that or whether we should take an all-or-nothing, we-are-in-it-for-the-high-schools-too stance.)

-- As Jeanne's Indiana House contact, Bill Friend, has told Jeanne, such a bill needs to be written and ready to go at least by late November. He reminds again that the upcoming will be a short session and that Indiana's very broken property tax system probably will take a lot of time, politicking and attention, which likely will limit attention to other bills.

-- If Friend (a Republican) is willing to carry the bill in the House, we would also need a Democrat in the House as co-sponsor/author. Two to consider might be Sheila Klinker from Lafayette (www.in.gov/legislative/house_democrats/repsites/r27) and Joe Micon (www.in.gov/legislative/house_democrats/repsites/r26) from West Lafayette. The whole list of House Democrats (a house where the Dems are in the majority) is at: www.in.gov/legislative/house_democrats/members.html. As I look at that list, I see the name of Carolene Mays, an ISU alum, who is publisher and president of the Indianapolis Recorder and who should, one guesses, be pre-inclined to support school press freedom. (www.in.gov/legislative/house_democrats/repsites/r94)

-- On the Senate side (controlled by the GOP), Key suggested Brandt Hershman (www.in.gov/S7/bio.html), who introduced a college newspaper theft bill a couple sessions ago, working, I believe with Pat Kuhnle at the Purdue Exponent.

-- The Senate Democrat Caucus members are shown www.in.gov/legislative/senate_democrats/homepages. One or more of those might be good sponsors. Key says that Vi Simpson often is tied up with health and environmental issues but might be a prospect for a co-sponsor.

That sums up my initial talk with Key.

Jeanne, any word back from Rep. Friend?

Reactions, comments, next steps?

Thanks much ...

-- Merv Hendricks
Date: 08/26/07 2:01 p.m.
Subject: Re: Dave’s Law_Telephone Call with Rep. Friend
From: Jeanne Criswell
To: Merv, Jacque, Ruth and Vince Filak

CPA Legislative Committee Colleagues:

Thanks very much to Merv for letting us know where Steve Key and HSPA are on this effort.

I talked with my colleague Scott Uecker, who is on the SPJ Hoosier Chapter board. He and John Krull (board president), who teaches at Franklin, have agreed to be a committee of two on the SPJ board in support of our efforts, but they would like more information. **Does anyone object if I forward a copy of this e-mail string to them?** With your permission, I’d like to begin to copy them in on our efforts. John Krull also used to be active in ACLU. (As you may recall from our previous telephone conversation, Jim Tidwell, who teaches at Eastern Illinois and is an attorney, had mentioned that the ACLU helped them in Illinois with passage of their bill.) John Krull also plans to talk about our efforts with Diana Hadley, who works at Franklin with him and is executive director of the Indiana High School Press Association (dhadely@franklincollege.edu). (See the event she worked on last March [http://www.splc.org/newsflash_archives.asp?id=1454&year=2007](http://www.splc.org/newsflash_archives.asp?id=1454&year=2007).) Scott also would be happy to take our case to the Indiana Broadcast Association and the Indiana Association of School Broadcasters. (He is on both of these boards and president of the IASB board.) Both John and Scott also believe the bill must include the high school media.

I assume that all of us feel strongly that the rights of the high school student media need to be protected, but the concern we are hearing from some outside our committee has to do with whether this would kill the bill. (Jim Tidwell also had said they eventually were forced to remove direct high school protection language in Illinois.) As Merv pointed out, we do need to discuss this. Keeping the language in the bill would bring support from high school press organizations, and certainly high school students and advisers may be the group in most jeopardy. Dave Adams had brought up these considerations in support of the high school protection he so strongly favored at ICPA board meetings last year and at one of the sessions at last year’s ICPA convention.

I also previously heard from our university’s legislative liaison, David Wantz, who also had suggested Sheila Klinker. He said this:

> “Meanwhile, the one person who comes to mind in the State House is Shelia Klinker from Lafayette. She is a former school teacher and always carries bills for causes like this. Her contact information is 633 Kossuth St. Lafayette, IN 47905-1444. (765) 742-1692 and at the State House it's (317)232-9822.”

Last, I have not yet heard from Rep. Friend and will be happy to call him next week. **First, however, I need to know the will of this committee, just in case.** If Rep. Friend tells me on the telephone that he can support this bill and would like to be an author/sponsor or the author/sponsor, help us get the bill written up by the LSA, and help us formulate a plan to get it passed, are you all in agreement that you want him to be that person? He is the Republican floor leader in the house and seems very direct and organized, so I assume he may want to know on the spot.

All best wishes,

- Jeanne Criswell

**Re:** I believe having a Republican floor leader supporting our cause will be a great asset... but my political experience is limited so I'm willing to go with what others think is a good idea.

Jacquelyn D Wilson
Subject: Re: Dave's Law_Telephone Call with Rep. Friend
From: Vince Filak
To: Merv, Jacque, Jeanne, Ruth and David Studinski

Folks,

Sorry for the silence. Trying to process this while kicking off the school year etc.

Thoughts:

- The meeting you took with Key was pretty much the exact same meeting Dave S. and I took with him last year. While it’s frustrating, it’s also revealing and important. Short version: regardless of when or where we put this bill up, we’re not getting HSPA to carry the water for us. At least they’re not against us.
- I’d like to keep this a “college only” bill at this point. It’s safer, clearer and easier, especially in a year when most of the session is going to be tied up in property tax stuff. If we establish this and get it through, it opens the doors a bit more for the HS colleagues later. They’ve got a harder row to hoe, but they’ve also got more farmers to do the hoeing.
- I’m OK with the Ccing of Jeanne’s colleagues and such. The more the merrier as long as they’re on the college/professional (not HS) front.
- If Friend wants it, give it to him. We need to get moving on this.

Stuff to do:

- Pull the Illinois bill and see if we can start hammering it into some semblance of shape so that we can OK this at the September meeting, get it to the legislators and move forward.
- Tap the folks Jeanne and Merv mentioned below as potential sponsors.
- Check in with Friend. Get that nailed down if at all possible.

Those are just my thoughts. I’d like to thank the committee for all they’ve done to get us to this point.

Best,
- Vince Filak

Date: 08/29/07 11:43 a.m.
Subject: Dave's Law_Telephone Call with Rep. Friend
From: Jeanne Criswell
To: Merv, Jacque, Ruth, Vince, Dave, John Krull (jkrull@franklincollege.edu) and Scott Uecker (suecker@uindy.edu)

ICPA Legislative Committee Colleagues:

(I’m on my way to class, so please forgive any mistakes here. I thought it was important to get this to you quickly. I’m also copying in John Krull and Scott Uecker on this e-mail.

I’ve just spoken with Rep. Friend. Although he does not feel he is the best person to be the actual author/sponsor of this legislation (not because he doesn’t support it, but for reasons I’ll mention in a minute), he is very happy to help us work through the system.

He would like for the ICPA Legislative Committee to meet right away, use the Illinois bill as a template and work out the best language we can (including coming to a decision about including high school protection or not). He would
like for us to get it to him quickly. (I will be pleased to have you all come to Indianapolis if that is the best way to accomplish this. Do you want to get together over the Labor Day weekend?) He said he will be happy to take whatever final language we come up with to LSA, get it through those attorneys so it is written up as a bill, get it back to us for a quick look, and then help us begin the vetting process to find out who likes it and who may have some issues and what those are. He also said that this process could involve the public policy, education, or judiciary committees. He said the sooner we do this, the better our chances, because the LSA attorneys get covered up very quickly. He will talk with Steve Key himself, once we get him the copy. He said we do want one member of each party for the bill and a Democrat should probably take the lead, since they are the majority. He said each representative will be limited to five bills, so the sooner we can get to the democrats the better. He said once we have the copy, he will help us so that we are not making “cold calls” on the people who are the best possibilities to sponsor the bill.

As we discussed potential names, he mentioned that having people from places with big universities is not a bad idea. He said he will investigate further, to see about more names, but these are the names that came up in the conversation:

Carolene Mays – She was the first person that came to his mind, and he felt strongly she would be a good advocate.

Sheila Klinker and Joe Micon – He said they would cover Purdue but tend to be “very busy.”

Brandt Hershman – would cover Purdue

Vi Simpson – would cover IU

He also said that if we can get Rep. Jackie Walorski excited about this, she could be one of the strongest, most visible spokespersons/advocates available to us. He said she was a reporter for WSBT, so may be well predisposed to take this on.

He also mentioned Peggy Welch (Bloomington) and Brent Steele (Bedford) in passing.

Comments? Reactions? Want to meet over the upcoming weekend?

All best wishes,

- Jeanne Criswell

Re: Dave’s Law_Telephone Call with Rep. Friend

Jeanne,

Has anyone talked with either David Long or Pat Bauer yet? Generally, you want to make a courtesy call with the leadership early on. Probably ought to include Brian Bosma and Richard Young not long after that.

And, if I might ask, why are we using Illinois rather than Oregon as the template?

Thanks,

John Krull
Director, Pulliam School of Journalism
Franklin College
101 Branigin Boulevard
Franklin, IN 46131
317-738-8196
I'm not on the committee, but I'm out this weekend, nonetheless. I'd encourage the committee to pursue the creation of a version similar to Illinois' version. It's on point, it's colleges only, it's within the "Hosty Zone" and it dealt with many of the issues we wanted to address. It's also easier to point at Illinois and do the "they did it and they live next door" thing as opposed to "hey, those free thinkers in the Pacific Northwest think this is swell."

Thoughts on my part. Let me know if you need anything from me.

- Vince Filak

I know I may be the lone voice in the crowd, but I'd really like to try to include high school rights in the bill, at least initially. They may amend it when we get it in, but I'd like to try. I think that with enough support, which I would be willing to do my best to get, we could get it passed. But then I'm an optimist =)

- Jacquelyn D Wilson

Jacque and others --

You, Jacque, are not the lone voice in the crowd. I've debated the topic with myself: the practicality of limiting the bill to colleges vs. the ideal of including language about the high school situation. I am leaning heavily toward the ideal, realizing that we might have to settle for the practical.

To the extent that laws are designed to correct faults or protect values, it may well be that advisers and journalists at public high schools are at even greater risk than are journalists and advisers at public colleges and universities. If so, the high school situation needs at least as much remedy as does the college environment in Indiana, post-Hosty.

I favor including the high schools in the first draft of language that we would submit to the legislature and then seeing how it plays.

I well realize that we are the Indiana Collegiate Press Association, but it seems to me that we should be about defending press freedom in all quarters, pro and high school in addition to college.

It may well be the high school portion of a bill might be amended away because of the political reality that legislators might more readily favor college press freedom than high school press freedom. But I would like to see us begin, at least, with our including language about the high schools such as was used in the Oregon law.

BTW, the governor still has not signed the Illinois bill, and I believe time is running out.

-- Merv Hendricks

Date: 09/04/07 7:23 p.m
Subject: Re: Dave's Law
From: Ruth Witmer
To: Merv, Jacque, Jeanne, Vince, Scott and John

Just spoke with Sen. Vi Simpson -- she said she'd be delighted to assist.

- Witmer, Ruth A
Date: 09/12/07 4:34 p.m
Subject: Talked to Bob
From: Vince Filak
To: Merv, Jacque, Jeanne, Ruth, Scott and John

Folks,

I had a conversation with Bob Franken at Notre Dame today regarding the inclusion of private universities in the mix for Dave’s Law. He said that Notre Dame would pretty much oppose us, given that it does place certain restrictions on the media (i.e., No liquor ads, no abortion services ads etc.) and it also limits people in terms of who can protest on campus and in what fashion. As far as media goes, he said it hasn’t been a problem for him in terms of press freedom.

Bob’s bigger concern is the constitutionality of having a state law tell a private institution what it must do. I’m not in any position to argue about that, but I think the bigger issue is that ND would definitely be a problem. He also noted that St. Mary of the Woods and other institutions would toss up a stink.

He also agreed that as go the publics, the privates tend to follow, so we’ll be helping a bit.

Thoughts?

- Vince Filak

Re: Talked to Bob

I had a conversation with our president Beverley Pitts regarding this. She fully supports what we are trying to do, but made it very clear that including private schools in the legislation is a very bad idea. She also questioned the constitutionality of the idea. Beverley was very matter of fact in that while she would like to see our efforts succeed, there was no way Ulndy as an institution would put its name behind the measure. Doing so would likely put us in direct opposition to the Independent Colleges of Indiana, which is not a position she would welcome.

In my opinion, we should end any thought of including the private schools right now and move on to the work that needs to be done to get a bill ready to go.

Scott Uecker
General Manager - WICR-FM/HD/HD2 and Ulndy TV
Faculty Member - University of Indianapolis

Date: 09/18/07 3:13 p.m.
Subject: Second-draft language for Dave’s Law
From: Merv Hendricks
To: Jacque, Jeanne, Ruth, Vince, Scott and John

UAll,

I am sure this is far from final, but attached is a revision of the student press freedom bill, based upon suggestions made at the Sept. 12 meeting and thereafter. I also fixed some gremlins, although I probably did not catch them all.

I have one area that I am personally not comfortable with. In the very last sentences of sections 2 and 4, I am bracketing the words “The policy shall include reasonable provisions for time, place and manner of student expression.” I personally don’t see any reason to invite trustees and school boards to review such matters. For instance, I don’t want our board of trustees rethinking whether our newsstands are all in locations that meet the U’s time-place-manner rights. That could end up hurting our freedom to distribute. I suggest taking that sentence out, but I leave it for your review.
Hello Everyone,

I have compiled a list, basically from my notes on conversations we've had recently, of potential bill authors/sponsors in the House and the Senate. If I am missing any from this list, or we have confirmed/rejected any, please let me know so I can update it for the ICPA meeting.

Tim Skinner
Jackie Walorski
Sheila Klinker
Vi Simpson
Brandt Hershman
Caroline Mays
Dave Crooks
Joe Micon

Thanks!
Jacquelyn D Wilson

All

Has anyone checked on the status of Vi Simpson's relationship with Dick Young, the Senate Democratic caucus leader. She challenged him for leadership and lost. There were some hard feelings afterward.

If they haven't made up, that might be a factor in deciding whether she should carry the bill or not.

Thanks.

John Krull

Date: 10/17/07 10:15 a.m.
Subject: Dave's Law
From: Ruth Witmer
To: Merv, Jacque, Jeanne, Vince, John and Scott

Hi All,
Mark Goodman's thoughts below...

- Witmer, Ruth A

Ruth,

So sorry for the delay. I've been in Ohio looking for a place to live there and just returned. Below are some
thoughts about the bill and responses to your questions.

I hope that this gets to you before you meeting tomorrow.

First to your general questions:

1) I'd suggest that a month/six weeks is a reasonable amount of time to wait for some response from the university attorneys unless they ask for more time. My suggestion: at about three weeks or so, I'd contact them again (in writing, so you have a record of it) and let them know that you're plan is to move forward unless you hear back from them within 10 days (or some such time period). Not to be cynical about this, but my guess would be that if they are thinking about this at all, they are strategizing how they will work (quietly and behind the scenes I'm sure) to oppose it. I hope that's not the case, but that's been my experience.

2) I would definitely work to keep the lawsuit/$100 penalty provision in the statute. Let's be real, no one is going to expend their time and energy to pursue a lawsuit for a $100 reward. Given that student journalists have been successful in all but one college student media censorship court case filed in the last 35 years (less than 50 total) bringing claims under existing federal law (which also allows for the awarding of attorneys fees under 20 U.S.C. Section 1983), this statute would not be creating any new incentive to sue. It would just ensure that such lawsuits remain possible after Hosty. I think a penalty/right to sue provision is important because it gives the law some teeth. That said, after pursuing this for a while, if something had to go, the loss of this provision wouldn't destroy the rest of the statute. But I wouldn't concede it from the start.

3) I would agree with the concerns about the time, place and manner provision (second sentence of Section 2, subsection 12 and Section 4, subsection 12). I think asking schools to define that is probably a recipe for trouble, as many will adopt restrictions on distribution, for example, that the law simply doesn't allow but then someone will have to take them to court to contest their policies. I would leave that last sentence out.

Now my own comments about provisions in the bill, which will respond to some of the other questions you raised:

4) In the digest, I would change the language that currently reads "without prior approval from administrators or student media advisers" to say "without prior approval from school officials." I'll explain below the reasons for that.

5) I would change the phrase currently called "Prevailing party" in the definitions section to be "Prevailing plaintiff" in both section 1 and section 3 of the bill. Although I think it's unlikely to be a problem, when you read with the language in sections 2 & 4, subsections 8, it could be read as saying that a student who sues unsuccessfully could be forced to pay the school's attorney's fees. That's a killer provision; better to have no attorney's fees provision at all than to have that. Most statutes that have attorney's fee provisions only provide them to those suing the government, not the government itself, so this wouldn't be unusual.

6) Sections 2 & 4, subsection 2: I would take out the phrase "student journalists and student editors at the particular institution" leaving it to say "public forum for expression by the student editors of the particular medium." There are two reasons for this: a) to say that a publication is a public forum for student journalists and student editors could open up the possibility that, under existing public forum law, a disgruntled student reporter or columnist could claim he/she has a legal right to have his/her work included in the publication over the student editor's objections, and b) if you reference all the student editors at a particular institution it could imply that they, as a group, had the right to determine the content of their peer mediums. Obviously, the intention is only to give the editor of the newspaper control over the newspaper, not the yearbook, too.

7) Sections 2 & 4, subsection 8: as referred to above, I'd change the phrase "prevailing party" to "prevailing plaintiff."

8) Sections 2 & 4, subsection 11: I think the wording of these provisions is problematic. It's possible that one could read this as saying that speech that isn't constitutionally protected under the First Amendment (as defined by Hazelwood, etc.) isn't protected by the statute either, thus completely negating the entire law. I also think the "incitement, fear or apprehension" language is too broad and could be used to limit just about anything. A clearer way to say it might be:

Nothing in this Act prohibits school officials from imposing discipline on students for harassment, threats, intimidation, or other speech, including obscenity, occurring at school that would not be entitled to protection under the First Amendment to the United States Constitution or Section 9 of Article 1 of the Indiana
Constitution if the speech occurred outside of school.
(This is what the California "Leonard Laws" do. Cal. Ed. Code sections 48905, 66301.)

9) Sections 2 & 4, subsection 12: remove the time, place and manner sentence.

10) Generally, I think it’s great to make the high school and college provisions of this statute as similar as possible. That said, one issue that I’m sure you’ll have push back on is the prior approval provision (sections 2 & 4, subsections 3), especially as it relates to advisers. I think it’s key to have a prior approval prohibition in both sections, but I would change the language in the two so that advisers aren’t limited in reviewing content in the high school environment. (I think you’d find significant opposition from some high school advisers to this bill if you don’t make that change.) Thus I’d leave the college section provision as is (with only the suggestion that you might want to take out the word "public" from the phrase "public official" because it’s redundant and might imply a reference to a definition of "public official" in another statute that would be narrower than what’s is intended here). But for the high school section, I’d change it to read: "Media designated as public forums are not subject to prior approval by school administrators of a public high school." This distinction is the reason for the more general language in the digest.

I hope these comments help, Ruth. I’m going to be out of the country (and probably out of e-mail access) from Thursday through next Tuesday. But Mike or Adam in the SPLC office will be glad to help if you need them.

Mark

Date: 10/17/07 10:15 a.m.
Subject: Dave’s Law
From: Ruth Witmer
To: Merv, Jacque, Jeanne, Vince, John and Scott

and regarding immunity --

- Witmer, Ruth A

Reply-To: Mark Goodman <mgoodman@splc.org>
Subject: Re: Dave’s Law
To: "Ruth A. Witmer" <rwitmer@indiana.edu>

Hey, Ruth. I think that giving the schools immunity from liability is probably a good thing to include because it takes away the biggest basis for opposition the schools will have: that they'll be sued for what students publish yet won't be able to prevent it. (Of course, lawsuits over material published in student media are extremely rare and there has never been any evidence of a problem like this.)

But beyond it's strategic importance, the immunity provision doesn't change much what the law provides now. Every case to have dealt with school liability for material published in a school-sponsored student publication at a public college or university has said that the school isn't liable unless it has been controlling the content. (The issue has never come up directly on the high school level.) Thus I don't think this puts anyone in any worse position than they are in now. And of course, none of this would prevent a school from purchasing libel insurance for a student publication (or the publication from purchasing it itself).
Hope this helps, Ruth.

Mark

In the end, I see this bill getting severed directly at the HS line and then maybe it's got a fighting chance, so what we're really doing in regard to HS is to introduce the idea to flush out the quail for the HS kids. Let them see who's going to freak out most and then go about our merry way. Sound a bit utilitarian but everyone knew the score going in.

- Vince Filak

Date: 11/12/07 12:15 p.m.
Subject: Dave's Law – two responses to language
From: Jeanne Criswell
To: Ruth, Jacque, Merv, Vince, John and Scott

At Merv's suggestion, I sent drafts of Dave's Law to George Wright, IUPUI law professor and First Amendment scholar, and James Tidwell at Eastern Illinois—just to get their feedback. Below are their responses for your review, in case you see anything that needs to be considered.

- Jeanne Criswell

From George Wright

Jeanne: I'll be kind of occupied this evening, so I've had only a few minutes to look at your Second Draft. I can't provide any legal advice, but I can at least point, in the fashion of a devil's advocate, to a few possible concerns that might arise in the minds of some persons down the road. I'm not endorsing any of these concerns, just bringing them out for consideration at an early stage of the process.

At all relevant points, I'd encourage attention to the distinction you draw between two different kinds of school sponsored speech: First, speech that is clearly expressive of the school's administration's own official viewpoint, or "school speech," even if delivered through the medium of a student. And second, school-sponsored or curricular speech, pursuant to Hazelwood, that could reasonably be perceived to bear the approval or endorsement, or at least the acquiescent indulgence, of the school administration. There may arise a problem if the bill tries to just peremptorily deem certain sorts of speech as pertaining to one or the other of these two categories, when the matter might really be best suited, in any given case, for determination by a court of even in part by a jury. I realize what I'm saying here isn't very clear.

One obvious problem with empowering students to make the final content calls is that the content may still be libelous, or privacy invasive, or hate speech invading the rights of other students or outsiders, and perhaps legally actionable under section 1983. It is possible that in such a case, the School itself, the principal and school administration, all of the relevant students, and the faculty adviser could still be sued for far more than $100 plus attorney fees) under Section 1983 or other statutes, if not under this bill.

The draft nods toward adviser teaching of minimal standards of grammar, spelling, journalism, etc., but it's not clear whether this would sometimes/always displace the judgment of the student editors, in any preemptive way. After the fact, could an adviser assign the relevant students an F in
the course for apparently committing some sort of tort against outsiders? If so, would this not tend to (partially) return final content authority to the advisers and school administration? If not, is there not some risk that school administrations will balk at being individually liable (even if the school entity itself is not liable) for speech they cannot effectively control? Would they then have some incentive to just shut down the designated public forum, as they presumably have the power to do under Supreme Court case law? [How many schools still have annual non-deficit-ridden printed yearbooks anyway?] (It's not easy to de-couple school funding and subsidy from school responsibility and legal liability.)

Do Internet publications and (actually or arguably school-related) websites pose any distinctive problems? If so, I do not (immediately) see those problems addressed specifically in this draft.

Question: Could high school student newspapers and advertising managers accept (lucrative) alcohol and tobacco ads (that do not explicitly or formally promote illegal consumption) directly contrary to school policy (see Morse v. Frederick)? Or what if a high school has an exclusive contract with Coke®, and the school newspaper wants Pepsi® advertising in exchange for some neat equipment for the office?

Sections 3 and 4, on my admittedly extremely cursory look, seems to introduce some redundancies into the draft

Again, though, trying to exempt student-edited newspapers, etc. from prior review does not necessarily cover all concerns over after the fact punishment, including grades assigned or even the grading policy applied by the school or any faculty adviser/instructor.

And again, making a school immune under this bill may not make the school also immune under federal statutes, and may not do much to immunize school officials, administrators, advisers, teachers, students, etc. sued in their individual or personal capacities, perhaps for more than $100 under federal statutes, perhaps.

Just some initial, vaguely irresponsible thoughts. Consider them, if at all, at most as mere provocations.

Sincerely,

George Wright

From James Tidwell

As per your question: Having or dropping libel insurance is a question each school has to determine for itself. If the university or college doesn't want to pay for insurance, then the publication would have to decide if it should pay. As I mentioned to you, we've been discussing this issue on and off for the 21 years I've been here and we've never done anything!

As for the draft of the legislation: It looks like you relied heavily on the Illinois language; that's a good plan since it's been vetted in another state and the language is pretty good. My only question is with section 2 (8) and section 4 (8) that mentions "$100 damages." What's the rationale for that figure? Why not use "appropriate damages" or similar language that would allow higher damages if appropriate?
Let me know if I can help in any way. By the way, I'd love to be invited to an ICPA convention and be able to relive old times. I believe I mentioned to you I was an board member from about 1980-86 when I was at IU Southeast.

Good luck with the legislation!

James Tidwell

All,

Just talked with Hershman's legislative aide, Emily Feldmyer (317-232-9494, direct line, if any of you need to talk with her). She is verrrrrry helpful. I am confident that the conversations she and I have had (four now, including one in person) are getting to Hershman.

She confirmed that Hershman WILL AUTHOR the bill. Emily has received the fourth draft of the bill (the one without high schools). Hershman had previously submitted the Illinois language to LSA for drafting. Changes can still be made to the bill. We will need to compare the Illinois language to the language we submitted to determine exactly what we want to suggest as changes.

Quick background with those without a scorecard: Hershman is a Republican, which is the majority party in the Senate. Thus, his authorship might have more influence than a Democrat's. The situation is just the opposite in the House, where the Democrats are in the majority.

I also mentioned to Emily again that Democrat Vi Simpson is interested in working with Hershman on the bill. She said she would tell Hershman that and also be in touch with Hershman's legislative aide to see if the two senators need to meet to discuss the bill.

She also reiterated with me (as she and I discussed in person in early October) that the senators would call on the Senate leadership to promote this bill. I get the feeling it is better if they do that rather than have us do that. I'm fine with that because of their far, far superior working knowledge and personal familiarity with the leaders. Simpson, in fact, is one of the leaders on the D side, so contacts on that side of the aisle should be a no-brainer. At the same time, if anyone wants to write letters to the Senate leaders supporting the bill, I don't see how that could hurt anything. Nor would a letter to the governor, on whose desk this might land (if we are both good and lucky).

As to timetable, see the attached from a General Assembly Web page. Senators can begin filing bills (max of two a day) on Jan. 4. All Senate bills must be filed by Jan. 10. Same for the House.

So it looks like this is moving on the Senate side. And while we would ultimately like to have a bill filed in both houses, getting it filed in one pulls the ball into play.

I will try tomorrow to contact some House members (Mays, Walorski) to see if they would team up in sponsoring the bill. If anyone wants to try either of them today, go ahead. There's more here than I can do right now, quite frankly.

Thanks to everyone for their work on this. I think Dave Adams would be pleased ... although he probably would already have the governor's signature on the thing!

— Merv Hendricks

This just in from Jo Ann Gora:

Thanks, Dave , for sharing this with me. I'll talk to "my people" and get back to you. I skinned it and found no problems, but more legalistic minds might caution me otherwise. I hope not. I believe in a free press, even a free student press and want to safeguard it. I especially feel that way given the ridiculous actions of high school principals around this country most recently. So, let me find out whether our government relations folks have concerns....more to follow. J
Three ICPA board members joined Hoosier State Press Association counsel Steve Key Thursday morning in meeting with four legislative representatives of state universities. Representing ICPA were president Dave Studinski, University of Indianapolis adviser Jeanne Criswell and me. University reps were Susan Brock Williams and Kevin Green from Purdue; Philip Sachtleben from Ball State; and J.T. Forbes from Indiana U.

First bottom line: The university reps found lots not to like in the current language of the proposed bill.

In sum, all or at least one of the reps said:

- That the current language does not make a good case for the need for such a bill, neither the nature of the threat nor the opportunity for improving a situation.
- The language, in their view, seems to portray the state universities as "bad actors" and positions them as targets for suit rather than their being partners in a First Amendment effort.
- That for those schools who have signed a post-Hosty, designated public forum statement, the bill, as written, is a "slap in the face." (Those schools, to my knowledge, are Ball State, IU and USI.)
- That the "shall" language (which denotes a requirement) offers more opportunity for opposition within the legislature than would "may" language, which would allow for voluntary buy-in by universities and colleges.
- That definitions such as "school-sponsored media" in our proposed language don't fit all of the schools that would be affected. This especially applies to Purdue's main campus, where the student newspaper is an independent corporation unaffiliated with the university.
- That references to "broadcast" are too imprecise because that term will come to mean much more in the future when/if print continues to decline in favor of electronic media of various forms.
- That it sets up advisers as a special class of university employees, creating human resources problems.
- That it does not include any option for private schools.

Quite frankly, we got quite a bit more skepticism or opposition to the language than we had expected.

At the same time, this was far from a food fight. It was civil. We from ICPA patiently listened, absorbed and asked questions. None of the university reps opposed the idea of student press freedom. And we suppose it is a positive development that we heard their differences with the language now than after it is introduced and/or debated in the legislature. Steve Key tells us the bill doesn't have a chance of passage if leading state universities oppose it.

Second bottom line: The reps suggested an alternative approach for us to consider.

They suggest that we shorten and simplify the bill to set up an exchange: If
universities (private as well as public) agree to sign statements
designating specific student media as public forums (which would give them
protection from censorship), the universities would then get immunity from
suits that might be filed in response to content in student media. Quid pro quo.

Under their suggestion, each school would decide which media to grant public
forum status to, meaning each medium would have a separate public forum
statement — unless the school decided to give blanket coverage to all
student media.

The university reps we met with Thursday seem to see this is a more
affirmative and flexible way to approach the topic. They see it as a way
that universities could more fully support such a bill and a way to attract
more legislators’ votes, understanding that at least some legislators will
not look favorably at the idea of endorsing full free press rights for
college students; some would prefer greater controls, not lesser.

The reps are going to write some alternative language to suggest to us. We
hope that happens real soon. We will share that language with you as soon as
we get it.

In the meantime, this feedback and the revised language that is to come
leaves us lots and lots for us to process (and these notes are far from
complete) and consider.

Time and attention, at semester’s end, are big challenges for us. If we
agree to other language, we need to make sure that we are not creating new
problems for any student publications in the state. This consideration
cannot be rushed.

In my view, however limited it may be, that process also may include
considering whether we should withdraw the action from this year’s session
and work on it more over the next few months with the idea of having it
introduced in 2009. The calendar is advancing quickly, and Thursday’s
meeting throws us into a bit of a tizzy at a time when our calendars and the
legislative calendars are at odds.

Most of us are probably going away after this week for a much-deserved break
and probably won’t be back to work until after the first of the year. When
we return, the legislature will be going full speed. Jan. 4-Jan. 10 is the
bill-filing period in both the Senate (where we have both an author and a
sponsor) and the House (where we are still waiting to hear).

I know that those of us on the committee and Vince would like to hear what
board members think. Please “reply all” if you have comments or suggestions.

It may be that the committee should gather before leaving for break to
discuss this in person. A conference call is a second option.

The current language, the very same to which the university reps objected,
is attached for your review.

— Merv Hendricks

Re: Update on Student Free Press Legislation
First of all I'd like to thank all that met with the legislative representatives from the state universities. I apologize that I could not make it, but I'm sure that Dave didn't an excellent job of voicing student opinions in my place.

Looking over all that Merv wrote, it seems that this is a lot more complicated than we expected. And I think such an important matter deserves all of our full attentions, and as much time as needed, to pass it "correctly." While I believe we were all hoping just to get this done, into the legislature and passed as quickly as possible, it seems that a lot more time and energy is necessary to accomplish what we've started. And I don't know that the next three weeks is the period in which to try to devote ourselves to that.

I'm not sure I understand all of what the representatives said, or for that matter agree with them. But I do agree that Steve Key is right in saying that the bill will not pass without the support of the major universities. I'd like to take a look at what they come up with as new language because if we do not examine it carefully it could lead to more problems for student media than we have now. Or if we decide to keep our language we are going to need a lot more publicity and support from students/advisers/professional journalists across the state to oppose IU, BSU, ISU and Purdue.

My vote is to put this off until 2009 if the board can agree that we will continue working on this strongly for the next semester (and not just put it off until next Fall again) and that the future board members who will be here next year (I will be gone, I'm assuming Dave might be as well) will continue the effort. We can explain what's going on and maybe have someone speak strongly about it at ICPA's conference in March so that everyone understands the importance before we start a publicity push. And then maybe the 2009 legislative session could be a co-student media bill with the high school people or at least they will both be running at the same time.

Jacquelyn D Wilson

Merv,

First, thanks for all of the work you and the rest of the committee have done on this.

It sounds like there is a different (better) climate in Indiana than elsewhere, at least among the larger schools that have already signed public forum statements.

However, my concern is about situations like Vincennes -- if a school doesn't agree to the quid pro quo, what protection have we provided for student journalists?

You're right that we shouldn't push ahead this year. Maybe we can come up with something more palatable to the larger school reps that still addresses our concerns, but it's certainly not something that can be done in the next couple of weeks.

Bob Franken

Greetings all -

It seems like the general opinion is for us to put this movement on hold until the '09 legislative session. It seems like we have many questions to answer and inadequate time to answer them to our liking. I should say that this is through no fault of own, rather the road block the universities are putting up. We'll get past this, or we'll charge through it ... but this year I don't think we've got the support to do the former nor the backing to do the latter. By no means are we throwing up a white flag, we're simply taking a smart
approach to a very complex situation. I commend and congratulate the entire committee for the incredible progress we've made this year. And in the effort to secure our press freedoms and honor Dave, it only makes sense to get things right .. even if it takes time.

As I mentioned to Bob last meeting, I intend to run again next year for a final term as ICPA president, so we'll make sure we work on this in the off season and even during the upcoming months with this current board.

Studinski, David Paul

Date: 12/17/07 12:26 p.m.
Subject:
From: Merv Hendricks
To: SFPA Committee

To: Vince Filak and David Studinski

Sorry that neither of you could join us for our conference call Friday morning. Jacque, Ruth, Jeanne and I talked for nearly an hour about where we believe we should go from here based on our meeting on Dec. 6 with the university reps and Steve Key.

First, here is JQ's report on what we discussed, with some small additions and updates from the rest of us.

Second, I've pasted in material from your man Satch received (of course) after we had our conference call.

Third, my quick take (unendorsed by the rest of the committee) to his revisions.

Fourth, where now?

==================================================

Vince and Dave,

In response to the recent meeting with four legislative representatives from Purdue, Ball State and Indiana University, the ICPA committee held a conference call today to discuss our plans for "Dave's Law.

At the end of the call we agreed unanimously that we would like more time to address the concerns brought up by the university representatives. This translates to mean that we believe that we should have the bill withdrawn from consideration during the upcoming session, work in the next several months to further study the action and then seek to have it filed in the 2009 legislature.

In particular we feel we need to further discuss the following:
- Would publications gain anything from the "may" language suggested by the reps? Or would it create more problems for those universities like Ball State and IU whose presidents have already signed statements of free press?

- Would the "may" language (that Satch from Ball State advocates) allow universities to opt out at any time, opt in whenever they want, and exclude certain publications on campus while including others?

- Since they could opt out, how permanent would this law really be? What would be the purpose of it?

- On the other side, how permanent are the statements signed by current presidents? If a new president comes in, will they disregard the previous agreements?

- What is the application to private schools? Is it unconstitutional?

- What is the application for broadcast people? Are there outside factors there we need to consider?

We would like your opinion on our decision to allow ourselves more time (like a year) to discuss these issues among ourselves, with legal reps for "our side" and with other publications in our membership.

If you agree that this is the correct step, we will need to notify the legislators we have talked to and make sure they are not caught unaware that we are pulling the bill. We would also like to consider the following:

- Joining back up with the high school people

- Going back to the basics of the Oregon law, with no immunity, etc.

- Holding a session (or possibly double session) on "Dave's Law" at our March conference. Merv says we have an extra room, plus this would enable us to get input from whatever school advisers/students are interested and/or concerned with our actions. [Later in the day Friday, Ruth spoke to Adam Goldstein at the SPLC. Ruth suggests that we bring Adam in for the March conference to conduct a session. We could invite Steve Key to take part as well; he would balance Adam's stridency with a local-knowledge calm.]

- Possibly drawing up a short survey to send out to our member publications about Dave's Law (i.e. finding out if there's any other concerns we haven't thought of that we should).

-- Setting up a Web site (or a part of the new ICPA site) to which we could post information about the effort and solicit comments from members. This could be the survey administration tool or Survey Monkey
for that matter.

At this time [which was just before noon Friday] we are still waiting on language from the university representatives. [Satch from Ball State submitted suggested language later in the day. See below.]

- The ICPA committee for "Dave's Law"

After JQ wrote the above, we got this from Sachtleben, Philip J. pjsachtleben@bsu.edu at Ball State:

Persons interested will attach the draft that I have prepared based on our meeting at the Hoosier State Press Association office. I have used all of the email addresses that Steve Key provided. Please forward this to other interested parties.

If you have any questions concerning the draft I would be happy to discuss them.

Satch

My general comment is that this mostly seems one way and becomes their bill rather than our bill.

My specific objections without much reflection:

-- We can't agree to Section 3 (B). The intended exclusion there is probably for the Purdue Exponent, but it might also include IU's student media, which do not (Ruth, am I correct?) receive university funds. I don't know if IU gets free or reduced rent and/or university services such as accounting and payroll. Still, I don't think we can go here for our members, at least as worded.

-- Section 4 (a) would allow a university to pick and choose which media it wants to designate as public forums. That would allow it to punish by exclusion the "bad" media such as magazines that print nude pics (of course, neither would the U get immunity from material published).

-- Section 4 (b) is good stuff although it appears redundant.

-- Section 4 (c) (1) -- what does "restrict a student publication for harassment..." mean? Sounds ominous.

-- Section 4 (c) (2) -- Whoa! We don't want any talk in this bill about altering the amount of funding for student pubs whether related to content or not! Huh-uh, baby!

-- Section 5 -- We really need to ponder all that this means and compare
it to our language (borrowed from Illinois). Sorry, I don't have our bill with me; working from home.

-- Section 6 -- So if a student pub publishes something the U hates, it can, willy nilly, slam bam, reverse the public forum designation? The intent of the bill from our perspective is to insure the public forum, not make it less secure. This would be less than what Ball State, IU and USI (I believe) have on the books. Don't think we want to go there.

Where now?

Does Satch's revision give us anything new to work with? Or does it just amplify the situation and underline the time crunch we are in? Here we go off for break (I am leaving in a couple of hours for a couple of days of embracing slot machines and strong drink; back in the office Thursday afternoon). When we return, the legislature will be filing bills and convening. Do we have time to act or should we withdraw the bill, regroup and go at it harder and smarter next year?

First of all, thanks Merv for this epic e-mail compilation. God's speed and good luck on the slots!

Agree that the proposed changes better address the wants and needs of universities -- but, right, this ain't their bill.

The "may designate" ... When is the last time you heard, for instance, "The university may designate departments as equal opportunity employers"? In or out. Why pass a bill when we can just send valentines instead?

Sec. 3 Right we don't take funds and do pay our own way, etc. -- but what constitutes "support"? We rent on their property and when I lock my keys in my office, they're getting them out!

Sec. 4 a, b, c and Sec. 6 -- ah geeez. Same concerns.

Had a nice (fire and brimstone) talk with Adam at SPLC Friday. The bottom line was this: This is a good, important and necessary pro-student media effort. Nevertheless, opposition would have been there in some form six months ago and will be six months from now -- people are just doing their jobs, nothing personal. Whatever form that ultimately takes, it will be up to those folks to explain to students, prospective students, profs, donors, famous alumni, reporters, etc., why they're not on the side of the angels and the First Amendment --
nothing personal. We're still in the driver's seat and no amount of fog on the highway changes that. My poetic interpretation of the conversation.

As Merv mentioned, if the breaks are applied, I think it would be good to get Adam and/or the new director Frank up in March from SPLC (and Steve Key). Adam talked about, for instance, the negotiating and counter-proposal process that went on in Oregon. Would be instructive to hear how folks with different goals were able to find common ground and walk away in a positive light ==

- Witmer, Ruth A

Vince said that we should go ahead and withdraw the legislation and regroup after the holidays. I will contact Rep. Bill Friend immediately and forward a copy of that e-mail to all of you. I'm assuming that Merv will respond to Steve Key's recent e-mail and contact Sen. Hershman and that Ruth will contact Sen. Simpson.

From: Jeanne Criswell [mailto:jcriswell@uindy.edu]
Sent: Friday, December 21, 2007 2:50 PM
To: 'bafriend@rtcol.com'
Subject: RE: Dave's Law PD 3722
Importance: High

Bill,

Thank you so much for asking LSA to put together this draft of the bill. Your counsel and your assistance have been invaluable throughout this process, and we are all grateful.

University representatives from Ball State University, Purdue University, and Indiana University recently met with representatives of the ICPA Legislative Committee and raised unanticipated issues that will require considerable time for study and discussion. As a result, ICPA has decided to pause in this process and pull back the legislation for this year in order to give the membership ample opportunity to complete all the work involved. This also seems the best course of action given this short session of the General Assembly, the brief time remaining before legislation must be introduced, and the limits placed on the number of bills that may be introduced.

Again, please know how much we appreciate all that you have done to help us so far. We will be in touch with you again later to revisit this effort.

Please give my best to Ann. I wish you and your family a very Merry Christmas and Happy New Year!

- Jeanne Criswell

Date: 12/31/07 11:01 a.m.
Subject: Copy of email
From: Merv Hendricks
To: SFPA Committee

Folks,

Here is what I have sent tonight to our friends in the legislature and to Steve Key at HSPA:
To:
Sen. Brandt Hershman
Sen. Vi Simpson
Rep. Carolene Mays
Rep. Jackie Walorski
(Copy to: Mr. Steve Key, counsel, Hoosier State Press Association)

Dear Legislators,

I write on behalf of the Indiana Collegiate Press Association Legislative Committee to update you on our group’s thinking about a college student free press bill for which in recent weeks we have asked your support.

The bill about which we have contacted you would seek to shore up and codify student press freedom on at least the state’s public university campuses (if not also at its private colleges). We began this action in response to a negative federal district appeals court ruling that currently and technically might allow university administrators to control the content of student-edited publications at our state-funded universities. We believe that ruling (an appeal of which the U.S. Supreme Court refused to hear) poses a threat to public-school college publications in Indiana.

We all realize that for such a bill to pass legislative approval, it needs to have the support of the state’s public universities, or at least not their opposition. We do not believe that we currently have that support, nor are we instantly willing to support a revised version of the bill that has been submitted to us.

During a meeting in December with representatives from Ball State University, Purdue University and Indiana University, we encountered unanticipated issues that will require considerable time for study and discussion. It seems to us that the issues raised do not have quick-fix solutions, and we do not want to agree to revised language that might do harm to any of our 40-plus member schools.

Given that need for the Indiana Collegiate Press Association to regroup and consider the universities’ concerns, given the beginning of the 2008 session in just a few days, given the bill-filing deadlines that are tight upon you as members of the General Assembly — given all of those factors, we reluctantly ask your indulgence in our withdrawing the legislation for the 2008 Session to give our membership more time to research the topic and to give us more time to meet again with the university representatives so that we can attempt to work out the differences we have on this very important topic.
Please know how much we appreciate all that you have done to help us so far.

While we are asking your support for pulling back on this legislation during the 2008 term, we do plan to be back in touch with you and ask your support for a revised form of the legislation that we hope can be filed in the 2009 Session.

Thank you very much for your courtesy in considering the bill language we submitted to you. We wish you the best in the very important upcoming General Assembly session, and offer you our highest hopes for a successful new year.

-- Merv Hendricks

Date: 01/15/08 12:054 p.m.
Subject: No Reason for Alarm
From: Merv Hendricks
To: SFPA Committee

Folks,

I just learned from a colleague here that a version of "our bill" on student press freedom WAS filed in the Indiana Senate.

A quick call to Sen. Hershman's office just now indicates that he apparently filed the bill — based on our earlier communication with him in which we asked him to author the bill — on Dec. 12, before receiving our e-mail on Dec. 31. His office says that normally what happens in a case like this is that the bill is just allowed to die without any committee hearing. His office is going to pass the message to him about my call.

I think this all means that while the bill has been filed, it will go nowhere this year. Sorry I did not get the word to him sooner, but if he filed on Dec. 12, we were still debating our options at that point following the Dec. 6 meeting with the university reps at the HSPA office.

Sorry, too, Steve if this complicates your situation.

You can see what was filed at http://www.in.gov/apps/lsa/session/billwatch/billinfo?year=2008&session=1&request=getBill&docno=0225&doctype=SB

-- Merv Hendricks