

# OPINION

THE BATTALION

Page 9 • Friday, October 10, 2003

## EDITORIAL

### FREE PRESS

#### Rights worth fighting for

On January 8, 2004, all members of the 7th U.S. Circuit Court of Appeals will hear a case that could set a precedent to put complete control of The Battalion in the hands of Texas A&M President Robert M. Gates. That is, if Illinois Attorney General Lisa Madigan has her way in the *Hosty v. Carter* case, according to the Student Press Law Center.

As of now courts have consistently held that members of the college press have strong First Amendment rights. University officials can only censor student media if they suspect significant and imminent physical harm. This was not present in the *Hosty v. Carter* case. To change this precedent, and give control of print media such as the student newspaper to a university's administration would be akin to giving editorial control of The Washington Post to the president.

College students across the country must prevent this from happening.

Governors State University Dean Patricia Carter and the state of Illinois are attempting to apply a previous case giving high school principals final say over student expressive activities to higher education.

If the state succeeds, the decision will not only affect student newspapers, but any school-sponsored expressive activity within the circuit's jurisdiction. The constitutional freedoms allowing students to choose public speakers or theater shows will be restrained. University officials would have final say on every expressive activity it sponsors, which should not be allowed to happen.

College students are adults, and to try to limit their First Amendment rights as if they were 15-year-olds is insulting. Colleges are supposed to prepare students for real life, but they cannot do that if colleges attempt to stifle student expression they may not agree with.

## THE BATTALION

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The Battalion encourages letters to the editor. Letters must be 200 words or less and include the author's name, class and phone number. The opinion editor reserves the right to edit letters for length, style and accuracy. Letters may be submitted in person at 014 Reed McDonald with a valid student ID. Letters also may be mailed to: 014 Reed McDonald, MS 1111, Texas A&M University, College Station, TX 77843-1111. Fax: (979) 845-2647 Email: [mailcall@thebattalion.net](mailto:mailcall@thebattalion.net)

## Prior restraint

### Illinois case may limit students' free expression rights

On June 25, the 7th U.S. Circuit Court of Appeals granted a request by the Illinois Attorney General's office to vacate the unanimous April *Hosty v. Carter* decision by a three-judge panel, which upheld the free press rights of college students. *Hosty v. Carter* involves the attempts of Governors State University Dean of Student Affairs and Services Patricia Carter to restrain what the school newspaper could print. The 7th Circuit will rehear the case en banc — by all the judges of the circuit court — early next year.

The outcome of this case could have important and far-reaching consequences for how college students and their constitutional rights — especially First Amendment rights — are treated, and students need to follow this case closely. A ruling against the students in the case would demote all of the college students in Illinois, Indiana and Wisconsin to nothing more than glorified high schoolers. It would also provide a precedent for other circuit courts to hand down similar decisions.

According to the April three-judge decision, in the fall of 2000, Carter twice contacted the printer of the paper, Charles Richards, and informed him that the paper's content had to be reviewed by a school official before it was printed. These instructions were in direct conflict with the Student Communications Media Board's policy that guaranteed the student staff would be the sole determinant of the paper's content "without any censorship or prior approval." Richards, in turn, contacted the editors of the *Innovator* to inform them of his conversations with Carter.

And, as Circuit Judge Evans wrote in April, "sparks were ready to fly."

Student journalists initially sued 17 university officials, but all of the cases, except that against Carter, were dismissed. The case now rests on whether Carter is protected by qualified immunity. Carter is entitled to immunity if she did not know her actions were illegal, meaning if college students' First Amendment rights to the freedom of the press were not clearly established. Carter is relying on 1988's *Hazelwood School District v. Kuhlmeier* to show these rights are not.

*Hazelwood* granted high school principals prior restraint over school newspapers and student expression. The Supreme Court found that "educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns." And because the decision reiterates that the rights of



JENELLE WILSON

students in public school "are not automatically coextensive with the rights of adults in other settings," Carter argues that this precedent limits the rights of college students in public schools as well.

The three-judge panel rightly and unanimously declared that this argument "defies existing, well-established law," and the panel en banc should do the same.

It's ridiculous to imply that students in high school and college are the same. In the April decision, Evans wrote, "The differences between a college and high school are far greater than the obvious differences in curriculum and extracurricular activities." College students are more mature than high school students and, most importantly, most college students are adults. The amicus brief submitted in the case by the U.S. Census Bureau shows that only 1 percent of American college students are under 18 and 55 percent are 22 or older. College students are not just those starting out in life; they can also be grandmothers, veterans and retirees who have decided to go back to school.

As adults, college students are entitled to the same constitutionally guaranteed rights as other adults, which is why every time the government has sought to have *Hazelwood* applied to college students, it has been rejected. It must be rejected in this case as well.

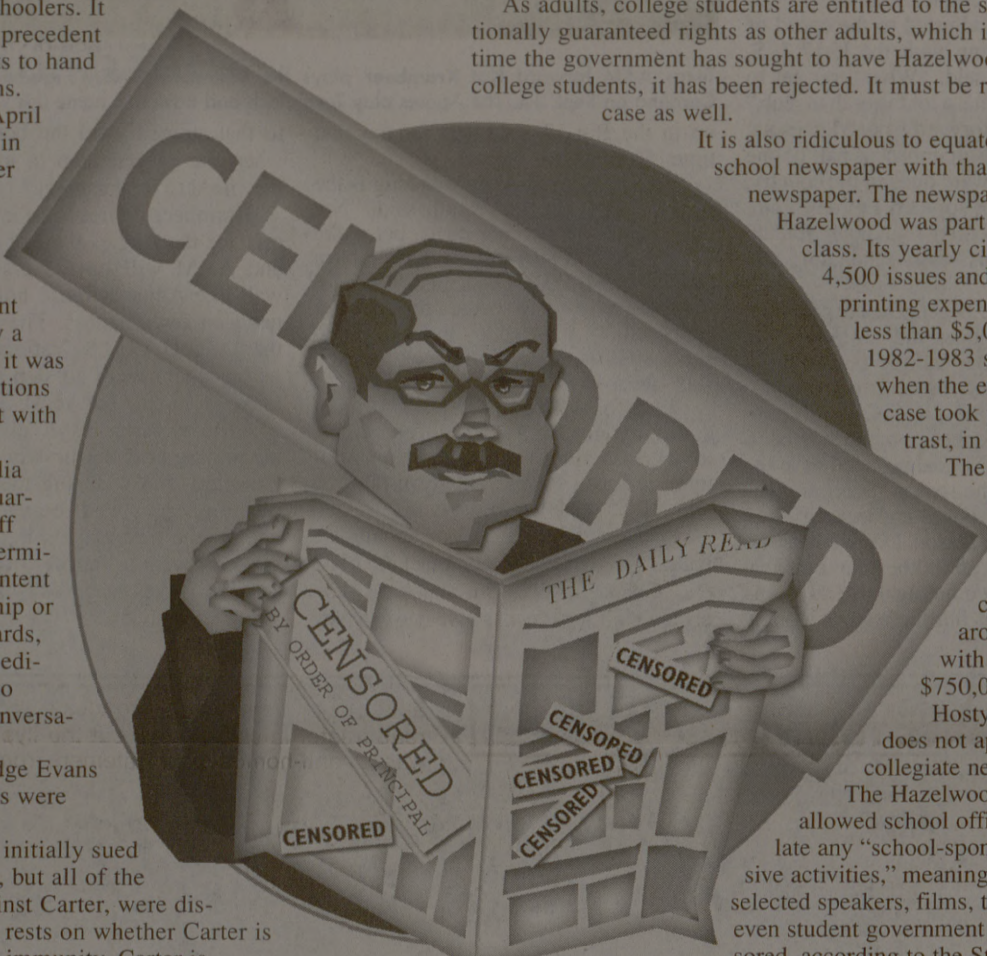
It is also ridiculous to equate a high school newspaper with that of a college newspaper. The newspaper in *Hazelwood* was part of an actual class. Its yearly circulation was 4,500 issues and the yearly printing expenses totaled less than \$5,000 during the 1982-1983 school year, when the events of the case took place. In contrast, in 1982-1983

The Battalion, a professional student newspaper, had a daily circulation of around 17,000 with a budget of \$750,000 a year. *Hosty*, however, does not apply only to collegiate newspapers.

The *Hazelwood* case allowed school officials to regulate any "school-sponsored expressive activities," meaning student-selected speakers, films, theater and even student government can be censored, according to the Student Press Law Center.

Inarguably, college is distinguishable from high school. College students are adults and are entitled to the same rights as other adults, which include freedom of the press and expression. In the early proposed amendments for the Bill of Rights, James Madison wrote that the freedom of the press — "the great bulwarks of liberty" — are inviolable. This should not change just because people are in college.

Jenelle Wilson is a senior political science major.



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## MAIL CALL

### Yell leaders decide which yells to use

In response to Collins Ezeanyim's Oct. 1 column:

A few questions to consider for one who is critical of the yell "Sky Rocket." What defines a tradition? Can one decide not to encourage a tradition because it is not well known? And finally, should our yell leaders be responsible for third party information?

A tradition to me is something that has historical value and is repeated in remembrance of that value. Specific examples are "The Spirit of Aggieland," "The Star Spangled Banner" and "The Pledge of Allegiance." My argument is simple, just because an individual doesn't know the words to something doesn't mean the rest of us should stop participating.

I am having a hard time understanding why our elected yell leaders should somehow be responsible for third party companies printing Aggie yells. I would also like to point out that our yell leaders were elected by the student body and are supported by former yell leaders. That is enough for me to be convinced that bringing back an Old Army Yell is a good thing, especially with all the input the yell leaders receive from the leaders that were here during the time that the yell was incorporated into the normal routine. At the

last home football game I noticed there were still some people who didn't know the words to, and maybe even some who don't care for the tune "The Spirit of Aggieland" — I suppose we should stop singing it too.

Scott W. Orr  
Class of 2005

### Bush Award not based on political views

In response to a Oct. 7 mail call:

In defense of the Bush Presidential Library Foundation, they award the George Bush Award for Excellence in Public Service for "outstanding performance that contributions in public service" and "underscores President Bush's long service and commitment to public service."

Clearly, this award is not a popularity contest or a political statement and the underlying point that we should all recognize is that public service in government and/or non-profit sectors is about service to our country regardless of our political stance. In fact, even that Sen. Kennedy has been chosen for this award underscores this point, and reflects on his many decades of service to his constituents and the nation as a whole.

While I would be the last person to agree with or defend Sen. Kennedy's political views, I am very

appreciative that Former President Bush can distinguish between recognizing someone for their service as an elected official or public manager and their political views.

Kelley Norton  
Graduate Student

### Sweatshops bad aspect of capitalism

In response to a Oct. 8 mail call:

I don't understand how any human being, even a pure egoist or objectivist, could condone the suffering of women and children in the despicable conditions of a sweatshop. Yes, companies need to make money and profits, but they should be at least a little altruistic and not cold hearted and ruthless toward their workers.

I also disagree with the assertion that since the companies are providing them with jobs, their lives will automatically be better. Did Mr. Nichols even read Mr. Steed's article? It's the work environment, the jobs themselves, that are the problem.

It could be argued that those workers' lives would be better without big companies: the companies pay them barely enough to provide for their families, but that situation is no different from subsistent farming. So what kind of good does their cheap labor produce, other than the fattening of the pockets of greedy capital-

ists? Should we leave them to "die a slow, starving death" in those sweatshops? No, we shouldn't.

Keisha Hardeman  
Class of 2005

### Demonstrations show A&M's intolerance

In response to Sarah Szuminski's Oct. 9 article:

The banners displayed by the YCT on Wednesday were a sad confirmation of this school's deeply-rooted intolerance. It is no surprise then that the Princeton Review ranked A&M as number 12 in "alternative life styles not an alternative." What is surprising is that the ranking was not higher.

Everyone can agree that education in today's world is supposed to be globalized and inclusive, but the atmosphere at this University is not very conducive to that purpose. If an education is supposed to include learning to co-exist with other people in a respectful manner, then A&M is sadly not the best place to get one.

Yes, maybe College Station is its own little universe where most people are white, Christian and straight, but real cities in the real world are far from being this way. If A&M is funding "Coming Out Week" it is because it understands that everything I said is true, and therefore

something must be done about it.

Carlos Perez  
Class of 2007

### Program should not be funded by students

While many were clearly upset at the Young Conservative display Wednesday, it should be noted that many students at this University do not want Coming Out Week supported by student fee money. I agree that the Young Conservatives should have found a better way to make their opinion known, but I am just as offended by Coming Out Week being supported by student funds. I have no hatred or bigotry toward homosexuals. I simply do not want my money to go toward funding the Coming Out Week program.

Byron Moore  
Class of 2003

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Student Body President  
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Aaron Wilkinson  
Class of 2007

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