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Re: Censorship of the *Indiana Daily Student* Newspaper

VIA EMAIL

To the Administration and Stakeholders of Indiana University and The Media School:

I am an Indiana-based attorney with the Reporters Committee for Freedom of the Press (“RCFP”), and I represent Mia Hilkowitz and Andrew Miller, the current Editors-in-Chief of the *Indiana Daily Student* (“IDS”). When the IDS staff and the Director of Student Media recently raised objections to the University’s efforts to censor the IDS’s news coverage, the University responded by ordering immediate cessation of print publication of the IDS and abruptly firing the Director of Student Media. I write to you in response to these actions, which are ill-advised, unconstitutional, and appear to be aimed at suppressing core press and speech rights.

As a public university, IU is bound by the dictates of the First Amendment, which preclude the government from engaging in viewpoint and content discrimination or retaliation for engaging in protected speech. The University is also bound by the Charter for Independent Student Media of News, Information and Ideas (the “Charter”), first approved by IU for the IDS in 1969 and most recently amended in October 2005.¹ In direct violation of those guarantees, the University is attempting to control the content that the IDS journalists can publish. When the IDS staff pushed back on those efforts, the University took several retaliatory steps, including firing Director of Student Media Jim Rodenbush and barring the IDS from publishing a print newspaper entirely.

¹ See <https://www.idsnews.com/page/charter>.

For over a century and a half, the IDS has operated as a forum for independent student news reporting. With a rich history dating back to 1867, the paper is managed in consultation with IU faculty but has always fostered journalistic independence among its student staff. That independence has yielded rich results: the print version of the IDS has been nominated for a “Pacemaker” award from the American Collegiate Press 32 times, and won 24 of those times, making it the second most award-winning print publication in the history of that award.

Over the past several years, the University has incrementally restrained the IDS’s ability to produce print journalism, scaling the once-daily newspaper back to twice a week in 2017, weekly in 2020, and then finally just seven print issues per semester starting in 2024. It is our understanding that the student journalists were not consulted before many of these decisions.

This fall, the University went even further, demanding that the print editions of the IDS not contain *any* news reporting at all. Instead, the print editions were to contain only “special edition” material like a “homecoming guide” (which had traditionally been included as an insert with the newspaper). In other words, the IDS staff members were permitted to generate promotional content for the University but could not publish any actual journalism.

IU has attempted to paint this mandate as driven by financial concerns, but the University’s disingenuous public statement that the decision only “concerns the medium of distribution, not editorial content” strains credulity. For example, the IDS staff were told that they could still include news in the print edition that is distributed to the greater Bloomington community, and that the prohibition on printing news coverage apparently applied only to the on-campus edition. It’s difficult to see how preparing two separate editions of the same paper would save any money at all. What’s more, on October 15, 2025, IU alumnus Mark Cuban posted on X (formerly Twitter) to condemn the administration’s “Censorship” and explained that he “gave money to IU general fund for the IDS last year, so they could pay everyone and not run a deficit. I gave more than they asked for. I told them I’m happy to help because the IDS is important to kids at IU.”

Even if IU were somehow driven by financial concerns, that would not entitle administrators to control the IDS’s journalistic decisions. Telling student journalists what they can and cannot include in a newspaper *is* censorship of “editorial content” by any definition. Further, the wholesale elimination of print – which might be considered mere management of “medium of distribution” under other circumstances – under the current facts becomes a tacit declaration from IU that if the IDS will not print specific University-approved content, it can print nothing at all.

The IU Student Media Charter explicitly states that “student media operating under its provisions are declared limited public forums where ***final content decisions and responsibility rest with duly appointed student editors and managers***” (emphasis added). That provision is consistent with the requirements of the First Amendment. Indeed, “[c]ourts have long recognized that student media outlets at public universities, and the student journalists who produce those outlets, are entitled to strong First Amendment protection,” and “the ability of school administrators to interfere with the speech made through such an outlet is generally strictly curtailed.” *Husain v. Springer*, 494 F.3d 108, 121 (2d Cir. 2007). As the United States Court of Appeals for the Seventh Circuit explained, “a school may declare the pages of the student

newspaper open for expression and thus disable itself from engaging in viewpoint or content discrimination while the terms on which the forum operates remain unaltered.” *Hosty v. Carter*, 412 F.3d 731, 737 (7th Cir. 2005). That is precisely what happened here. The Charter clearly outlines the “terms on which the forum operates” – independent editorial discretion reserved for the students – and the University is now violating those terms.

Indeed, as the aforementioned facts make clear, IU’s actions violate the First Amendment because they were taken in direct response to the IDS resisting the University’s mandate to limit the on-campus print edition to non-journalistic content. Public bodies may not retaliate against individuals for engaging in First Amendment-protected speech – including expressing disagreement with a decision by the government, as the IDS did here. *See, e.g., Douglas v. Reeves*, 964 F.3d 643, 646 (7th Cir. 2020) (setting forth elements of First Amendment retaliation cause of action). IU is effectively mandating that the IDS can print specific University-approved content, or nothing at all. And the fact that the University pulled the plug on print publication on the heels of firing Jim Rodenbush – who also objected to censoring the IDS’s news reporting – only further underscores these retaliatory motivations.

More broadly, it is difficult to separate IU’s unconstitutional actions from the reality that the IDS, as an independent student newspaper, engages in aggressive news coverage of the University without fear or favor. Just this semester, the IDS has reported on IU’s suspension of the Palestine Solidarity Committee,² and IU’s last-place ranking on free speech issues among public universities.³ IDS also received pushback from the administration as it covered plagiarism accusations against President Whitten.⁴ The law is clear that as a “public university,” IU “may not constitutionally take adverse action against a student newspaper, such as withdrawing or reducing the paper’s funding, because it disapproves of the content of the paper.” *Stanley v. Magrath*, 719 F.2d 279, 282 (8th Cir. 1983).

Although the University was never required to fund a print newspaper in the first place, having done so, it cannot forbid printing in retaliation for – or as a means of controlling – student journalists’ speech. We seek a meeting with you to discuss a path forward that will restore our clients’ editorial independence. You can reach me at kcundiff@rcfp.org or 463-271-4676.

Sincerely,



Kristopher L. Cundiff
Indiana Local Legal Initiative Attorney
Reporters Committee for Freedom of the Press

² <https://www.idsnews.com/article/2025/08/palestine-solidarity-committee-cease-and-desist>.

³ <https://www.indystar.com/story/news/education/2025/09/09/indiana-university-ranked-us-worst-public-college-free-speech/85991079007/>.

⁴ <https://www.idsnews.com/article/2025/09/pamela-whitten-plagiarism-review-action>.