



December 3, 2025

Peter J. Mohler
Office of the President
University of Alabama
Rose Administration Building
Suite 203
Tuscaloosa, Alabama 35401

URGENT

Sent via Next-Day Delivery and Electronic Mail (president@ua.edu)

Dear President Mohler:

FIRE's Student Press Freedom Initiative¹ is appalled by the University of Alabama's decision to suspend two student-run magazines, *Alice Magazine* and *Nineteen Fifty-Six*. No federal antidiscrimination law requires the university to silence these publications, and its choice to do so is a violation of their clearly established First Amendment rights. That the magazines' content may appeal to specific audiences based on race, sex, or gender—like countless other current and historical publications throughout the world—does not render them “unlawful proxies” engaged in some form of unlawful discrimination warranting shutdowns at the behest of a government agency like UA. The university must immediately reverse these suspensions and uphold its commitment to editorial independence for its student press.

Alice Magazine is “a fashion and wellness magazine that serves the students of the University of Alabama.”² *Nineteen Fifty-Six* is “a student-run magazine focused on Black culture, Black excellence and Black student experiences at the University of Alabama.”³ Both magazines open participation to all students, regardless of their background or identity,⁴ and according to the *The Crimson White* student newspaper, “both had hired staff who were not part of their target

¹ For more than 25 years, FIRE has defended freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at thefire.org. FIRE's Student Press Freedom Initiative (SPFI) defends free press on campus by advocating for the rights of student journalists at colleges and universities across the country.

² *About*, ALICE MAG., <https://alice.ua.edu/about/> [<https://perma.cc/SVJ8-KJVE>]. The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information and invite you to share it with us.

³ *Who Are We*, NINETEEN FIFTY-SIX, <https://1956magazine.ua.edu/about/> [<https://perma.cc/9UAB-CG5B>].

⁴ Maven Navarro, et. al, *University suspends Alice, Nineteen Fifty-Six student magazines*, THE CRIMSON WHITE (Dec. 1, 2025), <https://thecrimsonwhite.com/125358/news/university-suspends-alice-nineteen-fifty-six-student-magazines/>.

audiences.”⁵ Nevertheless, on December 1, Vice President for Student Life Steven Hood met with the staff members of *Alice Magazine* and *Nineteen Fifty-Six* to suspend the publications, effective immediately, because the magazines allegedly used “unlawful proxies.”⁶

The university’s reasoning rests on its interpretation of a July 29 memo issued by U.S. Attorney General Pam Bondi,⁷ in which Bondi provided “non-binding suggestions”—*not binding legal authority* for federal funding recipients to comply with antidiscrimination law.⁸ In this memo, Bondi identifies the use of “unlawful proxies” for protected classes as a potential source for noncompliance, providing three examples: (1) cultural competency requirements, (2) geographic or institutional targeting, and (3) diversity statements.⁹ According to the memo, geographic or institutional targeting occurs when “[a] federally funded organization implements recruitment strategies targeting specific geographic areas, institutions, or organizations chosen primarily because of their racial or ethnic composition rather than other legitimate factors.”¹⁰

No publicly available information indicates the university based its decision to suspend the magazines on any evidence of “geographic or institutional targeting” recruitment practices, rather than the content and viewpoint focuses of *Alice Magazine* and *Nineteen Fifty-Six*. The university publicly stated that the fall 2025 issues would be the final issue for each magazine.¹¹

As a public university bound by the First Amendment,¹² UA may not retaliate against an editorially independent student publication based on its content or viewpoint. Once a university recognizes a student publication, it cannot act as a censor,¹³ as the U.S. Court of Appeals for the Fifth Circuit made clear in a ruling that, unlike the advice UA misused in Attorney General Bondi’s memo, is *legally binding* on the university. Just as it would be unthinkable for the university to “censor and forbid the publication of an article in its law school journal on the grounds that the article concerned some sensitive issue,”¹⁴ it is absurd that UA believes it can or must censor *Alice Magazine* and *Nineteen Fifty-Six* because the magazines’ content focuses on issues of interest to female and black students, respectively. When it comes to the content of editorially independent student publications, “the First

⁵ *Id.*

⁶ Chris Hippensteel, *U. of Alabama Suspends Black and Female Magazines, Citing D.E.I. Guidelines*, N.Y. TIMES (Dec. 2, 2025) <https://www.nytimes.com/2025/12/02/us/u-of-alabama-student-magazines-dei.html>.

⁷ *Id.*

⁸ Memorandum from Pam Bondi, U.S. Attorney General, 5 (July 29, 2025), <https://www.justice.gov/ag/media/1409486/dl>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Alabama Office of Student Media ending Alice and 1956 magazines to comply with federal regulations*, WVUA 23 (Dec. 1, 2025), https://www.wvua23.com/news/alabama-office-of-student-media-ending-alice-and-1956-magazines-to-comply-with-federal-regulations/article_a47c6b3c-61cd-4e71-afe5-e19675083a47.html.

¹² *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted).

¹³ *Bazaar v. Fortune*, 476 F.2d 570, 574 (5th Cir. 1973).

¹⁴ *Id.* at 579.

Amendment simply took the power to make such judgment out of the hands of the state.”¹⁵ The decisions about what to publish belong to the student editors of *Alice Magazine* and *Nineteen Fifty-Six*,¹⁶ and there can be no doubt that administrative action against student media in response to what they publish betrays UA’s obligation to protect free expression.¹⁷

Worse yet, UA explicitly justified its punitive actions by pointing to the viewpoints expressed by the magazines, which the Supreme Court has called “an egregious form of content discrimination.”¹⁸ By suspending these magazines based on their target audiences—in other words, the magazines’ viewpoints—UA is “cast[ing] disapproval on particular viewpoints of its students[.]”¹⁹ And, in doing so, UA “risks the suppression of free speech and creative inquiry in one of the vital centers for the Nation’s intellectual life, its college and university campuses.”²⁰ Further, by leaving other student media untouched, UA has concretely demonstrated that it favors those viewpoints over those communicated by *Alice Magazine* and *Nineteen Fifty-Six*.²¹ To be clear, this is not an argument for taking action against other student media outlets, which would only compound UA’s offenses against freedom of the press, both in court and in the eyes of any reasonable observer. Student media should be entirely free from this kind of viewpoint discrimination. Anything less is an affront to the First Amendment and our free society.

Nor may the university justify silencing these magazines based on any federal antidiscrimination law. First, the memo to which UA cites is comprised of non-binding suggestions; there is no requirement for UA to act on it.²² Second, equating the memo’s recommendation to avoid “geographic or institutional targeting” in “recruitment strategies” with the content and viewpoints of these magazines, which may spur specific groups of students to want to work at them, is illogical and a grossly overbroad reading of the July 29

¹⁵ *Id.*

¹⁶ *See Neb. Press Ass’n. v. Stuart*, 427 U.S. 539, 560–61 (1976) (“We ... remain intensely skeptical about those measures that would allow government to insert itself into the editorial rooms of this Nation’s press.”) (quoting *Miami Herald Publ’g Co. v. Tornillo*, 418 U.S. 241, 259 (1974) (White, J., concurring)).

¹⁷ *See, e.g., Stanley v. Magrath*, 719 F.2d 279, 282 (8th Cir. 1983) (“[a] public university may not constitutionally take adverse action against a student newspaper ... because it disapproves of the content of the paper”); *Schiff v. Williams*, 519 F.2d 257, 260–61 (5th Cir. 1975) (dismissing editors due to alleged inaccuracies in a student newspaper violates the First Amendment); *Joyner v. Whiting*, 477 F.2d 456, 462 (4th Cir. 1973) (“[i]t may well be that a college need not establish a campus newspaper But if a college has a student newspaper, its publication cannot be suppressed because college officials dislike editorial comment”); *Antonelli v. Hammond*, 308 F. Supp. 1329, 1337 (D. Mass. 1970) (freezing a university newspaper’s funding because administrators deemed its content “garbage” is a violation of student journalists’ First Amendment rights); *Trujillo v. Love*, 322 F. Supp. 1266, 1271 (D. Colo. 1971) (“[h]aving established a particular forum for expression, officials may not then place limitations upon the use of that forum which interfere with protected speech”).

¹⁸ *Rosenberger v. Rectors & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995).

¹⁹ *Id.* at 836.

²⁰ *Id.*

²¹ *See Bd. of Regents of the Univ. of Wisc. System v. Southworth*, 529 U.S. 217, 233 (2000) (“When a university requires its students to pay fees to support the extracurricular speech of other students, all in the interest of open discussion, it may not prefer some viewpoints over others.”). Viewpoint discrimination is “the greatest First Amendment sin.” *Honeyfund.com, Inc. v. Governor*, 94 F.4th 1272, 1277 (11th Cir. 2024).

²² Memorandum, *supra* note 7.

memo.²³ There is no proof *Alice Magazine* or *Nineteen Fifty-Six* used any unlawful proxies in their recruitment efforts. The only “problems” to which UA has pointed is the content and viewpoints of these publications, which are safeguarded by the First Amendment. Simply put, no federal antidiscrimination law authorizes the university to silence student media it dislikes, nor is it reasonable to read any missives from the executive branch to authorize such actions.²⁴

UA’s suspension of these magazines is a brazen attack on the student press. The university *must* respect the First Amendment rights of these publications. Given the urgent nature of this matter, we request a substantive response to this letter no later than the close of business on December 10, 2025, confirming UA will immediately reverse the suspension of *Alice Magazine* and *Nineteen Fifty-Six*.

Sincerely,



Marie McMullan
Student Press Counsel, Campus Rights Advocacy

Cc: Steven Hood, Vice President for Student Life
John Daniel, General Counsel

²³ *Id.* (“A federally funded organization implements *recruitment* strategies targeting specific geographic areas, institutions, or organization chosen primarily because of their racial or ethnic composition rather than other legitimate factors.”). However, both magazines open participation to all students, and students not within the magazines’ target audiences have been hired as staff. Navarro, *THE CRIMSON WHITE*, *supra* note 5.

²⁴ Further, the university cannot justify its silencing of the magazines based on a goal to shield itself from liability. Where state institutions do not regulate student publications, those publications do not act on behalf of the university, shielding the university from liability. *Miss. Gay All. v. Goude-lock*, 536 F.2d 1073, 1074–75 (5th Cir. 1976). In contrast, censoring the student press exposes the university to legal liability for violating clearly established First Amendment rights. *See Bazaar*, 476 F.2d at 571, 581.