



March 30, 2026

Annebelle Nery  
c/o Leisa Schumacher  
Office of the President  
Santa Ana College  
1530 West 17th Street  
Santa Ana, California 92706-3398

*Sent via U.S. Mail and Electronic Mail (schumacher\_leisa@sac.edu)*

Dear President Nery:

FIRE's Student Press Freedom Initiative<sup>1</sup> is writing with renewed concern about Santa Ana College's practices regarding *el Don News* student journalists' requests for interviews.<sup>2</sup> We urge SAC to commit itself to protecting the rights of student journalists to be free of prior review and prior restraint.

On September 29, 2025, *el Don News* reporter Sharon Tam emailed Director of Special Programs Dr. Brenda Estrada to interview her regarding the Veterans Resource Center's services and staffing after federal funding cuts.<sup>3</sup> After receiving no response, Tam sent two follow-up emails on October 6 and October 11.<sup>4</sup> On October 13, Estrada emailed Dean of Student Affairs Dr. Gregory Toya, Director of Special Programs Veronica Hurtado, Administrative Secretary Ellen Campbell, and Executive Secretary Maria Briseño, to review protocols and "confirm[] the

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<sup>1</sup> For more than 25 years, the Foundation for Individual Rights and Expression (FIRE) has defended free expression and other individual rights on America's university campuses. FIRE's Student Press Freedom Initiative (SPFI) advocates for the rights of student journalists across the country. You can learn more about our mission and activities at [fire.org](https://www.fire.org).

<sup>2</sup> FIRE previously wrote to you in December 2022 about this same policy. Letter from Sabrina Conza, FIRE Program Officer, to Annebelle Nery, President (Dec. 13, 2022), <https://www.fire.org/cases/santa-ana-college-requirement-journalists-speak-only-public-information-officer/documents>. Outside counsel for SAC responded that it was not aware of any case "where a faculty member or staff has been punished for speaking to journalists in their capacity as private citizens" and did not address our concerns that student journalists must only speak with the college's public information officer. Letter from Alvarado Smith, outside general counsel, to Conza (Dec. 27, 2022) (on file with author).

<sup>3</sup> Email from Sharon Tam, student, to Brenda Estrada, Director of Special Programs (Sept. 29, 2025, 6:18 AM) (on file with author).

<sup>4</sup> Email from Tam to Estrada (Oct. 6, 2025, 3:08 AM); email from Tam to Estrada (Oct. 11, 2025, 7:41 PM).

following steps” were the correct process for Student Support Services staff who respond to interview requests:<sup>5</sup>

1. We request a copy of the written questions from the press.
2. Once received, we draft responses and review them with the Dean of the respective area.
3. We copy Dr. Hubbard and the [public information officer] on the draft responses.
4. After the Dean approves, we send the final responses to the press (*El Don* in this instance).

At the same time, SAC student journalists have reported to SPFI that school administrators prevent staff from speaking with student media and require student reporters to submit interview questions in advance via email.

As a public institution, SAC’s policies and practices must comply with the First Amendment.<sup>6</sup> Currently, SAC’s practices constrict the First Amendment rights of student journalists and faculty and staff who may wish to speak with the media. Requiring student journalists to turn over pre-publication information to SAC—including interview questions—constitutes unconstitutional prior review.<sup>7</sup> Further, requiring student reporters to speak only with the college’s public information officer effects a prior restraint on both the student press and their sources, “the most serious and least tolerable infringement on” free expression.<sup>8</sup>

That restraint manifests even before any interview might take place, as requests for interviews are *themselves* protected expression. Prior restraints on expression are only valid in the most demanding circumstances,<sup>9</sup> and courts analyze them with a “heavy presumption against [their] constitutional validity.”<sup>10</sup> Additionally, SAC is bound not only by constitutional law but the Rancho Santiago Community College District’s policies, of which SAC is a part. Under Policy AR 4500, RSCCD institutions *must* allow student media materials to be “free from prior restraint.”<sup>11</sup> Under both its constitutional obligations and its own policy, SAC must allow students to reach out to sources directly.

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<sup>5</sup> Email from Estrada to Gregory Toya, et al. (Oct. 13, 2025, 2:08 PM) (on file with author).

<sup>6</sup> *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).

<sup>7</sup> *Burch v. Barker*, 861 F.2d 1149, 1159 (9th Cir. 1988) (prior review of student media violated the First Amendment).

<sup>8</sup> *Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976).

<sup>9</sup> *Id.* at 561.

<sup>10</sup> *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971).

<sup>11</sup> *RSCCD Board Policies and Administrative Regulations*, Academic Affairs, Student News Media, RANCHO SANTIAGO COMM. COLL. DIST., <https://rscdd.edu/Trustees/Documents/ARs/ARs-Chapter%204/AR%204500%20Student%20News%20Media.pdf> [<https://perma.cc/K5PR-CPY3>].

The First Amendment protects not only student journalists' rights but also those of faculty and staff who wish to speak to student media. State institutions may only regulate employee speech when made *pursuant* to their job duties,<sup>12</sup> and the First Amendment bars government employers from preventing faculty and staff from speaking on matters of public concern in their capacity as private citizens so long as they do not purport to speak on the institution's behalf.<sup>13</sup> Faculty and employee speech to media are commonly understood by the public to be commentary of the individual who is speaking rather than the official message of the university. For such comments made in one's individual capacity on matters of public concern, a state educational institution may not punish employee expression, including media interviews, unless the institution demonstrates, among other things, that the employee's speech had a substantial and material negative impact on the college's "regular operation."<sup>14</sup> If the college cannot demonstrate this, "the interest of the school administration in limiting teachers' opportunities to contribute to public debate is not significantly greater than its interest in limiting a similar contribution by any member of the general public," and the employee's speech is constitutionally protected.<sup>15</sup> While SAC may instruct employees not to speak on *behalf* of the college, it may not issue a blanket ban on employees' communications with the press.

We request a substantive response to this letter no later than the close of business on April 13, 2026, confirming SAC will allow journalists to speak with college-related sources of their choice and be free to interview sources without submitting to prior reviews.

Sincerely,



Marie McMullan  
Student Press Counsel, Campus Rights Advocacy

Cc: Brenda Estrada, Director of Special Programs

Encl.

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<sup>12</sup> *Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006).

<sup>13</sup> *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968).

<sup>14</sup> *Id.* at 568, 573.

<sup>15</sup> *Id.* See also *Bauer v. Sampson*, 261 F.3d 775, 785 (9th Cir. 2001) (under *Pickering*, community college professor's statements to underground campus newspaper were on matters of public concern, and the interest in protecting his First Amendment rights outweighed college's interest in regulating such speech).