FIRE
Foundation for Individual Rights and Expression

October 29, 2026

Nelly R. Herrera
Office of the Vice Chancellor and General Counsel
Texas State University System
601 University Drive
J.C. Kellam, Room 1040
San Marcos, Texas 78666

URGENT

Sent via Electronic Mail (nelly.herrera@tsus.edu)

Dear Vice Chancellor Herrera:

FIRE's Student Press Freedom Initiative[1] is gravely concerned by Texas State University's sudden and indefensible removal of paid advertising in *The University Star*'s newsstands. *The University Star* is an independent, student-run publication that relies on advertising to maintain its operations. TXST must immediately restore *The University Star*'s advertising posters and cease interfering with its independent advertising.

On October 23, Vice President for Marketing and Communications Sandy Pantlik told *The University Star* adviser Laura Krantz that the current advertisements on the newspaper's news racks of Democratic gubernatorial candidate Gina Hinojosa violated TXST's policy against electioneering and would be removed.[2] Pantlik cited TXST policy 06.02.10, which states that "[c]andidates may not" post signs or electioneer inside university buildings.[3] Newspaper staff

[1] For more than 20 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 fire.org. FIRE's Student Press Freedom Initiative (SPFI) defends press freedom on campuses nationwide.

[2] Letter from *The University Star*, student newspaper, to Sandy Pantlik, Vice President for Mktg. and Comms. (Oct. 26, 2026) (on file with author). *See also* email from Anna Edmonds, Exec. Assistant, to TXST staff members (Oct. 23, 2026, 3:00 PM) (on file with author) ("We have been made aware that a political advertisement is currently displayed within these buildings. The Office of General Counsel (OGC) has advised that political signage is not permitted inside university buildings."). 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] *Policy and Procedure Statements*, Elections, Voting, and Civic Engagement On-Campus, Guidelines for Electioneering, TEX. STATE UNIV. (Oct. 31, 2025), https://policies.txst.edu/university-policies/06-02-10.html [https://perma.cc/7KBL-T7V2].

turned the signs on the news racks around until they could consult student press experts, and upon receiving information from those experts, sent a letter on October 26 to Pantlik arguing that the advertisements complied with TXST policy.[4] Newspaper staff turned the signs back to their original, visible position on October 27 after not receiving a response.

The next day, *The University Star* received a voicemail from Amanda Garza, an academic affairs administrative assistant, stating she had received an email from TXST administration asking staff "to remove any political advertisements from the newsstands of *The University Star*."[5] The newspaper's editor-in-chief and other newsroom staff checked for the advertisements on the news racks across various buildings and reported they were missing. Executive Vice President and Chief Operating Officer Eric Algoe responded to *The University Star*'s letter that same day, contending that "physical displays on the Texas State campus are subject to university policies" and that "the use of university facilities for certain advertising and solicitation purposes is prohibited."[6] He confirmed in writing that "the university has taken steps to enforce its policies by removing the advertisement from display racks located on the campus," all while purporting that "[t]he university recognizes and supports the editorial independence of student media."[7]

As you know, TXST, as a public university, is bound by the First Amendment.[8] Therefore, the university's actions and decisions—including interactions with the student press[9]—must comply with its constitutional obligations. TXST's own policy protecting the editorial independence of the student press affirms this principle, specifically providing that *The University Star* "student staff members decide and are responsible for news, **advertising**, and editorial content" and "will enjoy freedom of the press[.]"[10] Freedom of the press requires the student publication's ability to independently select and publish paid advertising, as the United States Court of Appeals for the Fifth Circuit made clear in *Mississippi Gay Alliance v. Goudelock*.[11] There, the court affirmed that "university authorities could not have ordered [a student] newspaper not to publish" an advertisement, relying on the established principle that advertisement decisions "'constitute the exercise of editorial control and judgment.'"[12] The

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[4] Letter from *The University Star*, *supra* note 2.

[5] Voicemail from Amanda Garza, administrative assistant, to *The University Star* (Oct. 28, 2026, 8:33 AM) (on file with author).

[6] Email from Eric Algoe, Exec. Vice President and Chief Operating Officer to *The University Star* (Oct. 28, 2026, 4:51 PM) (on file with author).

[7] *Id.*

[8] *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).

[9] *Bazaar v. Fortune*, 476 F.2d 570, 575 (5th Cir. 1973), *aff'd as modified*, 489 F.2d 255 (en banc) (public university regulation of the student press must conform with its constitutional obligations).

[10] *Policy and Procedure Statements*, The University Star and KTSW Policies and Procedures, Definitions, Tex. State Univ., (Aug. 1, 2025), https://policies.txst.edu/university-policies/02-04-01.html [https://perma.cc/JGG8-YVNL] (emphasis added).

[11] 536 F.2d 1073, 1075 (5th Cir. 1976).

[12] *Id.* (quoting *Miami Herald Publ'g Co. v. Tornillo*, 418 U.S. 241, 258 (1974)).

Fifth Circuit additionally proffered a remedy to a university's concern about being associated with certain content: a disclaimer.[13] Such a statement is already included on all *University Star* news racks.[14]

TXST community members, like those at universities across the country, recognize that student publications are not simply mouthpieces for administrators' preferred messages. That *The University Star* exercised its editorial discretion to accept an advertisement from a political candidate does not remove that decision from the First Amendment's protection. And a public university's application of its own policies, including those involving politics, must comply with the First Amendment.[15] *Husain v. Springer*, a Second Circuit case, illustrates that principle: a university's campaign rules governed candidates, not the student newspaper, and the application of those policies to the paper amounted to viewpoint discrimination that would deter future publication—a clear First Amendment injury.[16] Likewise, *University Star* editors will certainly be chilled from accepting and publishing political advertisements on news rack after this incident. In short, TXST cannot hide behind its own policies to commit a violation of *The University Star*'s First Amendment rights.

Courts have also rejected attempts to deprive the student press of advertising income—the direct result of TXST's actions here. For example, *Pitt News v. Pappert* dealt with a prohibition by the state of Pennsylvania on alcohol advertisements in media affiliated with universities, colleges, or other educational institutions, blocking student publications from that advertising income.[17] The United States Court of Appeals for the Third Circuit concluded the statute imposed a financial burden on university and college media that violated the First Amendment.[18] Just as "laws that impose special financial burdens on the media or a narrow sect of the media present a threat to the First Amendment,"[19] such financial burdens placed on student media threaten the rights of the student press.[20]

Nor may TXST justify its actions under Texas Government Code § 556.004,[21] which prohibits state agencies from using funding under their control to support a candidate. That statute plainly does not apply in this context. Not only is it the Hinojosa campaign, not TXST, that is paying *The University Star* to advertise the candidate, *The University Star* is not a state agency. And while Section 556.002(b) prohibits the use of mandatory student service fees to influence an election, no such funds are implicated here. Even the student advertising representative responsible for placing the advertisements in the racks is compensated exclusively through

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[13] *Bazaar*, 489 F.2d at 225; *see also Schiff v. Williams*, 519 F.2d 257, 260 (5th Cir. 1975).

[14] Letter from *The University Star*, *supra* note 2.

[15] *Husain v. Springer*, 494 F.3d. 108, 127 (2d Cir. 2007).

[16] *Id*. at 131.

[17] 379 F.3d 96, 101–02 (3d Cir. 2004).

[18] *Id*. at 109.

[19] *Id*.

[20] *Id*.; *see also Koala v. Khosla*, 931 F.3d 887, 899 (9th Cir. 2019); *Joyner v. Whiting*, 477 F.2d 456, 460 (4th Cir. 1973); *Stanley v. Magrath*, 719 F.2d 279, 282 (8th Cir. 1983).

[21] Texas Gov't. Code § 556.002.

advertising revenue, which is maintained in an account separate from student service fee funds.

Simply put, the university has no right to deprive *The University Star* of its independence in advertising decisions or the revenue it would have earned had TXST not unconstitutionally interfered. By removing its advertisements, TXST has not only harmed *The University Star*'s advertising revenue, but is also inflicting *irreversible* harm to its expressive rights. We therefore urge TXST to immediately rectify its unconstitutional actions by restoring the signs to *The University Star*'s news racks, and request a response no later than the close of business on October 30, 2026, informing us that such corrective action has occurred.

Sincerely,

Marie McMullan
Program Manager and Counsel, SPFI

CC: Sandy Pantlik, Vice President for Marketing and Communications
Eric Algoe, Executive Vice President and Chief Operating Officer