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Southeastern Legal Foundation Challenges Prior Restraint at Illinois State University

(Oct. 4, 2022) Normal, IL: In its latest battle in the fight for free speech on college campuses, [Southeastern Legal Foundation](#) (SLF) sent a [letter](#) warning [Illinois State University](#) that its [facilities use policy](#) imposes a prior restraint on speech. According to the policy, students must submit their flyers to campus administrators for approval before they can hang the flyers on campus. The only problem: the policy explicitly authorizes administrators to review the “message content” of each flyer.

SLF [explains](#) that this is a form of censorship. Under the First Amendment, colleges are not allowed to prevent students from engaging in speech activities based on the views they want to express or the messages they want to convey. So when Illinois State requires students to receive approval for their messages before they can hang flyers on campus, it violates basic First Amendment principles.

Director of SLF’s [1A Project Cece O’Leary](#) states, “We explain in our letter that there are no guidelines for administrators to follow when approving or denying a flyer based on ‘message content.’ It is entirely up to an individual administrator to decide whether he or she likes the message being conveyed in a flyer. Personal views will cloud administrators’ judgment and result in silencing students.”

SLF General Counsel [Kimberly Hermann](#) adds, “The Framers were especially wary of prior restraints and censorship. It is one of the main reasons they established the First Amendment. The government can’t stop individuals from engaging in speech just because it doesn’t like what they have to say. Illinois State is bound by the First Amendment, and we are holding it accountable.”