

# Randal Robinson

---

« [The Lord of the Maureen Dowd SuperSecret George Bush Decoder Rings](#) | [Main](#) | [Blog Update](#) »

September 25, 2003

## **Cal Poly Sued for Violating First Amendment**

Today, [Foundation for Individual Rights in Education \(FIRE\)](#) Legal Network attorney Carol Sobel and the Center for Individual Rights (CIR) filed a lawsuit in federal court against Cal Poly President Warren Baker for violating the First Amendment rights of Cal Poly student Steven Hinkle.

I wrote a [long post](#) earlier about Hinkle, who made the mistake of thinking that "multicultural" on college campuses included white male conservatives. He tried to post a flier promoting a speech sponsored by the Cal Poly College Republicans on a public bulletin board in the college's Multicultural Center and had the campus police called on him by some nearby students who decided that the flier was "disrespectful."

Here's part of what I wrote earlier:

So what was on this allegedly [racially offensive flier](#)? The name of the speaker, the title of his book, and the time, date, and location of the speech.

Now, in all fairness, the name of the book ["It's OK to Leave the Plantation"](#) could be considered mildly provocative. That's undoubtedly why author Mason Weaver - an African-American conservative who compares black dependency on government programs to slavery - chose that metaphor in the first place. It's a controversial position and the title of the book along with the photograph of Weaver might be open to misinterpretation. None of those factors, though, fall outside the scope of legitimate free speech or enter into the realm of racially offensive "hate speech" as one of the students called it later.

When all of this ended up on the university administration's desk it provided those educators with the perfect opportunity to explain the concept of free speech to the students who interfered with Hinkle's right to place the flier on a public bulletin board, right? Of course not. Hinkle was asked to write a letter of apology to the students and to meet twice with University ombuds to "discuss approaches, resources, and strategies available to you to accomplish your goals." In other words, re-education to insure that Hinkle's future goals didn't include the exercise of any free speech that may be

remotely offensive to the delicate flowers being incubated in Cal Poly's liberal greenhouse. When Hinkle refused to do time in Political Correctness camp for his thought crimes he ended up in a seven-hour disciplinary hearing.

Although the flier and its contents are clearly what was at the heart of the dispute, the Cal Poly administration cooked up charges against Hinkle of "disrupting a student meeting" - an informal Bible study taking place in the lounge of the Multicultural Center that apparently hadn't even begun yet - in order to avoid free speech issues. After reading the [full transcript](#) of the disciplinary hearing, the following things stood out:

- The Bible study was an informal gathering, not a recognized campus function.
- There were no signs posted anywhere indicating that a meeting was taking place.
- The lounge where the Bible study was taking place was a public area, not a private meeting room.
- The students were eating pizza and talking and accounts vary as to whether they had even started their Bible study yet.
- The "disruption" was initiated by the members of the Bible group when they challenged Hinkle's right to post the flier.
- Hinkle was ordered to leave the building by the Bible students even though, as a Cal Poly student, he had as much right to be in the Multicultural Center as they did.
- Hinkle's response to the claim that the flier was "disrespectful" was "Why? What's disrespectful about it?" and "Let's sit down and talk about it." This did not in any way warrant the involvement of the campus police.
- During the hearing Cornel Morton, Vice President for Student Affairs, brought up Hinkle's race and political affiliation as part of the cause of the disruption calling it a "collision of experience" for the black students in the Multicultural Center.

Hinkle's faculty advisor, Dr. Laura Freberg, a professor of Psychology at Cal Poly, called the charges "trumped up" and said Hinkle was "a scapegoat for a lot of disgruntled people on campus with the Cal Poly College Republicans. This is a very active, successful group that's been given a lot of credit locally in the local political activities. They're given credit for electing a number of local politicians who are not well received on campus."

After Hinkle refused to accept the punishment handed out by Cal Poly's kangaroo court he took his case to FIRE who got the national media involved. Apparently this wasn't enough to convince Cal Poly's administration to drop the matter so FIRE has just announced that it is [taking Cal Poly to court](#):

On September 25, 2003, President Warren Baker and other administrators of California Polytechnic State University (Cal Poly) were sued in federal court for violating the First Amendment rights of Cal Poly student Steven Hinkle. "It is unfortunate that Cal Poly administrators refused to fulfill their obligations to the Constitution. If President Baker will not defend the basic free speech rights of his students, we will," said Thor L. Halvorssen, CEO of the Foundation for Individual Rights in Education (FIRE), which coordinated the lawsuit.

The complaint requests that the court overturn Cal Poly's punishment of Hinkle and clear his record of any wrongdoing. It also asks for a ruling that Cal Poly's interpretation of "disruption"—which was used to punish clearly protected speech—is unconstitutional, and it requests punitive and other damages.

I'm looking forward to seeing how this plays out.

Posted by Randal R. at September 25, 2003 12:39 PM | [TrackBack](#)

Comments

What stands out to me from this account of the facts is that it was a Bible Study group that complained about Mr. Hinkle's flier. Bible Study groups are not usually associated with the extreme Liberal Left on college campuses or elsewhere.

I don't think I'm going go out on a limb when I say we can reasonably assume some of these offended students where most likely moderate to conservative in their usual outlook.

Now if this had been a meeting of the campus Gay Rights organization or a recruitment meeting for the NAACP or the Sierra Club, I could understand where there might have been some over zealousness on the part of these politically correct young people, which could have lead to an unfortunate "incident" occurring.

But why should these young Christian people take such offense to Mr. Hinkle's seemingly innocuous flier?

Seems to me there is more here than has been reported in the papers.

Posted by: **Silvio Mattacchione** at October 5, 2003 07:38 AM

Post a comment

Name:

Email Address:

URL:

Remember personal info?

Yes   No

Comments:

