



Rhode Island Affiliate, American Civil Liberties Union

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April 19, 2007

Neil Leston, President
URI Student Senate
Memorial Union, Room 201
50 Lower College Road
Kingston, RI 02881

Dear Mr. Leston:

On behalf of the Rhode Island Affiliate of the ACLU, I am writing to express our deep concern about the Student Senate's attempts to impose sanctions on the URI College Republicans for the group's free speech activities. We call upon Senate members to halt these efforts, which we believe are both counter-productive and inimical to the critical goal of any university in promoting wide-ranging, robust and uninhibited speech on political matters.

We have reviewed the various documents and news articles relating to this matter, and we fully concur with President Carothers that the First Amendment simply does not allow the Student Senate to require the College Republicans "to make certain representations that are clearly not their own." It would be unfortunate if the Student Senate were to show less concern for the free speech rights of its fellow students than does the university administration.

I do not wish to reiterate the many points that have already been made by others about this dispute, but in light of the extreme importance of the issues raised by this controversy, I believe a few additional comments are in order.

First, it must be emphasized that the analysis contained in SOARC Chairman Matthew Yates' letter, claiming that no free speech issues are involved in this dispute, simply does not stand up to the most minimal constitutional scrutiny. The claim that the First Amendment allows the "compelled speech of facts" in a political context like this is extremely problematic. If the College Republicans can be forced to submit a letter providing a "brief and accurate" description of the Student Senate's anti-discrimination provisions with which they may disagree, can a student civil rights group supporting racial goals in hiring be forced to submit a letter providing a "brief and accurate" description of U.S. Supreme Court decisions that have ruled various governmental affirmative action policies and statutes unconstitutional?

In any event, the requirement that the group provide a "brief and accurate" description of University non-discrimination provisions completely ignores the fundamental point that a major aspect of the current dispute revolves around the question of *exactly what those provisions cover*. It is the position of the College Republicans that the publication of an advertisement for an unconsummated scholarship program does not violate the Student Senate by-laws requiring non-discrimination by student organizations. We consider this to be an eminently sensible position. That some members of the Student Senate clearly disagree only demonstrates that the forced submission of an "accurate" description of the regulations is not quite as simple or "factual" as some might think.

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Like so many issues of freedom of speech, it is also worth noting the indivisibility of the principles involved. While the College Republicans may not wish to give credit where it is due, we must note that the theme underlying this exploit is closely related to actions promoted by women's rights groups a few years ago. Through a quick Internet search, we found references to earlier "discriminatory" bake sales conducted on college campuses and elsewhere by feminist groups to protest unequal pay in the workplace. For example, a summer 2002 newsletter of the Madison, Wisconsin chapter of NOW references a "Pay Equity Bake Sale," where it raised \$200. According to the newsletter, in order to "raise public awareness of the pay gap between men and women in the USA, we sold baked goods to women for 75 cents and to men for \$1.00." The same year, the Feminist Majority Leadership Alliance, a student club at San Francisco State University, held a similar bake sale. In each of these instances, as with the College Republicans, political clubs engaged in one-time activities that were clearly efforts at political speech designed to make a political point.

As the above suggests, there was nothing novel in this stunt. In fact, just three years ago, College Republicans on the Roger Williams University campus did the very same thing, offering a whites-only scholarship in an attempt to make a statement about affirmative action. That endeavor similarly generated controversy and calls in the Student Senate for limitation on the group's free speech activities. What was true then is just as true now: those efforts only gave the Republican club even more attention to their cause while diverting attention from a legitimate debate about affirmative action which is at the center of this controversy.

It is a truism, but one worth repeating, that the cure for "bad" speech is not its censorship – or, in this case, compelled speech – but instead the exercise of "good" speech by others. So it is with this controversy. We hope that the Student Senate will consider this matter carefully and both reject efforts to de-recognize the URI College Republicans and reverse the demands imposed upon the group by the SOARC.

Thank you in advance for considering our views.

Sincerely,



Steven Brown
Executive Director

cc: President Robert Carothers
Vice-President Thomas Dougan
Matthew Yates, SOARC
Ryan Bilodeau, URI College Republicans