
ADVOCACY AND AWARENESS ALLIANCE

May 7, 2014

Dear SGA Judiciary:

As the representatives of the Advocacy and Awareness Alliance, a coalition of student groups classified by the Johns Hopkins University Student Government Association ("The SGA") as Advocacy and Awareness organizations, we are respectfully filing a petition for writ of certiorari to review the constitutionality of Section 3 of Article IV of the SGA Bylaws.

Section 3 states that "[t]he SAC [Student Activities Commission] shall be tasked with providing all amenities entitled to approved student groups *with the exception of variable annual funding budgets to Advocacy and Awareness groups* [emphasis added]."

Whereas Section 2 of Article IV of the SGA Bylaws makes the five other categories of students groups eligible for annual SAC grants, Section 3 makes Advocacy and Awareness groups *ineligible* for annual SAC grants, solely on the basis of the fact that they may have and advocate for certain political and/or social justice-related viewpoints.

In "*Southworth v. The Board of Regents of the University of Wisconsin System*" (2000) the U.S. Supreme Court found that public universities may not distribute student group funds in a "viewpoint discriminatory" manner. In doing so, the Court upheld the Free Speech Clause-derived principle of "viewpoint neutrality" under the U.S. Constitution.

While First Amendment protections in general do not apply to private universities, Section 5 of the Bill of Rights of the SGA Constitution does apply to the SGA. Section 5 states that "[s]tudents have a right to free speech in all matters relating to the SGA."

We argue that the viewpoint discriminatory nature of Section 3 of Article IV of the SGA Bylaws violates the guarantee of free speech under Section 5 of the Bill of Rights of the SGA Constitution.

Viewpoint neutrality requires that student group funds be distributed *without* regard to the views of student organizations. Additionally, viewpoint neutrality requires that the process for funding student groups be based on criteria not "tied to viewpoint such as fiscal responsibility, relevance to mission, and level of services provided."¹

¹ <http://www.asm.wisc.edu/viewpoint-neutrality-in-funding-decisions.html>

In both *Southworth* and "*Rosenberger v. Rectors of the University of Virginia*" (1995) the Court in effect said that "[s]tate universities and colleges violate the right of free expression guaranteed by the First Amendment if they deny funding to a group because of the viewpoint it advocates, or if they require students to pay into a system whose official policies prohibit religious or political groups from receiving school funding."²

In light of both *Southworth* and *Rosenberger*, it is abundantly clear that Section 3 discriminates against Advocacy of Awareness groups by basing the system for funding student groups on criteria related to viewpoint. By denying Advocacy and Awareness groups the opportunity to apply for annual SAC grants, solely on the basis of the fact that they may have and advocate for certain political and/or social justice-related viewpoints, Section 3 fails to pass the viewpoint neutrality test required under the Free Speech Clause of the SGA Constitution.

It is worth noting that student groups in the other five categories defined by the SGA may also have viewpoints. For example, Cultural groups like Ciao! The Johns Hopkins Italian Club may have certain viewpoints about the virtues of Italian culture, while Religious and Spiritual groups like the Hindu Students Council may have certain viewpoints about the values of Hinduism. Discrimination based on *type* of viewpoint is one and the same with discrimination based on viewpoint; in either case, discrimination *with* regard to the views of student organizations is unconstitutional.

Finally, it is also worth noting that the guarantee of free speech under the SGA Constitution would be bereft of all meaning if it did not closely mirror the guarantee of free speech under the U.S. Constitution. That said, the Free Speech Clause of the SGA Constitution, which applies "in all matters relating to the SGA," is sufficiently broad in any case to be the basis for a ruling in our favor. We propose as a remedy that the you strike down Section 3, add "Advocacy and Awareness" to the categories listed in Section 2, and order the SGA to implement strict viewpoint neutrality in the student group funding process, with all due haste.

Thank you for your consideration of our petition for writ of certiorari to review the constitutionality of Section 3 of Article IV of the SGA Bylaws.

Respectfully yours,

² <http://www.thefire.org/pdfs/student-fees-3.pdf>

Meaghan Coffey, Benita Pursch, Ben Schwartz, Ross Terry
Co-Presidents
Hopkins College Democrats

Liana DiCredico
President
Hopkins College Republicans

Carlene Partow
President
Hopkins Feminists

Julia DeVarti
President
Hopkins J Street U

Nikita Singh
President
Students for Environmental Action

Mutasem Dmour
President
Students for Justice in Palestine

Vinitha Kumar
President
Voice for Choice

Jessica Janneck
President
Voice for Life