

February 25, 2010

Chancellor Marye Anne Fox
University of California, San Diego
9500 Gilman Drive, MC 0005
La Jolla, California 92093-0005

URGENT

Sent by Facsimile (858-534-6523)

Dear Chancellor Fox:

FIRE wrote to you on February 22 regarding the Associated Students of UCSD's (ASUCSD's) unconstitutional decision to freeze funding of all student media organizations at UCSD in order to silence the publication *The Koala* and the student-run TV station, SRTV. Further developments have made it clear that ASUCSD President Utsav Gupta and the members of ASUCSD have no intention of reversing this unlawful decision in the near future. Since ASUCSD is using the power delegated to it by UCSD to violate the constitutional rights of UCSD students, your administration must take immediate action to end this unlawful assault on students' rights. Every day that you fail to do so only increases the legal liability and moral culpability of the university for censoring 33 of its own student media groups.

Video of last night's meeting of the ASUCSD, which was called to consider lifting the funding freeze, makes it obvious that the constitutional rights of students are deliberately being sacrificed to political considerations. Last night, Alec Weisman, Editor-in-Chief of *The California Review* student publication (one of the student groups whose funding is frozen), faced several attempts by the ASUCSD to force him to stop videotaping their open meeting—attempts which even the ASUCSD finally determined were not legal. He was even physically assaulted by a student who objected to his videotaping, shoved him, and tried to slap his camera away from him. (This incident begins around the 5:20 mark at <http://www.youtube.com/watch?v=5d9eWsOxHxc>.)

Gupta's behavior may be even more disturbing. Another videotaped portion of the meeting shows an ASUCSD representative asking if there were legal reasons why they had to freeze funding for all student media organizations instead of just *The Koala*. Instead of saying the word "yes," Gupta makes an exaggerated "two thumbs up" gesture to signal the answer "yes," followed by an amused look when the questioner responds, "yeah, okay ... that's all I need to know." (This can be

seen at the start of the clip located at <http://www.youtube.com/watch?v=MrH15VIPDPc>.) If there is a reason that Gupta responded this way other than that he believed he was being clever by not verbally acknowledging that silencing *The Koala* was the intention all along, it is not apparent.

It is clear at this point that Gupta and the ASUCSD do not take First Amendment rights seriously. As we pointed out previously, UCSD has a non-delegable duty to ensure that First Amendment rights are protected on its campus. It may not simply offer the excuse that this argument is being worked out in the student government. The student media at UCSD have already suffered both constitutional and monetary harm through this spending freeze. This harm will only increase the longer the freeze continues. **Again, FIRE requests that you immediately intervene and restore funding to all student media organizations, including SRTV and *The Koala*, and that you make clear that any actions taken to punish any students or student organizations must be taken on a completely viewpoint-neutral basis.**

The abuse of student rights currently taking place at UCSD is unacceptable. FIRE will use all of its resources to ensure that the constitutional rights of UCSD students are respected, as both the law and basic fairness require.

Sincerely,



Robert L. Shibley
Vice President

cc:

Penny Rue, Vice Chancellor of Student Affairs

Sandra Daley, Associate Chancellor and Chief Diversity Officer

Glynda Davis, Assistant Chancellor for Diversity

Daniel W. Park, Chief Campus Counsel and Associate General Counsel

Jeff Gattas, Executive Director, University Communications and Public Affairs

Utsav Gupta, President, Associated Students of UCSD

Peter Benesch, Vice President, Finance and Resources, Associated Students of UCSD

Andrew Ang, Associate Vice President, Student Organizations, Associated Students of UCSD