

# CONSTITUTIONAL COUNCIL

## ASSOCIATED STUDENTS OF STANFORD UNIVERSITY

*STANFORD ANSCOMBE SOCIETY, PETITIONER v. GRADUATE STUDENT COUNCIL*

Majority opinion held and written by: Geo Saba, Milton Achelpohl, Ileri Hernandez, and Sona Sulakian

[May 17, 2014]

Argued April 30, 2014--Decided May 17, 2014

It is the Council's majority opinion, four members to one, that the Graduate Student Council (GSC) did not violate the Associated Students of Stanford University (ASSU) Constitution in revoking the \$600 of funding for the Stanford Anscombe Society's (SAS) conference: *Communicating Values: Marriage, Family, and the Media*. We find that the GSC acted within its powers designated to item by [Article II, Section 5 of the ASSU Constitution](#):

The members of the various Association populations shall also have **the ultimate authority to establish rules ensuring that funds derived from fees levied upon those populations are expended and accounted for properly**. As the representative bodies for the students, the legislative bodies of the Association shall exercise these powers in the names of the members of their respective constituencies.

We do not find that the denial or revocation of funding constitutes a prohibition or abridgement of free speech as argued by the petitioners, which would be in violation of [Article I, Section 3.2](#). It is this Council's opinion that GSC funding for events is not speech. If legislative funding was speech and student groups have a right to speech, then student groups would have a right to funding. There is simply not enough money for the GSC to distribute, if every group argued that they had a right to speech, and thus deserved funding. Given the limits of the available funds, the GSC is given the constitutional authority to decide what events it funds. The GSC did not pass legislation to prevent the event from taking place, nor did it pass legislation to prevent certain controversial speakers to attend the conference. An argument can be made (and was) that the event or certain speakers were unable to attend because the funding was revoked, but once again, this Council does not believe student groups have a right to funding. It is the GSC's "ultimate authority" to decide how it distributes its limited funds.

Another way to consider the issue of legislative funding as speech is to examine the powers of the United States Congress. The US Congress is limited by the First Amendment in that it cannot pass a law prohibiting speech. For example, if a group wanted to hold a controversial rally, where minority (even controversial) opinions and speech were to be expressed, Congress would not have the constitutional authority to do so. This being said, they are not required nor expected to pass legislation to fund such events. We see this to be the same case in how the ASSU's constitution is construed. The GSC did not pass a resolution banning the event from taking place. Instead, as argued by the GSC, it did not actively support the event with its funds. Thus, this Council does not feel that SAS' speech was abridged or prohibited.

This Council shares the SAS' concern (along with other ASSU members, expressed in [Amicus Briefs](#)) that ruling the GSC's action constitutional puts minority groups on campus at risk of

discrimination. This Council agrees that there is an importance to protect the rights of minority groups and opinions on campus, as such discussion and engagement are important to have on Stanford's campus. Unfortunately, there is not an explicit clause in the Constitution that protects against discrimination in terms of funding. Thus, we will suggest to the GSC that it pass new by-laws that protect the rights of minority viewpoints on campus, so that, going forward, funding is not done in a discriminatory manner. We advise that the GSC keep its current by-laws, including [2013-14 GSC Funding Guidelines 3.B.12. a-b](#), and should retain the right to determine which events meet that standard. The current iteration of by-laws, and especially the inclusivity by-law, does not in our opinion include a sufficiently strict mechanism or process for determining if adequate standards, like inclusivity, are met when funding events. This Council would request the inclusion of a rigorous examination or strict scrutiny when determining, for example, if an event, has "any tone of exclusivity", or "where a given segment of the graduate student population are made to feel unwelcome". While the action of revoking funding in this case was constitutional, we are concerned that a rigorous argument was not presented or provided as to how the event in question, violated the GSC's by-laws. This being said, we believe the constitution does in fact grant the GSC the "ultimate authority" in drafting its bylaws and exercising this right. Moving forward, we would like to see the GSC provide more meticulous and compelling reasoning when considering funding for events where content, inclusivity and subjectivity are at play. This will hopefully provide a more rigorous precedent and prevent future cases from being brought before the Council based on claims of discrimination. Simply put, stricter metrics should be adopted by the GSC to prevent minority viewpoint discrimination.

We feel that the role of the Council in this case is not to determine whether or not the SAS event violated the inclusivity by-law, as we find this authority has been constitutionally granted to the GSC. Beyond this, the Council notes that it was not provided sufficient details in the methods the GSC used to determine the inclusiveness of the event, something we hope our recommendations might remedy in the future.

The [evidence provided by SAS](#), having to do with the event that took place was not taken into consideration, as the revocation of funding took place before the event. In addition, we do not feel compelled to follow the precedents set by the Supreme Court of the United States of America, given our responsibility is limited to interpreting the ASSU Constitution. Indeed, we have only compared our holding to the operations of the US Congress to illustrate our position and why we think it sensible. No such argument could ever be binding on this Council.

The actions of the Graduate Student Council in revoking \$600 of funding for the Stanford Anscombe Society's (SAS) conference: *Communicating Values: Marriage, Family, and the Media* are found to be constitutional. The request of the petitioner to order the GSC to allocate \$600 in funding for a future Anscombe event is not granted.

*It is so ordered.*