



October 9, 2015

Kate Cullen
President, Wesleyan Student Assembly
Wesleyan University
45 Wyllys Avenue
Middletown, Connecticut 06459

Sent via Electronic Mail

Dear Ms. Cullen:

The Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, academic freedom, due process, freedom of speech, and freedom of conscience on America's college campuses. Our website, thefire.org, will give you a greater sense of our identity and activities.

FIRE writes to the Wesleyan Student Assembly (WSA) today to express our concern for the implications for freedom of expression at Wesleyan University presented by the potential defunding of *The Wesleyan Argus* following controversy over a student's opinion column. The column in question critiqued the Black Lives Matter movement and resulted in calls to boycott the *Argus* as well as to physically destroy its print copies, and appears now to have led to a resolution which, if passed, could significantly reduce the funding the *Argus* receives through student fees collected by the WSA. Such action against the *Argus*, if carried out, constitutes retaliation against the newspaper due to the viewpoint of one of its writers and violates the principles of freedom of expression and Wesleyan's own commitments to free speech. We strongly urge the WSA to reject calls to reduce or eliminate funding for the *Argus*.

The following is our understanding of the facts. Please inform us if you believe we are in error.

In an article published by the Student Press Law Center (SPLC) October 7, titled "Wesleyan student government considers cutting the *Argus*' printing budget in half after diversity debate," reporter Tara Jeffries wrote:

The controversy wracking Wesleyan University's campus in response to Bryan Stascavage's Sept. 14 *Argus* opinion piece criticizing Black Lives Matter has culminated in a student-government resolution to divert a bulk of the newspaper's printing budget to work-study positions at various campus publications.

The resolution, which surfaced at the Sunday Wesleyan Student Assembly Senate meeting, would cull up to \$17,000 from *The Argus'* printing budget of about \$30,000 and use it to fund work-study positions at the top campus publications of students' choice, Stascavage said. The work-study positions would be aimed at increasing diversity in the campus' student publications, which are predominantly white. The resolution could not be found online.

Prior to Jeffries' reporting, a boycott petition signed by more than 150 Wesleyan students called for WSA funding to the *Argus* to be revoked until a series of demands were met, including "Social Justice/Diversity training" for all campus publications each semester and mandatory front-page space for "marginalized groups/voices." The petition also announced the boycotters' commitment to "recycling the *Argus*"—a reference to the physical destruction of printed copies of the *Argus*.

The resolution concerning possible future cuts to the *Argus'* funding is scheduled to be debated at the WSA's next meeting, to take place this Sunday, October 11.

To financially punish the *Argus* due to the offense others take at its content contradicts a well-established First Amendment principle: Public universities are required to grant expressive student organizations recognition and access to the funding of student activities on a viewpoint-neutral basis. See *Board of Regents of the University of Wisconsin System v. Southworth*, 529 U.S. 217, 233 (2000) ("When a university requires its students to pay fees to support the extracurricular speech of other students, all in the interest of open discussion, it may not prefer some viewpoints to others."); *Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819, 836 (1995) ("For the University, by regulation, to cast disapproval on particular viewpoints of its students risks the suppression of free speech and creative inquiry in one of the vital centers for the Nation's intellectual life, its college and university campuses.").

As a private institution, Wesleyan is not bound by the First Amendment or the Supreme Court's rulings. But the university makes numerous clear commitments to freedom of expression, which the WSA, acting as Wesleyan's agent in distributing funds collected through mandatory student activity fees, is obligated to uphold. The preamble to Wesleyan's Joint Statement on the Rights and Freedoms of Students, for instance, states:

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals.

Wesleyan's current student handbook further states:

In accordance . . . with the ideals of academic freedom, every member of the Wesleyan community should feel that he or she can enter into controversy without fear of being silenced or constrained. This community's commitment to the free exchange of ideas and pursuit of knowledge requires a wide range of protections for speech and expression, even when noxious or offensive.

Wesleyan's leaders have used the current *Argus* controversy as an opportunity to reaffirm these principles. In a letter posted to President Michael Roth's blog September 19, Roth, Provost Joyce Jacobsen, and Vice President for Equity and Inclusion Antonio Farias wrote:

Debates can raise intense emotions, but that doesn't mean that we should demand ideological conformity because people are made uncomfortable. As members of a university community, we always have the right to respond with our own opinions, but there is no right not to be offended.

Defunding the *Argus* either in part or in full due to student opposition to its content stands in direct opposition to these admirable commitments to free expression. The WSA must not condition the funding it gives to the *Argus*—or to any student organization at Wesleyan—on the popularity of the opinions expressed by its writers. To do so would undermine freedom of expression at Wesleyan, make a mockery of journalistic freedom on its campus, and fail the WSA's responsibility to ensure access to the marketplace of ideas for all students, regardless of their opinions.

We urge the Wesleyan Student Assembly to reject any resolution calling for the reduction or elimination of funding to *The Wesleyan Argus* based on viewpoint. We appreciate your attention to FIRE's concerns.

Sincerely,



Peter Bonilla

Director, Individual Rights Defense Program

cc:

Wesleyan Student Assembly Leadership Board

Michael Roth, President, Wesleyan University

Joyce Jacobsen, Provost, Wesleyan University

Antonio Farias, Vice President for Equity and Inclusion, Wesleyan University