



August 12, 2020

Justin Gordon
Chief, Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

Sent via Public Information Act Electronic Filing System

Re: ORD ID# 848178 / UNT Public Information Request No. 7886
Request: July 17, 2020
Requestor: Empower Texans Foundation, Inc. / Robert Montoya

Dear Mr. Gordon:

This letter is a public comment submitted pursuant to Texas Government Code section 552.304 with respect to the above-referenced request under the Public Information Act.

The Foundation for Individual Rights in Education¹ and the Student Press Law Center² write in support of the First Amendment rights of the *North Texas Daily* and Ileana Garnand. The foregoing request would require the University of North Texas to compel a student newspaper and journalist to divulge unpublished materials to an organization discontent with its coverage. Doing so will violate the rights of the newspaper and journalist against compelled disclosure of unpublished information. These rights are established under the First Amendment, the Texas State Constitution, and the Texas Free Flow of Information Act.

Accordingly, we urge the Office of the Attorney General to determine that the requested materials are confidential.

¹ The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

² Founded in 1974, the Student Press Law Center (SPLC) is the nation's only legal assistance agency devoted exclusively to supporting, defending, and educating high school and college journalists about the rights and responsibilities embodied in the First Amendment and supporting the student news media in covering important issues free from censorship. The SPLC is a nonpartisan, nonprofit organization.

I. Factual Background

In July, students at the University of North Texas (“UNT”) complained about the expressive activity of a conservative student organization, a chapter of the Young Conservatives of Texas (“YCT”). In response, UNT’s president tweeted that the university was “looking into” their complaints, suggesting that the administration was considering punishing the chapter—an act that would violate YCT’s First Amendment rights.³

The *North Texas Daily* is the student newspaper at UNT. While the *Daily* is “housed inside the Mayborn School of Journalism” at UNT, it “operates independently of the journalism school.”⁴

On July 16, the *Daily* published a report on the controversy, written by journalist Ileana Garnand.⁵ In articles on its own website, the requestor criticized the *Daily* report as “biased” because it did not “mention the threats of violence leveled at YCT” or its leader and “frames the extreme-left coalition as the victims.”⁶

The instant request followed the next day, seeking “all communications,” concerning YCT—including emails, voicemails, and text messages—“in the possession of North Texas Daily” or its reporter.⁷ UNT has asked the Office of the Attorney General of Texas to rule that some or all of the records fall into the Public Information Act’s exception for confidential materials.

II. Analysis

A student newspaper is not a government body subject to the Public Information Act, nor are the unpublished materials of a student journalist “public information” subject to the Act. Even assuming it is subject to the Act, a journalist’s unpublished information is confidential under the First Amendment to the Constitution of the United States, Article 1 of the Texas Constitution, and the Texas Free Flow of Information Act.

Furthermore, to the extent such a record would be subject to the act, it would have to be in the institution’s possession. The purpose of maintaining such a record would be related to the

³ Brad Johnson, *UNT “Looking Into” Removal of Conservative Group, Measure May Violate New State Law*, THE TEXAN, July 10, 2020, <https://thetexan.news/unt-looking-into-removal-of-conservative-group-measure-may-violate-new-state-law>.

⁴ *About – North Texas Daily*, N. TEX. DAILY, <http://www.ntdaily.com/about>.

⁵ Ileana Garnand, *Petition seeks to remove YCT from campus citing alleged racism, homophobia, transphobia*, N. TEX. DAILY, July 16, 2020, <https://www.ntdaily.com/petition-seeks-to-remove-yct-from-campus-citing-alleged-racism-homophobia-transphobia>. (**Exhibit 1**)

⁶ Robert Montoya, *College Democrats Don’t Condemn Threats of Violence Against Conservatives*, TEX. SCORECARD, July 20, 2020, <https://texasscorecard.com/metroplex/college-democrats-dont-condemn-threats-of-violence-against-conservatives> (**Exhibit 2**); Robert Montoya, *Is UNT a Hostile Learning Environment for Conservatives?*, TEX. SCORECARD, July 28, 2020, <https://texasscorecard.com/metroplex/is-unt-a-hostile-learning-environment-for-conservatives> (**Exhibit 3**).

⁷ Letter from Robert Montoya, Empower Texans Foundation, Inc. to Alan Stucky, Vice Chancellor & General Counsel, Univ. of N. Tex. (July 17, 2020) (on file with author) (**Exhibit 4**).

educational opportunity provided to students via the *North Texas Daily*. Such a record would therefore be exempt from disclosure under the federal Family Educational Rights and Privacy Act (FERPA),⁸ which is incorporated by reference into state law.⁹

A. *Student newspapers are often editorially-independent publications, not governmental bodies subject to the Public Information Act.*

The request fundamentally misconceives the relationship between a student newspaper and university. Student newspapers—including those operated in conjunction with departments of journalism—are not themselves government actors,¹⁰ and public universities may neither censor nor direct their content.¹¹ Consequently—as this office has previously determined—student newspapers are not government bodies for purposes of the Public Information Act.¹² Nor is the unpublished information of a newspaper or journalist “public information” within the meaning of the Act, as it is not material produced for a government body (in this case, the University of North Texas) and to which the government body has a right of access.¹³ Therefore, the materials sought by the requestor may not be disclosed under the Public Information Act.

B. *Even if the newspaper were subject to the PIA, the request seeks information protected as confidential under the First Amendment, Texas Constitution, FERPA, and Texas Free Flow of Information Act.*

The information sought by the request is confidential under the First Amendment, Texas Constitution, and the Texas Free Flow of Information Act. As a result, it is excepted from disclosure under Government Code section 552.101, which applies to “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

i. *The information is confidential under the First Amendment and Texas Constitution, which recognize a reporters’ privilege.*

Even if the *Daily* was a government actor and the information sought were “public information” under the Public Information Act, journalists have a qualified privilege, under the First Amendment and Texas Constitution, against the compelled disclosure of

⁸ 20 U.S.C. § 1232(g).

⁹ Gov’t Code § 552.026 (FERPA records exempt from disclosure) and § 552.114(1) (permitting disclosure of information when consistent with FERPA); *see also* Open Records Decision No. 634 (1995) (concluding FERPA information exempt from disclosure).

¹⁰ *Yeo v. Town of Lexington*, 131 F.3d 241, 251-55 (1st Cir. 1997) (editors’ decision was not considered “state action” in section 1983 claim); *Sinn v. Daily Nebraskan*, 829 F.2d 662, 666 (8th Cir. 1987) (editorial decision did not constitute “state action”).

¹¹ *Miss. Gay Alliance v. Goudelock*, 536 F.2d 1073, 1075 (5th Cir. 1976); *Bazaar v. Fortune*, 476 F.2d 570, 575 (5th Cir. 1973).

¹² Open Records Letter No. 2001-2594 (2001).

¹³ Gov’t Code § 552.002(a)(1).

unpublished material.¹⁴ As a result, the records requested would be exempt from disclosure, because the request seeks confidential information within the meaning of section 552.101.

The United States Court of Appeals for the Fifth Circuit has joined other federal circuits in holding that a “reporter has a First Amendment privilege which protects the refusal to disclose” confidential information.¹⁵ As a result, even unpublished information held by journalists working under the editorial supervision of government bodies may remain confidential against compelled disclosure unless the requestor shows that the information is “relevant,” cannot “be obtained by alternative means,” and there is a “compelling interest in the information[.]”¹⁶

Similarly, Texas courts have held that the Texas Constitution, which protects the “liberty of speech” and “of the press,”¹⁷ establishes a qualified reporters’ privilege against compelled disclosure of “investigative materials and notes” sought by a third party.¹⁸ That privilege may be overcome only where the third party makes a “clear and specific showing” that “the information sought is: (1) highly material and relevant; (2) necessary or critical to the maintenance of the claim; and (3) not obtainable from other available sources.”¹⁹

To the extent that this body determines the *Daily* is a government body subject to the Public Information Act, the request still fails because the requestor cannot meet the heavy burdens imposed by the First Amendment and the Texas Constitution. Because the request is not in service of remedying a legal injury, it is not necessary or critical to any claim, much less highly material and relevant to that claim. At best, the request seeks information for information’s sake; at worst, it seeks to harass a journalist for critical coverage.

It is of no moment that a journalist is employed by a newspaper serving a university community. Student journalists are journalists, entitled to the full spectrum of rights and privileges afforded to journalists employed at other publications. That includes, as the United States Court of Appeals for the Tenth Circuit held in *Silkwood v. Kerr-McGee Corp.*, students at institutions of higher education.²⁰ There, a film student interviewed witnesses about the death of a scientist and labor activist who was contaminated by plutonium.²¹ The scientist’s estate, suing her employer, subpoenaed the film student, arguing that he was not a “genuine reporter” entitled to assert a privilege.²² The court disagreed, declining to find that the fact that he was “not a salaried newspaper reporter” was sufficient to deny him the privilege.²³

¹⁴ *Dallas Morning News Co. v. Garcia*, 822 S.W.2d 675, 678–79 (Tex. App. 1991).

¹⁵ *Miller v. Transamerican Press*, 621 F.2d 721, 725 (5th Cir. 1980).

¹⁶ *Id.* at 726.

¹⁷ Tex. Const. art. 1, § 8.

¹⁸ *Channel Two Television Co. v. Dickerson*, 725 S.W.2d 470, 472 (Tex. App. 1987).

¹⁹ *Id.*

²⁰ 563 F.2d 433, 435 (10th Cir. 1977).

²¹ *Id.*

²² *Id.* at 437.

²³ *Id.*

ii. The information is confidential under the Texas Free Flow of Information Act.

The Texas Free Flow of Information Act (“FFIA”)²⁴ provides an additional, statutory shield against compelled disclosure of a journalist’s unpublished material. The FFIA provides that government actors may not “compel a journalist to . . . disclose” any “confidential or nonconfidential information, document, or item obtained or prepared while acting as a journalist,”²⁵ except where there is a “clear and specific showing” that the material is “essential” to a “claim or defense of the person seeking” the information.²⁶ As above, the requestor is not pursuing vindication of a legal right, but is instead seeking the type of “speculative” information that does not overcome the privilege.²⁷

Even if the *Daily*’s journalists were said to act for the benefit of the university, as opposed to as an editorially-independent newspaper, the FFIA would shield their unpublished material from compelled disclosure. The FFIA broadly defines the journalists it shields, expressly including any “journalist . . . employed by an institution of higher education[.]”²⁸ As a result, the FFIA bars compelled disclosure whether the *Daily* is independent or a subsidiary of UNT.

iii. The information is confidential under FERPA.

Even if the *Daily* were viewed as an agent of the university by virtue of its relationship with the Mayborn School of Journalism, the information would then be protected by FERPA, which prohibits an educational institution receiving federal funding from having a policy or practice of disclosing personally identifiable information contained in education records.²⁹ Information is considered personally identifiable if it would lead a reasonable person in the school community to identify the student.³⁰ Education records are “those records, files, documents, and other materials which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.”³¹

If the *Daily* were to be considered a government body subject to the public information act, it would be because it fulfills part of the government body’s (UNT’s) mission. The mission of the *Daily* is “to create a professional business atmosphere where students can experience and learn the ethics, challenges, and professionalism” required in the professional media world.³² Its relationship to UNT is, accordingly, structured to serve this educational mission.

²⁴ Civ. Prac. & Rem. Code §§ 22.021–22.027.

²⁵ Civ. Prac. & Rem. Code § 22.023(a).

²⁶ Civ. Prac. & Rem. Code § 22.024(6).

²⁷ Civ. Prac. & Rem. Code § 22.024(5).

²⁸ Civ. Prac. & Rem. Code § 22.021(2)(B).

²⁹ 20 U.S.C. § 1232(g).

³⁰ 34 C.F.R. pt. 99; 73 Fed. Reg. 74,806, 74,831–32 (Dec. 9, 2008).

³¹ 20 U.S.C. § 1232g(a)(4)(A) (2012).

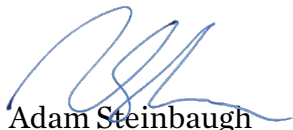
³² *About – North Texas Daily*, N. TEX. DAILY (last accessed Aug. 11, 2020), <http://www.ntdaily.com/about>.

The underlying request seeks records and communications that relate to specific, identifiable students. If those records are indeed in the “possession” of the government body by virtue of being maintained by the *Daily*, and if the *Daily* exists to provide an educational opportunity on behalf of UNT, then the request seeks personally identifiable education records, and those records are not subject to the public information act, as per FERPA and Government Code Sec. 552.026.

III. Conclusion

FIRE and the SPLC respectfully submit that the request must be denied because it seeks information from a non-government agency and invades the journalists’ right of confidentiality under the First Amendment, Texas Constitution, and Free Flow of Information Act.

Sincerely,



Adam Steinbaugh
Director, Individual Rights Defense Program
Foundation for Individual Rights in Education



Mike Hiestand
Senior Legal Counsel
Student Press Law Center

Cc: Robert Montoya, Empower Texans, Requestor
Renaldo Stowers, Senior Associate General Counsel, University of North Texas
Ileana Garnand, *North Texas Daily*
Spencer Kain, Editor-in-Chief, *North Texas Daily*

Encl.

Exhibit 1:

Ileana Garnand, *Petition seeks to remove YCT from campus citing alleged racism, homophobia, transphobia*, N. TEX. DAILY, July 16, 2020

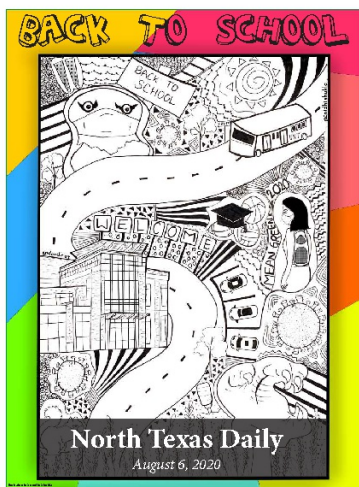
Petition seeks to remove YCT from campus citing alleged racism, homophobia, transphobia



July 16 12:00 2020

by Ileana Garnand

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6th August, 2020

A petition to remove the university's Young Conservatives of Texas (YCT) chapter is circulating as students criticize the organization for incidents of alleged racism, homophobia and transphobia.

The [petition](#), which had over 2,500 signatures Monday, was co-created by student organizations UNT GLAD, MUEVE and UNT College Democrats. The petition argues YCT has engaged in multiple statements and actions that directly conflict with the university's [definition of equity](#).



"We're not asking for them to be removed because they're conservatives," Brett Davis, vice president of UNT Democrats said. "We're going after them because they're racist, homophobic and transphobic."

The petition also calls for the implementation of a "3-Strike" policy. The proposal requires any student-led organization to be allowed to be formally reprimanded by the university through charter suspension. After three instances of reprimands, the organization would be permanently disbanded and barred from future reinstatement.

The university's chapter of YCT was previously dissolved in 2005 after holding an event where students were awarded candy bars for 'capturing' people posing as undocumented immigrants. The organization was reinstated in the fall of 2019.

Student Activities manages the approval process for requests to register as a student organization.

"The process for the approval of new [or reinstated] student [organizations] follows the Student Organization Policy," Director of Student Activities Christa Coffey said. "If a group requests approval and meets the criteria, they are approved."

Since its return to campus, YCT has had several conflicts with other organizations, including those who serve minority groups.

"I believe that YCT should be removed from campus because I'm a queer person that goes to a minority-serving university," GLAD President Ryan Semegran said. "There are students that specifically go to UNT because they're branded as a liberal college that takes everybody and accepts everybody."

On Oct. 11, 2019, YCT co-opted the celebration of National Coming Out Day by offering an event for students to "come out" as conservatives and enjoy snacks. Some students felt this event trivialized and dismissed the LGBTQ+ community, who, according to the petition, come out at the risk of being hated and even killed for who they are.

YCT also held an affirmative action bake sale with prices adjusted to students' race and gender. White and Asian students were charged more than Black and Hispanic students, with Indigenous students listed as "free".

Some students took issue with this because they believe it implies certain non-White races receive special treatment in educational and professional settings.

Another incident included a response to GLAD's criticism of a now-deleted YCT tweet, which said, "pronouns in your twitter bio isn't a personality trait." A screenshot of the tweet is included in the petition.

YCT also insinuated in a now-deleted tweet that GLAD based its club on "having HIV." YCT removed the member responsible for the latter message, former GLAD president and international studies major Aeon Wood said.

YCT's Chairman Kelly Neidert released a [statement](#) on behalf of the organization on July 7 regarding students calling for their disbandment and the tweet regarding GLAD.

"As we have made clear before, the person responsible for that tweet was removed from the organization almost immediately due to a few different reasons," Neidert said in the statement. "However, to say the tweet was

'transphobic' or 'homophobic' is absurd. The national GLAD entity's primary focus is HIV awareness, and thus we believed that the UNT GLAD chapter would share that."

A meeting between both organizations' leadership was held as a result. It was initiated by an unidentified YCT member who Wood said, "expressed a want to try to smooth things over between our [organizations]." Neidert was also present.

Wood recounted the "over the top and unnecessary" [peace treaty](#) that was presented to the GLAD representatives, which offered to remove YCT's Twitter reply if GLAD followed in suit. The treaty stated that YCT's original tweet about pronouns would stay published.

"[The conversation] was all things along the lines of 'I'm sorry for how what we said was interpreted,' or how we 'chose to be upset' by things that were said," Wood said. "There was no sincerity, and it was fairly obvious that they weren't sorry for what was said, just sorry that they got called out on their lack of research and vocalized bigotry."

In its statement, YCT called the "outrage" "unjustified" and "due to the conservative ideology that we follow."

"For me and MUEVE, it has nothing to do with [YCT's] values," social media head for MUEVE and sophomore Angie Gonzales said. "It has nothing to do with their conservative standpoint or beliefs, but when it starts to affect other marginalized groups of people [...] it becomes an issue."

YCT also mentioned in their statement it has no affiliation with the previous chapter members involved in the 2005 incident which led to their disbandment.

On July 10, the North Texas College Republicans released a statement saying that they do not condone the actions of YCT and emphasized the two organizations are not affiliated.

"I'm incredibly proud to call [North Texas College Republicans] the party across the aisle," Davis said.

Student leaders from GLAD, MUEVE and UNT Democrats spoke with the director of Student Affairs on July 13 in a closed-door meeting. This followed President Neal Smatresk's [tweet](#) saying the university is "looking into" YCT's actions.

Neither YCT nor Kelly Neidert responded to requests for comment.

Featured illustration by Austin Banzon

Tags [kelly neidert](#) [mueve](#) [north texas college republicans](#) [unt democrats](#) [unt glad](#) [yct](#)
[young conservatives of texas](#)

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ILEANA GARNAND

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Exhibit 2:

Robert Montoya, *College Democrats Don't Condemn Threats of Violence Against Conservatives*, TEX. SCORECARD, July 20, 2020

College Democrats Don't Condemn Threats of Violence Against Conservatives

Democrat coalition's new strategy is to isolate conservative student organization at University of North Texas, which they hope will "virtually silence them."

By [Robert Montoya](#) July 20, 2020

Tweet this:

- [.@UntDemocrats adopt new strategy to isolate @YctUnt, which they hope will "virtually silence them." #txlege](#)
- [Taxpayer-funded @ntdaily published an article that seems to follow @UntDemocrats' new strategy to isolate and silence @YctUnt . @ntdaily does not mention the threats of violence made against @YctUnt or @kelly_neidert #txlege](#)

UPDATE 7/20/20 1:30 PM: Within 30 minutes of publication, UNT College Democrats issued the following reply to our press inquiry:

"UNT College Democrats condemns any threats made against YCT or their Chairwoman Kelly Neidert. No threats of violence have ever been sanctioned by UNT College Democrats. We emphatically stand against hate and harassment."

UNT College Democrats condemns any threats made against YCT and their Chairwoman K Neidert. No threats of violence have ever been sanctioned by UNT College Democrats—we emphatically stand against hate and harassment. We strongly adhere to UNT's Student Code of Conduct, which can be found here: policy.unt.edu/policy/07-012. No student, faculty, or staff member should ever feel unsafe on UNT's campus. Therefore, we are shifting our focus to offer support to the international student community, providing resources related to Covid-19, and an overall concentration to campus safety as a whole. Our intention is to contribute to a campus that prioritizes students first by sharing and creating our own resources instead of relying on an institution that doesn't value the well-being of its own students. We hope that this will ultimately benefit all students at UNT.



1:00 PM

Many UNT students have recently expressed that they feel unsafe on campus due to YCT racist, homophobic, and transphobic behavior on campus and online. We would like to ask YCT: what will you do to ensure the safety of students at UNT, including the right to exercise their freedom of speech on all viewpoints? Should we publicly condemn their racist, homophobic, and transphobic past.



We will not be responding to any more questions at this time.

1:02 PM

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[12](#)

They continued to label YCT at UNT's actions as "racist, homophobic, and transphobic." UNT Democrats didn't respond to our inquiry regarding what they will do to ensure the safety of all students exercising their freedom of speech on campus. Instead, they asked YCT at UNT what they will do on that front, and they asked YCT and UNT to accept and condemn their actions as "racist, homophobic, and transphobic."

[The Democrats' original press release](#) that didn't condemn threats of violence against YCT at UNT and Neidert is still on Twitter.

In a recent press release, Democrats at the University of North Texas (UNT) refused to condemn threats of violence leveled against conservative students, and instead announced a new strategy to silence these conservatives. This follows the College Democrat's push to ban Young Conservatives of Texas (YCT) from campus and a new biased article from the campus' taxpayer-funded newspaper, favoring the Democrats' position.

Recently, a coalition of extreme-left student organizations at UNT, led by UNT College Democrats, started [a petition to ban YCT at UNT.](#)

[This coalition alleges YCT at UNT](#) has “a pattern of racism, transphobia, and homophobia throughout the 2019 through 2020 school year.” One of these allegations caught the attention of UNT President Neal Smatresk, who said, “We are looking into this.”

[YCT at UNT replied in part:](#)

“We are not a perfect organization, but it is clear that some students just want us disbanded because we are conservatives. We are not going to bow down to the leftist mob that is filled with [vitriol] and hate.”

Over the past few weeks, [YCT at UNT has been threatened](#) with violence and doxxing (attempts to publish private and identifying information on the internet). They also faced hexing from a witch, and they claim to have been hacked.

These actions, along with Smatresk's tweet, have garnered nationwide concern about free speech at UNT. State Rep. [Briscoe Cain](#) (R–Deer Park) announced [he would gladly represent them](#) if they are banned.

Saturday morning, [the UNT College Democrats published a press release](#) where they condemned the attempt to doxx members of YCT at UNT, but the group did not condemn the other threats leveled at the conservative student organization.

YCT at UNT Chairwoman Kelly Neidert told *Texas Scorecard* the release was “definitely not satisfactory.”

“They should have condemned the actual threats of violence and overall harassment, not to mention the witches,” she said.

Mentioning “recent interactions with the UNT administration,” the College Democrats admitted their ban petition has failed. But they are not backing down, adding YCT won't be banned “unless UNT is liable for the group's actions”—actions UNT Democrats have labeled as “bigoted” and “hate speech.”

They have since announced a new strategy. Labeling YCT at UNT as a “right-wing hate group,” the Democrats plan to raise the volume of those they claim are the “most vulnerable to right-wing hate groups such as YCT.” UNT Democrats hope this strategy “virtually silences” the conservative student organization, and their new approach appears to already be underway.

On July 16, two days earlier, *North Texas Daily*—UNT's taxpayer-funded student newspaper—[published a biased article about the petition to ban YCT at UNT](#). Nowhere in the article did it mention the threats of violence leveled at YCT or Neidert, and it frames the extreme-left coalition as the victims.

In the article, one coalition member said:

“I believe that YCT should be removed from campus because I'm a queer person that goes to a minority-serving university,” [GLAD President Ryan Semegran said](#). “There are students that specifically go to UNT because they're branded as a liberal college that takes everybody and accepts everybody.”

Leftist organizations like GLAD use sexual identity as a Trojan horse to push leftist political agendas such as silencing freedom of speech.

Texas Scorecard sent an inquiry to Smatresk, asking if this article was sanctioned by UNT and if it is indicative of moves coming against YCT from the university. No response was received by publication time, and Smatresk has issued no new statement on this.

In a clear attempt to isolate YCT at UNT, the coalition is also pushing for other student organizations on campus to have a “no-contact order” with the conservative student organization.

Exhibit 3:

Robert Montoya, *Is UNT a Hostile Learning Environment for Conservatives?*,
TEX. SCORECARD, July 28, 2020

Is UNT a Hostile Learning Environment for Conservatives?

“It doesn’t feel as safe as it did this past spring or fall before we left, for sure.”

By [Robert Montoya](#) July 28, 2020

Tweet this:

- [“I’ve been getting harassed since ... September. ... I would say that I’ve definitely received a lot of the threats.” @kelly_neidert #UNT #FreeSpeech](#)
- [“If \[those who issued the threats\] got disciplined at all, I think it would really send a good message. Like, ‘Hey, you can say whatever you want, but you can’t just threaten people.’” @kelly_neidert #UNT #FreeSpeech](#)
- [“So, going forward I would like to see \[@UntDemocrats\] be a little more civil towards us. ... I would also like them to understand what exactly \[the\] First Amendment and \[Texas Senate Bill 18\] do.” @kelly_neidert #UNT #FreeSpeech](#)

Conservative students at the University of North Texas expressed concern for their safety after a barrage of threats—and a hex—from an extreme-left coalition. They expressed they would like a statement from the university supporting their right to exist, freedom of speech, and for the extreme-left to show them “civility” and understand freedom of speech.

Earlier this month, an extreme-left coalition of student organizations—led by the College Democrats—[launched a petition to ban the Young Conservatives of Texas \(YCT\) from taxpayer-funded University of North Texas \(UNT\)](#). Threats of violence have also been leveled at the organization and its chairwoman, Kelly Neidert. Neidert was also threatened with doxxing (an attempt to publish private information on the internet) and a witch’s hex.

“I’ve been getting harassed since ... September,” Neidert said in an interview with *Texas Scorecard*. “I would say that I’ve definitely received a lot of the threats.”

“I’ve haven’t had people directly threaten me, like Kelly,” said Vice Chairman Stephen Tykoski. “Now, people have threatened the YCT and YCT Austin [organizations]. Direct threats [against] the organization. Therefore, I am threatened by that.”

With all of the violent threats the group has received lately, they were asked if they would feel safe going to classes on campus right now.

“No. I would do it, though,” Neidert said. “Maybe. Probably no,” Tykoski answered. “No.” Another member said ‘yes’ because his name is not known.

They were also asked if they felt UNT was a safe or hostile learning environment.

“I feel worried going back to campus, especially, like I said, it’s an election year,” Neidert said. “I don’t want anybody to take that out on me, depending on the outcome. It doesn’t feel as safe as it did this past spring or fall before we left, for sure.”

“It does feel a little more hostile,” Tykoski agreed, adding that UNT appears to be “sitting on the sidelines” of the conflict between the extreme-left coalition and YCT at UNT. “Which is fair; however, if that translates into physical threats and physical violence in the upcoming school year, and they continue to be on the sidelines—which is possible—that’s obviously a huge issue.”

“But if President Trump wins ... yeah, I can absolutely see some of these people taking out their anger on us.”

[UNT College Democrats issued a statement Saturday condemning the attempt to dox Neidert](#), but not the threats of violence. They also unveiled their new strategy to silence the conservatives. Minutes after an article about their statement was published, they sent a revised statement to *Texas Scorecard* condemning the threats.

As of publication time, [they still had not amended their public statement on Twitter](#).

Last year, YCT at UNT [had a conflict with university staff](#)—which caught the attention of State Rep. [Tony Tinderholt](#) (R-Arlington)—but Neidert stresses that relations with the university have improved, thanks in no small part to the Dean of Students, whom Neidert says is “pro-freedom of speech.”

“She’s making sure that all organizations get [their] freedom of speech,” Tykoski agreed.

However, [UNT President Neal Smatresk replied to a tweet from someone claiming YCT at UNT made her feel “unsafe and harassed.”](#) “We are looking into this,” Smatresk said.

Relations haven’t improved with the extreme-left on campus, as their push to ban YCT at UNT shows. “I’m honestly shocked that this didn’t happen sooner,” Tykoski said. “In the past, there was always a catalyst. We would put on an event that they really didn’t like, and then for about the next week or two, we would get bombarded with all sorts of lovely messages that just bring a smile to my face,” he added. “But this didn’t have that.”

“I think a lot of it probably has to do with what’s going on around us with Black Lives Matter and antifa,” Neidert said. “I feel like some of our campus social justice warriors just wanted a project, and so they thought they’d try to cancel us yet again.” She also thinks a change in leadership of the UNT College Democrats has something to do with it, as they previously didn’t behave this way.

[Regarding the allegations leveled at them](#), YCT at UNT rejects the labels of racism, hate, homophobia, and others the extreme-left have tried attaching to them.

“I have a printed-out copy of nearly every UNT student organization policy, and we went over it and highlighted everything that we possibly even begin touching,” Tykoski said. “Even [the Dean of Students] said, ‘You say things people disagree with. That’s not against the rules. That’s engaging in political discourse.’”

The Dean of Students has not replied to an inquiry from *Texas Scorecard*.

“Not everything has been perfect,” Neidert admitted about YCT at UNT’s actions. “But overall, we’ve been a lot more reasonable than the other side, and we’re not just going to bow down to them because they started a petition.”

YCT at UNT was asked what they’d like to see from the extreme-left coalition. “So, going forward, I would like to see them be a little more civil towards us. I feel that, overall, we’ve been nice and polite towards them. I would hope that we can get the same thing back. I would also like them to understand what exactly [the] First Amendment and [Texas Senate Bill 18] do,” Neidert replied.

Texas Senate Bill 18, also called the “campus free speech bill,” became state law last September and is designed to protect [“expressive activities at public institutions of higher education.”](#)

Texas Scorecard asked UNT College Democrats what actions they would take to defend everyone’s freedom of speech on campus. [They would not give a reply.](#)

YCT at UNT was also asked what they’d like to see from the University of North Texas going forward.

“Honestly, I think that they should issue a statement, stating ... what Senate Bill 18 is and how it protects us. And after that, I really don’t think they have any business getting involved any further,” Tykoski said. “So, issue the statement stating what the rules are, and then after that—as long as it doesn’t get to the level of harassment or physical violence or anything like that—it’s really just between two student organizations.”

“If [those who issued the threats] got disciplined at all, I think it would really send a good message. Like, ‘Hey, you can say whatever you want, but you can’t just threaten people.’

Neidert added she’s unsure if UNT should take action now, as it’s summer and most students are not on campus yet. “But I would say if it does continue [in the] fall and I’m on campus, I would definitely [want] UNT to help me out and do something about that.”

Neidert has said that since his tweet, Smatresk has not replied to her emails. “I would like for us to have an open line of communication there. I know we do talk to the Dean of Students a lot, and she’s great, but I do think it might have been beneficial to talk to the president’s office.”

Smatresk has not replied to repeated inquiries from *Texas Scorecard* on this subject.

On July 16, *North Texas Daily*—UNT’s taxpayer-funded student newspaper—[published a biased article about the petition to ban YCT at UNT](#). Nowhere in the article did it mention the threats of violence leveled at YCT or Neidert, and the article frames the extreme-left coalition as the victims.

Concerned Texans may contact [their state representative, state senator](#), and [Gov. Greg Abbott](#). They may also [contact UNT President Neal Smatresk](#).

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[Robert Montoya](#)

Robert Montoya is a correspondent for the Metroplex Bureau of Texas Scorecard. His passion is to help grow the conservative movement and advance liberty. When not focused on politics, he still maintains his passion for Japan and film.

[Twitter](#)

Exhibit 4:

Letter from Robert Montoya, Empower Texans Foundation, Inc. to Alan Stucky, Vice Chancellor & General Counsel, Univ. of N. Tex. (July 17, 2020)



EMPOWERTEXANS

July 17, 2020

From:
Empower Texans Foundation, Inc.

To:
Alan Stucky
Vice Chancellor & General Counsel University
of North Texas
UNT System Building
1901 Main Street
Dallas, TX 75201

This letter ("Document Request") shall serve as a public information request under the Texas Public Information Act.

REQUESTED DOCUMENTS:

For the period of time from June 29, 2020 to present:

- Records corresponding to all communications in the possession of North Texas Daily that include the keywords "Kelly Neidert," "YCT," and/or "Young Conservatives of Texas."
- Records corresponding to all communications in the possession of North Texas Daily reporter Ileana Garnand that include the keywords "Kelly Neidert," "YCT," and/or "Young Conservatives of Texas."

Communications include but are not limited to emails, voicemails, and text messages.

By this letter, I hereby request that this information be promptly produced. Wherever possible please provide it in digital format, whether that be email or thumb drive.

I appreciate your prompt attention to this matter. Please feel free to contact me with any questions.

Sincerely,
Robert Montoya
rmontoya@empowertexans.com
214-432-3076 ext 710