



# FIRE

Foundation for Individual  
Rights and Expression

March 1, 2023

Michael Amiridis  
Office of the President  
University of South Carolina  
Osborne Administration Building  
Columbia, South Carolina 29208

*Sent via U.S. Mail and Electronic Mail (president@sc.edu)*

Dear President Amiridis:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,<sup>1</sup> is concerned that the University of South Carolina reportedly has denied recognition to the student group Uncensored America on the asserted ground that the organization is too similar to an existing group, Free Speech Forum. While both groups ostensibly care about free speech, their respective missions differ significantly. The denial of Uncensored America thus appears to constitute viewpoint discrimination, given that USC has more than 500 recognized student organizations, many of which share incredibly similar goals. As a public university bound by the First Amendment to recognize and uphold student expressive rights, USC must reverse the denial and reconsider Uncensored America's application.

## **I. USC Administrator Denies Recognition for Uncensored America Campus Chapter**

USC student Brendan Connors submitted a Student Organization Intent Form on January 17 to create a campus chapter of Uncensored America, an organization advocating for free speech and open dialogue.<sup>2</sup> In the form, Connors wrote that Uncensored America differs from other existing organizations on campus because the group "is non-partisan, seeking to bring

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<sup>1</sup> For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our recently expanded mission and activities at [thefire.org](http://thefire.org).

<sup>2</sup> This recitation reflects our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us.

opposing ideas together in civil conversation” – unlike explicitly partisan student groups such as the College Democrats or Turning Point USA.<sup>3</sup>

On January 25, USC Coordinator for Leadership and Student Organizations Jamie Ayres told Connors the school already has “an organization that has free speech at its core,” and that Connors’s goals “could fold in nicely with work already being done.”<sup>4</sup> She recommended he connect with Free Speech Forum.<sup>5</sup>

Connors did not respond to Ayres’s email, but his Organization Intent form was accepted. Connors then submitted a New Student Organization form on February 2, and received a follow-up email from Ayres asking if Connors had the chance to connect with Free Speech Forum.<sup>6</sup> Connors responded by explaining the differences between Free Speech Forum and Uncensored America.<sup>7</sup>

Free Speech Forum seems like the perfect organization for students who wish to get together in a small group setting and discuss hot topics. Uncensored America aims to do something different. Our goal is to hold at least one on campus event each semester that would be free and open to all students on campus. This would ideally be a debate on a well known issue, as well as time for a Q&A section, allowing both sides the opportunity to be represented fairly.

Additionally, joining an organization requires a commitment; something not everyone is looking to make. We not only want to offer an opportunity for students to join the conversation without long-term commitment, but also catch the attention of those who otherwise wouldn’t be searching for a “free speech” organization.

On February 7, Ayres rejected the New Student Organization form and told Connors to see if “either Free Speech Forum or a debate-centered organization” would be interested in facilitating one of Connors’ events “to see how it is received before committing an entire organization to one event a semester.”<sup>8</sup> Ayres added that student organizations have many commitments throughout the year to remain active, and the “student organization would not be successful if there are no plans to have any committed students for its leadership or general body.”<sup>9</sup>

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<sup>3</sup> Student Organization Intent Form 2022-2023, filed by Brendan Connors (Jan. 17, 2023, 11:50 AM) (on file with author).

<sup>4</sup> Email from Jamie Ayres, Coordinator, Leadership and Student Organizations, to Brendan Connors (Jan. 25, 2023, 11:59 AM) (on file with author).

<sup>5</sup> *Id.*

<sup>6</sup> Email from Ayres to Connors (Feb. 3, 2023, 1:31 PM) (on file with author).

<sup>7</sup> Email from Connors to Ayres (Feb. 3, 2023, 2:15 PM) (on file with author).

<sup>8</sup> Email from Ayres to Connors (Feb. 7, 2023, 4:04 PM) (on file with author).

<sup>9</sup> *Id.*

## **II. The First Amendment Bars USC from Denying Recognition Because of Alleged Similarities to Already Existing Groups**

It has long been settled law that the First Amendment binds public universities like USC,<sup>10</sup> such that its policies—including recognition and funding of student organizations<sup>11</sup>—must comply with the First Amendment. By denying Uncensored America based on Ayres’s interpretation of the group’s purpose, USC contravened its obligations under the First Amendment and hindered the marketplace of ideas the university is obligated to protect. The double standard applied to Uncensored America also suggests USC rejected the group’s application for viewpoint-based reasons, which would represent a significant violation of student expressive rights. When a public 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.”<sup>12</sup>

Ayres’s claim that Uncensored America is too similar to another campus group reveals a double standard when considered in the context of USC’s other recognized organizations.<sup>13</sup> For example, USC officially recognizes as organizations committed to women’s rights Girl Up, Visions of Women, Reclaim Carolina, One Love Foundation, Planned Parenthood Generation Action, and Women for Global Empowerment. USC also recognizes several groups that raise awareness of issues facing parents and children, including Advocates for Life, Gamecocks for Babies, Operation Smile Club, Save the Children Action Network Club, and Spurs Up for St. Jude, each of which represents a different viewpoint on a single issue. On sustainability, USC recognizes Sustainable Carolina, Midlands Audubon, and Green Greeks. Thus, in other circumstances, USC has clearly recognized the unique contributions each student organization makes to the community, even in cases where their broader interests may overlap—to the ultimate benefit of all USC students.<sup>14</sup>

The vast number of student groups USC has recognized is a testament to the diversity of its student body. While administrators may not agree with the viewpoints or expressive activities of all these groups, their existence is made possible by decades of capable administrators recognizing the value of fostering a diverse and vibrant collection of student clubs.

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<sup>10</sup> *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted).

<sup>11</sup> *Bd. of Regents of the Univ. of Wis. Sys. v. Southworth*, 529 U.S. 217, 221 (2000).

<sup>12</sup> *Southworth*, 529 U.S. 217, 233.

<sup>13</sup> *Organizations*, UNIV. OF SO. CARO., available at <https://garnetgate.sa.sc.edu/organizations>.

<sup>14</sup> Many of these organizations have facially similar missions as well. According to their descriptions, One Love Foundation educates young people “about healthy & unhealthy relationships, empowering them to identify & avoid abuse”; Reclaim Carolina advocates “for the end of sexual violence, dating violence, and domestic violence” and provides “education services.” Women for Global Empowerment “seeks to support and expand female health and education” through “service, thoughtful dialogue, and a constant commitment to intersectional feminism”; Planned Parenthood Generation Action “exists to educate the university community about reproductive health and rights.”

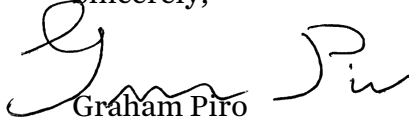
Moreover, even apart from the foregoing, a closer look at Uncensored America and Free Speech Forum reveals substantial differences between the organizations' purposes and goals. Free Speech Forum's mission is to hold weekly "meeting discussions covering a range of topics concerning current events, politics, and social issues," and to host "interclub forums discussing pressing topics that affect our world today."<sup>15</sup> The group aims to empower students to "fight for what they believe in and provide a platform for a civil and honest discussion about the world we live in today." Conversely, Uncensored America intends to hold fewer events per semester in the form of debates on pertinent political issues with a Q&A section for the audience.<sup>16</sup> Uncensored America's infrequent, but presumably larger events leave significant doubt that students interested in an Uncensored America chapter could effectuate their mission through Free Speech Forum's programming priorities, which take the form of smaller, more frequent and more informal discussions between students and student groups.

Ayres' conflation of Uncensored America and Free Speech Forum makes the unwarranted judgment that members of one group would be equally comfortable in the other, were only one recognized at USC. It also presumes Free Speech Forum would be freely willing to change its own structure and mission to accommodate Uncensored America's goals and ideas. Further, singling out Uncensored America suggests impermissible viewpoint-based decision-making, which "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."<sup>17</sup> As the Supreme Court has made clear, "[v]iewpoint discrimination is censorship in its purest form and government regulation that discriminates among viewpoints threatens the continued vitality of 'free speech.'"<sup>18</sup>

### **III. Conclusion**

USC's rejection of Uncensored America violates the university's First Amendment obligations and must be reversed. We request a substantive response to this letter no later than the close of business on March 15 confirming that USC will reverse its decision and reconsider Uncensored America's application using viewpoint-neutral criteria.

Sincerely,



Graham Piro

Program Officer, Campus Rights Advocacy

Cc: Jamie Ayres, Coordinator for Leadership and Student Organizations

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<sup>15</sup> *Free Speech Forum*, UNIV. OF SO. CARO., <https://garnetgate.sa.sc.edu/organization/fsf> [<https://perma.cc/7LE7-TXZN>].

<sup>16</sup> Email from Connors to Ayres, *supra* note 7.

<sup>17</sup> *Rosenberger v. Rectors of the Univ. of Va.*, 515 U.S. 819, 836 (1995).

<sup>18</sup> *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 64 (1983).