



Foundation for Individual Rights in Education

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FROM: Adam Kissel, Director, Individual Rights Defense Program, FIRE

DATE: September 24, 2009

RE: **Bucknell University Conservatives Club (BUCC)**

In the August 27, 2009, issue of *The Counterweight*, page 5, student Scott Teagarden '10 writes that all of you "have explicitly stated and supported [BUCC's] right to hold such an event" as an affirmative action bake sale (<http://www.bucknellconservatives.org/counterweights/CWAug09.pdf>).

In contrast, Associate Dean of Students Gerald W. Commerford has refused to let BUCC hold such an event. In an audio recording available on FIRE's website at <http://www.thefire.org/article/10723.html>, he stated that "It's a political issue, ok; it needs to be debated in its proper forum, ok, and not on the public property on the campus." When a BUCC member then asked, "There is no way we can have an event like this?" Commerford replied, "No." He also defended this restriction as reported in an April 24 article in *The Bucknellian*.

Teagarden's reported conversations with all of you also conflict with General Counsel Wayne A. Bromfield's statement to FIRE that such a bake sale is "facially discriminatory." Bromfield perhaps does not understand (in contrast with schools such as Kutztown University) that optional, satirical pricing is a political statement and is not unlawful or discriminatory.

If it is true that the opinions of Commerford and Bromfield above are no longer the official policy of Bucknell University, I hope each of you will affirm, as Teagarden states, that BUCC has a right to hold affirmative action bake sales and similar non-discriminatory, non-disruptive events. In addition, please clarify whether Bucknell's new "Sales and Promotions" policy prohibits the non-disruptive distribution of protest literature, such as BUCC's "Obama stimulus dollars," without prior approval.

If Bucknell will permit expressive activity such as affirmative action bake sales and will permit the non-disruptive distribution of literature without requiring prior approval, FIRE will gladly and immediately remove Bucknell University from our Red Alert list, which warns prospective students against attending schools such as Bucknell because of the schools' violations against free expression on campus.

We would appreciate a response by October 2, 2009. Thank you for your attention to this matter.