



February 2, 2024

Justin Onwenu, President
Columbia Law School Student Senate
c/o Columbia Law School
435 West 116th Street, Box B-25
New York, New York 10027

URGENT

Sent via Overnight Mail and Electronic Mail (senate@law.columbia.edu)

Dear President Onwenu:

FIRE,¹ a nonpartisan nonprofit dedicated to defending freedom of speech, is concerned that the Columbia Law School Student Senate is reportedly denying student group recognition to Law Students Against Antisemitism because of the group's views. The Senate apparently made the decision after raising concerns about LSAA's desire to adopt the International Holocaust Remembrance Alliance's working definition of antisemitism, which student senators said improperly "conflated antisemitism with anti-Zionism."² The Senate cannot condition group recognition on such viewpoint-based criteria because Columbia promises its students robust expressive rights coextensive with—if not more expansive than—the First Amendment.

For example, Columbia's Rules of University Conduct are framed at the outset as "intended to ensure that all members of our community may engage in our cherished traditions of free expression and open debate," noting "Columbia has a long tradition of valuing dissent and controversy and in welcoming the clash of opinions onto the campus."³ The university

¹ For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's university's campuses. You can learn more about our recently expanded mission and activities at thefire.org.

² Rebecca Massel, *Law School Student Senate denies approval of Law Students Against Antisemitism group*, COLUMBIA DAILY SPECTATOR (Feb. 1, 2023), <https://www.columbiaspectator.com/news/2024/02/01/law-school-student-senate-denies-approval-of-law-students-against-antisemitism-group/>. The recitation here 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.

³ *Rules of University Conduct*, Policy Text, §440. Affirmative Statement, COLUMBIA UNIV. (revised Sept. 29, 2019), <https://universitypolicies.columbia.edu/content/rules-university-conduct> [<https://perma.cc/F69F-57RC>].

expressly reserves the right to restrict speech in just two narrowly-defined instances: first, speech that runs afoul of reasonable time, place and manner regulations; and second, speech that constitutes serious misconduct like true threats or harassment.⁴ It further promises it “will not rule any subject or form of expression out of order on the ground that it is objectionable, offensive, immoral, or untrue.”⁵ And while Columbia is a private institution, students reading these regulations will reasonably look to First Amendment jurisprudence to understand the scope and nature of their free speech rights.

When public institutions or those that promise speech protections aligned with the First Amendment make student group recognition or funding decisions through a student government or similar proxy, that body must do so in a viewpoint-neutral manner. As the Supreme Court held in *Board of Regents of the University of Wisconsin System v. Southworth*, such proxies “may not prefer some viewpoints to others” when granting expressive student organizations recognition or funding.⁶

To the contrary, the apparent viewpoint-based rejection of LSAA contradicts Columbia’s clear institutional commitments to “provide a place for ideas to be tested, for values to be questioned, and for minds to be changed with as few constraints as possible.”⁷ To the extent the Senate, acting as the university’s proxy in this matter, has violated the university’s free expression policies, it must immediately correct course.

We urge the Senate to urgently and transparently reassess LSAA’s application for recognition on the required viewpoint neutral grounds.

Given the urgent nature of this matter, we request a substantive response to this letter no later than close of business on Friday, February 9, 2024.

Sincerely,



Alex Morey
Director, Campus Rights Advocacy

Cc: Gillian Lester, Columbia Law School Dean
Minouche Shafik, Columbia University President

⁴ *Id.*

⁵ *Id.*

⁶ 529 U.S. 217, 233 (2000).

⁷ *Rules of University Conduct, supra* note 3.