



August 31, 2026

Sarah Bolton
Office of the President
Whitman College
Memorial Building 304
345 Boyer Avenue
Walla Walla, Washington 99362

Sent via U.S. Mail and Electronic Mail (sbolton@whitman.edu)

Dear President Bolton:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by the state of freedom of expression and association at Whitman College after the Associated Students of Whitman College's Senate voted to unanimously oppose the Whitman Republican Club's application for ASWC affiliation on March 8, 2026.² While some students may oppose the ideas of Whitman Republican Club, Whitman College may not refuse to recognize a student organization due to the group's views, missions, or expression without transgressing its laudable commitment to protect students' expressive rights.³ As WRC seeks affiliation this fall, we urge you to ensure ASWC uses viewpoint-neutral criteria, and if it fails to do so, intervene and grant WRC's affiliation.

Prior to ASWC's vote, student government members asked WRC representatives questions such as, "On the 2024 [R]epublican party platform subsection 18, what is your club's take? Will you call the [R]epublican party out for things like this?" and "President Trump has made life hard for all international students. When you don't get affiliated, what is your plan?"⁴ This line of

¹ For more than 25 years, FIRE has defended free expression and other individual rights on America's college campuses. You can learn more about our mission and activities at fire.org.

² *The Associated Students of Whitman College Senate Minutes*, 9 (Mar. 8, 2026) (on file with author). The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information and invite you to share it with us.

³ *Student Rights and Responsibilities*, Statement of Rights, WHITMAN COLL., <https://www.whitman.edu/dean-of-students/student-handbook/student-rights-and-responsibilities> [<https://perma.cc/4UHE-THPV>]. Whitman makes it explicitly clear that "[e]very student has a right to conditions that are conducive to learning and favorable to the pursuit of higher education ... includ[ing] freedom of speech, expression, and association[.]"³

⁴ *Supra* note 2 at 8–9.

questioning suggests that outside factors, such as bias against the WRC and the Republican Party generally, influenced the ASWC's decision.⁵

Whitman's commitment to upholding students' expressive and associational rights would lead any student to reasonably believe they have expressive rights commensurate with those guaranteed by the First Amendment. Therefore, First Amendment jurisprudence necessarily informs Whitman's commitments to free expression and requires the college to use only viewpoint-neutral criteria for accepting or denying student groups.⁶ Thus, Whitman is morally and legally bound to adhere to the promises it has made.⁷

The possibility that students might disagree with one another, even vehemently, is precisely the risk Whitman undertakes when it admits students from a diverse variety of backgrounds and promises those students freedom of expression. This holds true even if listeners are, or claim to be, personally offended by those disagreements.⁸ Accordingly, in keeping with Whitman's promise to free expression, the ASWC must employ only content- and viewpoint-neutral criteria in granting affiliation and funding student groups.⁹ ASWC's lines of questioning reflect senators did not adhere to such criteria in their decision-making, instead basing the student government's decision on WRC's views. That would amount to viewpoint discrimination, "an egregious form" of censorship.¹⁰

Students may also reasonably expect Whitman to protect their right to freely associate with one another based on shared interests or views. The right of free association protects students' right to form student groups.¹¹ ASWC's denial certainly burdens the associational rights of the students interested in starting a Republican club at Whitman, flatly denying them the benefits of affiliation enjoyed by student members of (for example) the ASWC-affiliated Climate Justice Coalition¹² and Planned Parenthood Generation Action.¹³

⁵ *Supra* note 2. In their closing statement, one ASWC senator said, "You can name yourselves whatever you want, but the language of your constitution is in direct contrast to our own constitution. I would suggest that you scrub the title and make a debate club." *Id.* at 9.

⁶ *Bd. of Regents of the Univ. of Wis. Sys. v. Southworth*, 529 U.S. 217, 221 (2000); *Koala v. Khosla*, 931 F.3d 887, 894 n.1 (9th Cir. 2019).

⁷ *See Doe v. Gonzaga Univ.*, 24 P.3d 390 (Wash. 2001), *rev'd on other grounds*, 536 U.S. 273 (2002) (finding that there is a contractual relationship between school and student).

⁸ The protection of offensive speech is a "bedrock principle" of free speech. *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

⁹ *See Southworth*, 529 U.S. at 233; *Rosenberger v. Rectors of the Univ. of Va.*, 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.").

¹⁰ *Rosenberger*, 515 U.S. at 829 (authorities "must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction"); *see also Southworth*, 529 U.S. at 233 (holding that universities must grant expressive student organizations recognition on a content- and viewpoint-neutral basis).

¹¹ *See, e.g., Healy v. James*, 408 U.S. 169, 183 (1972) (establishing that student groups at public universities possess associational freedoms); *Evans v. Newton*, 382 U.S. 296, 298 (1966) (discussing "the right of the individual to pick his own associates so as to express his preferences and dislikes, and to fashion his private life by joining such clubs and groups as he chooses"); *Iota Xi Chapter v. Patterson*, 566 F.3d 138, 146 (4th Cir. 2009) (analyzing state college fraternity's freedom of association claims); *Chi Iota Colony of Alpha Epsilon Pi Fraternity v. City Univ. of N. Y.*, 502 F.3d 136, 143 (2d Cir. 2007) (same).

¹² *Climate Justice Coalition*, WHITMAN COLL., <https://whitman.presence.io/organization/climate-justice-coalition-cjc> (last visited Aug. 26, 2026).

¹³ *Planned Parenthood Generation*, WHITMAN COLL., <https://whitman.presence.io/organization/planned-parenthood-generation-action-ppga> (last visited Aug. 26, 2026).

Historically, prohibitions against viewpoint discrimination have protected groups across the political spectrum when they have held dissenting or unpopular views, including groups with views now widely held today.¹⁴ If student governments or college administrators could deny recognition or funding because of a group's views, the rights of *all* these groups would be imperiled. And because the ASWC is an elected body, its exercise of unfettered discretion to determine group affiliation means that every group's ability to organize and speak on campus is subjected to what amounts to a popularity contest based on the ideological and political preferences of the day.

ASWC's grant of affiliation to a student group is not an endorsement of that group, its speakers, events, or ideology. No reasonable person would expect the ASWC to recognize only groups whose views it wholeheartedly shares, considering the dozens of diverse groups on campus, many with mission statements and purposes likely to conflict one another's.¹⁵ Rather, affiliation is merely an acknowledgment that the group has met the ASWC's stated criteria.¹⁶ If recognition became contingent upon groups engaging only in palatable expression to the most sensitive ASWC members, there would be few groups left for Whitman students to join, as virtually every viewpoint is offensive to *someone*.

Given the ongoing violation of the WRC's expressive and associational liberties, we request a substantive response to this letter no later than the close of business on September 14, 2026, confirming Whitman will provide this group an opportunity to seek ASWC affiliation via viewpoint-neutral criteria and intervene if ASWC engages in viewpoint discrimination.

Sincerely,



Charlotte Arneson
Program Officer, Campus Rights Advocacy



Marie McMullan
Student Press Program Manager and Counsel, Campus Rights Advocacy

Cc: Kazi Joshua, Dean of Students/Vice President for Student Affairs
Sybella Ssewakiryanga, ASWC President

¹⁴ For example, the principle of viewpoint neutrality protected chapters of LGBTQ organizations in Arkansas and New Hampshire in the 1970s and '80s when student senates and university trustees, supported by state lawmakers, refused to "support a homosexual group" or their expression, which was, at the time, considered "shocking and offensive" by many. *Gay Students Org. of Univ. of N.H. v. Bonner*, 509 F.2d 652, 661–62 (1st Cir. 1974); *Gay & Lesbian Students Ass'n v. Gohn*, 850 F.2d 361, 362–63 (8th Cir. 1988).

¹⁵ See *Organizations*, WHITMAN COLL., <https://whitman.presence.io/organizations> (last visited Aug. 19, 2026).

¹⁶ See *ASWC Bylaws, Clubs*, WHITMAN COLL., 53, https://static1.squarespace.com/static/650a28c819ea042ed5b14f4d/t/6a02a78176d2cb15c5461de6/1778558849903/FINAL_Whitman+College+Bylaws_For+Publication_approved_5_3_2026.pdf [<https://perma.cc/4EZF-492E>].