



Foundation for Individual Rights in Education

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November 13, 2012

President Eric R. Gilbertson
Office of the President
Saginaw Valley State University
Wickes Hall 349
7400 Bay Road
University Center, Michigan 48710

Sent via U.S. Mail and Facsimile (989-790-1314)

Dear President Gilbertson:

FIRE is disappointed to be writing to Saginaw Valley State University (SVSU) a second time regarding its unconstitutional “General Posting Policies.” As we noted in our letter of October 12, 2012, these policies place numerous unconstitutional restrictions on the content of student flyers—restrictions that have already been enforced in direct violation of SVSU student Daniel Chapman’s rights. A copy of our October 12 letter, to which SVSU did not respond, is enclosed.

As we wrote in our previous correspondence, the prohibitions contained in SVSU’s General Posting Policies are in direct conflict with settled First Amendment law in every instance. Moreover, their application has already placed the school on a collision course with the First Amendment. As we detailed in our October letter, student Daniel Chapman was denied the right to post several flyers intended to protest these very policies. Not only were several of Chapman’s “Fuck Censorship” flyers restricted, school officials also prohibited two additional flyers, one reading “F*ck Censorship,” and the other “F!ck Censorship.” This result conflicts directly with the U.S. Supreme Court’s decision in *Cohen v. California*, 403 U.S. 15 (1971), that a Vietnam War protestor could, under the protection of the First Amendment, wear a jacket emblazoned with the words “Fuck the Draft” into a county courthouse.

FIRE again requests that SVSU revise its posting policies to be consistent with its First Amendment obligations and that it notify Daniel Chapman that he may post his flyers on campus so long as he complies with the policies’ other, content- and viewpoint-point neutral requirements.

We once again urge you to spare Saginaw Valley State University the embarrassment of fighting against the Bill of Rights. We request a response on this matter by November 27, 2012.

Sincerely,

Samantha Harris

Samantha Harris
Director of Speech Code Research

Encl.

cc:

Jason Schoenmeyer, Associate Director of Student Life
Tony Thomson, Assistant Dean of Student Life