



Foundation for Individual Rights in Education

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March 13, 2007

Neil Cavanaugh
President, URI Student Senate
Memorial Union, Room 201
50 Lower College Road
Kingston, Rhode Island 02881-1303

Sent via U.S. Mail and Facsimile (401-874-4427)

Dear Mr. Cavanaugh:

As you can see from our Directors and Board of Advisors, the Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, freedom of religion, academic freedom, due process, and, in this case, freedom of speech and expression on America's college campuses. Our website, www.thefire.org, will give you a greater sense of our identity and activities.

FIRE is concerned about the threat to free expression posed by the University of Rhode Island (URI) Student Senate's disciplinary action against the URI College Republicans student group for advertising a satirical scholarship for white, heterosexual, American males. FIRE maintains that the Student Senate's required apology from the College Republicans is a form of compelled speech and is thus an unconstitutional punishment.

This is our understanding of the facts; please inform us if you believe we are in error. On November 16, 2006, the URI College Republicans advertised a White Heterosexual American Male (WHAM) scholarship in the campus newspaper, the *Cigar*. The advertisement stated that the scholarship would consist of \$100 to be granted to an applicant who met the advertised qualifications and completed the essay questions: "In 100 words or less, what does being a White Heterosexual American Male mean to you? As a White Heterosexual American Male, what adversities have you had to deal with and overcome?" Over 40 URI students submitted applications for the scholarship to the College Republicans.

At a February 19, 2007, meeting of the Student Organizations Advisory and Review Committee (SOARC), a committee of the

Student Senate, student senators decided that university policies prohibited the College Republicans from distributing the \$100. Since they intended the scholarship as political protest, to express their disagreement with scholarships awarded on the bases of race, gender, ethnicity, or sexual orientation, the College Republicans believed that protest was already effective and agreed to not disburse the money.

Despite the fact that the College Republicans never distributed the money, SOARC nonetheless stated in a letter to College Republicans President Ryan Bilodeau that the group “did either with negligence or malice violate Article IX, Section A, Part 3 subpart b of the URI Student Senate bylaws,” which contains a standard non-discrimination policy.

SOARC decided that as a punishment for advertising the scholarship, the College Republicans would have to write an apology to be published in the *Cigar*. On March 5, Bilodeau appealed SOARC’s ruling. On March 7, SOARC upheld its initial decision to punish the College Republicans. A memorandum from SOARC Chairman Matt Yates to Bilodeau states that even though the scholarship money was never disbursed, the College Republicans:

had acted in contravention of the URI Student Senate bylaws by advertising the WHAM scholarship...[W]e felt it important that the [College Republicans] describe in detail what they intended, why they may not distribute the scholarship, and apologize for their misleading advertisement and publicity for the scholarship... A letter to the editor of the *Cigar* would suffice for this purpose.

The URI administration recognizes the Student Senate as the representative body of URI undergraduate students per Chapter 9.10.10 of the University Manual. Additionally, the Student Senate is authorized to distribute portions of the mandatory Student Services fee paid by all URI undergraduates. As such, and by its own admission, the Student Senate qualifies as a “public body” under Rhode Island General Laws § 42-46-2 (2007). Due to the power vested in it, both by URI as a public institution of higher learning and by the undergraduates as the Senate’s constituency, it is clear that the Student Senate is morally and legally bound by the United States Constitution.

Demanding that the College Republicans publish a SOARC-approved apology in the student newspaper is an unconstitutional punishment, as it forces the College Republicans to engage in public expression with which they disagree. Along with the right to speak freely, the First Amendment protects speakers from being compelled to make statements against their will. While the Student Senate may halt an action it sees as violating university policy, no governing body at an American institution of higher education may lawfully force students to make statements in which they do not believe. As Supreme Court Justice Robert Jackson wrote more than sixty years ago in *West Virginia Board of Education v. Barnette*, 319 U.S. 624 (1943), “[I]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to

confess by word or act their faith therein.” Consistent with its First Amendment obligations, the Student Senate may not compel the College Republicans to issue an apology.

Please spare the Student Senate the embarrassment of fighting against the Bill of Rights, by which it is legally and morally bound. FIRE urges the Student Senate to abandon its requirement that the College Republicans publicly apologize for advertising the WHAM scholarship. We hope to resolve this matter amicably and swiftly. We are, however, committed to using all of our resources to seeing this matter through to a just and moral conclusion. We request a response to this letter by Tuesday, March 28.

Sincerely,

Tara E. Sweeney
Senior Program Officer

cc:

Robert L. Carothers, President, URI
Fran Cohen, Dean of Students, URI
Melissa Boyd, Assistant Director of Student Leadership Development, URI
M. Beverly Swan, Provost and Vice President for Academic Affairs, URI
Thomas R. Dougan, Vice President for Student Affairs, URI
Maureen McDermott, Assistant Director for Student Affairs, URI
Bruce Hamilton, Faculty Advisor, URI Student Senate
Rosie Mean, Vice President, URI Student Senate
Matt Yates, Chairman, Student Organizations Advisory and Review Committee (SOARC), URI Student Senate
Frank Caprio, Chair, Rhode Board of Governors for Higher Education
Michael Ryan, Vice Chair, Rhode Island Board of Governors for Higher Education
James DiPrete, Chair of the Academic and Student Affairs Committee, Rhode Island Board of Governors for Higher Education
Ryan Bilodeau, President, URI College Republicans