

October 23, 2015

The Honorable David Ige
Office of the Governor
5 State Capitol
Honolulu, Hawaii 96813

Sent via U.S. Mail and Electronic Mail (gov@gov.state.hi.us)

Dear Governor Ige,

My name is Will Creeley. I am the Vice President of Legal and Public Advocacy for the Foundation for Individual Rights in Education (FIRE), a nonpartisan, nonprofit organization dedicated to defending the core constitutional rights of students and faculty members at our nation's colleges and universities. Our website, thefire.org, will provide you with a greater sense of our identity and activities.

I write you today to express FIRE's concern about the policies restricting student and faculty speech maintained by Hawaii's public colleges and universities, and to offer our assistance in remedying the constitutional problems they present.

Like public institutions of higher learning nationwide, Hawaii's colleges and universities are legally required to honor the First Amendment rights of their students and faculty members. Indeed, it has long been settled law that the First Amendment is fully binding on public university campuses. *See, e.g., Widmar v. Vincent*, 454 U.S. 263, 268–69 (1981) ("With

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conclusively that the First Amendment does not tolerate the threat of censorship on campus.

But despite the unanimity of this precedent, research conducted by FIRE attorneys indicates that a majority of public colleges and universities nevertheless maintain policies that threaten First Amendment rights. For example, in 2014, FIRE reviewed policies governing student and faculty expression at 333 public institutions. Shockingly, 54.1% of the colleges and universities surveyed maintained at least one policy that substantially restricts freedom of speech. One public college in Hawaii, the University of Hawaii at Hilo, maintains at least one ambiguous policy that too easily encourages administrative abuse and arbitrary application, as indicated on our website at thefire.org/spotlight.

I trust that you will find this result as unacceptable as we do. Freedom of speech on campus is of critical importance to the continued vitality of our democracy. As the Supreme Court of the United States recognized in *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957): "The essentiality of freedom in the community of American universities is almost self-evident. ... To impose any strait jacket upon the intellectual leaders in our colleges and universities

proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.”

We are proud of the progress we have made towards ending campus censorship by working directly with colleges and universities. But given the depressing pervasiveness of campus

