

February 17, 2017

Michael E. Engh, S.J.
Office of the President
Santa Clara University
500 El Camino Real
Santa Clara, CA 95053

Sent via U.S. Mail and Electronic Mail (president@scu.edu)

Dear President Engh:

The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

FIRE is concerned about the state of freedom of speech and freedom of association at Santa Clara University (SCU) following the Associated Student Government's (ASG's) rejection of prospective student group Turning Point USA (TPUSA) on the basis of the group's political stances. This viewpoint-based rejection of TPUSA is antithetical to the free speech promises SCU makes to its students and must be reviewed by SCU's administration.

The following is our understanding of that facts; please inform us if you believe we are in error.

On January 26, 2017, SCU Director of Center for Student Involvement Tedd Vanadilok gave a presentation titled "White Nationalist, Alt-Right & Other Groups on College Campuses" to ASG Senators. The presentation included information on *Breitbart* editor Milo Yiannopoulos, white nationalist Richard Spencer, and Identity Evropa, a white nationalist group responsible for posting flyers on SCU's campus earlier that month. TPUSA was also one of the groups included in Vanadilok's presentation.¹ After the presentation, ASG Senators discussed TPUSA's inclusion in the list and potential presence on campus (transcription errors in original).²

Ye Chit Ko: We have to consider if this RSO [Turning Point USA] would actively segregate or offend any group on campus.

Ahmer Israr: This is a college campus any person can be offended by things. I've worked with Turning Point and they do not support racism or nazism.

¹ Amber Athey, *TPUSA deemed 'direct threat,' denied recognition at Santa Clara*, CAMPUS REFORM, (Feb. 7, 2017), <https://www.campusreform.org/index.cfm?ID=8748>.

² *Senate Minutes 1.26.17*, ASSOCIATED STUDENT GOVERNMENT SANTA CLARA UNIVERSITY, (Feb. 2, 2017), <http://www.asgscu.com/single-post/2017/02/02/Senate-Minutes-12617>

Austin Gray: I have an issue with them actively supporting a person

Sophomore Senator Alex Perlman: You've spoken about activism and I want to know what your line is for activism, I know other chapters have actively tried to get professors fired

We're not trying to be provocative and we don't want to start fights. We want to bring people together

At-Large Senator Kayla Williams: Why did you choose to affiliate with Turning Point USA instead of having your own RSO?

TPA has an extensive donor network and it's more viable and efficient to affiliate.

At-Large Senator Ye Chit Ko: Are you going to participate in the Professor Watchlist?

The people who get on this list are extremist and an example is a professor at Oregon who said the communist regime was the greatest thing that's happened. The list is h l

and stated that SCU's TPUSA chapter did not need to be censured because of the actions of chapters at other universities.

The ASG Senators again discussed their concerns over TPUSA's mission and ASG's recognition of the chapter (transcription errors in original):⁵

Junior Senator Jack Herstam: I've never felt the weight of my presence as much as I do now. Being fair in judgements is something we promise to do. Looking at any RSO that passes will be held to standards

Junior Senator Amy Monzon: We have to consider when we approve a club we are not approving them for a quarter we are approving them for an undeterminable length of time. You have to think about who will be affected.

[. . .]

Perez: A lot of people don't feel safe with this organization and I can't vote for something like that

At-Large Senator Ye Chit Ko: They are running under their name, but these are students on our campus.

At-Large Senator Ahmer Israr: Fundamentally their viewpoints don't matter, it is their ability to speak out as an organization, we should allow all views to be represented. Conservative students are also a minority group on campus and don't feel comfortable speaking in class

[. . .]

Sophomore Senator Alex Perlman: The way I'm trying to look at this, the benefits being part of this organization are outweighed by the amount of people who feel uncomfortable with people being part of this charter organization

Junior Senator Mac McOsker: I don't see this as a partisan thing, I just think this is a bad

clubs already do that. It's not infringing on free speech when we are saying no to this organization .

First-Year Senator David Warne: Disagreeing with this club is infringing on their beliefs.

First-Year Senator Helen Kassa: All the students concerns are valid and it's not our place to validate people's concerns. A single person does not represent a group.

At-Large Senator Ye Chit Ko: Free speech has been brought up a lot and we need to draw the line between free speech and hate speech.

After agreeing that there was no reason to postpone the vote, the Senators voted to reject TPUSA's application for recognition.

The next day, ASG Senator Karsten Andersen emailed Alleva suggesting that, if TPUSA were to attempt to gain recognition next semester, its members should consider renaming the group the "Free Trade Club" to address concerns about the group's ties to the national TPUSA organization. Andersen also expressed concerns that TPUSA may be too similar to existing campus groups.

While SCU is a private university and thus not legally bound by the First Amendment, it is both morally and contractually bound to honor the explicit, repeated, and unequivocal promises of freedom of expression it has made to its students. For example, SCU's "Student Events, Activities, and Organizations" policy states:⁶

We are best served by an educational experience enriched by exposure to differing, and, indeed, to antithetical, opinion. Debating of "uncomfortable" ideas or points of view ought not to be shunned just because it is uncomfortable, for it may stimulate us to think and to think seriously. Thoughtful dialogue in search of truth leads to critical thinking, informed learning, and an honest exchange of facts, beliefs, and points of view. The belief system allowed to go untested is likely to be found weakest in the face of argumentative challenge.

[. . .]

Because as a university we remain irrevocably committed to intellectual discourse, we acknowledge, affirm, and defend the right of every member of the campus community to

own” is inconsistent with university members’ commitment to “valu[ing] diversity and learn[ing] from diverse people, ideas, and situations.”⁷

ASG’s viewpoint-based rejection of TPUSA’s application for recognition is at odds with SCU’s stated commitments to foster debate of “uncomfortable” ideas and protect students’ right to

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