

May 15, 2009

Representative Rebecca Hamilton  
2300 North Lincoln Boulevard, Room 510

spamming policy after she sent an e-mail to a group of faculty members encouraging them to weigh in on proposed changes to the school's academic calendar.

Private colleges and universities are no better at honoring the promises of freedom of expression made to students and faculty. At Brandeis University, we are fighting for a professor found guilty of racial harassment because he used the term "wetbacks" in order to explain and *criticize* the term in his Latin American Politics class. At Tufts University, we have been fighting to convince the administration to overturn a finding of racial harassment against a student newspaper for printing factual information about Islam as part of a satirical advertisement.

Additionally, you may be surprised to learn that despite ten state or federal court decisions unequivocally striking down campus speech codes on First Amendment grounds from 1989 to 2008, the number of unconstitutional restrictions on campus speech actually has dramatically increased during that time. In a detailed study,<sup>1</sup> FIRE found that 77 percent of public colleges and universities maintain speech codes that fail to pass constitutional muster when gauged against applicable legal precedent. Indeed, some of these colleges maintain codes with language virtually identical to language overturned in court. While our estimate may seem surprisingly high, of the eleven constitutional challenges brought against codes that FIRE deemed unconstitutional, *all* of them have resulted in either a strong opinion overturning those codes or the university voluntarily rescinding the code. As you know, a perfect success rate in litigation is a rare thing and speaks to the manifest unconstitutionality of these policies.

But the most common type of speech code co



eliminate censorship on college campuses and restore respect for robust expression in higher education.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Lukianoff". The signature is written in a cursive, somewhat stylized font.

Greg Lukianoff

cc:

Members of the Oklahoma House of Representatives

Burns Hargis, President, Oklahoma State University and the Oklahoma State University System

David L. Boren, President, University of Oklahoma