

F U N C T I O N A L R E C O R D

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April 10, 2009

Chancellor Robert C. Holub
University of Massachusetts Amherst
374 Whitmore Administration Building
Amherst, Massachusetts 01003

As a state institution, UMass Amherst must understand that it has a non-delegable duty to ensure that the First Amendment rights of its students are protected and is legally liable if these rights are not respected. FIRE urges you to prevent SGA from imposing any unconstitutional punishment upon *The Minuteman* or The Silent Majority and to immediately rescind the SGA resolution already enacted.

In addition, FIRE is in possession of a video recording showing that at least two identifiable individuals stole copies of *The Minuteman* out of the hands of a graduate student in the presence of a member of the UMass Amherst Police Department. UMass Amherst must take this theft seriously and appropriately investigate and punish the thieves. Importantly, one of the individuals seen stealing the papers in the video recording has been identified to FIRE as student and SGA official Vanessa Snow, who is a subject in the SGA resolution that unconstitutionally censors and punishes The Silent Majority.

This is our understanding of the facts. Please inform us if you believe we are in error.

On April 1, 2009, The Silent Majority published its March/April 2009 issue of *The Minuteman* and distributed copies, as it normally does, around the UMass Amherst campus. The issue criticizes a UMass Amherst student organization, Student Bridges, for its “reckless spending”:

Student Bridges claims to be a college preparatory pathway and tutoring program for low-income and minority children, but according to financial expenditure logs obtained under the Freedom of Information Act (FOIA) by *The Minuteman*, the organization spent thousands on frivolities, such as \$10K worth of food during the 2008 Fiscal Year alone-- including one shocking \$2,100 tab racked up during a single night of revelry at Salsarengue Restaurant and Seafood in Holyoke.

In addition to food, Student Bridges blew an outrageous \$7,954 on rental cars, \$1,850 on hotels, \$2,840 on bus transportation, and \$1,918 on party supplies, t-shirts, and personalized promotional items.

The issue also calls Student Bridges “Our Jackass of the Month” in a piece that speaks satirically about its Director, Vanessa Snow, relating her weight to Student Bridges’ large expenditure on food:

- The only thing more horrifically large than their bloated 172K FY2009 budget is the bloated backside of their responsibility-averse Director, Vanessa Snow.
- The only thing more wasteful than the careless way they manage their budget were the amount of uneaten tacos and burritos they left at Taco Bell.
- They spent more money on food, drinks, hotels, and rental cars in Fiscal Year 2008 than Eliot Spitzer spent on high-class hookers. (Well, almost.)
- They failed to show any tangible quantitative achievements in their program during Fiscal Year 2008, yet had the arrogant audacity to request a \$50,000 larger budget when most student groups’ overall budget allocations are less than \$5,000.

- They, in essence, take your Student Activities Fee money to discriminatorily tutor poor minority students without showing any tangible results.
- Under the guise of “building bridges to education opportunities” and acting as a “community service organization,” the only servicing this group of corrupt bureaucrats-in-training does is at the salad bar at Salsarengue, where it spent a preposterously indefensible \$5000 in Fiscal Year 2008, thus literally making Director Snow’s ass its own (rather large) budgetary line item for Fiscal Year 2009
- Given all the time this clumsy group of freeloading Leftists spends at restaurants in Holyoke, it is no wonder that their obesity rate is higher than their mentored students’ high school graduation rate

According to photographs and a video in FIRE’s possession and available online, on April 1, during a free speech rally sponsored by the UMass Amherst Republican Club and other RSOs, Snow stood on a pile of copies of *The Minuteman* and would not release them. The video shows that after a woman identified to FIRE as UMPD officer Lisa Kidwell arrived and Snow released the copies, they were picked up by a student intending to distribute the papers, but then Snow and others grabbed almost the entire pile out of his hands. According to an April 6, 2009, article in the *Daily Collegian*, “University spokesman Ed Blaguszewski said a police report was filed and officials are looking into the incident.” Failure to act on the theft of student newspapers would be a serious affront to the freedom of the press on campus, permitting mob rule under which anyone who disliked a news article could steal and destroy an entire press run with impunity.

Following this incident, on April 8, SGA passed the following resolution:

Whereas, Title VII, Chapter 3, Section 10, states that: “Any ESO [Established Student Organization; an RSO is a type of ESO] shall be recognized to have freedom of press and shall not be penalized or subject to penalty due to the subject matter expressed within their medium, with the exception of slander and intentional misrepresentation of SGA members or organizations.” And;

Whereas, The Silent Majority is an active registered student organization on the campus of the University of Massachusetts Amherst, thus subject to the Constitution and ByLaws [sic] of the Student Government Association of UMASS [sic] Amherst under Title VII, and;

Whereas, The Silent Majority published the newspaper *The Minuteman* on April 1st, 2009. On page 17 under, “Our Jackass of the Month” wrote “the only thing more horrifically large than their bloated 172 [sic] FY2009 budget is the bloated backside of their responsibility-averse Director, Vanessa Snow.” Later they add, “...it a spent [sic] a preposterously indefensible \$5000 in Fiscal Year 2008, thus literally making Director Snow’s ass its own (rather large) budgetary line item for Fiscal Year 2009.” This is a clear example of slanderous defamation of character, and an intentional misrepresentation of an SGA member;

about Vanessa Snow that are cited in the SGA resolution provide no constitutional grounds for punishment.

Moreover, beside the point that libel, not slander, would be the appropriate charge regarding defamation in a publication, the piece in

see V. L. J.

Jo-Anne Vanin, Associate Vice Chancellor/Dean of Students, UMass Amherst
Byron Bullock, Associate Vice Chancellor for Student Affairs and Campus Life, UMass
Amherst
Lisa Kidwell, UMass Amherst Police Department
Ngozi Mbawuike, President, Student Government Association, UMass Amherst
Shaun Robinson, Speaker of the Senate, Student Government Association, UMass Amherst
Cheryl Feinstein, Associate Speaker of the Senate, Student Government Association, UMass
Amherst
Derek Khanna, Commuter Area Senator, Student Government Association, UMass Amherst
Josh Davidson, Southwest Senator, Student Government Association, UMass Amherst
Vanessa Snow, Undergraduate Coordinator and Chair of the Board, Student Bridges, UMass
Amherst
Frank LoMonte, Executive Director, Student Press Law Center