

Statement on the Launch of the Stand Up For Speech Litigation Project

We at Davis Wright Tremaine are honored to be asked to participate in the important work of helping to safeguard First Amendment and due process rights on America's college campuses as part of FIRE's Stand Up For Speech Litigation Project. It is a privilege to represent the courageous young women and men, and the faculty members, who have opted not to follow the path of least resistance, but instead have chosen to challenge the exercise of arbitrary and illegal authority. These are acts of civic virtue that will have important benefits not just on their own campuses, but for other students and teachers across the United States as well.

As Greg Lukianoff said, the clear violations of our most basic right to freedom of expression on college campuses are doubly ironic. First, these violations are ironic because college campuses have been uniquely recognized as the quintessential "marketplace of ideas" upon which the concept of the First Amendment is based. Second, these examples are ironic because the law in this area is so well established. The abridgments of basic rights that occurred in these cases violate clear Supreme Court commands that go back decades, as well as principles that were unanimously reaffirmed as recently as last week.

Consider the four cases we have filed today:

- At Iowa State University, the school manipulated its trademark policy to deny approval for certain t-shirt designs proposed by the ISU Chapter of the National Organization for the Reform of Marijuana Laws. ISU hid behind the pretextual claim that the shirts somehow promoted illegal drugs or suggested that the message was endorsed by the university, when it is abundantly clear that the shirts merely state NORML ISU's position on the political issue of drug policy reform. Students Paul Gerlich and Erin Furleigh are challenging this clear example of political censorship.
- At Citrus College, Vincenzo Sinapi-Riddle was threatened with being kicked off campus for speaking to another student outside the school's tiny and ironically-named "free speech zone" about his petition drive protesting activities of the National Security Agency. This happened despite the fact that protections for free speech in the public forum were first articulated by the Supreme Court almost 80

years ago, as well as the fact that Citrus College was already once forced to eliminate a free speech zone, after a lawsuit settlement in 2003. And just last week, the Court unanimously reminded us that this type of face-to-face communication is “the essence of First Amendment expression” and that “no form of speech is entitled to greater constitutional protection.”

- At Ohio University, Isaac Smith and Students Defending Students, the group for which he serves as associate director, were ordered to stop wearing shirts with a mildly risqué slogan under a vague school policy prohibiting “demeaning” or “degrading” speech. Officials at the school took this action despite the fact that the Supreme Court held 43 years ago that the First Amendment protects clothing with crude political slogans – in that case including a jacket urging an anatomically improbable act involving the military draft.
- At Chicago State University, the administration is going to great lengths to silence faculty members Phillip Beverly and Robert Bionaz for their blog, the *CSU Faculty Voice*, which provides critical commentary on mismanagement at the university. Among other tactics, the school has adopted a broad and poorly defined “Cyberbullying Policy” as a tool of censorship. These efforts fly in the face of principles reaffirmed by the Supreme Court this year – again unanimously – that speech by teachers intending to reveal corruption and the misuse of public funds “lies at the heart of the First Amendment.”

These four cases are just selected examples of the type of censorship that takes place on American college campuses every day. The Stand Up For Speech campaign will begin with these cases, and then move on to others as necessary until we reinforce the message, first articulated by the Supreme Court more than four decades ago, that “state colleges and universities are not enclaves immune from the sweep of the First Amendment.”

Finally, I want to introduce the team of lawyers in DWT’s Washington, D.C. office on this campaign. I am working with Ronnie London and Lisa Zycherman, two long-time colleagues who are veterans of numerous free speech battles. Ronnie, Lisa, and I will collaborate with lawyers in other DWT offices, as well as local counsel from other firms in making sure our clients’ constitutional rights are vindicated.