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August 14, 2015

Dear

The First Amendment prohibits the government, including governmental public colleges and universities, from infringing on free speech and the free exercise of religion. The First Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble ..." Yet despite these constitutional protections, speech-restrictive policies in our nation's public colleges and universities remain.

This development was the subject of a recent hearing of the House Committee on the Judiciary's Subcommittee on the Constitution and Civil Justice titled "First Amendment Protections on Public College and University Campuses." At that hearing, Greg Lukianoff, President and CEO of the Foundation for Individual Rights in Education ("FIRE"), testified that "[s]peech codes—policies prohibiting student and faculty speech that would, outside the bounds of campus, be protected by the First Amendment—have repeatedly been struck down by federal and state courts. Yet they persist, even in the very jurisdictions where they have been ruled unconstitutional. The majority of American colleges and universities maintain speech codes."

In FIRE's Spotlight on Speech Codes 2015, your institution received a "red light" rating. According to FIRE, a "red light" institution "is one that has at least one policy that both clearly and substantially restricts freedom of speech." They define a "clear" restriction as a policy that on its face is a threat to free speech and "does not depend on how the policy is applied." They define a "substantial" restriction as a policy that is "broadly applicable" to speech on campus. We write to ask what steps your institution plans to take to promote free and open expression on its campus(es), including any steps toward bringing your speech policies in accordance with the First Amendment.

Thank you in advance for your prompt attention to this request. Please have your staff respond to John Coleman at (202) 225-2825 no later than August 28, 2015.

Sincerely,

A handwritten signature in blue ink, reading "Bob Goodlatte". The signature is fluid and cursive, with the first name "Bob" and last name "Goodlatte" clearly distinguishable.

Bob Goodlatte
Chairman
House Committee on the Judiciary