



May 20, 2016

President Morton Schapiro  
Northwestern University  
Office of the President  
633 Clark Street  
Evanston, Illinois 60208-1100

*Sent via U.S. Mail and Electronic Mail (nu-president@northwestern.edu)*

Dear President Schapiro,

The Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, academic freedom, due process, freedom of speech, and freedom of conscience on America's college campuses. Our website, [thefire.org](http://thefire.org), will give you a greater sense of our identity and activities.

FIRE is concerned by the threats posed to freedom of speech and freedom of association by Northwestern University's denial of recognition to a prospective student chapter of Turning Point USA (TPUSA) on the basis of its purported similarity to an existing student group. The basis for TPUSA's rejection is not borne out by a comparison of the two organizations. Furthermore, TPUSA's rejection constitutes an unacceptable double standard in light of the multiplicity of student organizations. In accordance with its promises to respect students' expressive rights, Northwestern must reverse its rejection and reconsider TPUSA's application in a viewpoint-neutral manner.

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

On October 3, 2015, TPUSA Heartland Regional Field Director Matthew Lamb contacted Student Organizations & Activities Graduate Assistant Lindsay Marrero on behalf of Northwestern students who had expressed interest in forming a TPUSA chapter. Marrero and Lamb exchanged emails about TPUSA's prospective membership, and on October 28, Marrero told Lamb that a Northwestern student would need to apply for TPUSA's recognition. On October 30, Northwestern student Philip Hawkyard's application for TPUSA's recognition was submitted through Northwestern's online New Student

Organization Application. The application stated the group's mission as it is described on TPUSA's national website:

Turning Point USA educates students about the importance of fiscal responsibility, free markets, and limited government. Through non-partisan debate, dialogue, and discussion, Turning Point USA believes that every young person can be enlightened to true free market values.

On December 10, Marrero informed Hawkyard that his application had been rejected because of its purported similarity to unnamed other groups, a concern posed on Northwestern's "New Student Organizations" page, which tells students to ask themselves "Do any other organizations like yours currently exist on campus?" before applying. Marrero's email stated:

Thank you for your application to create a new student organization. Our committee has reviewed your request and found your groups [sic] purpose to be too closely related to groups that already exist. Currently, there are already a large number of groups for whom we have limited resources. For these reasons we are, unfortunately, unable to approve your student group. If you would like to discuss this further, you are welcome to schedule a meeting with me after the winter quarter begins. I hope you have a wonderful break.

Between December 10, 2015, and January 21, 2016, Lamb received no response from Marrero when he attempted to contact her to learn more information about the reasoning behind TPUSA's rejection. On January 21, Hawkyard contacted Marrero to explain that TPUSA would not pose a significant burden to Northwestern's resources, and asked her to name the groups TPUSA's purpose supposedly mirrored:

I am trying to start the Turning Point USA chapter at Northwestern. Over winter break, we were denied recognition, and I wanted to get clarification as to why. Can you please explain which groups our purpose is too close to? We understand that the university has limited resources, however, we are not asking for large amounts of student fees. We would just like to be able to book tabling space and to book rooms to hold meetings, which would not appear to be a substantial cost to the university. I look forward to working something out.

Marrero replied on January 26 and explained to Hawkyard that she was concerned about not only "financial resources, but space and staffing resources as well." Marrero also informed Hawkyard that she believed TPUSA's mission was "very similar" to that of Northwestern's student chapter of the American Enterprise Institute (AEI) and that "we already have over 500 student groups, and must avoid duplication wherever possible." AEI student chapters at colleges around the country are supported by AEI, a think tank headquartered in Washington, D.C., which selects the student leaders for each chapter.

On its Facebook page,<sup>1</sup> Northwestern's AEI chapter states that it is "dedicated to freedom, enterprise and opportunity," and links to AEI's "Executive Council" page<sup>2</sup> for on campus AEI groups, which says that AEI students "promote campus dialogue surrounding free enterprise and American leadership."

Marrero's viewpoint-based justification for denying TPUSA's application is flawed, and Northwestern must reconsider the group's application in a viewpoint-neutral manner.

Although Northwestern is a private university and thus not legally bound by the First Amendment, it makes explicit promises of free speech to its students. For instance, the "Policy Statement on Student Rights and Responsibilities," found in the university's Student Handbook, recognizes the expressive rights students can expect their university to respect, including freedom of association:

10. Students are free to form, join, and participate in any group for intellectual, religious, social, economic, political, or cultural purposes.

11. A student is free, individually or in association with other individuals, to engage in all campus activities, exercising the right of a citizen of the community, state, and nation, provided he or she does not in any way purport to represent the University.

12. Students are free to use campus facilities for meetings of student chartered campus organizations, subject to policies as to time and manner governing the facility.

Additionally, the Division of Student Affairs' "Academic Freedom/Free Speech" statement reaffirms Northwestern's commitment to encouraging the marketplace of ideas:

Northwestern University is committed to the ideals of academic freedom and freedom of speech -- to providing a learning environment that encourages a robust, stimulating, and thought-provoking exchange of ideas.

Northwestern University has indisputably committed itself to respecting its students' expressive rights and fostering an environment where students are urged to participate in the exchange of ideas. By rejecting TPUSA's application based on her interpretation of the group's purpose, Marrero has contradicted Northwestern's stated commitments to its students' freedom of association and hindered the marketplace of ideas the university has promised to protect.

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<sup>1</sup> American Enterprise Institute on Campus at Northwestern University, *About*, FACEBOOK, <https://www.facebook.com/aeinorthwestern/info/> (last visited May 18, 2016).

<sup>2</sup> *Executive Councils*, AMERICAN ENTERPRISE INSTITUTE, <http://www.aei.org/academic-programs/executive-councils/> (last visited May 18, 2016).



Marrero’s claim that TPUSA is too similar to another campus group reveals a double standard when considered in the context of Northwestern’s other recognized organizations. For example, with respect to women’s rights, Northwestern officially recognizes student organizations such as College Feminists, Women In Leadership, International Gender Equality Movement, and Northwestern Men Against Rape and Sexual Assault. Northwestern also recognizes multiple groups focused on international human rights, such as Amnesty International, Fight for Freedom, Northwestern University Community for Human Rights, Peace Project, and UNICEF NU. With respect to environmental concerns, Northwestern recognizes Pura Playa (Engineers for a Sustainable World), Northwestern Energy Technology Group, Students for Ecological and Environmental Development, Real Food at Northwestern, and Wild Roots. Thus, in other circumstances, Northwestern has clearly recognized the unique contributions student organizations make to the community even in cases where their broader interests may overlap—to the ultimate benefit of all Northwestern students.

Moreover, a closer look at AEI and TPUSA reveals substantial differences between the two organizations’ purposes and goals. Putting aside Marrero’s subjective assessment that “promot[ing] campus dialogue surrounding free enterprise and American leadership” is too closely related to “educat[ing] students about the importance of fiscal responsibility, free markets, and limited government,” (which is far from self-evident) AEI’s infrequent and narrowly-focused events leave significant doubt that students interested in a TPUSA chapter could effectuate their mission through AEI’s programming priorities.

Northwestern’s AEI group—which is not listed on Northwestern’s Wildcat Connection Organization Directory—advertised for two events in the 2015-2016 academic year. The first, held on October 19, 2015, was “The Asia Bubble--Lunch with Michael Auslin,”<sup>3</sup> a “discussion of current topics in Chinese economics.” The second, “Pasta & Politics,”<sup>4</sup> focused on the 2016 election and was held on November 30, 2015. TPUSA advertises itself as a grassroots activist organization with a heavy focus on face-to-face conversations,<sup>5</sup> aiming to use “debate, dialogue, and discussion” to spread its messages. A Northwestern TPUSA chapter might well prefer more frequent or different types of programming geared towards its activism, such as outdoor tabling or petitioning, rather than speaker series like those hosted by AEI.

Marrero’s conflation of AEI and TPUSA makes the unwarranted judgment that members of one group would be equally comfortable in the other organization, were only one recognized at Northwestern. It also presumes that AEI will freely or accurately represent the voices of TPUSA students within its organization, which AEI is under no obligation to do. Additionally, it does not take into account that the membership and leadership

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<sup>3</sup> American Enterprise Institute on Campus at Northwestern University, *The Asia Bubble--Lunch with Michael Auslin*, FACEBOOK, <https://www.facebook.com/events/150121282006724/> (last visited May 18, 2016).

<sup>4</sup> American Enterprise Institute on Campus at Northwestern University, *Pasta & Politics*, FACEBOOK, <https://www.facebook.com/events/1526926207628291/> (last visited May 18, 2016).

<sup>5</sup> *Activism*, TURNING POINT USA, <http://turningpointusa.net/activism> (last visited May 18, 2016).

structures of the two organizations are fundamentally different. According to AEI's "Executive Councils" page, campus AEI chapters like Northwestern's "consist of up to six hand-selected student leaders per school." It cannot be assumed that the prospective members of a student TPUSA chapter—whose membership and leadership are not determined by the national organization—would be chosen to join AEI's "Executive Council" at Northwestern by the national AEI group, or that they would be able to participate in the planning and execution of its activities to the same extent they would as members of a TPUSA chapter.

The inevitably subjective value-based grounds on which Marrero based the decision to deny recognition to TPUSA gives FIRE the additional concern that Northwestern administrators enjoy essentially unfettered discretion to reject potential student organizations at their whim. The right to engage in ideological expression at Northwestern, however a student or student groups conceives of it, is unquestionably protected under the university's policies, and it must be protected for all.

The reason given for denying recognition to TPUSA fails to withstand basic scrutiny impermissibly restricts Northwestern students' freedom of association. If this decision is allowed to stand, Northwestern will ignore its promises of free expression and the principles that it enshrines in written policy. FIRE asks that Northwestern promptly reconsider TPUSA's application for recognition in a purely content- and viewpoint-neutral matter, and disavow the future use of the discriminatory criteria employed in this case.

We appreciate your attention to these important concerns, and hope to soon commend Northwestern University and Student Organizations & Activities for rectifying this situation and taking a firm stand for students' rights. We request a response to this letter by June 10, 2016.

Sincerely,



Sarah McLaughlin  
Program Officer, Individual Rights Defense Program

cc:

Lindsay Marrero, Student Organizations & Activities Graduate Assistant  
Patricia Telles-Irvin, Vice President for Student Affairs