



March 17, 2021

Wendy S. White
Senior Vice President & General Counsel
University of Pennsylvania
Office of the General Counsel
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Philadelphia, PA 19104

Sent via Electronic Mail (wendy.white@ogc.upenn.edu)

Dear Senior Vice President White:

Thank you for your February 4, 2021 response to FIRE's February 3 letter raising concerns with the University of Pennsylvania's refusal to register the Hunting, Archery, and Shooting Club because of complications arising out of the COVID-19 pandemic.

Penn's response asserts that this student group was denied registration because its activities would be inconsistent with the university's COVID-19 rules. However, the group has repeatedly attested to Penn student life administrators, public safety officials, and in its application for registration that it will fully comply with all university and government COVID-19 protocols. Although a group interested in sports would, of course, want to actually engage in these activities, an organization formed around a particular hobby may bide its time during the pandemic by engaging in *other* activities related to their interest, including discussing their hobbies, hosting virtual trainings or educational events, and working to recruit prospective members in anticipation of the lift of restrictions.¹ To the extent that Penn's continued refusal to register this group is based on the university's belief that the group intends to violate COVID-19 protocols, the group would be happy to again pledge to follow all university rules upon attaining registration. Undifferentiated fear that a group will engage in prohibited activities when the organization pledges not to do so is an impermissible basis to burden association by denying registration.²

¹ The group's mission is to "promote sustainable conservation, marksmanship, and ethical hunting practices through education and training," and can be done completely virtually in compliance with Penn rules.

² *Healy v. James*, 408 U.S. 169, 193 (1972) (university could require prospective group to "affirm that they intend to comply with reasonable campus regulations" during a period of violent unrest on university campuses).

Penn's refusal to register this group stands in contrast to its continued registration of more than 750 student groups, many of which are dedicated to in-person activities that, if conducted, would also violate university COVID-19 protocols.³ Additionally, Penn appears to have no qualms with registering new student groups despite the pandemic, as evidenced by its recent registration of the "Penn Surf Club," a student group with a mission that explicitly encompasses in-person activity in violation of university COVID-19 rules.⁴

Penn's registration of these student groups demonstrates the university's evaluation that it may simultaneously register groups while requiring them to adhere to important health and safety codes, and its trust that its students will adhere to those rules upon gaining the rights and privileges of registration. Penn should extend the same good faith to the Hunting, Archery, and Shooting Club. This is particularly so in light of the long-standing tradition of Penn students engaging in safe and lawful recreational shooting activities. Like the Penn Surf Club, the proposed group seeks to utilize the many university virtual resources attendant with registration, which allow Penn students to exercise the free speech rights that, as you state, form a part of Penn's core mission.

FIRE again calls on Penn to afford this student group expressive and associational rights by processing its application for registration without delay. We request receipt of a response to this letter no later than the close of business on March 30, 2021.

Sincerely,



Zachary Greenberg
Senior Program Officer, Individual Rights Defense Program

³ Penn Club, *Browse Clubs*, UNIV. OF PA, <https://pennclubs.com/> (last accessed Mar. 2, 2021) (listing 751 registered student group). For example, several dance troupes, a cappella groups, recreational sports groups, and other student organizations premised on facilitating in-person activities have retained university registration throughout the pandemic.

⁴ Penn Clubs, *Penn Surf Club*, UNIV. OF PA., <https://pennclubs.com/club/penn-surf-club> (last accessed Mar. 2, 2021) (listing Penn Surf Club's mission statement); Grace Brazunas, *Surf's up: Penn's newest club hopes to hit the Jersey waves*, DAILY PENNSYLVANIAN (Nov. 12, 2020), <https://www.thedp.com/article/2020/11/penn-surf-club-philadelphia-covid> ("Once restrictions on in-person activities are lifted, the club hopes to facilitate group trips to the Jersey Shore."); Email from Rodney V. Robinson, Assoc. Dir. Office of Student Affairs, to Dongwook Choe (Jan. 7, 2021, 1:13 PM) (on file with author) (describing Penn Surf Club's registration as an "enthusiast club").