



October 18, 2024

Ramona E. Romero
Office of the General Counsel
Princeton University
New South Building, Fourth Floor
Princeton, New Jersey 08544

Sent via U.S. Mail and Electronic Mail (ramonar@princeton.edu)

Dear Ms. Romero,

FIRE appreciates your response to our September 19 letter indicating that Princeton’s decision not to host the Advisory Opinions podcast was unrelated to the university’s tax status. However, that Princeton’s actual justification appears to be a policy that prevents student organizations from hosting events with non-university organizations raises new concerns. This policy violates Princeton’s free expression guarantees. We implore the university to eliminate or narrowly tailor its student organization policies to comport with its free expression promises.

Although Princeton is a private university not bound by the First Amendment to grant students freedom of speech or of the press, it makes independent promises to the same effect in its Statement on Freedom of Expression.¹ Freedom of expression encompasses students’ expressive “right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.”² Recognized student organizations may, at times, have an interest in joining other individuals or organizations—even those not associated with or recognized by the university—to achieve common goals.³ Princeton’s ban on

¹ *Statement on Freedom of Expression*, PRINCETON UNIV. <https://rrr.princeton.edu/university-wide-regulations/11-university-principles-general-conduct-and-regulations> [<https://perma.cc/2SVU-R2SG>].

² *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984). While Princeton, as a private university, is not bound by the First Amendment, courts’ interpretations of free speech principles should inform its commitment to upholding student free speech rights and its students’ reasonable expectations of what those rights encompass.

³ *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 933 (1982) (“[O]ne of the foundations of our society is the right of individuals to combine with other persons in pursuit of a common goal by lawful means.”). By combining with others, a student organization receives numerous benefits including increased exposure to an issue or viewpoint, additional funding and resources, networking opportunities, and credibility building.

student organizations co-hosting events with non-university groups burdens this right to expressive association.

A commitment to free expression demands that the university impose such burdens only when narrowly tailored to advance a compelling interest,⁴ such as maintaining a safe learning environment free from substantial disruption or misconduct. Princeton’s co-sponsorship policy, however, burdens far more associational freedom than is necessary for Princeton to achieve any legitimate interest. For example, the policy’s restriction reaches co-sponsorships that pose no cognizable health or safety threats to students (apparently including podcast recordings) and applies to recognized student organizations that have no allegations or history of misconduct. It is also difficult to see how prohibiting *all* co-sponsored events with non-Princeton entities—without regard to the nature of the event or the non-Princeton entity—is tailored to address safety, disruption, or misconduct. Courts notably have invalidated restrictions less onerous than that identified here as unconstitutionally burdensome of associational rights.⁵

Beyond the associational issues, application of the co-sponsorship policy to this event contradicts the plain text of the policy itself. Whig-Clio did not “co-sponsor” this event with the podcast organizers; rather, Whig-Clio invited hosts David French and Sarah Isgur to come and speak as guests of the organization.⁶

Meanwhile, the university allowed two student organizations to reserve university space for an exhibition just this week, even though an outside organization, the Israeli American Council, controlled the display pieces.⁷ The contrast between Princeton’s handling of this exhibition and the Whig-Clio event demonstrates how unworkable Princeton’s co-sponsorship policy is. In the First Amendment context, the Supreme Court has castigated policies like this which offer rulemakers virtually unfettered discretion in defining and enforcing key provisions.⁸ Indeed, such inconsistent enforcement often undermines the very interests rulemakers seek to advance.⁹

⁴ See *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 451 (2008); *Johnson v. City of Cincinnati*, 310 F.3d 484, 504 (6th Cir. 2002) noting that for a regulation to be “narrowly tailored,” it must not only “achieve[] its ostensible purpose, it must do so without unnecessarily infringing upon constitutionally protected rights.”).

⁵ *Gay Students Org. of the Univ. of N.H. v. Bonner*, 509 F.2d 652, 659-60 (1st Cir. 1974) (holding university’s ban on a single student group’s social event “substantial[ly] abridg[ed]” its associational rights); *cf. NAACP v. Ala. Ex rel. Patterson*, 357 U.S. 449, 462-63 (1958) (compelling disclosure of membership lists was a “substantial restraint upon the exercise by [NAACP chapter] members of their right to freedom of association”).

⁶ David French & Sarah Isgur, *The Legality of Israel’s Beeper Attack*, Advisory Opinions (2024), <https://open.spotify.com/episode/6rYaokeWT6CEsQc9QPcAGo?si=2819309e23d04bfb/>.

⁷ Miriam Waldvogel, *Tigers for Israel, Chabad art installation raises questions about U. policy on symbolic structures*, THE DAILY PRINCETONIAN, (Oct. 12, 2024, 7:50 PM), <https://www.dailyprincetonian.com/article/2024/10/princeton-news-broadfocus-tigers-for-israel-and-chabad-host-art-installation-to-draw-awareness-to-hostages/>.

⁸ *Minn. Voters Alliance v. Mansky*, 585 U.S. 1, 21 (2018).

⁹ *Id.* at 22.

Both because the Whig-Clio event did not involve a co-sponsor and because the university's speech promises *should* permit co-sponsored events, Princeton's infringement on Whig-Clio's ability to hold the podcast recording violated the university's expressive promises.

Given the ongoing chill to student organizations' expression, we request a response to this letter no later than November 1, 2024 confirming Princeton will revise its policies to comport with the expressive freedoms it promises students. FIRE is always happy to work with institutions like Princeton free of charge on policy updates that benefit campus communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Dominic Coletti", written in a cursive style.

Dominic Coletti
Program Officer, Campus Rights Advocacy