



Clemson University Violates First Amendment... AGAIN!

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In the spring of 2008, Clemson University's Administrative Council voted on a policy limiting the freedom of speech for all university faculty and staff. The policy, which was emailed out to all staff members on January 12, 2010, set strict guidelines for any contact with public officials on the state and federal level.

The email was issued by Clemson University Media Relations and stated, "Any meeting between a Clemson University administrator, faculty, or staff member and members of Congress or their staff must be arranged by the director of federal relations." A similar statement was made concerning meetings with the S.C. General Assembly and staff and directors of federal and state agencies.

In effect, the policy required that before contacting any public official, Clemson staff must notify and arrange it through the university. According to the email sent by Media Relations, not doing so would be a violation of state and federal ethics laws. The email did not specify however, exactly which ethics laws those might be.

But what is also strange is that the emailed policy directly contradicted the policy that is available online under "Contacting Public Affairs." That policy correctly recognizes that the First Amendment right of free speech, as well as academic freedom, applies to Clemson faculty.

This story does have an upside. One faculty member, Political Science professor Dr. David Woodard, saw the policy and immediately recognized its unconstitutionality. Moreover, Woodard, who is also a well-known political consultant, talks to public officials nearly everyday. Thus, such a policy would have severely tempered his day-to-day activities (to say the least).

Woodard first contacted Clemson's Director of Federal Relations, Katy Bayless about his

concerns. In her response, Bayless said that while she understands his worries, their goal with the policy is to have those who are contacting officials "do so in an organized fashion."

After the unhelpful and dismissive response from Bayless, Woodard contacted the Freedom for Individual Rights in Education (FIRE). FIRE, whose mission is to "defend and sustain individual rights at America's colleges and universities," promptly sent a letter to Clemson's President, James Barker.

In the letter, dated January 15, 2010, FIRE cited the university's egregious policy and said it was "concerned about the threat to freedom of expression, academic freedom, and freedom to petition public officials..." The letter went on to say that it is unacceptable under any understanding of freedom, to demand that any meeting with public officials be arranged through the university.

It also said, "By enacting this blanket restriction, the Media Relations'...policy [is] in clear violation of Clemson's legal obligation to uphold the First Amendment on campus...as a public university, Clemson is legally bound by the United States Constitution's guarantee of freedom of speech..." The letter ended with FIRE's promise to pursue the matter until it was resolved.

Fortunately, the university responded forthwith by sending out another email to all faculty members stating, "We should have made it more clear that these policies do not apply to personal contacts as a private citizen..." So for now, Clemson faculty will be able to exercise their First Amendment rights without fear of retribution- which is, of course, how it should be.

But this is not the first time FIRE has had to intervene at Clemson on behalf of the First Amendment. The Tiger Town Observer reported in 2006 that the university censured the Clemson Conservatives group after they hosted a protest that took place in a non-designated "free-speech zone," and was not approved through campus police.

The protest took place on October 30, 2006 and on November 9, the Office of Judicial Conduct found the conservative group guilty of holding the protest in an area of campus not designated as a "free-speech zone." That meant censure and admonition, and a warning that any repeated transgression could result in suspension. Thankfully however, the Clemson Conservatives appealed to FIRE for help, and just like they did this time, the foundation sent President Barker a letter. In the following weeks, the speech policy was reversed and the sanctions placed on the conservatives were dismissed.

However, this current incident- the policy concerning faculty contact with public officials- is the second time in a little over three years that FIRE has had to intervene at Clemson University. Do Clemson University officials just not care about free speech and the rights guaranteed in the First Amendment? Or are university officials just so careless in the policy making that they fail to notice when they enact rules that are flat-out unconstitutional?

Moreover, it doesn't take an advanced degree to realize what inhibits free speech and what doesn't. "It is surprising that the university administration, with lawyers on staff and personnel with graduate degrees, do not know more about the first amendment," Woodard told The Observer. "All of us find it encouraging when the administrators study their civics and abide by the United States Constitution." Angie Leidinger, Executive Secretary to the Board of Trustees (whose name was on the original email sent out to faculty), never responded to requests for comment.

Whatever the case may be, such disregard for the First Amendment- even after it was brought to someone's attention (i.e. Bayless' response) is unacceptable for any university. The next time Barker and his administration wonder why Clemson University hasn't been able to break into the Top 20, they should remember this.

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