



Foundation for Individual Rights in Education

April 13, 2006

Chancellor Douglas N. Hastad  
University of Wisconsin-La Crosse  
135 Graff Main Hall  
1725 State Street  
La Crosse, Wisconsin 54601

Sent via U.S. Mail and Facsimile (608-785-6947)

Dear Chancellor Hastad:

As you can see from our Directors and Board of Advisors, 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, freedom of religion, academic freedom, due process, and, in this case, freedom of speech and of the press 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 gravely concerned about the University of Wisconsin-La Crosse (UW-L) Student Association Student Senate's March 29 resolution to limit the distribution of the student magazine *The Second Supper*. This attempt to censor *The Second Supper* for content deemed racist by some members of the Student Senate violates the First Amendment to the United States Constitution and demonstrates a disturbing lack of respect for students' freedom of expression. This action also shows a basic lack of understanding of the purpose behind the constitutional rights of freedom of speech and of the press.

This is our understanding of the facts. Please inform us if you believe we are in error. We are available at 608-785-6947, or by email at [info@thefire.org](mailto:info@thefire.org). We are also available at 1725 State Street, La Crosse, WI 54601.

After that issue was published, the Student Senate introduced a resolution determining that “the recent and past events of racist, sexist, homophobic, ablest (*sic*), anti-Semites (*sic*) speech in the Second Supper are threatening the **recruitment and retention** of students from underrepresented groups.” (Emphasis in original.) The March 29 resolution was sponsored by “the students silenced by privilege,” and punished *The Second Supper* by curtailing its distribution from 2000 copies per issue, distributed at 8 distribution points across campus, to 60 copies per issue, to be distributed only in three university buildings.

*The Second Supper*’s editor-in-chief, Joseph Gullo, met with members of the Student Senate on March 27 to petition for a less severe punishment. On March 29, the Student Senate passed another resolution limiting distribution to 900 copies, to be distributed between the university’s Cartwright Hall, Carl Wimberly Hall, and Whitney Center. Gullo has submitted an appeal to UW-L’s Student Court in order to have the resolution repealed.

First, let us be clear that the content in question—the use of the word “niggaz” in a humorous context for the purpose of political satire—is unquestionably protected expression under the First Amendment to the U.S. Constitution. The principle of freedom of speech does not exist to protect only non-controversial speech; indeed, it exists precisely to protect speech that some members of a community may find controversial or “offensive.” Parody and satire, even when they include “offensive” language, are forms of political speech that are at the core of our country’s honored traditions. They exist precisely to challenge, to amuse, to provoke, and, indeed, to offend. Case law on this subject is quite clear; we strongly encourage you to read the landmark Supreme Court cases of *Cohen v. California*, 403 U.S. 15 (1971) and *Hustler Magazine, Inc. et al. v. Jerry Falwell*, 485 U.S. 46 (1988). Taken together, these cases protect—as core political speech—highly offensive material, farce, profanity, and exaggeration, and confirm the essential role of parody and satire precisely because they challenge readers’ deepest assumptions and beliefs. No campus that claims to take seriously the free speech rights of

