



April 14, 2017

Father John P. Fitzgibbons, S.J.
Office of the President
Regis University
3333 Regis Boulevard B-4
Denver, Colorado 80221-1099

Sent via U.S. Mail and Electronic Mail (president@regis.edu)

Dear President Fitzgibbons:

As you know from our March 22 letter, the Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

FIRE was disappointed not to have received a response to our March 22 letter by our April 5 deadline.

Beck engaged other students in discussion at the table for about an hour until McSheehy approached the table and asked Beck to meet with her. Beck was not permitted to record the meeting. According to Beck, McSheehy claimed Beck's table constituted a "demonstration" and then explained that, because the expression was in protest of Social Justice Week, Beck needed to obtain permission from the university 48 hours in advance, and that he had to shut down his display.

Beck emailed McSheehy for clarification later that day, and she replied confirming that she viewed the table as a "demonstration."

Thanks for your email. Your table was not "shut down". I thought in our conversation I was very clear about that. I simply wanted to connect with you about the correct process and procedures that need to be followed in order to have a recognized organization and to table as such.

likely undeserving of the “nuclear” response of federal incarceration. After citing Beck’s alleged violation of federal law and querying where on the spectrum of punishment the university’s response should lie, an administrator at the event declined to say whether punishment would be levied, citing federal privacy laws. After students shared their frustrations with the bake sale and the administration, the meeting came to an end.

As stated in FIRE’s letter last month, while Regis is a private university and thus not legally bound by the First Amendment, it is both morally and contractually bound to honor the promises it has made to its students. For example, Regis’ “Student Conduct Expectations” states:³

Within the traditions of its mission and Catholic, Jesuit heritage, Regis University expects its students to develop a high standard of behavior and personal values. Among these expectations are included:

[. . .]

- Respect for the University’s academic traditions of honesty, freedom of expression and open inquiry;

Additionally, Regis’ Student Handbook states that “the Regis community seeks to live the Jesuit mission by . . . providing opportunities for self-expression and growth in the Regis community” and that “[i]ntentionally and substantially interfering with the freedom of expression of others in or on

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expressive conduct is political protest clearly protected by the First Amendment, and Regis cannot justify its censorship by reference to unidentified and inapplicable federal laws.

The “bake sale”—a common method of protest seen at universities across the country⁵—was intended as a satirical response to Regis’ “Social Justice Week.” Categorizing the bake sale as a violation of federal law ignores or willfully misinterprets the expressive purpose of the event. Beck did not seek to create a profitable commercial enterprise—indeed, he pledged not to keep any meager profit—but to make a statement. Protests that rely on satire—such as Beck’s “Social Justice” bake sale and feminist “wage gap” bake sales, both of which utilize proposed transactions to highlight perceived flaws in society or policy—exist to challenge, provoke, and, indeed, often offend.

Satirical political protest is at the very heart of our country’s honored traditions. In *Hustler Magazine v. Falwell*, 485 U.S. 46 (1988), the Supreme Court of the United States ruled that the First Amendment protects even the most blatantly ridiculing, outlandishly offensive parody. I

Sincerely,



Sarah McLaughlin
Program Officer, Individual Rights Defense Program

cc:
Diane McSheehy, Dean of Students