

NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
American Association of School Administrators
American Association of University Professors
American Association of University Women
American Booksellers for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Jewish Committee
American Library Association
American Literary Translators Association
American Orthopsychiatric Association
American Society of Journalists & Authors
Americans United for Separation of Church & State
Association of American Publishers
Authors Guild
Catholics for Choice
Children's Literature Association
College Art Association
Comic Book Legal Defense Fund
The Creative Coalition
Directors Guild of America
The Dramatists Guild of America
Dramatists Legal Defense Fund
Educational Book & Media Association
First Amendment Lawyers Association
Free Speech Coalition
International Literacy Association
Lambda Legal
Modern Language Association
National Center for Science Education
National Communication Association
National Council for the Social Studies
National Council of the Churches
National Council of Jewish Women
National Council of Teachers of English
National Education Association
National Youth Rights Association
The Newspaper Guild/CWA
PEN American Center
People For the American Way
Planned Parenthood Federation of America
Project Censored
SAG-AFTRA
Sexuality Information & Education Council of the U.S.
Society of Children's Book Writers & Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church,
United Methodist Communications
Women's American ORT
Woodhull Sexual Freedom Alliance
Writers Guild of America, East
Writers Guild of America, West

July 5, 2017

Governor Roy Cooper
North Carolina Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Dear Governor Cooper,

On behalf of the National Coalition Against Censorship and the American Association of University Professors – organizations devoted to protecting free expression – we write to share our concerns about the proposed Restore Campus Free Speech Bill. While we support efforts to promote free speech and academic freedom on all campuses, we oppose doing so through statutory force and legislative oversight. We urge you stand for the institutional integrity of North Carolina's universities by vetoing this bill and spearheading a campaign for universal adoption of free speech policies on campuses.

Presently, North Carolina's universities and students enjoy robust speech protections afforded by the U.S. and North Carolina constitutions that guarantees all persons the right to freely speak, assemble, learn, and exercise their conscience. [NC Const. Art. I, Sec. 12-15]. The University of North Carolina (UNC) – the largest of the academic institutions this bill purports to serve – has a long-standing policy of protecting the rights of its students, faculty and employees to speak, think and freely exercise their conscience. It is already established UNC institutional policy “not to espouse a point of view, (but to) provide appropriate opportunities for the expression of *all* points of view.”

We therefore agree with the UNC General Counsel's assessment of the proposed legislation as “unnecessary” and echo the institution's concern that the bill would restrictively burden universities with unnecessary paperwork and potential litigation to defend actions for which internal resolution mechanisms already exist.

We also agree with Louisiana Governor John Bel Edwards, who recently vetoed similar legislation in his home state, that the bill is “a solution in search of a problem.” Rather than fostering freedom of expression and intellectual discourse, the proposed legislation could create more problems than the one it seeks to solve. Broad legislative oversight always poses a risk of partisan political interference.

Current events provide ample grounds for concern about the potential for political meddling in the institutional governance of North Carolina's universities. Recently, for example, the University of North Carolina-Chapel Hill has faced pressure from conservative lawmakers and advocacy groups, such as Students for Academic Freedom, to censor books on its suggested reading lists for incoming freshmen. In 2002, UNC-Chapel Hill successfully defended its First Amendment rights before the Fourth Circuit over its inclusion of Michael Sell's *Approaching the Qur'an* to the freshman summer

reading list. In 2003, the university was again forced to assert its institutional autonomy when it was condemned by some Republican lawmakers for promoting “intellectual pornography” by including Barbara Ehrenreich’s *Nickel and Dimed: On (Not) Getting By in America* on its suggested reading list.

As recently as February 2015, the Board of Governors unanimously voted at the request of lawmakers to deny funding to three academic centers at the University of North Carolina, North Carolina Central University and East Carolina University. The controversial decision was widely condemned by university officials, civil liberties groups, and lawmakers as “state-sponsored censorship” that “contravene(d) core principles of academic free speech and inquiry.” Shortly thereafter, the legislature passed the resolution to strip the executive branch of its appointment powers for university governance, relegating these powers unto itself.

A Committee for Free Expression – instituted under this bill and constituted by the legislature-appointed Board of Governors – would inject political considerations into the administration of speech policies and sanctions, potentially undermining the autonomy of North Carolina’s institutions.

We support the position of the American Association of University Professors that any appropriate regulations on speech – including the regulation of protest, outside speaker invitations – should be adopted through internal mechanisms of institutional governance.

Rather than adopt unnecessary and burdensome requirements into law, we strongly urge your office to sponsor a collaborative and university-led campaign for the review and adoption of institutional free speech policies state-wide. We would be happy to assist in drafting such a policy, as we have considerable experience and expertise in this area.

Thank you for your sincere commitment to free speech and respect for intellectual freedom.

Sincerely,



Svetlana Mintcheva, Director of Programs
National Coalition Against Censorship



Henry Reichman, First Vice President
and Chair Committee on Academic
Freedom and Tenure
American Association of University
Professors