



GEORGETOWN UNIVERSITY

February 29, 2016

Office of Federal Relations

The Honorable Peter J. Roskam
Chair
Ways and Means Oversight Subcommittee
U. S. House of Representatives
Washington, DC 20515

The Honorable John Lewis
Ranking Member
Ways and Means Oversight Subcommittee
U. S. House of Representatives
Washington, DC 20515

Re: March 2 Subcommittee Hearing on "Protecting the Free Exchange of Ideas on College Campuses"

Dear Chairman Roskam and Ranking Member Lewis:

I am writing with regard to the Subcommittee's hearing on "Protecting the Free Exchange of Ideas on College Campuses." The Subcommittee's announcement states that it will "us[e] a recent Georgetown Law incident as a case study [in which] Georgetown Law recently prohibited law student Alex Atkins from distributing information to support a Presidential candidate on campus, arguing that political activity by students on campus would threaten its tax-exempt status." I am writing to share with you and your Subcommittee members some information about political speech here at Georgetown University and some insight into the situation you are exploring and the work we are doing related to it here on our campus.

Georgetown is an institution that cherishes free speech and open and lively debate on all manner of topics. Students are encouraged to express their views, and do so routinely all across our campuses both inside and outside of the classroom. With our Washington, DC location, and academic strengths in public policy, government, foreign service and law, we have a particular orientation toward public service and engagement in the political process, and have a long history of educating students of all ideological and political perspectives and working with them to express their ideas and advocate for causes they care about.

We host numerous political speakers who represent a range of perspectives, including elected officials, high level appointees and candidates for public office. In the last several Presidential election cycles, we have invited all candidates to speak at Georgetown and many, including most recently Senator Bernie Sanders last November, have accepted our invitation. For your information, I am attaching a document that lists political and public sector speakers who have spoken on our campus over the last year. I would note that, coincidentally, this week alone, my office is working with the College Democrats to host Congresswoman Grace Meng (D-NY) and with our chapter of Young Americans for Liberty and the College Republicans to host Congressman Mick Mulvaney (R-SC). While these individuals are coming to speak in their official capacities as Members of Congress and not as representatives of candidates for office, the discussion at their appearances, including the "Q&As" will doubtless allow students to engage

with them on a variety of political topics that are being debated in the current Presidential campaign. These types of exchanges embody the spirit of this University and our success in engaging students in the important issues of the day.

The Law Center did not accept Law Center student Alex Atkins' request for space to engage in campaign activity because our policies (1) focused on organized student groups and at the time did not allow individual students to reserve space for organized activities on campus, and (2) contained an overly cautious interpretation of the legal requirements governing the use of University resources under Section 501(c)(3) of the Internal Revenue Code. We are adjusting the policies to make very clear that individuals as well as groups are able to reserve tables for organized activity and that all members of our community are able to make reasonable use of University resources to express their political opinions.

To manage the use of its constrained space, the Law Center's policy for reserving tables focused on providing opportunities for officially recognized student organizations (including, of course, our Georgetown Law Republicans and Georgetown Law Democrats), but did not provide such opportunities for individual students. While this policy has previously served the community well, Mr. Atkins' recent experience highlighted the need to adjust this policy to ensure that not only groups but also individuals can express their views in an organized way.

As your Committee knows, non-profit institutions of higher education must comply with Section 501(c)(3) of the Internal Revenue Code, which imposes restrictions on their engagement in partisan political campaign activity, and on the use of university resources in support of such activity. To ensure that students can engage in the political process without having the University run afoul of its legal obligations, the Law Center has established guidelines regarding partisan political activity on campus. The policy encourages students to express their political views and to participate in the political process, while clarifying that they cannot speak for Georgetown or use Georgetown resources in a manner that could imply that Georgetown itself is speaking or endorsing their viewpoints. While the majority of the policy has appropriately enabled speech while protecting the University, Mr. Atkins' request led the Law Center to realize that its understanding of the 501(c)(3) restrictions on the use of Law Center resources for student campaign activity was overly narrow. The Law Center is therefore adjusting its policy to allow students to make appropriate use of University resources as they engage in partisan political activities on campus.

Georgetown University Law Center's updated policies will reiterate that all members of the Georgetown Law School community have the right to express themselves as they wish in a non-disruptive manner on campus inside or outside of the classroom. They will also specifically address the issue that occasioned this hearing and provide student organizations, ad hoc groups and individual students with access to space for political or other advocacy, including partisan campaigning.

This work began prior to the announcement of your hearing and is moving forward expeditiously, particularly in light of the political season that is well underway. We expect to have the updated policies, which are currently being reviewed by students, faculty and staff, in place shortly. Mr. Atkins is fully aware of this work.

Thank you for the opportunity to share this context, and I hope it will be helpful as you explore these issues in the Subcommittee. We share the goal of ensuring that our students, faculty and staff can freely engage in political and public policy debates and express their views through participation in

political campaign activity, while being careful not to have the University itself engage in partisan political activity that would run afoul of 501(c)(3) of the Internal Revenue Code.

With best regards,



Scott S. Fleming
Associate Vice President
for Federal Relations

CC: Members of the Subcommittee