I am speaking against the proposed resolution, but I do so with great reluctance. I am reluctant for two reasons.

One. I share the general dismay and disappointment at the low level of communication and repugnant symbolism expressed in throwing eggs at a photo of presidential candidate Obama.

Two. I recognize how difficult it is to draft an effective resolution or solution to an issue involving offensive protected free speech. I have experience in this area.

But I oppose the proposed resolution for two reasons.

One. Our resolution indicates that the YCT may or may have not been engaged in legally protected free speech. They were clearly within their free speech rights. I give two examples.

In 1952, I was the chairman of Students for MacArthur for President in part of Indiana. A poster appear, not from the MacArthur campaign. We thought the Eisenhower people provided it, but were never sure. It said “Pay off the national debt. Erect a pay toilet over Harry Truman’s grave.” I told my people not to use it, but college and other groups did decided it was protected free speech.

But more relevant, forty years later in 1992, I was a delegate to the Republican National Convention being held in Houston to nominate President George H.W. Bush for a second term. Near a convention hotel, the gay rights group, Act Up had set up a demonstration. They had photos of President Bush, Pope John Paul II and other right wing leaders. They were standing back a few feet and taking turns spitting at the photo of the Pope when I walked by. They told me that some of them had AIDS so they were symbolizing infecting and killing President Bush and the Pope. A friend of mine, an older female delegate from East Texas, tried to prevent them from spitting at the photos. She got in their way and was swinging her umbrella at them. She was promptly arrested and a few of us were temporarily detained. The Houston Police Department explained to us in their inimitable way that Act Up was engaged in protected free speech. Upon consultation, our own Republican attorneys agreed, and Texas delegates were instructed to stay on the other side of the street from the Act Up-spitting-at-photos demonstration if we were offended.

The YCT was engaged in protected free speech. As for Article III informing students to be aware that their actions reflect on the University, this vague statement does not trump free speech rights. And we would not want our faculty tenure rights to be judged by a statement subjecting our lectures and publications to an administration or Board of Regents’ judgment on how they might reflect on the University. That popular test would chill free speech at the faculty as well as at the student level.
My second objection to our resolution is in the therefore clause. We are asking the Office of Student Affairs to instruct organizers to abstain from activities that could be considered as symbolic violence...” What does this mean, and how could it be enforced? Instructions are not technically rules or guide lines. Considered by whom as symbolic violence? Is this to apply only to political groups or to all groups? Over the years I have seen a number of displays on campus with symbolic violence against women hidden in the message of the display. Religious groups have had symbols of sinners burning in Hell. The Corps trains for violence and has had displays of violence against our national enemies, sometimes naming individuals. Have you ever been to midnight yell practice? There are all kinds of symbols of violence against the coach and members of the opposing football team. All the “Beat the Hell Out Of...” signs will have to come down. It will be a great conundrum to enforce this instruction, and after last Saturday using our national image as a test might outlaw the football team before it affects the YCT. A resolution expressing our disappointment in the low level of communication represented by throwing eggs at Obama’s photo is appropriate. Our resolution has the properties of being a cure worse than the illness.

Thank you