

House Bill 1127: Ending the Use of Student Fees to Collect Money for Activist Organizations

February 2, 2000

Issue Background

By [Linda Gorman](#)

Synopsis: Forcing a person, including a college student, to pay for speech which she does not support is contrary to First Amendment values.

What the bill does: H.B. 1127 would make it illegal for state colleges and universities to impose optional or mandatory student fees that collect money for organizations whose primary purpose is to engage in political or issue advocacy.

Discussion: No one disputes the fact that part of the student fees currently collected by Colorado's tax supported institutions of higher education are used to promote the political agendas of private groups. Those opposed to this bill argue that one of the bad things about it is that it would cut funds to activist student organizations. They say that eliminating support for such "diverse" groups would expose students to fewer "educational" opportunities and would harm free speech by creating less of it.

As public interest budgets go, the sums involved are large. According to Rex Wilmoth, Colorado Public Interest Research Group's campus organizing director, about one-third of CoPRIG's funding comes from the involuntary student fees assessed at Colorado's tax supported campuses.[1] Each student at Colorado State pays CoPRIG \$4.10 a semester. Each CU-Boulder student pays a minimum of \$5.50 a semester to support activist environmental organizations such as the Student Environmental Action Coalition. Local SEAC chapters pay dues to support the national organization. It lobbies on such political issues as social justice, environmental justice, military spending, welfare reform, global warming, and corporate governance.

Other fees are collected for Amnesty International, animal rights groups, PUSH America, the United States Student Association which lobbies for larger federal student subsidies, and the Women's Resource Center. It provides students with the latest copies of *Bitch*, *Weird Sisters*, and *Ms.* in addition to supporting those interested in "women's issues" such as homosexual rights, abortion rights, and gender equity.[2]

These groups, and others like them, rely on college and university administrative systems for fund raising. The systems are easily controlled by activist groups because student government referenda typically have very low voter turnout. Without the automatic funding provided by student fees, campus activist groups would have to compete for voluntary contributions like

every other group.

Campus activists fear that revenues will fall if those who disagree with their agendas are allowed to stop supporting them.

Thomas Jefferson wrote in 1777 that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." U.S. courts have generally recognized that free speech is meaningless without the corresponding freedom not to speak. Colorado's taxpayer supported institutions of higher education currently deny students this freedom by requiring them to pay for issue advocacy in order to receive their diplomas.

The issue of student fees has come up because five University of Wisconsin law students sued the University of Wisconsin. Arguing that they were in profound disagreement with many of the private activist organizations that their student fees were used to support, they claimed a violation of their first amendment rights. In August 1998, the United States Court of Appeals for the Seventh Circuit agreed with them, saying that even if the fees had been voted on by the student body, "The First Amendment trumps the democratic process and protects the individual's rights even when a majority of citizens wants to infringe upon them." The case has been appealed, and all parties await a Supreme Court ruling.[3]

Even if ruled constitutional, the practice of coercive fee collection may not be right. The organizations receiving the money claim that they are an essential part of the educational mission of the University. They say that they promote "diverse" opinion and provide valuable practical experience. But students are not isolated from the larger community, and it offers thousands upon thousands of volunteer opportunities in organizations with far more diversity than those on campus. It also offers the experience of working with people of all ages on real problems. In an era in which information is literally a mouse click away, it is difficult to defend the position that diverse opinion will be stifled unless university administrators continue to force students to underwrite university approved political speech.

A potential problem is that terms such as issue advocacy and political activity may be ill suited for legal proceedings requiring precise definitions. Most politically active groups will claim that their offerings are educational in nature. This objection can be subsumed by a broader question. Why, at a time of escalating college costs, do state institutions feel it proper to require students to pay for *any* activity not directly related to strictly academic pursuits?

[1] Terje Langeland, "Fee bill advances opponents say lawmakers are targeting CoPRIG," *Colorado Daily* web site as of 19 January 2000. <http://www.codaily.com/Headlines/headline1.htm>.

[2] For a listing of fees at CU-Boulder see <http://www-bursar.colorado.edu/>

[STUDENT.htm](#). For fees at Colorado State see <http://www.colostate.edu/Depts/SFServices/3fpage.htm>. For a 1997 Women's Resource Newsletter at CU-Boulder see <http://www.colorado.edu/WomensResourceCenter/newsletter.html>.

A listing of Women's Resource Center holdings may be found at <http://www.colorado.edu/WomensResourceCenter/> browse the Resource Library literature racks to see listings for the titles mentioned as of 24 January 2000. To browse the offerings of SEAC see <http://ucsu.colorado.edu/~seac/>.

[3] Scott H. Southworth et al. vs. Michael W. Grebe et al. United States Court of Appeals for the Seventh Circuit, 97-3510, decided August 10, 1998, p. 17 of web version at www.kentlaw.edu/7circuit/1998/aug/97-3510.html.

Prepared by Linda Gorman Senior Fellow, Independence Institute