



Joined by Cato and NAS, FIRE Files Brief in Support of Student Compelled to Lobby State Lawmakers

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Earlier this month, FIRE filed a friend-of-the-court brief with the Rhode Island Supreme Court in the case of *Felkner v. Rhode Island College, et al.* on behalf of William Felkner, a former student of social work at Rhode Island College (RIC). The brief, submitted jointly with the Cato Institute and the National Association of Scholars, argues that Felkner's First Amendment rights were violated when faculty compelled him to lobby state lawmakers in support of policy positions that he did not hold.

Here's the crux of Felkner's complaint, as laid out in the brief:

The entirety of the record shows that Defendants required Felkner to engage in lobbying related to a partisan issue. While [Rhode Island College] social work students could choose among a range of issues to lobby the Rhode Island General Assembly, the Social Work 531 syllabus explicitly required students to engage in "policy advocacy" in order to "achieve social justice." Roberta Pearlmuter, Felkner's professor, testified in her affidavit that she "told [Felkner] that the organizing project needed to be related to the course subject matter." James Ryczek, the Director of Field Education at Rhode Island College's Social Work Program, testified at his deposition that social work students were required to lobby for a position chosen by the school, even if it conflicted with their personal beliefs. In fact, Ryczek admitted that students could not choose which position they would lobby for. ("Q. So, in other words, the school was going to tell them which position they had to lobby on. A. Yes.").

Felkner's refusal to abide by this requirement resulted in a grade reduction and a threat to remove him from RIC's social work program. Pearlmuter told Felkner he would only be able to advocate in support of his preferred viewpoint if he found group members who shared that viewpoint. However, none of his classmates obliged, leaving Felkner forced to choose between sacrificing his First Amendment right against compelled speech or suffering a grade reduction. ("I finally agreed to let him do that [the lobbying project by himself] but advised him that it would adversely affect his grade because it would not be fulfilling an important element of the course requirement; group effort."). Eventually, Felkner proceeded with the group assignment with participants who were not enrolled in

the class; perhaps unsurprisingly, his failure to perform in accordance with class expectations resulted in a grade reduction. Ryczek then told Felkner that his refusal to lobby for the position chosen by the school would result in “not be[ing] able to meet the academic requirements necessary to obtain a degree.” This was confirmed by Felkner’s expert witness who testified that Felkner had to stay in the class and lobby for the required perspective in order to continue his academic career in social work at RIC. [Internal citations omitted.]

The fact that Felkner’s protestations to his professors fell on deaf ears is perhaps unsurprising, given their conception of their role as educators. As Cato’s Ilya Shapiro notes, “[t]he school’s faculty explained that as a profession ‘we do take sides’ and are ‘devoted to the value of social and economic justice.’” Students like Felkner who disagreed with the faculty’s conception of “social and economic justice” were asked to toe the party line or face consequences.

The quotes Ilya cites are from an October 2004 email to Felkner from Ryczek. You read that right: Felkner’s dispute with RIC now dates back twelve years. FIRE has sought to vindicate his rights for just as long. We wrote a letter of concern to RIC in January 2005, and issued a press release calling the school to account a month later. Felkner filed suit in 2007, and the case has slowly wound its way through state courts. FIRE President and CEO Greg Lukianoff discussed Felkner’s “still-unfinished odyssey” in his 2012 book, *Unlearning Liberty: Campus Censorship and the End of American Debate*.

Last year, a Rhode Island Superior Court justice held that Felkner’s First Amendment rights had not been violated. But as our brief to the state’s highest court argues, the trial court’s decision incorrectly relied in part on legal precedent governing students at public high schools, not students in master’s programs at public colleges. Moreover, we note that by requiring Felkner to publicly voice the school’s opinions as his own, the college’s actions violate longstanding First Amendment protections against compelled speech.

Felkner’s case is finally drawing closer to conclusion. Our brief aims to make sure that conclusion is a just one.

FIRE thanks attorney Thomas M. Dickinson, our counsel for the brief’s filing, for his generous assistance.