

# Educrats Punish Promotion of Black Conservative



<http://www.dfamily.com/philosophy/teach/hswtl/journal.html>

[Speech code, which elevated a "primary right" to be free from "emotional abuse" over a "secondary right" to "express a personal belief system."] Our Society

---

## Educrats Punish Promotion of Black Conservative

<http://www.newsmax.com/showinsidecover.shtml?a=2003/7/2/162438>

Wednesday, July 2, 2003

The thought police at California Polytechnic State University have found a **white student guilty of "disruption"** for trying to post a flier in a public area where black students were eating pizza. The flier advertised a talk by a black conservative.

[Where is the law breaking occurring?

Could there be any rules against hanging up flyers in the public area?

If there were, would it be right / ethical?

What do you suppose is the nature of the "disruption"?

Whose rights are coming into issue?

Is there a balance to be set or can all share the same rights equally?]

United Press International reported today:

On the evening of Nov. 12, undergraduate Steve Hinkle, a member of the Cal Poly College Republicans, walked into the Multicultural Center on the San Luis Obispo campus to post a flier advertising a speech by Mason Weaver. In his book "It's OK to Leave the Plantation," Weaver argues that dependence on government puts many blacks in circumstances similar to slavery.

[True or False?

Do the pizza eating black students support, hinder, or are they neutral with regards to the speaker's theory?]

The following account of events is extracted from the notes taken by Hinkle's faculty adviser, neuropsychologist Laura Freberg, at a disciplinary hearing Feb. 19. The transcript was obtained by FIRE, Foundation for Individual Rights in Education.

The case at Cal Poly is part of a larger pattern in which schools have held **non-white students' "right" not to be aggrieved**, for whatever subjective reason, **over the right of free expression**. For example, in April FIRE sued Shippensburg University in Pennsylvania because of its speech code, which **elevated a "primary right" to be free from "emotional abuse" over a "secondary right" to "express a personal belief system."**

[Who is a non-white?

08/30/2003

Is a non-white a race?  
Is a non-white a minority?  
Are Russians and East European non-whites?  
Are Russians and East Europeans minorities?  
Does the constitution, in its "diversity clause", hold there are only 2 races, whites and non-whites?  
Where to start....  
Is freedom from "emotional abuse" a right?  
Is freedom from "emotional abuse" a "primary right"?  
What exactly IS a "primary right"?  
Is "emotional abuse" a crime?  
Which ever way you go, what is "emotional abuse"?  
Is "expressing a personal belief system" a "secondary right"?  
What exactly IS a "secondary right"?  
What are some examples of "expressing a personal belief system"?  
Is this an ethical ruling?  
Is it right or wrong?  
What is the motivation behind this, in your opinion?  
Can you see a better way of going about it?  
Do you have a solution for the student hanging the flyer?  
What would you have done?  
If you had been caught flat footed, that is, not known in advance you would cause a stir, how would you have reacted from that point?  
You believe our judiciary will take which side?  
Why?]

In June FIRE helped a student sue Texas Tech University in Lubbock who risked punishment for violating a speech code that bans "communications [that] humiliate any person."

[What is a speech code?  
Are they ethical to have?  
Always, or does it depend? Give examples.  
What sort of speech humiliates any person?  
Does foul language humiliate any one?  
Is it likely to find TVs on in lounges and other areas in the University?  
Can a TV be on all day without humiliating just about everyone in the room who has any sensitivity left?  
Our constitutional right to free speech, which we hear so much about, is it qualified?  
Can our right to free speech be qualified?  
Is our right to free speech qualified?  
Can you think of any examples where someone has said something which was either true or opinion, and the whole world seemed to drop down on them in rebuke?  
Do we have a right to be heard?  
How do the two go together? Speech and heard?]

## White Presence Not Tolerated

Authorities at Cal Poly say it was not the content of Hinkle's flier, but rather **his very presence that was "disruptive."**

[How can a white be disruptive for being in the room?  
Is it perhaps being white and something else which distinguishes you?  
What did the white student do which might have identified some undesirable attribute?]

A group of black students were in the area eating pizza before the start of a Bible study session when **Hinkle approached the bulletin board**. Some of those students recognized the flier and objected. One told Hinkle not to put it up because it was **"disrespectful."**

[A bulletin board. Isn't a bulletin board on campus normally provided for all or whatever purpose?  
Do you believe there are rules or guidelines on what goes up on a bulletin board?  
If there are, don't the rules provide that a **"bulletin monitor"** will take the items down later, during their review?  
Does a bulletin board change how you first imagined what was occurring (*perhaps taping to wall*)?  
From what we've read so far, do you believe the flyer was **"disrespectful"** to any group?  
If you said no, answer this question. If I say something is **"disrespectful"**, does that make it so?  
What makes something disrespectful?]

Hinkle asked, **"How do you know it's disrespectful to everyone?"** He invited them to attend the talk.

One student told him to leave or she would call the police. **He left without posting the flier. She called police.**

[The plot thickens. Was the student intimidated? It seems he was. Yet, the police were still called.  
Do you think this would have occurred if the called didn't have a cell phone handy?  
If you said no, what would have been different?  
Costs. What of it. For the players involved, what were the costs involved?  
Why do you suppose the police were called when they had already **"won"**?  
Do you believe there is any **"disrespect"** going on?  
Who to who?  
How about **"hatred"**?]

## 'Suspicious White Male'

In a written statement, California State University police officer Alan N. Darrow said he and Cpl. C. Montgomery were dispatched "to investigate a report of a suspicious white male passing out literature of an offensive racial nature." Hinkle was identified later.

[Had you suspected the student was a suspicious character before?  
Is hanging a flyer on a bulletin board the same thing as passing out literature?  
Have you perceived the flyer to be of an "offensive radical nature"?  
If it was, would this still be a police offense?  
Give examples were literature of an "offensive radical nature" should be prohibited?]

In a letter dated Jan. 29, University Judicial Affairs Director Ardith Tregenza notified Hinkle that a student disciplinary hearing was being initiated against him. He was charged with violating subsection (d) of Section 41301 of Title V of the California Code of Regulations, which prohibits "obstruction or disruption, on or off campus property, of the campus education process, administrative process, or other campus function."

[If you were the jury, would you convict anyone of obstruction or disruption, with the evidence so far presented?  
Do you feel like you have all the facts or does this feel like some details are missing?]

## No Lawyers for Whites

The university scheduled a disciplinary hearing and informed Hinkle that **he could not bring an attorney.**

[Are attorney's a right?  
If you don't have an attorney, doesn't the court provide one for you?  
Public defendant?  
Are disciplinary hearings following different rules?  
What are the consequences of having an attorney and not having one?  
If the student got an attorney anyway, what could the school do?]

Tregenza wrote that Hinkle could **waive his right to a hearing and accept two "recommended sanctions"** without admitting that he engaged in the conduct charged. One recommended sanction was to **write a letter of apology to the offended students**, the contents of which would be subject to the approval of the Office of Judicial Affairs. "There is no parameter or guarantee regarding the confidentiality of the letter sent," Tregenza wrote.

[A plea bargain. That's expedient. You thing?  
A letter of apology? Wasn't this plea bargain to be WITHOUT admitting wrongful conduct?  
If a letter of apology is sent, is this not admitting guilt?  
If the letter is made public, is this not humiliating?  
If humiliating, would it not be against the speech code?]

Who is being disrespected during these proceedings, in your opinion?]

The second recommended sanction was for Hinkle to meet twice with the university ombudsman "to discuss additional approaches to promote your initiatives and additional campus resources and strategies for accomplishing your goals."

[Someone translate this for me. I'm sorry, but I'm seeing nothing but red!  
What do you think is the motivation behind this proposal?  
What would have been the results?]

Hinkle declined and allowed the hearing to take its course.

### **Horrors: Blond Hair and Blue Eyes**

Hinkle told UPI that at the Feb. 19 hearing, Vice President for Student Affairs Cornel Morton called attention to Hinkle's blond hair and blue eyes and the fact that Hinkle was a white male member of the Republican club. Morton said that to students of color, this could represent "a collision of experience." The chemistry of the situation has racial implications, Morton said, and Hinkle was naive not to acknowledge this.

[Crime #1-4: Blond, blue eyed, white male, Republican.  
Is this admissible in court?  
Does this admission prejudice the jury?  
What is "a collision of experience"?  
Are we not promoting racial quotas so more blacks will be able to attend the Universities?  
Did the blacks getting into the University on racial grounds rather than academic think there would be no white people there?  
What sort of environment did blacks think they were going to find in a University if they didn't expect some sort of collision of experience?  
What are some of the things you are suppose to find in a University?  
Diversity?  
"A collision of experience"?  
Higher learning?]

At the hearing Hinkle said the idea that individuals would react to the flier in a certain way because of their color was the definition of racism. People should not be stereotyped as to their beliefs on the basis of their appearance, he said.

[Where does the racism seem to lie?  
Which University is the University on?  
Why would the University take that particular side?]

### **Thought Crimes Must Be Punished**

In a letter dated March 12, W. David Conn, vice provost for academic programs and 08/30/2003

undergraduate education, informed Hinkle that he had been found guilty as charged. His sanction was the letter of apology mandated under the same terms set forth by Ardith Tregenza in her letter of Jan. 29. Hinkle, who is one quarter away from graduation, has refused to write the letter. Hinkle said Conn warned him verbally that if he does not accept this punishment, he could face much stiffer penalties, up to expulsion.

UPI called the office of University President Warren J. Baker for comment (*college's main number: 805-756-1111*) and was referred to Cornel Morton's office, which referred the call to spokesman Leah Kolt. She said the school could not comment on a student disciplinary matter because of the Family Education Rights and Privacy Act.

"This is on my educational records," Hinkle told UPI. "How is this going to be interpreted when I apply to a graduate school - that I was harassed because of my political beliefs or that I had a problem with students of color?"

[You are the counselor for Mr. Hinkle. What do you tell him?]

Hinkle is dismayed by the notion that college students should be protected from ideas that offend them.

## It's OK to Offend Whites

"I get offended all the time on campus when teachers bash conservatives. Since when do we have a right not to be offended?"

[Fair question. Answer both.]

In an April 15 letter to University President Warren Baker, Greg Lukianoff, FIRE's director of legal and public advocacy, wrote: "It would be appropriate for some disciplinary action to have been initiated against students who prevent another student from posting a flier because they dislike ... its content. At the least, the censors should have been notified that the suppression of protected speech has no place at a university."

[Do you agree or disagree?

You think the University is in the wrong or in the right?]

In a reply dated May 9, university legal counsel Carlos Cordova rejected the issue of free speech. "Mr. Hinkle was charged with engaging in conduct which disrupted a student meeting," he wrote, "a content neutral rule applicable to all students."

[Is this new information? What's new here?

Do you wish you had some more clarifications on the matter?

Does this change anything?

In a jury, you are to rule on the facts presented, and only the facts presented.

Sometimes, things can get a little sketchy. Assertions are based upon facts.

Have any of your assertions changed because the facts (skimpy as they may be,

have changed)?]

Laura Freberg, Hinkle's faculty adviser, told UPI: "The university knows it could not take action against Steve because of the nature of the flier. The students originally reported to the police that they were offended by the flier. It was clearly a free-speech, First Amendment kind of issue, and the university knows it can't do anything with that."

Therefore, the disruption charge was "trumped up," she said.

[Is this new information?

Is there a conflict with this statement and anything else in this article?

(Think "officer Alan N. Darrow")

Do you agree or disagree the disruption charge was "trumped up"?]

## Retaliation

Freberg sees a political motive. "Our club is somewhat unique among college Republican clubs in terms of its effectiveness," she said. Its members are credited with tipping several local elections to the GOP.

[Do you see political motive?

In what sense, if you do?]

"They work their butts off. They do precinct walking. They host meet-the-candidate barbecues. They have been very, very active in registering students - which is hard to do.

...

"Steve is a great kid, and he was shaken by this. ... It's been a lot of pressure for him."

Freberg said normally a 20-year-old student would be intimidated. "He's going to look at the sanctions that this university can impose. It's kind of like the guy in front of the tank in Tiananmen Square. If you're looking at this big machine coming down on you, and you're 20 years old, you're going to say: 'I'm going to write the letter.'

"It's actually been a growth experience for Steve. ... I think it would take a lot more to intimidate him today than a year ago. We're very proud of how he's handled himself."

Notwithstanding the statement of Cornel Morton, the vice president of student affairs, that Hinkle should have known that the very presence of a white male Republican, in the larger context of the fliers, could be seen as "a collision of experience" - an element of the "disruption" charge - university counsel Cordova wrote to FIRE: "What political party an employee or student belongs to is of no consideration on any matters before the University, and the University most certainly does not keep information on political affiliation."

[Is this statement "What political party an employee or student belongs to is of no consideration ... University most certainly does not keep information on political affiliation" true?

Can the University remain completely neutral in issues like this?  
Where do you suppose the pressure comes from on the University?  
Is FIRE one such pressure?  
Does FIRE have as much pressure as any other group?  
What group is more likely to be exerting more pressure?]

---



<http://www.dfamily.com/philosophy/teach/hswtl/journal.html>