

June 21, 2020

Attn: Blair Nelson
Illinois Senior Campus Correspondent
Campus Reform
blairn2@illinois.edu

RE: Response to your June 20, 2020 Inquiry

Mr. Nelson,

Thank you for your recent inquiry regarding my Open Letter to the Federalist Society at the University of Illinois at Urbana-Champaign College of Law (UIUC FedSoc). Before I answer your questions directly, I am providing a synopsis of the events that led up to my letter below:

On May 25, 2020, George Floyd of Minneapolis died after being asphyxiated by Police Officer Derek Chauvin. This event sparked conversations at universities across the country about racism, police brutality, and qualified immunity. At the University of Illinois College of Law an open-invite Town Hall Conversation titled “Perspectives on George Floyd and Beyond” was held on June 8, 2020.

On June 9, 2020, one of our Registered Student Organizations (“RSO”) spearheaded drafting a joint statement from all the RSOs at the College of Law to show united support for people of color. Every RSO at the College of Law other than UIUC FedSoc signed on to the letter. The first draft of the statement included a disclaimer stating, “The Federalist Society’s policy prohibits its chapters from releasing or signing onto any statements of any kind.” However, this disclaimer was deleted from the final draft at the private request of the UIUC FedSoc President. The statement was ultimately published without reference to UIUC FedSoc.

On June 12, 2020, I sent a letter¹ via email to UIUC FedSoc explaining why I believed their failure to publicly make a statement *or say anything at all* regarding racism and current events was disingenuous. I challenged the current board to furnish a copy of the no-statement policy from FedSoc Nationals, as well as issue a statement – from the chapter or from the board members in their individual capacity – regarding the UIUC chapter’s stance on black lives. **To clarify** – I am not calling on FedSoc to sign on to any one particular point of view. I am simply challenging FedSoc to say *anything*, even if that anything is that the UIUC chapter of FedSoc does not support people of color.

¹ This letter was written by myself in my individual capacity and does not represent the ideas of any RSOs or the College of Law.

A few days later, it came to my attention that FedSoc chapters at other law schools published statements in solidarity with black lives.² The implication of these statements means that either

a) FedSoc National does not actually have a policy regarding individual chapters signing on to statements or

b) some chapters felt that this issue was so important that they should issue a statement regardless of the policy.

I am presently awaiting a response from UIUC FedSoc, which I expect to receive on or before June 25, 2020.

Now turning to your questions:

1. What examples of racism regularly occurs at the College of Law?

I cannot comment on specific acts of racism at the College of Law because I am not a person of color (though I would be happy to provide contact information for the Black Law Students Association, Latino/a Law Students Association, and Asian American Law Student Association upon request).

I can, however, note the fact that BIPOC students at universities across the country have been regularly shut out of the ‘marketplace of ideas.’³ This is important because, “[t]he cornerstone of higher education is the ability of students to participate in the ‘marketplace of ideas’ on campus. That marketplace depends on free, vigorous and non-violent debate among students and with faculty. The marketplace suffers when universities or university officials engage in actions and enforce policies which restrict and chill the expressive journalistic activities of students.”

Complaint ¶ 1, *Nelson et al. v. Bd. of Trustees of the Univ. of Illinois*, No. 2:18-cv-02101 (C.D. Ill. 2018).

In addition, below are excerpts of statements made by UIUC officials acknowledging the racism on campus:

² An excerpt from the Cornell Law School Federalist Society’s Statement in Solidarity:

Dear Cornell Law School Community,

The Federalist Society stands in solidarity with our Black colleagues at Cornell Law School and with the Black community at large. The recent deaths of George Floyd, Breonna Taylor, Ahmaud Arbery, and countless other Black individuals at the hands of law enforcement are appalling. Furthermore, the states’ and federal government’s use of excessive force against peaceful protestors is both disturbing and unconstitutional. In times like these, it is essential that our government respect our Constitutional rights, most importantly “the right of the people to peaceably assemble.”

³ Miller, L., Ozturk, M. D., & Chavez, L. (2005). Increasing African American, Latino, and Native American Representation among High Achieving Undergraduates at Selective Colleges and Universities. *UC Berkeley: Institute for the Study of Societal Issues*. Retrieved from <https://escholarship.org/uc/item/10s3p1xt>.

9/5/2019 – In response to a noose⁴ being found on the undergraduate campus, Chancellor Robert Jones issued a statement noting “[i]ncidents like this one remind us how much work remains for all of us to see that these words [that racism will not be tolerated] are always truly practiced here at this university. . . . And we will endeavor to more broadly share news of incidence of intolerance and racism that occur on the campus. . . .”

10/9/2019 – In response to a swastika being found on the undergraduate campus after an anti-Semitic presentation, Chancellor Jones issued a statement noting “[t]his is inexcusable and unacceptable. This is a failure to our students, and that is my responsibility. . . . This university promises an experience that prepares students to live, work and lead in a multicultural, diverse and international society. We did not live up to our obligations in this case.”

12/18/2019 – Student Body President Connor Josellis issued a “Response to Recent Events on Campus” statement noting “[r]eported incidents of hate crimes have increased from the previous year and abhorrent symbols of hate have been found everywhere from University bathrooms to campus bars.”

4/16/2020 – Student Body President Josellis issued a “Response Regarding Zoombombing” statement noting “[w]hile this incident is a clear example of antisemitism, racism and misogyny, it is unfortunately not the first example of this type of violence exhibited at this University. This incident follows a pattern of acts of hate that have been exhibited in our community that have often gone unacknowledged, both by University administration and by our own Student Government.”

6/19/2020 – Vice Chancellor Sean Garrick issued a statement acknowledging that “[w]e strive to be a university that acknowledges the past, recognizes our responsibilities, and find ways to improve broken paths to plan for a better future. It is a work in progress. It is incremental, and it is often insufficient.”

2. How does hosting a debate with both sides being represented constitute a "statement" by the FedSoc?

FedSoc Nationals asserts that the “Society has a strong reputation for hosting speakers on all sides of the ideological spectrum. A number of the Society’s most frequent and prominent

⁴ Anna North, “*The oppression doesn’t end, it adapts*”: America’s history of lynching and its resonance today. A historian explains the larger context surrounding the deaths of Robert Fuller and other black Americans. June 20, 2020, <https://www.vox.com/21295670/robert-fuller-malcolm-harsch-hanging-history-lynching>.

speakers – from the Left as well as the Right – attest to the fact that the Society has contributed a great deal to free speech, free debate, and the public understanding of the Constitution.”⁵

However, these prominent FedSoc-associated speakers from the left are conspicuously absent from any event hosted by the FedSoc’s UIUC chapter. Instead, UIUC FedSoc spends its generous endowment from FedSoc National⁶ to bring openly conservative speakers to campus to debate the conservative point of view on politico-legal issues. Since they do not spend their resources to bring FedSoc’s liberal speakers to FedSoc debates, the opposing side is either absent altogether, or the burden is shifted to other College of Law RSOs willing to spend their comparatively very limited resources to host a speaker.

Thus, while not issuing an official, signed and stamped statement regarding an issue, UIUC FedSoc does in fact make statements consistent with every meaning of the word.

Thank you again for agreeing to publish my response.

Sincerely,

Celestina Radogno

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⁵ <https://fedsoc.org/frequently-asked-questions>

⁶ The Federalist Society’s total revenue for FY2016 was \$20,074,187 more than its liberal counterpart, the American Constitution Society. <https://projects.propublica.org/nonprofits/organizations/363235550>; <https://projects.propublica.org/nonprofits/organizations/522313694>