



December 1, 2004

Jeff S. Jordan, Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington D.C. 20463

MUR 5550

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 DEC -9 P 1:01

Dear Mr. Jordan:

This letter is in response to your letter of November 30, 2004 and the amendment you enclosed. Northwest Missouri State University did not extend an invitation to Mr. Moore to speak on its campus. He came in response to an invitation from one of our recognized student organizations, the Young Democrats. Northwest did not pay for any speaker's fees, nor did it allocate any funding for the event to the Young Democrats organization. Student volunteers staffed the ticket office at the event. University staff and faculty who worked before or during the event either volunteered or were performing regular duties without extra pay. In keeping with normal University policies, a security staff was present to protect University facilities, ensure crowd control, and provide a safe environment for those attending the event. Any additional security staff expense was charged to the Young Democrats. All promotions, technical support and other event expenses were the responsibility of the Young Democrats organization. Mr. Moore was paid no fee or honorarium to speak at Northwest Missouri State University, but did receive all ticket sales revenue. This was the agreement the Young Democrats organization reached with Mr. Moore's representatives.

Our student groups often sponsor programs and invite speakers or performers to campus. As a public institution, we encourage free speech and, as such, have always understood these allowances to be appropriate. Our understanding of case law on this subject is that the courts have consistently struck down college and university policies restricting speech on public campuses, including hate speech codes.

Incidentally, when it became clear that the Young Democrats were getting close to reaching an agreement with Mr. Moore and his representatives, I instructed our Student Affairs staff to contact the College Republicans, also a recognized student organization on campus, to explain that negotiations between the Young Democrats and Mr. Moore's representatives were underway and to encourage them to invite a speaker who would represent a contrary point of view. I have been told that the College Republicans attempted to identify a speaker, but were unsuccessful.

At Northwest Missouri State University student organizations are not charged for the use of campus facilities. Accordingly, the Young Democrats were permitted to use a campus facility for the Michael Moore speech. In addition, the Young Democrats used the University's ticket system, which is operated out of the Student Services Center and

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staffed by one full-time support staff worker and a staff of students. No Student Services Center employees received additional compensation for assisting with ticket sales, and the University would have incurred the exact same personnel expense to operate the Student Services Center whether this event occurred or not.

I trust this information is helpful in resolving this complaint. The wrongdoing alleged in the complaint amendment is without basis and thus no action is warranted by the Federal Election Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Hubbard", written over a horizontal line.

Dean L. Hubbard
President

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