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Wednesday, February 16, 2005  
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New York Civil Liberties Union  
Executive Director: Donna Lieberman  
125 Broad Street, 17th Floor  
New York, NY 10004

Dear Ms. Lieberman,

It is with a heavy heart that I write you this letter. I am at the end of my rope and many of my friends are as well. I have been a member of the ACLU since 9/11 and I figured I would try to put my membership to some personally important use. I anticipate that the ACLU might not be sympathetic to my cause but I am going to try anyway because I believe you could be our last hope and I have to do something to try and affect change in this matter. As I understand it, it is a fundamental civil liberties issue of freedom of association.

My name is Rob Snell and I graduated from Colgate University in 1995. I am a member of the New York Zeta Chapter of the Phi Delta Theta Fraternity. I am not writing on their behalf but I anticipate that they would be receptive to discussing the issue with you if you would be willing to do that.

Some time ago, the Board of Trustees of Colgate University drafted a plan entitled the "New Vision for Residential Life." This plan made it a requirement that all students live in Colgate-owned housing by a certain date. This meant that they wanted to buy up an entire street, Broad Street, many houses on which are fraternity and sorority owned. Many good faith efforts were made by the New York Zeta Chapter Alumni Association to compromise, chief among them was an offer for a very long-term lease of the Chapter House which was rejected outright.

Colgate threatened to remove our recognition, which would have caused in most circumstances, for our charter to be pulled by our national organization. As I understand it, when our national organization stated that they would not revoke our charter under these special circumstances, the school became even more belligerent and stated publicly that the fraternity would be banned and stated that any student found to be a member of a non-University recognized organization would face possible expulsion.

As it stands right now, our members are being balloted on the question of whether to sell the house to the University and face likely extinction sometime in the future, or to not

sell, and face possible bankruptcy while this is fought somehow. The votes will be cast in March 2005.

Aside from the fact that this is patently unfair, is it illegal/unconstitutional? Can anything be done to fight this? I have read that the Higher Education Act of 1965 was amended in 1998 to read in part, "it is the sense of Congress that no student attending an institution of higher education on a full- or part-time basis should, on the basis of participation in protected speech or protected association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under an education program, activity, or division of the institution directly or indirectly receiving financial assistance under the Higher Education Act of 1965. . ." I think that Colgate would argue that they are a private institution and thus exempt from contravening the First Amendment but with so much public money flowing into the University, is this true? Has it been explored?

Sincerely,

Robert J. Snell

CC: Steve Zatta, President, New York Zeta of Phi Delta Theta Corporation

CC: Christine Burt, sa4c Executive Director

CC: Manley, Burke, Lipton & Cook