

white gold

November 21, 1969

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The Honorable Donald W. Riegler, Jr.
Member of Congress
Room 1408, Longworth House Office Bldg.
Washington, D. C. 20515

Congressman
Dear Rep. Riegler:

Thank you for your letter of November 10, 1969, expressing your concern over the decision reached by the University of Wyoming administration and Board of Trustees regarding the dismissal of 14 athletes from the UW football team.

I am enclosing a copy of remarks I made at a special meeting of our faculty Senate October 23. These accurately reflect the sequence of events leading to the dismissals. Following presentation of these remarks, a faculty Senate ad hoc committee reported that errors had been made by coaches, players, and the University. There was no indication that the committee believed that the dismissals were influenced by reason of the race of the 14 athletes, or that any different action would have been taken if a different group of athletes had been involved.

On October 30, 1969, a civil lawsuit was commenced by the 14 athletes in the Federal District Court, Cheyenne, Wyoming, against the Board of Trustees of the University, the President, the Athletic Director, and the Coach. The action asserts that their dismissal from the football team is unconstitutional in that the action was based upon a rule that deprived them of the right to peaceable demonstration.

Pleadings filed in this case do not in any way assert any discriminatory action based upon race. The fact background does relate that black protest against the Mormon Church beliefs was the provocation for the demonstration. Issues before the court include: (a) the constitutionality of rules against demonstrations as applied to a specific program that demands strict team discipline; (b) waiver of asserted constitutional rights by accepting scholarships that require obedience of Coaching staff rules; and (c) constitutional prohibitions that preclude the State of Wyoming and its agencies from interfering with the free exercise and enjoyment of religious freedom, or the favoring of any sectarian tenets or doctrines in any institution of the state.

In a November 17 decision, U. S. District Judge Ewing T. Kerr of Cheyenne ruled against a motion for a temporary restraining order to reinstate the 14 athletes and against a motion for the case to be heard by a three-judge court.

I would like to point out that the scholarships given the athletes have not been cancelled. They are granted on a semester basis and will remain in effect until the end of the semester. At the time of affirmance of the coach's decision, the Board of Trustees stated that the 14 would be eligible to individually seek scholarship aid or work programs to continue their education. The coach has stated he will review, on an individual basis, requests for renewal of athletic scholarships. We are very concerned with the educational futures of these young men since we did bring them to the campus. We also are greatly concerned that certain groups have seized upon the matter as an opportunity to assert charges of "racism" on the part of the University of Wyoming.

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Within a University atmosphere, we have been inclined to permit instructors the greatest possible freedom as to the ground rules they impose for the conduct of their programs. The faculty ad hoc committee report indicates it may be necessary that University-wide regulations be formulated which provide limitations on this freedom of instructors, coaches, etc. We are concerned that constitutional rights of students be protected, but at the same time we are aware of the fact that "freedom of speech" is subject to qualification, as evidenced by the Hatch Act and other judicially recognized situations in which reasonable limitations have been upheld. We are now seeking to provide for the University community more specific guidelines in this area.

Sincerely yours,

*cc: Atty Gen Mitchell
Senator Clifford Hansen
Senator Dale M. Lee
Congressman John Wold*

*William D. Carlson
President*