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Kristie McNamara
Director, Office of Student Involvement
Worcester State University
486 Chandler Street
Worcester, MA 01602

April 16, 2026

Via Email and U.S. Mail

Re: Legal Demand – Turning Point USA Student Club

Dear Ms. McNamara,

I represent Mr. [REDACTED], a student at Worcester State University (WSU). Mr. [REDACTED]'s request to obtain official university recognition for the club that he leads, the Turning Point USA Club (TPUSA Club), was recently denied because of the social and political views of the Club's members. This violated the First Amendment rights of Mr. [REDACTED] and his fellow club members to freedom of speech and association. We write to demand that WSU grant official recognition to the TPUSA Club and immediately cease discriminating against the club's members. **To avoid legal action, please provide confirmation by April 30, 2026 that official recognition will be granted to the Club.**

Background

Last fall, Mr. [REDACTED] began planning to start a TPUSA Club at WSU. Turning Point USA's mission is to "educate students about the importance of fiscal responsibility, free markets, and constitutional rights through innovative campus activities and non-partisan, thought-provoking discussion." As conservative organizations, TPUSA clubs are often the subject of controversy on college campuses, and WSU was no exception; after TPUSA founder Charlie Kirk's assassination last September, many WSU students became aware of TPUSA and began debating via online apps whether TPUSA should have a presence at the University. Some students supported the group as a forum for free speech on campus, while others strongly opposed it because of its conservative views.

Mr. [REDACTED] initially expressed interest in starting the Club to Sarah Potrikus, Assistant Director of the Office of Student Involvement. He was told that in order to reserve rooms on campus, receive funding from the student organizations fund, attend club fairs, or access bulletin boards and other official channels for communication and advertising, the Club would need to be granted official recognition by the University through the Student Senate.

On March 5, Mr. [REDACTED] presented the TPUSA Club's request for official recognition to the Student Senate, along with two fellow club members. After a vote, their request was denied



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without explanation. However, this vote was subsequently voided by an unspecified “procedural error.” On March 12, Mr. [REDACTED] and other club members again met with members of the Student Senate to present his request. The next day, Mr. [REDACTED] received an email from [REDACTED], Student Government Association Vice President, stating that the Senate again voted to deny his Club’s request for recognition. She stated that “[t]he following reasons were discussed during the Senate meeting and contributed to the denial of your request:

- Questions were raised about how the organization would foster constructive engagement and dialogue within the Worcester State community.
- Concerns were expressed by Senators and members of the campus community present in the gallery regarding the organization's impact on the student environment and overall campus climate.” See Attachment A, March 13, 2026 Email from [REDACTED].

No other reasons were given for the denial. Ms. [REDACTED] stated that the Senate “offered the following suggestions to ensure that your request has a better chance of being approved next time: Provide a clear plan for events, campus engagement, and collaboration with other student organizations that encourages respectful dialogue and involvement within the Worcester State community.” She also stated that the Club could reapply for recognition next fall.

During Mr. [REDACTED]’s March meetings with the Student Senate, some student senators interrogated Mr. [REDACTED] about his personal political beliefs and whether they aligned with those of the TPUSA national group. Others stated that they opposed having a TPUSA club on campus because such a club might make immigrant or LGBTQ students feel afraid. One senator stated that they were concerned that the Club would try to tell transgender-identifying students which bathroom they should use. Another suggested that the Club might call ICE to try to get immigrant students deported. A student leader from the LGBTQ+ Alliance attended the open comment portion of one of the meetings and stated that there were already enough threats to LGBTQ students at the University and when it came to TPUSA, “we don’t need that on campus.” Other student senators stated that they were not necessarily opposed to the Club’s request for recognition, but they opposed the Club’s name because of the association with the TPUSA national organization. In response to all of these objections, Mr. [REDACTED] attempted to explain that his vision for the Club was not to try to force others to conform to any political view, but to create a forum where students of all political backgrounds could have respectful and engaging conversations about controversial topics. But his explanations seemed to fall on deaf ears.

After the second vote to deny the Club’s request, two student senators individually reached out to Mr. [REDACTED] via social media messages and expressed that they felt the denial was “extremely unfair” and implied that it was based on the group’s political beliefs. One senator expressed dismay that some of the other senators’ questions were aimed at Mr. [REDACTED] and his fellow club members personally. He stated that the club should have been approved because, even though he was personally liberal, he believed conservative voices should be welcomed on



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campus. However, Mr. ██████ was told by Ms. Potrikus that there was no formal process to appeal the Student Senate’s decision. On the advice of the Student Trustee and a student senator, Mr. ██████ did attempt to informally appeal the denial. He attended the Student Senate meeting on March 19 and spoke during the open comment portion to ask for a motion to be made to reconsider the denial. But no student senator made such a motion, and the denial continues to stand.

The Law

Since “[t]he college classroom with its surrounding environs is peculiarly the ‘marketplace of ideas,’ [...] the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.”¹ And “[t]here can be no doubt that denial of official recognition, without justification, to college organizations burdens or abridges” their right to freedom of association.² While a college may deny a students group’s request for official recognition to prevent disruption on campus, “a ‘heavy burden’ rests on the college to demonstrate the appropriateness of that action” – “guilt by association” with a national group, disagreement with a club’s philosophy, or speculation about potential disruption are not enough.³

In addition, when public universities open their facilities for use by student-led clubs or create programs that extend generally available benefits to such clubs, they create, at the least, a limited public forum for student speech.⁴ Under the First Amendment, while the government may impose time, place, and manner restrictions on student speech in such a forum, “any access barrier must be reasonable and viewpoint neutral” toward such speech.⁵ Any restrictions that do not meet this standard are subject to strict scrutiny and must be narrowly tailored to serve a compelling governmental interest.⁶ Restrictions that allow speech on a topic from one viewpoint but censor speech on that same topic from an opposing viewpoint are almost always unconstitutional.⁷

Analysis

By denying the TPUSA Club’s request for official recognition, it is clear that WSU violated the First Amendment rights of the Club and its members, including Mr. ██████. First, the University violated their right of association. The parallels between *Healy v. James*, the seminal case on this issue, and this case are striking. In *Healey*, university officials rejected the application of a Students for a Democratic Society club because of concerns over their affiliation with a national group, potential disruption that the club could cause, and disagreement with the

¹ *Healy v. James*, 408 U.S. 169, 180 (1972).

² *Id.* at 181.

³ *Id.* at 184-91.

⁴ *Christian Legal Soc’y Chapter of the Univ. of Cal. v. Martinez*, 561 U.S. 661, 679 (2010); *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 830 (1995).

⁵ *Martinez*, 561 U.S. at 679; *Widmar v. Vincent*, 454 U.S. 263, 280 (1981).

⁶ *E.g., Widmar*, 454 U.S. at 270.

⁷ *Chiles v. Salazar*, 2026 U.S. LEXIS 1565, *15-16 (Mar. 31, 2026).



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group's philosophy.⁸ The U.S. Supreme Court determined that none of these reasons were sufficient to deny the group an equal right to associate on campus.⁹ Here, like in *Healey*, Student Senate members raised concerns about the TPUSA Club's affiliation with the national organization and speculated that the group's presence on campus could lead other students to feel "unsafe." But these concerns lack any concrete basis – unlike in *Healy*, where the national SDS group had committed actual acts of violence, TPUSA has no such record (to the contrary, it is well-known for fostering peaceful dialogue on college campuses).¹⁰ If the Supreme Court dismissed concerns about the SDS in *Healy*, it is clear that the TPUSA Club's affiliation with the national TPUSA organization here cannot disqualify it from recognition. Moreover, the rights of one group cannot be abridged just because another group may not like the positions they hold. This would be a classic "heckler's veto" and cannot be tolerated under the First Amendment.¹¹ In sum, WSU has not carried its "heavy burden" to show that banning the TPUSA club from official recognition is necessary to prevent disruption on campus.¹² It has therefore violated the Club's freedom of association rights.

Moreover, WSU has also violated the Club's right to free speech. It is apparent that the Student Senate's justifications for rejecting the club, i.e. that the Club would not "foster constructive engagement and dialogue within the Worcester State community" and would negatively impact "the student environment and overall campus climate," were a thinly veiled pretext for viewpoint discrimination. The reason that the Club would have a negative impact on campus, according to the Student Senate, was *because of its views*. This is evidenced by student senators' comments asking whether Mr. ██████ would distance himself from the national TPUSA organization, expressing concern that his group would make other students feel uncomfortable, and speculating wildly that the Club might try to get other students deported or would block them from using certain bathrooms. It is also shown by the social media messages Mr. ██████ received from members of the student senate admitting that the process was unfair and indicating that the group was rejected because of its conservative political beliefs. And, while the Senate denied the TPUSA Club recognition over its conservative stances, it approved the Young Democratic Socialists of America's request for recognition earlier this year. The message is clear: political clubs are welcome at WSU, as long as they hold the "correct" views. This clearly violates the TPUSA club's free speech rights.

Finally, it should be stated that both WSU and the Student Senate may be held liable for the actions of the Senate in this case. Since the Student Senate only exercises authority that has been delegated to it from the University, the University may be held liable for the improper use

⁸ 408 U.S. at 184-191.

⁹ *Id.*

¹⁰ *See id.* at 185-87.

¹¹ *See, e.g., Scaer v. City of Nashua*, 162 F.4th 256, 264 (1st Cir. 2025) ("The heckler's veto doctrine prohibits restraining speech on the grounds that it might offend a hostile mob hearing the message or because its audience might express hostility to the message.") (quotations and citations omitted).

¹² *See Healy*, 408 U.S. at 180.



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of that authority.¹³ And since the Senate “acts in concert” with the University to create a forum for the exercise of First Amendment rights, it is a state actor that can be held liable for constitutional violations.¹⁴ WSU therefore enjoys no immunity from liability in this case.

Conclusion

Based on the foregoing, we demand that WSU and the Student Senate reverse the decision to deny the TPUSA Club’s request for recognition. Please provide confirmation that the Club’s request will be granted **by April 30, 2026**. We reserve all legal remedies to vindicate the rights of Mr. [REDACTED] and the Club should you fail to do so. I look forward to your prompt response.

Very truly yours,

Sam Whiting
Counsel
Massachusetts Liberty Legal Center

cc: Barry Maloney, President, bmaloney@worchester.edu
[REDACTED], Student Senate President, sga@worchester.edu

¹³ See, e.g., *Bd. of Regents v. Southworth*, 529 U.S. 217, 222 (2000) (public university required to ensure that student activity funds were disbursed by student association in viewpoint-neutral manner); *Rosenberger*, 515 U.S. 819 (same).

¹⁴ See *Amidon v. Student Ass'n of the State Univ. of N.Y. at Albany*, 399 F. Supp. 2d 136, 145 (N.D.N.Y. 2005), *aff'd* by *Amidon v. Student Ass'n*, 508 F.3d 94, 95 (2d Cir. 2007) (student government association held to be state actor).

ATTACHMENT A

----- Forwarded message -----

From: **Student Government Association, Worcester State** <sga@worchester.edu>

Date: Fri, Mar 13, 2026 at 10:41 AM

Subject: Denied Request

To: [REDACTED]

Cc: WSU Student Involvement <studentinvolvement@worchester.edu>, K McNamara <kristie.mcnamara@worchester.edu>, Adrian Gage <agage@worchester.edu>, Josh Katz <jkatz1@worchester.edu>

Hi [REDACTED]

Following a Senate vote, your request to start Turning Point USA Club at Worcester State has been denied. Your status will remain as an Aspiring Organization.

The following reasons were discussed during the Senate meeting and contributed to the denial of your request:

- Questions were raised about how the organization would foster constructive engagement and dialogue within the Worcester State community.
- Concerns were expressed by Senators and members of the campus community present in the gallery regarding the organization's impact on the student environment and overall campus climate.

While your initial request was denied, you do have an opportunity to resubmit your request for approval next fall. Senate offered the following suggestions to ensure that your request has a better chance of being approved next time:

- Provide a clear plan for events, campus engagement, and collaboration with other student organizations that encourages respectful dialogue and involvement within the Worcester State community.

If you have questions about this decision, please reach out to studentinvolvement@worchester.edu to schedule a meeting with Sarah Potrikus to discuss next steps and available options.

[REDACTED]

If you have any questions, please do not hesitate to reach out.

Sincerely,

[REDACTED]
Student Government Association Vice President

