February 8, 2017
In re: Planned Parenthood Letter to the President

Penmed by ALTERNATE JUSTICE TAM joined by Chief Justice BUCHBINDER, Associate Justice Henzer, Associate Justice Broitman, and Associate Justice Stolberg. Associate Justice Scher-Zagier joins in concurrence:

On January 25, 2017, Constitutional Council received a request from a Student Union senator asking that the Council review a letter he had drafted to the United States President and U.S. Congress concerning the defunding of Planned Parenthood. In verifying whether this letter abides by SU policy, the Council mainly examined Article II Section 3c of the SU Statutes:

“The Senate and the Treasury shall refrain from taking stands on national or local political issues, which do not directly affect constituents in their capacity as students at Washington University in St. Louis”

The question was whether this letter, which was written by a student who included in his signature the title “Student Union Senator”, qualifies as a political stand by the entirety of the SU Senate. While there is a possibility that the author’s inclusion of his title as SU Senator could create the misconception that the letter represents the entire Senate’s formal, collective political opinion, the Council decided to avoid making such preemptive assumptions. It is the opinion of the Council that this letter was written by a concerned student who also happens to be an SU Senator, and not by a an SU Senator who is writing on behalf of the legislative branch. As the Statutes do not forbid students from including their titles when writing letters and certainly do not forbid individual students from taking political stances, the Council rules that the letter, including the author’s inclusion of his title as SU Senator, does not violate the Statutes.
Associate Justice Scher-Zagier joins in concurrence:

I agree with the majority that the Statutes and Constitution do not prohibit the Student Union Senator from sending this letter. However, because the Student Union President is signing the letter in his official capacity—ostensibly on behalf of all Washington University students—the signing of the letter by a Student Union Senator may very well give the appearance to readers that the Senator is also speaking on behalf of the student body and Senate as a whole. Therefore, although not necessarily prohibited, I recommend that the Student Union Senator consider how his signature on the letter may send an incorrect impression to readers.