



Eric Rasmusen <erasmuse61@gmail.com>

Would you like to appear before the Supreme Court?

1 message

Eric Rasmusen <erasmuse61@gmail.com>

Thu, Aug 3, 2023 at 4:19 PM

To: dilbertcartoonist@gmail.com

Dear Scott (if I may),

I'm Eric Rasmusen, @erasmuse on Twitter. Yesterday, you replied to some point I made about going after Hunter Biden. I'm involved with the amici going after him this month, actually, and have a web page up of primary documents at https://www.rasmusen.org/rasmapedia/index.php?title=Hunter_Biden_Plea_Bargain. Also, I used quite a few of you cartoons for the book of edited articles, *Readings in Games and Information* that accompanied my game theory book a few years ago. You capture ideas well.

I'm writing now, though, because I'm chairing a committee of the Alumni Free Speech Alliance (AFSA) in charge of putting together material for a lawyer to write up as an amicus brief to the Supreme Court asking them to accept a case called Speech First v. Sands for their docket to decide this coming year. Speech First has represented students suing about Bias Response Teams (BRT's) and bias response databases. In 3 of the 11 circuit courts of appeal they've won; in 2, including in this case, they lost. The issue is whether any student is harmed if a university has software for accepting anonymous reports of students saying things protected by the 1st Amendment and sometimes asking the student to come to a voluntary meeting with university officials, if no student has actually been punished other than by that process. If the BRT's have no punishment power, how can they chill speech?

Me being a Yale man, class of '80, this immediately made me think of one of my favorite Doonesbury strips:



A few days ago I wrote to Gary Trudeau asking him if he'd consider rewriting this cartoon to fit our amicus brief. I've attached my email to him. If he agrees, it would be great to use his cartoon as an epigraph at the start of the brief. Best of all, though, would be if he wrote a cartoon as an epigraph and you wrote a version to put at the end (whatever fancy term is appropriate for that). Or, if he didn't want to do it, we'd put yours as the epigraph.

The cartoons would have four effects:

1. They make our point perfectly, as a poem can do with an idea.
2. They will attract the attention of judges, clerks, and public to the brief.

3. They will make the brief enjoyable to read, and hence it will be read more carefully.
4. They will signal that we at AFSA are smart and have smart friends.

If you were to rewrite that strip as Dilbert in the context of a Bias Response Team it would be hugely valuable. The strip conveys our argument better than mere words could. It is totally legitimate as part of a legal brief, even though it would be unusual, perhaps unprecedented. Really, just posting the rewritten cartoon as an amicus brief by itself would be a fun thing to do. If you'd like to, I can find a lawyer to package it up with the necessary 6 pages of front and end material and print it in official font for \$1,000 or so. But I'd really like it for our brief. What do you think? We have until about until September 15 to submit our amicus brief (court deadlines not set yet).

If you know Gary Trudeau and can persuade him to help, that would be great too. If it's just you, we'd have some sort of footnote any making homage to the old master as the source of the cartoon idea, and referring the reader to the original.

Here's the kind of thing I'm thinking of as a Dilbert. You could probably think of something better.

PANEL 1. Asok to Wally: "Hello, Mr. Wally. What can I do for you?" (Dilbert standing nearby)

PANEL 2. "HR says they'd like to meet with you. The lady said to give you this:"

PANEL 3. A typed note:

"July 23, 2023

I invite you, Asok, an intern, to engage in a voluntary conversation. If you decline to meet with our office, no further action is taken and you face no consequences of any kind."

Signed,

Ms. Marmalene Wormer, Human Relations

PANEL 4. (pretty much the same picture as PANEL 2):

Wally: "What should I tell her?"

Asok: "We've got a two-day deadline, so I guess I'd better decline."

Wally: Okay.

PANEL 5. Wally draws an X on Asok's cubicle.

PANEL 6. Dilbert only, no Asok: "I don't like the look of this."

PANEL 7. Asok and Dilbert, no words. Asok freaked out, hair standing on end as he prepares to attach a noose to the ceiling.

The note is an allusion to this statement by Virginia Tech's lawyer about how no student suffers any harm and hence they have no standing to sue:

Case 7:21-cv-00203-MFU Document 30 Filed 08/17/21 Page 44 of 91 Pageid#: 979 44

Speech First, Inc. v. Sands 7:21cv203 7/9/21

1 MS. SAMUELS: At the very bottom of that page, the
2 relevant section is that he says, "Invite them to engage in a
3 voluntary conversation."

4 And if you go to the top of the next page, it says,
5 "If a student fails to respond to this message or declines to
6 meet with our office, no further action is taken and the
7 student faces no consequences of any kind."

If you'd like to find out more about the case, I set up a website with all the documents at:

[https://www.rasmusen.org/rasmapedia/index.php?title=SpeechFirst_University_Database_cases#The Appellate Court](https://www.rasmusen.org/rasmapedia/index.php?title=SpeechFirst_University_Database_cases#The_Appellate_Court)

IHS,


Eric Rasmusen

Professor of Business Economics and Public Policy, Kelley Sch of Bus, Indiana U. (retired)

(812)345-8573, erasmuse61@gmail.com

8/3/23, 6:50 PM

Gmail - Would you like to appear before the Supreme Court?

 **2023.07.29_Trudeau.docx**
558K