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Local News

## SU student claims college violated rights

By **JIM HOOK**

Senior writer

SHIPPENSBURG -- A junior at Shippensburg University claims the college violated students' right to free speech when they were told to take down pictures of "Osama bin Laden in crosshairs" from the doors of their dormitory rooms.

Walter A. Bair, a resident assistant at the university, on July 23 filed an affidavit listing events that led to his filing a lawsuit in federal court against the university.

Bair, an earth science major affiliated with an unnamed political organization, and Ellen Wray, a recent political science graduate from Shermansdale and a member of the university chapter of College Republicans, filed the suit in April under the names of John Doe and Jane Doe.

U.S. Middle District Judge John E. Jones III ordered them to reveal their names by July 31 or drop the suit. The public's interest in identifying the parties outweighed their desire for privacy, Jones wrote. Wray identified herself in June and Bair followed on July 23.

According to Bair's affidavit, after the terrorist attacks of Sept. 11, 2001, several SU students posted messages or flyers hostile to bin Laden, including pictures of the man in the crosshairs. The university's resident director told resident assistants that the messages and posters "had to be removed from dorm room doors because they were offensive to other students and violated the Code of Conduct." Students refusing would be "written up," according to the affidavit.

"That incident did not happen," said Peter M. Gigliotti, university spokesman. "We have checked with the resident assistants in the hall and the resident director, and that directive was not given."

Gigliotti refused to identify the resident director.

Bair swore to the affidavit on July 22 before Joy Styles, a notary in Bucks County.

Bair and Wray claim the university's policies and practices unconstitutionally restrict the right of free speech. The university has a "speech code" based on

language in the university's student handbook and undergraduate catalog, they said.

Shippensburg University has asked the court to dismiss the suit.

"Since the suit was filed, our primary goal has been to defend essentially what we consider to be a frivolous lawsuit," Gigliotti said. "While we were disappointed that neither student expressed their concerns through various formats before filling suit, the most important part for us remains that all students understand that we encourage and support free speech both inside and outside the classroom.

"We encourage our students to debate, discuss, analyze and review issues from all sides and then to come to their own conclusions," he said. "That will continue to be the hallmark of this university."

Jones on Tuesday set a hearing for Aug. 12 in a Harrisburg federal courtroom to hear request of Bair and Wray that the court prohibit the university from enforcing its code of conduct and its policy statement about racism and cultural diversity.

Gigliotti said Bair is scheduled to become a resident assistant in the fall semester. Resident assistants are undergraduates employed by the university to assist other students living on a floor or wing of a dormitory.

Thor Halvorssen, chief executive of the nonprofit Foundation for Individual Rights in Education (FIRE), has said he is confident the university will not retaliate against Bair because of public scrutiny. The Philadelphia-based FIRE, whose self-stated mission is "to defend and sustain individual rights at America's increasingly repressive and partisan colleges and universities," filed the initial lawsuit on behalf of Bair and Wray.

Since its founding in 1999, FIRE has been involved in more than six hundred court cases at more than 200 colleges, according to the fire.org Web site. FIRE plans a nationwide challenge to college codes that restrict free speech, according to published accounts of FIRE activities.

-The Associated Press contributed to this report

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