

July 23, 2007

President Betty J. Youngblood
President's Office
650 West Easterday Avenue
Lake Superior State University
Sault Sainte Marie, Michigan 49783

Sent via U.S. Mail and Facsimile (906-635-6671)

Dear President Youngblood:

As you can see from our Directors and Board of Advisors, the Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, freedom of religion, due process, and, in this case, freedom of expression and academic freedom on America's college campuses. Our website, www.thefire.org, will give you a greater sense of our identity and activities.

FIRE is concerned about the threat to free expression posed by Lake Superior State University's (LSSU's) demand that Professor Richard Crandall remove various postings from his office door. The posting of political, opinionated, and personal materials by professors is a long-standing tradition at academic institutions, including at LSSU. Ordering Crandall to remove his posted materials while allowing other professors retain their own is blatant, unconstitutional viewpoint discrimination, and has no place at LSSU.

This is our understanding of the facts; please inform us if you believe we are in error. Crandall has adorned his office door and the wall near his office primarily with conservative political cartoons and political postings since he started teaching at LSSU in 1969. Recent examples of items he has posted include a photograph of President Ronald Reagan, a political cartoon mocking Vice President Dick Cheney's 2006 hunting accident, and a promotional poster from FIRE. FIRE has photographic evidence demonstrating that other professors at LSSU, including professors on Crandall's own floor, adorn their offices with similar materials reflecting various ideological perspectives. Yet on February 14, 2005, Crandall received a memorandum from Provost Bruce Harger informing him that individuals had complained that his in-class comments and displayed materials were

“hateful and bigoted.” Crandall was soon after told to practice his academic freedom with “responsibility.” On March 12, 2007, Harger, in the presence of Dean of the College of Arts, Letters, and Social Sciences Daniel Dorrity, ordered Crandall to take down the items hanging on the wall near his office door, threatening Crandall with “insubordination” if he failed to comply. Crandall acquiesced, removing the cartoons and other items hanging near his office and on his office door.

On March 21, Crandall wrote to Harger, informing him that he would re-post his materials and that unless the provost instructed otherwise in writing, he would assume that such action was acceptable. On March 19, Harger sent Crandall a memorandum stating:

The materials that you posted were inappropriate and you are not to post these materials or any similar materials on university property, including both the door and the wall surrounding the door... Removal of materials followed by replacement with new materials at a later date constitutes insubordination.

Professors’ practice of posting materials—political and otherwise—on their own office doors is common throughout academia, including at LSSU. Other professors on Crandall’s floor have posted materials such as a Far Side cartoon, a bumper sticker reading “Honor Veterans; No More War,” and a twelve-point list outlining how President Bush’s election was a result of corruption, among many other expressions of personal beliefs. As those professors have been granted the right to post materials as they see fit—most of which are not germane to the subjects those professors teach—so should Crandall, a political conservative, be allowed to post items reflecting his ideological viewpoints.

As you well know, LSSU is a public university and thus has a legal obligation to ensure the First Amendment rights of its faculty. Crandall’s postings are, without question, constitutionally protected expression. As the U.S. Supreme Court ruled in the landmark case of *West Virginia Board of Education v. Barnette* (1943), “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” The Court also proscribes viewpoint discrimination with equal vehemence, for, as Justice Brennan wrote in *Perry Educational Association v. Perry Local Educators’ Association* (1983), “Viewpoint discrimination is censorship in its purest form and government regulation that discriminates among viewpoints threatens the continued vitality of ‘free speech.’”

In ordering Crandall to remove posted materials from his office door, LSSU has wielded its power to silence Crandall’s personal views, in direct violation of the constitutional prohibition on viewpoint discrimination. This is an action that no government agency, especially a public university, may undertake.

Please spare Lake Superior State University the embarrassment of fighting against the Bill of Rights, by which it is legally and morally bound. FIRE urges LSSU to abandon its

requirement that Professor Crandall refrain from posting political paraphernalia and other items on his office door. We hope to resolve this matter swiftly and amicably. We are, however, committed to using all of our resources to see this matter through to a just and moral conclusion. We request a response to this letter by August 13, 2007.

Sincerely,

Tara E. Sweeney
Senior Program Officer

cc:

Bruce Harger, Provost, Lake Superior State University

Roger Land, Chair of the School of Criminal Justice and Fire Science, Lake Superior State University

Daniel Dorrity, Dean of the College of Arts, Letters, and Social Sciences, Lake Superior State University

Richard Crandall