

THE FIRE QUARTERLY

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IUPUI Student, Found Guilty of Racial Harassment for Reading a Book, Now Cleared of All Charges School Continues Media Smear Campaign

Keith John Sampson, a student and employee at Indiana University—Purdue University Indianapolis (IUPUI), found himself embroiled in a fight for freedom of expression that gained national attention—simply for openly reading a book. FIRE stepped in to urge IUPUI to revoke its finding that Sampson was guilty of racial harassment for reading, on a break from work, a book about a 1924 street fight between Notre Dame students and Ku Klux Klan members. Six months after Sampson was first notified that complaints had been filed against him, IUPUI cleared his record and announced that it would reexamine its internal complaint procedures.

In May, FIRE celebrated IUPUI's decision in a press release and believed the case was settled. However, a July 7 *Wall Street Journal* article by Dorothy Rabinowitz reopened FIRE's interest in the case. In the article, an IUPUI spokesperson claimed that Sampson was not punished for reading the book, but for some other behavior. The school refuses to reveal any details of this alleged conduct—to the Journal, to FIRE, or even to Sampson himself!

"This looks like a classic example of a college making things worse in an unprincipled attempt to save face," FIRE Vice President Robert Shibley commented. "IUPUI's own letters to Sampson made clear that his reading a book about the Ku Klux Klan was the problem, and the university claims to have completely exonerated him of all charges. If so, why are its spokespeople now telling *The Wall Street Journal* that the problem was really some other mysterious conduct that the university will not reveal to anyone, including Sampson himself?"

In November 2007, Sampson—who works in the school's janitorial department and is ten credits away from a degree in communications—was notified by Lillian Charleston of IUPUI's Affirmative Action Office (AAO) that two co-workers had filed a racial harassment complaint

against him. The AAO alleged that



INDIANA UNIVERSITY
PURDUE UNIVERSITY
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by reading the book *Notre Dame vs. the Klan: How the Fighting Irish Defeated the Ku Klux Klan* in the break room, Sampson had engaged in racial harassment. Sampson attempted to explain that the book by Todd Tucker, which is highly critical of the KKK, was a historical account of the events on two days in May 1924, when a group of Notre Dame students fought with Klan members. His explanation was dismissed, and he later received a letter from Charleston that determined he was guilty of racial harassment. Charleston wrote that his failures included "openly reading [a] book related to a historically and racially abhorrent subject."

Sampson contacted the American Civil Liberties Union of Indiana, which wrote to IUPUI's counsel several times demanding that the letter be removed from his file. It was not until February 7, 2008, that IUPUI responded to Sampson, with a letter from Charleston that stated, "if the conduct was intended to cause disruption to the work environment, such behavior would be subject to action by the University," but "because I cannot draw any final conclusion in this instance, no such adverse disciplinary action has been or will be taken in connection with the circumstances at hand."

Since this letter neither reversed the guilty finding nor apologized for the damage to Sampson's reputation, FIRE wrote to IUPUI Chancellor Charles R. Bantz in March for clarification. FIRE demanded that all documents regarding the guilty finding be expunged from Sampson's record, that IUPUI apologize for its handling of the incident, and that the school clarify and confirm its understanding of harassment law.

Continued on page 7

From the President

When I realized that I needed to start preparing this *Quarterly's* "From the President" piece, I just couldn't believe how quickly the past three months have flown by. So much has happened: FIRE has torn down unconstitutional speech codes at the University of Delaware and Florida Gulf Coast University, welcomed six young and enthusiastic summer interns, and—perhaps the most exciting and momentous event—hosted our first major student conference. More than 40 student members of FIRE's Campus Freedom Network came from all across the country to Philadelphia to attend FIRE's "Free Speech vs. Speech Codes: Reclaiming Your Rights on Campus" conference. They had the opportunity to learn about their rights, the deep philosophy that undergirds those rights, and what they can do to protect themselves and their fellow students when they return to campus. In my closing remarks, I shared with the students some simple steps they could take to help FIRE defend liberty on America's campuses. Upon reflection, I realized that FIRE supporters might be surprised by how many easy ways there are to make a significant contribution to FIRE's work. Here are a few small steps that can make a very big difference:

Follow up FIRE press releases with questions for top university administrators: As many readers know, FIRE includes contact information for the top administrators at the end of each press release so that the people responsible for protecting fundamental rights on their campuses can be held personally accountable when they fail to do so. This approach has been remarkably successful over the years, as administrators often cannot defend in public what they do in private. It may not seem like a lot, but a simple, well-reasoned, follow-up e-mail asking the university administration how it can defend its actions can make a crucial difference in a FIRE case.

Post FIRE's widgets on your website: One of the easiest things supporters can do to help FIRE fight speech codes is place our "Speech Code" and "Speech Code of the Month" widgets on your websites. Simply copying and pasting the HTML code provided on FIRE's website allows anyone to add either one or both of these widgets to his or her own personal blog or website. The widget is an easy way to express displeasure with speech restrictions at a given school. Each month, FIRE widgets draw thousands of unique visitors to the FIRE website, www.thefire.org. In this way, the widgets have become an invaluable tool in increasing awareness about campus speech codes. We are currently working on creating a third widget—the Red Alert list widget. See page 9 for more details.



Greg Lukianoff

Send FIRE *Guides* to students, faculty, and administrators:

FIRE is happy to send free copies of our *Guides* to Student Rights on Campus to any college student who sends us a request. The *Guides* are a series of books that educate students about basic rights on campus, from free speech to due process to religious liberty, and even what to expect at first-year orientation. We are also happy to ship *Guides* to faculty and administrators who may need a refresher course in student rights.

Join the Campus Freedom Network (CFN): For readers who are students or faculty, I urge you to sign-up for the CFN. Not only will we send you the FIRE *Guides* and an invitation to apply for next year's CFN conference but, you will also have access to the newly re-designed CFN website that allows CFN members to share resources, discuss plans, post multimedia documentation of their successes, workshop editorial columns, form alliances, and work from within to fight for individual rights on campus with an exciting new level of proficiency.

Support FIRE: While FIRE's record of success is unparalleled, it is important that people understand the scale of the problem that remains before us. FIRE's small staff regularly takes on the Academy, an industry with estimated yearly expenditures exceeding \$300 billion and total assets approaching half a trillion dollars. Every bit of support—no matter how big or small—is essential, and every new supporter contributes a meaningful step towards university reform. When I first started as president of FIRE, I was nervous about being a fundraiser—after all, as a legal specialist for FIRE, I was used to playing a more "behind the scenes" role. Shortly after I began reaching out to FIRE's supporters, I realized that all I had to do was tell the truth: I believe FIRE's work is the best hope for positive change on campus, I believe we are the hardest-working nonprofit out there, and I believe there is no better way to spend your charitable dollar if you wish to see basic rights preserved on America's campuses.

A handwritten signature in blue ink, appearing to read "Greg Lukianoff".

Greg Lukianoff

Federal Lawsuit Filed against Shippensburg University

School Blatantly Violates Settlement Repealing Unconstitutional Speech Codes



Attorneys from the Alliance Defense Fund (ADF) filed a complaint in federal court in May alleging that Shippensburg University dishonestly reinstituted unconstitutional policies in violation of the terms of a 2004 legal settlement reached with members of FIRE's Legal Network.

The existing settlement was reached in February 2004 after the U.S. District Court for the Middle District of Pennsylvania issued a preliminary injunction against the university, ordering Shippensburg's then-president, Anthony F. Ceddia, not to enforce unconstitutional provisions of Shippensburg's code. The settlement ended a lawsuit brought by FIRE Legal Network attorneys David A. French and William Adair Bonner, and was the first of a string of victories for FIRE's Speech Codes Litigation Project.

Prior to the preliminary injunction and subsequent settlement, Shippensburg's speech code banned expression clearly protected by the United States Constitution. For example, the college's harassment policy defined harassment as "unwanted conduct which annoys, threatens, or alarms a person or group," and outlawed "emotional abuse." The code also violated the right of private conscience in Orwellian fashion by requiring that "every member of the community" mirror the official views of the university administration "in their attitudes and behaviors." In his preliminary injunction against Shippensburg in September 2003, U.S. District Judge John E. Jones III held that many of these provisions "could certainly be used to truncate debate and free expression by students."

The complaint filed in May indicates that Shippensburg has reinserted unconstitutional provisions into current university policy, in many cases utilizing language copied seemingly verbatim from the policies challenged by the previous suit. For example, the 2007-2008 edition of the *Swataney*, Shippensburg's student handbook, once again mandates that "every member of this community" ensure that the official views of the university administration "will be mirrored in their attitudes and behaviors," and prohibits "emotional abuse." The complaint alleges several other substantive constitutional infirmities, including a challenge to the school's harassment code.

“The complaint filed in May indicates that Shippensburg has reinserted unconstitutional provisions into current university policy, in many cases utilizing language copied seemingly verbatim from the policies challenged by the previous suit.”

"Shippensburg's 'courthouse conversion' several years ago, when it promised to respect the First Amendment and change its ways, has now proven insincere," said ADF Senior Legal Counsel Steven H. Aden, who will be representing the plaintiffs in their lawsuit against Shippensburg. "We hope that a return trip to the courthouse for this constitutional repeat offender will cause

Shippensburg to finally mend its ways and embrace a true diversity of views—religious, political, and otherwise—so that the university can become the 'marketplace of ideas' it is supposed to be."

FIRE's Speech Codes Litigation Project—an initiative to dismantle unconstitutional speech codes on public university campuses—has won crucial victories at Texas Tech University, the State University of New York at Brockport, California's Citrus College, San Francisco State University, and the California State University System.

Please visit



for comprehensive information on the state of liberty on America's campuses, including pages for individual academic institutions, relevant links to our research of speech codes, and case materials from FIRE's Individual Rights Defense Program.

Freedom of Speech and Expression at Tarrant County College?

Only Within 12' x 12' Concrete Platform Known as the 'Free Speech Zone'

Students at Tarrant County College (TCC) in Fort Worth, Texas, assumed that First Amendment protection—including the right to protest a policy forbidding students with concealed carry licenses from carrying concealed handguns—existed throughout the entire campus. When the school's administration told students interested in participating in an "empty holster protest" that they would be restricted to the school's tiny free speech zone—and that they could not wear empty holsters—the students turned to FIRE for help.

"TCC has cast aside decades-old Supreme Court precedent strongly protecting symbolic expression by refusing to recognize its students' right to wear empty holsters to make their point," said FIRE President Greg Lukianoff. "The students were using the empty holsters to protest policies that they believe render students defenseless. They have every right to engage in this symbolic protest, and TCC's cynical attempt to ban dissenting views is both shameful and transparent."

On March 28, 2008, TCC student Brett Poulos e-mailed TCC South Campus President Ernest L. Thomas regarding an "empty holster protest", an event he was organizing in collaboration with Students for Concealed Carry on Campus (SCCC), a national organization that "supports the legalization of concealed carry by licensed individuals on college campuses." SCCC promoted a coordinated national protest for April 2008 in which students would peacefully attend class and perform other daily tasks while wearing empty holsters to signify opposition to state laws and school policies denying holders of concealed handgun licenses holders the same rights on college campuses that they are granted in most other places.

In an April 10 response, Juan Garcia, Vice President for Student Development, "granted" Poulos's request to stage a protest on the South Campus, but changed the fundamental nature of the protest by banning the protesters from wearing empty holsters anywhere on the South Campus, including in the designated free speech zone. The South Campus free speech zone, according to Poulos, is an elevated, circular concrete platform about 12 feet in diameter.

Poulos met with Garcia on April 18 and was told that TCC would take adverse action if SCCC members wore empty holsters anywhere, strayed beyond the campus's free speech zone during their holster-less protest, or even wore t-shirts advocating "violence" or displaying "offensive" material.

Poulos contacted FIRE, which wrote to President Thomas on April 24, explaining that TCC's free speech zone represented a serious threat to liberty on campus and that FIRE had defeated similar free speech zones on campuses across the nation, including the University of North Carolina at Greensboro, West Virginia University, University of Nevada at Reno, Citrus College in California, and Texas Tech University.

"The fact that the school banished the students to a free speech zone for engaging in protected expression only makes this case worse," FIRE Vice President Robert Shibley said. "After all, aren't our colleges and universities supposed to be the free speech zone for our entire society?"

FIRE noted that wearing an empty holster is a constitutionally protected act of symbolic expression analogous to the black armbands worn by students protesting the Vietnam War—expression that was explicitly protected by the Supreme Court in the 1969 case of *Tinker v. Des Moines Independent Community School District*. FIRE also pointed out that TCC's free speech zone is "incompatible with a free society and stands in stark opposition to central ideals of higher education," because it limits speech to a small fraction of campus, instead of allowing open discourse and inquiry on all areas of campus.

TCC's response from Vice Chancellor for Administration Erma J. Hadley arrived a month later and stated that the decision to banish Poulos and his peers to the school's small free speech zone was made "based upon an evaluation of current circumstances facing our students and employees. We think the decision is within College policy as established in 'Forum for Communication' Policy GF (Legal) in the Tarrant County College Policy and Regulation Manual."

What Ms. Hadley failed to realize is that FIRE was not concerned with whether TCC's actions were consistent with college policy, but with whether TCC's policies and practices were consistent with the U.S. Constitution.

"TCC doesn't have a leg to stand on when it comes to banning this form of protest," Shibley said. "It does not matter if TCC administrators banned the protest because they dislike seeing students wearing holsters or simply because they don't like criticism of their policies—the First Amendment denies them the power to ban clearly protected political expression."



**Tarrant
County
College**

Partial Victory at Florida Gulf Coast University

After FIRE named Florida Gulf Coast University (FGCU) our Speech Code of the Month for April 2007, the school has completely revised its ‘Personal Abuse’ policy—but other troubling policies remain.

FGCU’s unconstitutional “Personal Abuse” policy previously prohibited expression that was “lewd, indecent, racist, prejudice [sic], obscene, or expressions deemed inappropriate”—a ludicrously broad and vague standard. The updated version prohibits only “Violence, threat of violence or disregard of potential harm to others or against oneself or actions which endanger any member or guest of the University community, including physical, verbal, or sexual assault and relationship/domestic violence.” While “verbal assault” is still somewhat vague, there is no question that this policy is a vast improvement over its predecessor.

intimidating or insulting conduct directed against the individual.” This definition of harassment is far too broad and vague to pass constitutional muster. Any student making a good-faith effort to adhere to this policy would face two big problems. First, they would be left in the dark as to what speech in particular would qualify, in the eyes of FGCU administrators, as “offensive” or “demeaning” expression. That uncertainty means that speech will be chilled at FGCU, as students



“Though these revisions mark a step in the right direction, this victory for free speech is not yet complete.”

Though these revisions mark a step in the right direction, this victory for free speech is not yet complete, as there are other policies in place at FGCU that still unlawfully restrict students’ right to free speech. The university’s nondiscrimination policy prohibits, as harassment, “offensive or demeaning language or treatment of an individual, where such language or treatment is based typically on prejudicial stereotypes of a group to which an individual may belong, such as, objectionable epithets, threatened or actual physical harm or abuse, or other

will almost certainly bite their tongues rather than face punishment. Second, FGCU’s policy prohibits constitutionally protected speech—such as speech some listeners may find “insulting.”

As long as these outrageous policies are still in place, student speech cannot be truly free at FGCU. Until then, the school will continue to receive a “red light” rating on FIRE’s Spotlight.

FIRE’s Summer Internship Program



Six college students from around the country were selected to participate in FIRE’s prestigious summer internship program. While assisting FIRE staffers with case management, website maintenance, and daily office administrative tasks, the interns also participated in FIRE’s Campus Freedom Network Conference. Learn more about the summer interns in the fall issue of *The FIRE Quarterly*.

Lake Superior State University Violates Free Expression Rights

Orders Professor to Remove Posted Materials from Office Door

A nearly 40-year veteran of teaching found himself forced to remove “offensive” materials from his office door or else face charges of “insubordination.”

In April 2008, Lake Superior State University (LSSU) ordered Professor Richard Crandall to remove materials dealing with issues such as Islamic terrorism, gun control, presidential politics, and the war in Iraq from his office door or face charges of “insubordination.” After an anonymous person complained that the materials were offensive, LSSU officials told Crandall to immediately remove the items and to practice his academic freedom with “responsibility”—while allowing other professors to maintain similar postings about the same issues on their office doors. Crandall turned to FIRE for help in restoring liberty and rectifying this outrageous double standard on the university’s campus.

“LSSU displayed serious disrespect for faculty rights by demanding that Professor Crandall remove materials about public concerns from his office door,” FIRE President Greg Lukianoff said. “The double standard in this case is striking.”

Crandall has adorned his office door and the wall near his office—primarily with conservative political cartoons and postings—since he started teaching at LSSU in 1969. Items he has posted in recent years include a photograph of President Ronald Reagan, a political cartoon mocking Vice President Dick Cheney’s 2006 hunting accident, and political cartoons about Islamic terrorism. Other professors at LSSU, including professors on Crandall’s own floor, post similar materials reflecting various ideological perspectives on their office doors. In 2005, Crandall first heard that someone had complained that his displays were “hateful and bigoted,” and on

March 12, 2007, Provost Bruce Harger finally ordered Crandall to take down his display, threatening to charge Crandall with “insubordination” if he failed to comply. Crandall acquiesced, but soon turned to FIRE to restore his right to free expression.



FIRE wrote to then-LSSU President Betty J. Youngblood on July 23, 2007, reminding her that it is common for professors at LSSU and other universities to post materials—political and otherwise—on their own office doors. FIRE also noted that using a double standard to censor Crandall’s postings constituted viewpoint discrimination prohibited by the First Amendment, which LSSU, as a state university, is required to uphold.

An outside law firm responded to FIRE on behalf of the university, insisting that LSSU had not infringed on Crandall’s First Amendment rights and absurdly declaring that Crandall’s displays somehow threatened the civil rights of LSSU community members.

“LSSU’s embarrassingly poor grasp of the law and its obvious viewpoint discrimination against Professor Crandall are clear indicators that, like too many of America’s universities, LSSU is ready to abandon fundamental rights in the name of making some students or faculty feel ‘comfortable.’ Yet the right to free expression exists to allow people to challenge the beliefs of others—even if this leads to discomfort,” FIRE Vice President Robert Shibley said. “It’s time for LSSU to acknowledge that Professor Crandall has the same right to express himself as any other LSSU professor.”



Want more FIRE news and views?

Check out *The Torch*, FIRE’s blog, for daily updates at www.thefire.org/torch.

Harvard University Administration Threatened to Cancel ‘Barely Legal’ Party Due to Event’s Name



In the spring of 2008, Harvard University broke its promise of an unfettered right to freedom of expression on campus when the administration threatened to cancel a party planned by two Harvard student groups simply because of the party’s name: “Barely Legal.”

The Latino Men’s Collective (LMC) and Fuerza Latina proposed that the party be held in the on-campus Adams House Dining Hall. Adams House administrators agreed to host the party—but once the party was publicized using the “Barely Legal” name, several students complained to the House masters. The student leadership of both LMC and Fuerza Latina publicly stated that they meant no offense by the party’s name and did not intend to glorify or encourage illegal activity. Nevertheless, Adams House administrators told LMC and Fuerza Latina they would not be allowed to hold the party unless the name was changed. The students agreed to take down all publicity for the party and Adams House Resident Dean Sharon Howell told *The Harvard Crimson* that the students “should have been more thoughtful considering the context.”

FIRE wrote to Howell, reminding her that threatening to cancel a student group’s party because some people found its name offensive was a clear violation of Harvard’s own binding promises of freedom of expression. In a May 30 response, Bradley E. Abruzzi, a Harvard Associate Attorney, stated that because Adams House has discretion over allowing student groups to organize events there, granting access to the House’s facilities “necessarily carries an endorsement of the event by the House.”

Harvard’s argument is bizarre, as Adams House has in the past hosted events including “S&M bingo,” “Erotica Night,” and “Chocoholica,” where partygoers distributed chocolate genitalia. “It is ridiculous to police the themes of college parties in the first place, but here Harvard has also acted arbitrarily and inconsistently,” FIRE President Greg Lukianoff said.

“Harvard’s claim that simply allowing a given event to take place on campus implies an endorsement of the event illustrates a major misunderstanding of expressive rights at Harvard,” Lukianoff continued. “Does Harvard really wish to argue that since earlier parties involved ‘erotica’ and chocolate genitalia, Harvard endorses these things? No one assumes that a college agrees with or endorses all the expression on its campus. Not only would this be impossible, it is also incompatible with a true ‘marketplace of ideas.’ If Harvard is willing to censor something as small as a party with a mild theme, how can we believe that it will defend the expression of truly controversial views on its campus? It boggles the mind why Harvard thought it should intervene here in the first place.”

Lukianoff concluded, “As Harvard graduates are celebrating their achievements and the completion of study at a world-renowned university, it is a shame that administrators at Harvard have cheapened those degrees by standing by a silly act of censorship and gross double standards. The truly mild idea behind the party—‘So crazy it should be illegal’—is hardly the same thing as endorsing illegality. Harvard should know better.”

Continued from page 1

FIRE finally received a letter—six months after Sampson’s ordeal began—from Bantz, stating that IUPUI “regret[s] this situation took place” and is committed to upholding freedom of expression on its campus.

The letter also confirmed that no documents regarding the incident are in Sampson’s file and that IUPUI hopes “this experience as well as feedback from the campus community will result in an improved [complaint] process.”

Unfortunately, IUPUI has apparently now chosen to resort to unsubstantiated and mysterious secret charges against Sampson when questioned about the case.

“If IUPUI really thought that Sampson had engaged in some ‘racially harassing’ behavior other than reading a book, there is no reason why they would not have brought it up at the time—and no reason why they couldn’t say what it is now,” Shibley said. “This whispering campaign against Sampson is truly appalling. IUPUI has either brazenly violated due process by finding a student guilty without a hearing and without even letting him know the allegations against him or, more likely, has lied in an attempt to stave off further embarrassment. Either way, the school has bitterly betrayed one of its own students.”

Chancellor Bantz recently issued another apology letter—this time to Sampson. Other involved IUPUI officials now need to get in line with Chancellor Bantz and publicly clear Sampson of any wrongdoing. Only then will FIRE consider this matter to be truly resolved.

Changing the Culture:

Article by Greg Lukianoff Published by National Association of Scholars

FIRE President Greg Lukianoff's extensive article on speech codes, entitled "Campus Speech Codes: Absurd, Tenacious, and Everywhere," has been published on the National Association of Scholars' website. The article covers every aspect of speech codes: their origination, their current status on campus, why they continue to exist despite their clear unconstitutionality, and, finally, strategies to eradicate their presence on campus.

As Greg points out, despite the fact that courts have consistently found speech codes unconstitutional, schools continue to promulgate them. FIRE's evaluation of 346 universities' policies in 2007 revealed that 75% of all schools and 79% of public schools had at least one policy that "clearly and substantially restricts freedom of speech." The results of FIRE's empirical study—the most comprehensive study of speech codes to date—belie the oft-made claim that speech codes are no longer a problem.

In the article, Greg identifies four main reasons for the stubborn persistence of speech codes: an ideology of political correctness, a self-perpetuating bureaucracy of school officials paid to manage student life, a school's fear of being sued for failing to provide a safe and

welcoming environment, and a genuine ignorance of the law concerning free speech.

Greg details FIRE's multi-faceted approach to counter these forces, including educating schools, coordinating litigation, exposing practices to the public eye, and working to change the culture, and, in some cases, the law. As Greg writes:

Because our campuses seem oblivious to the dangers inherent in raising a generation that sees little wrong in regulating away "disagreeable" expression, it is up to those of us who care about preserving the basic principles of liberty to band together in this fight. It is a fight we can win, and indeed it is a fight we must win. Campus speech codes have survived for too long; it is time that they are finally relegated to the dustbin of history.

Read the entire article online at
<http://thefire.org/index.php/article/9406.html>.

FIRE Co-Founder Alan Charles Kors Wins Prestigious Bradley Prize

On June 4, at the John F. Kennedy Center for the Performing Arts in Washington, D.C., FIRE Co-founder and Chairman Emeritus Alan Charles Kors received the prestigious Bradley Prize for his inspiring defense of free speech and his scholarship. When the award was announced, Michael W. Grebe, President and Chief Executive Officer of the Bradley Foundation, said, "The Bradley Foundation selected Alan Charles Kors not only for his original scholarship in European intellectual history, but also for his defense of free speech.... In these times, free-thinking students have had no greater champion than Dr. Kors."

It bears repeating that FIRE would not be here today without Alan's commitment to the basic principles of liberty. Alan teaches European intellectual history at the University of Pennsylvania where, in 1993, he defended Eden Jacobowitz in the infamous "water buffalo case." This case led to the writing of *The Shadow University* (1998) and to the founding of FIRE, both with Harvey Silverglate. Alan possesses a unique

clarity of vision when it comes to the importance of defending individual rights in higher education. As he once said, "A nation that does not educate in liberty will not long preserve it and will not even know when it is lost." This quotation brings home the grave threat that illiberal campuses pose to our nation, and it is on the back of every single FIRE t-shirt.

Congratulations to Alan on this well-deserved honor.



New Features & Initiatives: FIRE Launches 'Speech Code of the Month' Widget

Every month, FIRE selects a college or university with a particularly egregious speech code as our Speech Code of the Month. The program has been very successful: since its inception two years ago, nine schools have changed their policies as a result of being named Speech Code of the Month. Now we are turning up the heat on censorship even more with the introduction of our Speech Code of the Month Widget. By adding the widget to your blog or website, you can help expose these repressive speech codes by sharing this information with your readers. And if you send us a link to your site with the widget posted on it and your mailing address, we'll send you a free FIRE mug. To learn how to add the widget to your website, visit thefire.org/scotm.



'Freedom on Campus' Student Video Contest Announced



FIRE is pleased to announce its first annual "Freedom on Campus" Student Video Contest.

The contest will give college and university students from around the country the opportunity to win a \$5,000 scholarship and other prizes for producing short videos about school policies or practices that stifle their freedoms on campus. In addition to the cash prize, the grand prize winner's video will be featured on FIRE's website and the winner will receive an all-expenses-paid invitation to the 2009 Campus Freedom

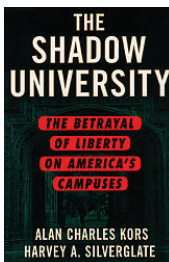
Network Conference in Philadelphia, where he or she will meet with prominent free speech advocates, FIRE staff members, and other top students from around the country. Two runners-up will each receive a \$1,000 award.

The competition is open to all undergraduate and graduate students enrolled in a U.S. college or university, and the video entry must be under ten minutes in length. The deadline to enter is November 15, 2008, and the winners will be announced on December 5, 2008. To read the contest rules, please visit thefire.org/contests.

New Promotional Giveaways!

The Shadow University:

This October marks the 10-year anniversary of the publication of *The Shadow University: The Betrayal of Liberty on America's Campuses*, which was co-authored by FIRE founders Alan Charles Kors and Harvey Silverglate. Public reaction to *The Shadow University* was the single most influential factor leading to FIRE's establishment in 1999. The moment the book hit the shelves, Kors and Silverglate received pleas from students and professors all over the country requesting aid and reporting horrific cases of censorship and abuses against liberty on college campuses. Less than a year later, Kors and Silverglate founded FIRE. In honor of the still-timely book's decade of existence FIRE is sending copies of the *The Shadow University* to donors who donate \$150 or more to FIRE in 2008. Be sure to note that you want to receive a copy when you donate.



Indoctrinate U:

FIRE is currently offering a special online giving incentive for our donors. When you make an online donation of \$200 or more to FIRE, you can receive a DVD of *Indoctrinate U*, a riveting documentary that exposes the "anti-intellectual, intolerant culture of our nation's campuses." Produced by Evan Coyne Maloney, the film features FIRE's successful battles against unconstitutional speech codes and our major 2004 victory for free speech at Cal Poly. This promotion only lasts as long as the DVDs do, so if you would like to receive one, just specify, "I would like to receive an IU DVD" when making your donation online.



‘Winning battles, but how to win the war?’

By Harvey Silverglate, Chairman



We have won the battles. But how do we win the war?

This question came to mind at the first annual conference for the Campus Freedom Network, FIRE’s nascent group aimed at organizing students and faculty (and perhaps an administrator or two!) to restore academic freedom and due process in higher education. At the conference, I had occasion to speak with John Leo,

FIRE friend and moderator of the highly regarded “Minding the Campus” website and blog. We discussed a topic much on the mind of many folks at FIRE, including the Board of Directors, as well as other civil libertarians: We have managed to win the overwhelming number of *individual* clashes with the campus totalitarians, but somehow we seem not yet to have had much of an impact in changing the *culture*.

In other words, the enemies of academic freedom and due process almost always cave in when FIRE exposes them, but they don’t really change their minds, nor do they deeply understand why their actions disserve higher education as well as liberty. This being so, we wonder how and when are we going to actually change these administrators’ (and all-too-many faculty members’) minds—thereby changing the culture.

The short answer is that we need to effect a radical transformation of the way college administrators see their roles. Are they there to micro-manage student life in order to produce their version of the good and decent society, where no one will “offend” anyone else and where members of “historically disadvantaged groups” will feel “empowered”? Do they hold their positions in order to keep campus life quiet and uneventful, thereby avoiding the “bad” publicity that often accompanies hotly contested issues and differences of opinion and lifestyle? Or are they there to provide an environment where students and faculty alike are able to engage in the often messy undertaking of making sense of an unruly world and plumbing the mysteries of life and truth? Are students supposed to toe the administrative line in order to produce a campus akin to the “clean, well-lighted place” (with my apologies to Hemingway), or are they there to study, learn, and overturn an intellectual apple-cart or two on their way to achieving enlightenment?

FIRE cannot rest, of course, until the culture is changed. This means, in part, that we have to create an environment where campus administrators who act as if college is a North Korean prisoner-of-war camp—replete with brainwashing under the guise of “sensitivity training” and other such programs and indoctrinations—are fired and replaced by real educators. That has to be the highest object of FIRE’s next decade of civil liberties activism.

But how will we do this?

I’ve been around for a while. I graduated law school in 1967. At the start, I represented students in trouble with campus administrators during the Vietnam War. One of my earliest cases involved representing some Harvard undergraduates before the College’s disciplinary body, the feared Administrative Board. A group of students organized themselves to follow around town and campus one particular dean who doubled (as did many academics, then and now) as an advisor to a federal governmental defense agency. Several of the students would be waiting outside the dean’s house in Cambridge each morning as he left for work. They would follow him through the public streets chanting, rhythmically, “murderer, murderer, murderer”—a scene akin to “Make Way for Ducklings,” only with decidedly less tender feeling between Mother Duck and offspring. And when the dean left his campus office or a classroom, the students, operating in shifts, would resume the march and the chant.

The students participating in this form of ostensible public shaming of the dean were charged by the Harvard College Administrative Board with “harassing” the dean by following him “closely” and chanting “murderer.” I was allowed, as their legal counsel, to attend the disciplinary hearing, and a faculty member of the law school was allowed in the room as well. The result was a bit of a surprise to skeptics—the students were *acquitted* because their exercise fell short of true harassment (they did not follow the dean too closely for comfort) and was deemed protected by academic freedom.

I think back to that early case and marvel at how the Harvard Ad Board swallowed hard and upheld the right of students to express their unhappiness over the activities of an important dean. In the mid-1980s, I realized how unthinkable it had become to allow students to so vehemently express politically unpopular views, much less in a manner so displeasing to college administrators. I recognized that there had been a sea-change in the culture of the campus on the matter of fundamental free speech and academic freedom. The campuses had gone from being the *most* free, to being the *least* free (next to prisons, I suppose) locales in our society. Ideas that are constitutionally protected and uttered on a daily basis on the Main Streets of America are the subject of disciplinary proceedings behind the ivy walls. (And at many places, Harvard included, these kangaroo court proceedings are closed to observers—secret Star Chambers, in other words.)

And, even worse, the culture of censorship does not apply generally across the board. It most often affects only those students, and those political demonstrations, that run counter to the prevailing orthodoxies of the day (with those orthodoxies being dictated on most campuses by a particular post-modernist political and cultural agenda that is mind-boggling in its intolerance of dissent).

FIRE’s next decade must be devoted to changing the campus culture that makes this disgraceful and dysfunctional state of affairs possible. We’re up to the challenge.

A handwritten signature in blue ink that reads "Harvey Silverglate". The signature is stylized with a large, sweeping 'H' and a long, trailing 'e'.

Harvey Silverglate

About the Publication

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The *FIRE Quarterly* is published four times per year by the Foundation for Individual Rights in Education.

The mission of FIRE is to defend and sustain individual rights at America's increasingly repressive and partisan colleges and universities. These rights include freedom of speech, legal equality, due process, religious liberty, and sanctity of conscience—the essential qualities of individual liberty and dignity. FIRE's core mission is to protect the unprotected and to educate the public and communities of concerned Americans about the threats to these rights on our campuses and about the means to preserve them.

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FIRE Completes Successful Campus Freedom Network Conference

FIRE's 2008 Summer Conference was the first large-scale effort by the Campus Freedom Network to connect students from across the country with some of the foremost national experts on free speech, due process, and religious liberty. Initially, we had estimated hosting roughly 40 students. After the interest in the conference far outstripped this estimate, we added another eight students to accommodate the influx of applications.

The conference was a three-day, two-night affair, held at the Doubletree Hotel in downtown Philadelphia from Thursday, June 26th to Saturday, June 28th. During the dinner, famed journalist and Manhattan Institute scholar John Leo gave the keynote address. The next day's session was filled to the brim with lectures, panels, and general activity. Students heard from FIRE Co-Founder Harvey Silverglate, Senior Counsel Steve Aden of the Alliance Defense Fund, Stanford Law Professor Derek Shaffer, and Brooklyn College professor and author KC Johnson all in one morning. That afternoon, FIRE President Greg Lukianoff gave a presentation about students' rights, while FIRE Vice President Robert Shibley and Samantha Harris, Director of FIRE's Spotlight program, explained the dangers and prevalence of speech codes on campus. KC Johnson regaled the audience with a complete review of the travesty of the Duke Lacrosse fiasco in his after-dinner speech. On Saturday, filmmaker Evan Coyne Maloney gave a



presentation about the use of new media in the fight for liberty on college campuses. A student panel comprised of students from prominent FIRE cases concluded the conference.

The feedback we received from the conference was extremely positive. Each participant was asked to fill out a feedback form to give the staff a comprehensive evaluation of all aspects of the program. On average, attendees rated their experience at the conference as a 4.42 out of a possible 5. One participant, when asked whether the conference was what she expected, wrote quite succinctly, "Yes and yes. It was interesting and helpful. I'm looking forward to sharing my experience with everyone on campus." With all the helpful suggestions from students, other staffers, and our own observations, we look forward to having another, even more successful conference next summer. This conference has certainly proved to be effective and will be crucial in helping the CFN staff as they develop the CFN throughout this summer.



The Last Word: Voices of Vision II



FIRE has unveiled the second installment of the PBS series *Voices of Vision* featuring FIRE, now available at thefire.org/multimedia. This episode highlights FIRE's cases at Le Moyne College, where a graduate student was expelled for defending corporal punishment in the classroom; SUNY Fredonia, where a professor was denied promotion for publicly disagreeing with the university's student conduct policies and affirmative action practices; and the University of New Hampshire, where a student was evicted from his dorm and forced to live out of his car for posting a flyer that joked about the "freshman 15." The film also gives a fresh, inside look into the daily operations of the FIRE office, the jobs of FIRE's staff, and the way FIRE selects cases.

FIRE THANKS ALL OF ITS SUPPORTERS FOR THEIR
DEDICATION TO FIRE AND ITS MISSION.

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