



## Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, Pennsylvania 19106  
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

Greg Lukianoff  
PRESIDENT

Robert L. Shibley  
VICE PRESIDENT OF  
OPERATIONS

Samantha K. Harris  
DIRECTOR OF LEGAL AND  
PUBLIC ADVOCACY

Alan Charles Kors  
CO-FOUNDER AND  
CHAIRMAN EMERITUS

### BOARD OF DIRECTORS

Harvey A. Silverglate  
CO-FOUNDER AND  
CHAIRMAN

William J. Hume  
Joseph M. Maline  
Marlene Mieske  
Daphne Patai  
Virginia Postrel  
James E. Wiggins

### BOARD OF ADVISORS

Lloyd Buchanan  
T. Kenneth Cribb, Jr.  
Candace de Russy  
William A. Dunn  
Benjamin F. Hammond  
Nat Hentoff  
Roy Innis  
Wendy Kaminer  
Woody Kaplan  
Leonard Liggio  
Herbert London  
Peter L. Malkin  
Milton Rosenberg  
John R. Searle  
Ricky Silberman  
Christina Hoff Sommers

September 27, 2006

President Robert A. Wild, S.J.  
Marquette University  
O'Hara Hall, 101/102  
P.O. Box 1881  
Milwaukee, Wisconsin 53201-1881

*Sent via U.S. Mail and Facsimile (414-288-3161)*

Dear President Wild:

As you can see from our directors and board of advisors, FIRE unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, due process, legal equality, voluntary association, and, in this case, freedom of speech and academic freedom on America's college campuses. Our website, [www.thefire.org](http://www.thefire.org), will give you a greater sense of our identity and of our activities.

FIRE is concerned about the threat to free speech posed by Marquette University's removal of a flier bearing a political quotation from a philosophy doctoral student's office door. Censorship of political expression of this sort represents viewpoint discrimination and undermines the commitment to academic freedom that is so central to the goals of Marquette University, and to the philosophy department in particular.

This is our understanding of the facts. Please inform us if you believe we are in error. On August 29, 2006, Ph.D. student Stuart Ditsler hung a flier with a quotation by writer and humorist Dave Barry on his office door. The quotation read, "As Americans we must always remember that we all have a common enemy, an enemy that is dangerous, powerful, and relentless. I refer, of course, to the federal government." Ditsler reports that other professors and graduate students in his corridor have posted materials on their office doors in the past, such as a cartoon critical of the Bush administration and an article criticizing "family values" voters in the 2004 presidential election, to name a few. On September 5, Philosophy Department Chair James South sent Ditsler an e-mail that read,

I had several complaints today about a quotation that was on the door of CH 132F. I've taken the quotation down. While I am a strong supporter of academic freedom, I'm afraid that hallways and

office doors are not “free-speech zones.” If material is patently offensive and has no obvious academic import or university sanction, I have little choice but to take note.

While Marquette is a private, Catholic institution and therefore is not bound directly by the Bill of Rights, its policies reflect a strong commitment to academic freedom and free speech. Marquette’s Faculty Handbook contains safeguards for academic freedom adapted from the American Association of University Professors’ 1941 Statement of Principles of Academic Freedom, guaranteeing that “Academic freedom is prized as essential to Marquette University and to its living growth as a university. Professorial academic freedom is that proper to the scholar-teacher, whose profession is to increase knowledge in himself/herself and in others.”

Marquette’s Student Handbook further recognizes the rights of its students to express their political or ideological opinions. The Handbook states, “It is clearly inevitable, and indeed essential, that the spirit of inquiry and challenge that the university seeks to encourage will produce many conflicts of ideas, opinions and proposals for action.” Marquette thus recognizes the “right of the members of the university community freely to communicate, by lawful demonstration and protest, the positions that they conscientiously espouse on vital issues of the day.” The posting of a single quotation on an office door surely qualifies as such protected expression.

While FIRE believes that a liberal policy of free expression best serves the educational mission of any university, we realize that certain institutions place limits upon their students’ and professors’ speech. While it is hard to see how such a policy would facilitate the free and open exchange of ideas, if the philosophy department wishes to ban all materials from being posted on office doors, then the department should make that policy clear and apply it equally to all members of the department. But Ditsler reports that other members of the philosophy department have posted materials on their office doors without incurring departmental censorship. The policy that South outlined in his e-mail to Ditsler is discretionary, as it is likely to be applied not only to “patently offensive” speech, but also to unpopular speech. Since the policy’s enforcement relies upon the viewpoint of the enforcer, it is subject to abuse.

Even by the most conservative standards, the Barry quote cannot be suitably described as “patently offensive,” as South described it in his e-mail. Ditsler did not post obscene photos or even lewd commentary on his office door, but a popular author’s political witticism. The quote expressed a negative view of the government, which could possibly offend the sensibilities of those who are sympathetic to the government, but which was not “patently offensive” to any and all passers-by. If Marquette is to classify all ideological speech as “patently offensive,” then there will be precious little that students and faculty are allowed to discuss. Marquette’s policies have been sculpted to include protections for academic freedom because a policy of open inquiry and discussion best fits the vision of higher education that Marquette wishes to uphold. Those standards are even more important in a philosophy department, where the search for truth should not stop at the faintest cry of “offense.” Ideological political expression is at the heart of free speech and academic freedom, and if it is not protected, then Marquette’s commitments to expressive rights ring hollow.

We are aware that Marquette takes very seriously its values as a Jesuit institution. We also believe that it takes seriously its role as an educational institution and as a leader in academic excellence. These mandates need not and should not be at odds. We ask that you reconsider the decision to remove the Dave Barry quote from Stuart Ditsler's office door, and that you clarify Marquette's position on free expression and academic freedom. We request a response by October 11, 2006.

I look forward to hearing from you.

Sincerely,

Tara E. Sweeney  
Senior Program Officer

cc:

Madeline Wake, Provost, Marquette University  
Arthur Scheuber, Vice President, Marquette University  
Thomas Peters, Associate Vice President, Marquette University  
Greg Kliebhan, Senior Vice President, Marquette University  
James South, Philosophy Department Chair, Marquette University  
Stuart Ditsler