

October 5, 2001

President Margaret Gratton
Orange Coast College
2701 Fairview Rd.
Costa Mesa, CA 92626

RE: Professor Kenneth Hearlson

Dear President Gratton:

As you can see from the list of our Directors and Board of Advisors, 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, and—in the case of Professor Kenneth Hearlson—freedom of speech, due process and academic freedom on America's college campuses. Our web page, www.thefire.org, will give you a greater sense of our identity and activities.

I wish to express our profound concern about the threat to free speech, due process, and academic freedom posed by the suspension from teaching of Professor Hearlson, without any official and appropriate hearing, procedures, and proceedings, in the wake of a heated and well-publicized discussion in one of his classes. Although the College has not been forthcoming regarding the reasons for this violation of due process, the message it sends about free speech and academic freedom is disturbingly clear. In light of the current national crisis, it is crucially important, now more than ever, that we affirm our cherished Constitution and ideals and not abandon them to suppress views that we find offensive or “disruptive.”

As you know full well, Orange Coast College is a public university and therefore has an overarching legal obligation, in addition to its moral obligation, to ensure the First Amendment rights of its faculty. Orange Coast College cannot and must not remove a professor because the content of his ideas challenge, or even offend, some students. To do so would allow students a “heckler's veto” and would open the floodgates to arbitrary censoring of all professors by any student who disagrees with the ideas taught or even merely discussed. Because this is not only unconstitutional, but, indeed, endangers the

very core of freedom at any institution of higher learning, Orange Coast College must change course before campus speech is irreversibly chilled. Orange Coast College's duty is to protect speech at all costs, not to appease those who would silence it.

Accordingly, FIRE asks Orange Coast College to weigh its constitutional obligations to the First Amendment and to due process, and, indeed, to weigh the very liberty for which this nation struggles, and:

- 1) Affirm that Professor Hearlson's opinions and due process are fully protected under the Bill of Rights and the canons of academic freedom.
- 2) Immediately reinstate Professor Hearlson as a professor with all his real and pre-existing rights; and
- 3) Guarantee that Professor Hearlson will receive no further retaliation for having expressed his constitutionally protected opinions.

Orange Coast College must understand that its denial of free speech and due process to Professor Hearlson removes any meaningful protection of the rights of your existing students and faculty, mocks the Constitution, and sends a chilling message to higher education as a whole. A university in which students and faculty have any fear of reprisal for discussing controversial topics is one that is impotent to address society's most crucial issues

FIRE hopes we are able to resolve this dispute discreetly and amicably. However, FIRE will pursue this case with persistence and resolution. We are categorically committed to using all of our media and legal resources to support Professor Kenneth Hearlson and to see this process to a just and moral conclusion. Please spare Orange Coast College the embarrassment of fighting against the Bill of Rights by which it is legally and morally bound. As we all have learned immeasurably in these recent times, a free society is a precious thing, not to be abandoned.

I look forward to hearing from you.

Sincerely,

Greg Lukianoff
Director of Legal and Public Advocacy

CC:

William Vega, Chancellor

Robert Dees, Vice President, Instruction

John Farmer, Chief of Security

Paul G. Berger, Coast Community College District Board of Trustees

George E. Brown, Coast Community College District Board of Trustees

Walter G. Howard, Coast Community College District Board of Trustees

Jerry Patterson, Coast Community College District Board of Trustees

Armando R. Ruiz, Student Trustee