



September 23, 2016

Rev. Dennis H. Holtschneider, C.M.
Office of the President
DePaul University
1 East Jackson Boulevard
Chicago, Illinois 60604

Sent via U.S. Mail and Electronic Mail (DePaulPresidentsOffice@depaul.edu)

Dear President Holtschneider:

FIRE is in receipt of DePaul University's reply, sent by Vice President for Public Relations and Communications Linda Blakely, to our letter of September 8, 2016. In light of DePaul's refusal to substantively answer our concerns, FIRE is particularly disappointed to learn that DePaul has since continued to require that student organizations pay to have security officers present for events based on the potentially controversial nature of the ideas to be expressed. The financial burden that DePaul continues to place on student expression cannot be squared with DePaul's insistence that it supports freedom of expression and inquiry. This practice must end immediately.

The following is our understanding of the facts; please inform us if you believe we are in error.

In August 2016, registered student organization DePaul Socialists (DPU Socialists) began to plan its fall launch meeting, scheduled to occur on September 21. The event was to be a student forum to provide information regarding the group's purpose and aims, and the differences between its ideology and other contemporary ideas such as democratic socialism. To start the two-hour event, the DPU Socialists planned to have a speaker discuss the theories and ideology espoused by the group for 30 minutes.

Samuel Peiffer, a member of the DPU Socialists, submitted a room reservation request, asking for space that could accommodate 100 attendees. After coordinating with Department Assistant Alexandra Schneider, who facilitates academic space and scheduling, the DPU Socialists were granted a room for their event.

On or around September 15, Peiffer informed Schneider that the group secured Paul D'Amato as the opening speaker. D'Amato is a member of the International Socialist Organization and

author of *The Meaning of Marxism*, a text used in some college courses to introduce students to the theories of Karl Marx.

On September 15, Schneider informed Peiffer via email that the DPU Socialists were required to have three to four security officers present at an estimated cost to the group of \$360 before DePaul would allow the event to proceed. When Peiffer asked why security was required, Schneider responded, in part:

We require security officers for this event because of the potentially controversial nature of the meeting and the external guest speaker.

Unsatisfied with Schneider's explanation, Peiffer spoke with David Borgealt, assistant director of DePaul's Office of Student Involvement, and Director of Student Involvement Amy Mynaugh. Neither was able to provide a satisfactory explanation of the security requirement beyond the assessment that the meeting would be potentially controversial.

On September 21, Schneider informed Peiffer that even if the DPU Socialists cancelled the guest speaker, DePaul would require the group to hire three security officers, at a cost to the group of \$360, to be present at the meeting. Because the DPU Socialists did not wish to cancel the event so close to its date, the organization had no choice but to agree to pay for the security officers.

FIRE reiterates the serious concerns raised in our September 8 letter, including those pertaining to the targeting of viewpoints that the university dislikes for improper assessment of security fees on student organizations.

DePaul's requirement that the DPU Socialists pay the costs of security for its event—security that DePaul itself deemed necessary—violates the group's expressive rights. Again, FIRE reminds you that the Supreme Court addressed precisely this issue in *Forsyth County v. Nationalist Movement*, 505 U.S. 123, 134–35 (1992), when it struck down an ordinance in Forsyth County, Georgia, that permitted the local government to set varying fees for events based upon how much police protection the event would need. Declaring the ordinance a violation of the First Amendment, the Court wrote that “[t]he fee assessed will depend on the administrator's measure of the amount of hostility likely to be created by the speech based on its content. Those wishing to express views unpopular with bottle throwers, for example, may have to pay more for their permit.” *Id.* at 134.

Indeed, DePaul has now engaged in precisely this kind of arbitrary, content-based assessment for at least the third time in recent months. Moreover, DePaul's fears are wholly unsubstantiated. DePaul administrators have not been able to point to a single reason why the DPU Socialists' event poses a security concern beyond the subjective conclusion that the topic of socialism is “potentially controversial.” Matters of social and political importance are often highly controversial, and if DePaul requires students to pay *extra* for the right to explore those ideas, DePaul's promises of free expression and its professed commitment to working with students to bring a variety of speakers to campus ring hollow. Requiring students to have

security officers present for meetings in which they discuss “controversial” ideas is concerning in its own right, but requiring the same students to pay for the privilege of doing so adds insult to injury.

FIRE again calls upon DePaul University to cease its practice of charging security fees to student organizations based on the perceived content of their events. DePaul must immediately refund the fee charged to the DePaul Socialists and make clear that the university will use only narrowly-drawn, viewpoint- and content-neutral, reasonable, definite, and published criteria when assessing security costs for student groups’ campus events.

FIRE remains prepared to use all necessary resources in order to vindicate the expressive rights of DePaul University’s students. We request a response to this letter by September 30, 2016.

Sincerely,



Ari Z. Cohn

Senior Program Officer, Legal and Public Advocacy

cc:

Alexandra Schneider, Department Assistant, College of Communications

David Borgealt, Assistant Director, Office of Student Involvement

Amy Mynaugh, Director, Office of Student Involvement

Eugene L. Zdziarski, Vice President of Student Affairs

Robert Janis, Vice President of Facilities Operations

Robert Wachowski, Director of Public Safety

Linda Blakley, Vice President for Public Relations and Communications