

FOUNDATION FOR INDIVIDUAL	§	IN THE DISTRICT COURT OF
RIGHTS AND EXPRESSION,	§	
	§	
Petitioner,	§	
	§	
v.	§	ERATH COUNTY, TEXAS
	§	
TARLETON STATE UNIVERSITY,	§	
	§	
Respondent.	§	266 <sup>th</sup> Judicial District

**DECLARATION OF LINDSIE RANK IN SUPPORT OF  
PETITIONER'S MOTION FOR TRADITIONAL SUMMARY JUDGMENT**

TO THE HONORABLE COURT:

Pursuant to Tex. Civ. Prac. & Rem. § 132.001, I, Lindsie Rank, declare the following:

1. I am a citizen of the United States and a resident of the state of New Jersey. I am over eighteen (18) years of age and fully competent to make this declaration. I knowingly and voluntarily make this declaration in support of Plaintiff's Motion for Summary Judgment. If called as a witness, I could and would testify competently under oath to the following facts.

2. I am an attorney and Student Press Counsel at the Foundation for Individual Rights and Expression (FIRE).<sup>1</sup>

3. On October 5, 2021, I submitted on behalf of FIRE two Public Information Act requests to Tarleton State University (Tarleton). The first request sought administrative documentation related to former professor Michael Landis,

---

<sup>1</sup> Formerly known as the Foundation for Individual Rights in Education, FIRE recently changed its name on June 6, 2022, to reflect its expanded mission of protecting free expression beyond colleges and universities.

his time at the university, the investigation into his behavior, and his departure, as well as records relating to the *Texan News Service*. The second request sought documents and communications from Landis's attorney and those relating to a request for comment from journalist Nell Gluckman, author of an August 17, 2021 article about Tarleton's censorship of student newspaper the *Texan News Service* published in *The Chronicle of Higher Education*. Attached as Exhibits A and B to this Declaration are true and correct copies of the October 5, 2021 requests to Tarleton.

4. Although Tarleton responded to these two requests, it failed to produce certain responsive records which were not exempt. Attached as Exhibits I and J to this Declaration are true and correct copies of Tarleton's responses to the October 5, 2021 requests.

5. For example, the *Texan News Service* reported and published a March 28, 2018 memorandum from Tarleton's Associate Vice President of Academic Affairs regarding the Landis investigation. This memorandum is responsive to the first October 5, 2021 records request and not exempt from disclosure under the Public Information Act. However, Tarleton did not produce it in response to that request or otherwise. FIRE knows of its existence because the *Texan News Service* obtained it and published it. Attached as Exhibit C to this Declaration is a true and correct copy of the March 28, 2018 memorandum from Tarleton's associate vice president of academic affairs.

6. Additionally, Tarleton did not produce a letter dated September 30, 2021, from Tarleton's Provost to the Dean of the College of Liberal & Fine Arts discussing the editorial independence of the *Texan News Service*. The letter is responsive to the first October 5, 2021 records request and not exempt from disclosure under the Public Information Act. However, Tarleton did not produce it in response to that request or otherwise. FIRE received a copy of this letter not from Tarleton in response to its public information request, but rather directly from a faculty member at Tarleton. Attached as Exhibit D to this Declaration is a true and correct copy of the September 30, 2021 letter.

7. On November 19, 2021, I sent a letter from counsel for FIRE to the Texas A&M University System's Deputy General Counsel, explaining that Tarleton had failed to fully respond to the October 5, 2021 records requests. Attached as Exhibit E to this Declaration is a true and correct copy of FIRE's November 19, 2021 letter.

8. On December 1, 2021, Tarleton's Deputy General Counsel emailed me his response, claiming that FIRE had waived the Public Information Act's requirement that, before withholding responsive information under one of the Act's mandatory exceptions, Tarleton must first obtain a decision from the Office of the Attorney General of Texas. Attached as Exhibit F to this Declaration is a true and correct copy of the Deputy General Counsel's December 1, 2021 response.

9. On December 3, 2021, on behalf of FIRE, I submitted a further public information request to Tarleton, substantively the same as my October 5, 2021

requests, but this time clarifying that FIRE does not consent to withholding any information subject to an exemption under the Public Information Act without Tarleton first obtaining an opinion from the Office of the Attorney General. Attached as Exhibit G to this Declaration is a true and correct copy of the December 3, 2021 request to Tarleton.

10. On December 17, 2021, Tarleton responded to the December 3 public information request, claiming that any information still withheld is subject to Tex. Gov't. Code § 552.114, which exempts student records from disclosure. Attached as Exhibit H to this Declaration is a true and correct copy of Tarleton's December 17, 2021 response.

My name is Lindsie Rank, my date of birth is [REDACTED] and my work address is 510 Walnut Street, Suite 1250, Philadelphia, Pennsylvania, 19106, and the United States. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Philadelphia County, State of Pennsylvania, on the 22 day of July 2022.

  
Lindsie Rank