



## Foundation for Individual Rights in Education

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November 23, 2005

President Dennis H. Holtschneider  
DePaul University  
1 East Jackson Blvd  
Chicago, Illinois 60604

*Sent by U.S. Mail and Facsimile (312-362-6822)*

Dear Father Holtschneider:

FIRE is disappointed to be writing to DePaul University twice within one year to express our concerns about the state of liberty on your campus. As you will undoubtedly recall, FIRE first wrote to DePaul in March regarding the dismissal of Professor Thomas Klocek for his involvement in an out-of-class argument with a number of pro-Palestinian students. Professor Klocek was suspended without a hearing for his expression and found to be in violation of the regulations in DePaul's faculty handbook, despite DePaul's stated commitment to academic freedom and due process. Professor Klocek has since filed suit against DePaul.

We regret that yet another case has come to our attention in which DePaul has ignored the basic values of freedom of expression, the right to dissent, and fundamental fairness. In this case, DePaul administrators refused to allow the DePaul College Republicans to post flyers protesting the university's sponsorship of Professor Ward Churchill's October 20 and 21, 2005, lectures on DePaul's campus. This censorship of political speech, along with the vagueness of DePaul's ban on "propaganda" in the university's Flyer Posting Policy makes a mockery of DePaul University's commitment to academic freedom, free inquiry, and open debate on campus.

This is our understanding of the facts. Please inform us if you believe we are in error. DePaul scheduled University of Colorado Professor Ward Churchill to deliver a lecture to the DePaul community and to lead a Multicultural Human Rights Education Workshop on October 20 and 21, 2005. Upon finding out about these events, the DePaul College Republicans student group designed and produced flyers that quoted Professor Churchill's praise of the September 11, 2001, terrorist attacks on the World Trade Center and that featured a photo taken directly from Churchill's book, in which he wears paramilitary gear and wields a rifle. Along with various Churchill quotes, two of the posters also contained small captions reading, "Don't let OUR tuition money pay for this hatermonger to speak at DePaul! Voice your Concern!" In accordance with

DePaul policy, the College Republicans submitted the flyers to the Office of Student Life for approval. On September 28, 2005, the College Republicans received an e-mail from Student Life employee Franco Sambataro notifying them that their posters were not approved. Sambataro's e-mail explained that "the event you are inquiring about may or may not be happening. We don't want to post anything right now if the event will not go on. Check back in a week, if at that time the event is happening we will approve 15 flyers for you."

After determining that the lecture was indeed still scheduled to take place, College Republican Nick Hahn met with Assistant Director of the Cultural Center Ashli Grabau to inquire why the posters were still not approved. Grabau explained that the posters were "propaganda," and therefore violated DePaul's posting policy, which states, "We do not approve propaganda."

Not only did the College Republicans have their posters censored, but they were also prohibited from attending one of the events featuring Professor Churchill. After Hahn registered the College Republicans for the October 21 Multicultural Human Rights Education Workshop, which had been advertised on the Cultural Center website as "For Student Organizations Only," the College Republicans received an e-mail from Alexandra Bancroft of the Cultural Center informing them that "this day is for organizations that are part of the Human Rights Group and therefore the lecture on the 21<sup>st</sup> is by invitation only." The Google search engine's historical record (cache) of the Cultural Center webpage proves that as late as October 14, the workshop was limited only to "Student Organizations." Only later was this changed to "Student Organizations which are supported by the Cultural Center's Allocation Fund"—a group which excludes the College Republicans.

The College Republicans proceeded to post flyers around campus objecting to Churchill's appearance at DePaul. On October 26, Grabau notified them via e-mail that the Office of Student Life "had to take down one of the DePaul College Republican posters disapproving of Churchill (one that referred to Churchill as a 'hatemonger')." The e-mail further stated that future violations of university policies would result in suspension of the organization's privileges.

DePaul's unfair treatment of the College Republicans has continued beyond the events described above. For reasons that remain poorly explained, Nick Hahn was told not to contact the Cultural Center for any reason, a ban that was verified in an e-mail from Dean of Students Greg McVarish on November 9, 2005. The DePaul College Republicans were also conveniently omitted from the 2005-2006 Student Organization List, last updated on November 17, 2005.

While DePaul, as a private university, is not directly bound by the First Amendment's requirement of freedom of speech, the university has a moral and contractual obligation to live up to its promises to respect its students' freedoms. Like many private universities, DePaul has committed itself to the basic principle of freedom of expression. The current version of DePaul's student handbook states that "[s]tudents have the right to their own ideas, beliefs and political associations. Students have the right to ask questions and express their opinions..." DePaul's mission statement also guarantees that the university "endorses the interplay of diverse value systems beneficial to intellectual inquiry. Academic freedom is guaranteed both as an integral part of the university's scholarly and religious heritage, and as an essential condition of effective

inquiry and instruction.” The 2001-2002 version of the faculty handbook (the latest available on DePaul’s website) further promises freedom of expression to DePaul students:

Not only the faculty, but students and other members of the university community enjoy this freedom as they participate in the various forms of open inquiry and debate, as for example, classroom presentation and discussion, research and publication, public statements made as a citizen in one’s own name, and other forms of creative expression.

FIRE has regularly explained to universities and to the public that a commitment to open inquiry and freedom of expression requires that the right to express controversial views like those of Professor Churchill be vigilantly defended. Yet such a commitment must extend to *all* viewpoints, including the viewpoint that a university should not sponsor such expression. DePaul’s actions would seem to indicate that the university never truly intended for open inquiry and debate to accompany Professor Churchill’s appearance. In the first e-mail that was sent to the College Republicans, an administrator denied the posting of the College Republicans’ posters, giving the reason that the Churchill lecture “may or may not be happening.” Yet the College Republicans had no trouble determining that the event was going on as scheduled. As a result, it appears that the university chose to engage in evasive and deceptive tactics to discourage the group from posting flyers that highlighted some of Churchill’s more controversial statements.

DePaul went even further to prevent open debate over Churchill’s appearance. After the College Republicans expressed dissent to Professor Churchill’s Multicultural Human Rights Education Workshop, university officials actually altered the Cultural Center’s webpage and changed the original attendance requirements to ensure that the College Republicans were excluded. The only plausible explanation for this rewriting of requirements is that it was an attempt to shut out individuals or groups with certain viewpoints from the workshop.

Finally, after it was unable to discourage the College Republicans from openly voicing their disagreement with Ward Churchill’s appearance at DePaul, university administrators resorted to invoking the Flyer Posting Policy’s prohibition against “propaganda”—a policy that does not even seem to have existed until this year. Another Google cache of the DePaul student handbook shows that as late as June 30, 2004, there was no ban on “propaganda” at DePaul. This vague policy flies in the face of the university’s commitments to academic freedom and creative expression. “Propaganda” is an undefined and nebulous category that can and apparently will be applied arbitrarily to any political expression the university dislikes, giving university officials the power to censor virtually any expression. Under such a circumstance, “effective inquiry,” though promised in the mission statement, is eradicated before it can even begin. DePaul should reject such blanket policies that place students’ individual rights and personal integrity at the mercy of university officials who are free to censor students at will. DePaul has a moral obligation to encourage academic and individual freedom by supporting students’ right to voice dissenting and controversial opinions—just as it supports Professor Churchill’s right to do so.

FIRE urges DePaul University to reject its censorship of political opinions and to abandon the ban on “propaganda” in its Flyer Posting Policy. We further ask that DePaul acknowledge its abuse of power in censoring the College Republicans’ dissent to the university’s sponsorship of Ward Churchill’s lecture. Let your students exercise their basic moral and human rights; let them dissent as their consciences dictate. FIRE is committed to using all of its resources to oppose censorship at DePaul University. We request a response on this matter by December 14, 2005.

Sincerely,

Robert L. Shibley  
Program Manager

cc:

Harvette Grey, Executive Director, Cultural Center, DePaul University  
Greg McVarish, Dean of Students, DePaul University  
Suzanne Kilgannon, Director of Student Life, DePaul University  
Elizabeth Ortiz, Senior Executive for Institutional Diversity, DePaul University  
Denise Mattson, Assistant Vice President for Public Relations, DePaul University  
Joe Blewitt