



Foundation for Individual Rights in Education

210 West Washington Square, Suite 303 · Philadelphia, PA 19106

Tel: 215-717-3473 · Fax: 215-717-3440 · fire@thefire.org · www.thefire.org

Alan Charles Kors
PRESIDENT

October 20, 2003

Harvey A. Silverglate
VICE PRESIDENT & TREASURER

Robert J. Spitzer, S.J., President
Office of the President
Gonzaga University
502 E. Boone Ave.
Spokane, WA 99258-0087

Thor L. Halvorssen
CHIEF EXECUTIVE OFFICER

Erich Wasserman
EXECUTIVE DIRECTOR

Sent via U.S. mail and facsimile (509-324-5199)

Greg Lukianoff
DIRECTOR OF LEGAL AND
PUBLIC ADVOCACY

Dear Father Spitzer,

BOARD OF ADVISORS

David Brudnoy
Lloyd Buchanan
T. Kenneth Cribb, Jr.
Candace de Russy
Benjamin F. Hammond
Nat Hentoff
Roy Innis
Wendy Kaminer
Woody Kaplan
Leonard Liggio
Herbert London
Michael Meyers
Daphne Patai
Virginia Postrel
Milton Rosenberg
John R. Searle
Teddy Shalon
Ricky Silberman
Christina Hoff Sommers
Kenny J. Williams

The Foundation for Individual Rights in Education (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, freedom of religion, academic freedom, legal equality, due process, and freedom of speech and expression on America's college campuses. Our web page, www.thefire.org, will give you a greater sense of our identity and activities.

FIRE is gravely concerned by recent actions taken by members of Gonzaga's administration against the College Republicans in punishing the use of the word "hate" on a flier in reference to an upcoming speech. While the flier itself only references the title of a book—*Why the Left Hates America*—FIRE believes that excessive restrictions on the use of certain words, under any circumstances, are reminiscent of the most primitive and misguided forms of censorship in our history. Although Gonzaga is a private university, it has a moral and legal obligation to fulfill the promises that it has made to its students in its stated commitments to freedom of expression and free inquiry. We fear that Gonzaga has failed to do so in this situation, thus leaving its students in insecure possession of what should be their common human, civil, and academic rights as members of a great university.

Here are the facts as we understand them, based upon information provided to us by a student and an account in *The Gonzaga Bulletin*. The Gonzaga College Republicans recently arranged to have Dan Flynn, author of the book *Why the Left Hates America*, come to speak on campus. Members of the College Republicans, including President Paul Schafer, publicized the event by posting fliers around campus that featured the title of Flynn's book. Before doing so, the students had

the flier approved by the Crosby Student Center, as is required by the Gonzaga University Publicity Policy. This policy lists “hate speech,” “disrespect for others,” and “*exclusionary*” materials among the types of postings that are not permitted at Gonzaga.

In violation of this same policy—which asks students to report “all incidents of non-official flier destruction or removal”—many of the College Republicans’ fliers were taken down by members of the university community who found them “offensive.” At least one of the fliers was removed by a university official, Director of Student Activities David Lindsay, who is quoted in *The Gonzaga Bulletin* as saying that he “took one down because our publicity policy says that we don’t allow hate speech to be posted around campus.” After discussing the flier at a Student Life board meeting, Mr. Lindsay met with Mr. Schafer to express his concerns about the flier’s content. According to Mr. Schafer, at this meeting Mr. Lindsay told Mr. Schafer that he was worried because some people found the flier offensive. Mr. Schafer says that Mr. Lindsay also told him that his student group shouldn’t “hate” anyone, and compared the posting of this flier by the College Republicans to the existence of a white club that hates black people. Mr. Schafer was told to change the content of the flier in order to reflect that “Why the LEFT HATES America” is the title of Flynn’s book. He agreed to do so.

Much to his surprise, Mr. Schafer later received a letter from Activities Coordinator Anna Gonzales and Gonzaga Student Body Association Clubs and Organizations Vice President Shannon M. Haines stating that a formal complaint had been filed against the College Republicans for using “discriminatory” language in their flier. The specific language pointed to was “the LEFT HATES.” In a copy of the October 1 letter obtained by FIRE, Mr. Schafer is told that his group will not face sanctions on the basis of this complaint, yet he is also informed that the letter will be kept in the College Republicans’ file. On the basis of his past experiences with how the Office of Student Activities has used student groups’ files, Mr. Schafer fears that the administration may be using this illegitimate punishment of expression in an attempt to build a disciplinary case against the College Republicans.

The actions taken against the College Republicans by Gonzaga’s administration are incompatible with university statements on free expression. Section II of the Gonzaga University Speaker Policy states that “Gonzaga University is an academic community dedicated to the advancement of learning. Therefore, persons, or groups of persons, must be allowed to present and to hear various points of view without physical restriction, disruption, threat or intimidation by others. Such actions are contrary to the basic principles of the University and, therefore, may result in temporary or permanent separation from the University.” This statement guarantees the right of Paul Schafer and the College Republicans to express their political views without fear of being censored if members of the Gonzaga community feel offended by them.

Furthermore, Gonzaga University’s Mission Statement, as presented in the Undergraduate Catalog for 2001-2003, reaffirms the commitment of the university to this pursuit. It states that the humanist, Catholic, and Jesuit elements of Gonzaga’s tradition “*come together within the sphere of free intellectual inquiry characteristic of a university.*” This statement shows that Gonzaga realizes the centrality of free and open discussion to the process of education. The statement also affirms that Gonzaga seeks to “*provide for our students some understanding of contemporary civilization*” which includes inviting them to reflect on “*the ideological*

differences that separate the peoples of the world” as well as “*the rights and responsibilities that come from commitment to a free society.*” Thus, the university itself has stated that an understanding and appreciation of what it means to live with the rights guaranteed to us as American citizens—which include the First Amendment—is an essential part of an education at Gonzaga.

The discrepancy between how the university intends to prepare students for life in a “free society” and the way in which the College Republicans’ basic rights have been denied is staggering. Far from teaching a lesson in the centrality of free inquiry and the importance on understanding “ideological differences,” Gonzaga University has, in effect, declared that some viewpoints—and even the use of certain words—can and should be silenced.

What makes this case especially bizarre is that the flier in question repeated the title of a book, *Why the Left Hates America*. The title reflects author Dan Flynn’s opinion that a group of people that he identifies as “the Left” hates America. It does not indicate that the author himself hates America or that he hates “the Left.” It is therefore unclear how these words could be “discriminatory” or who could be discriminated against by the flier. This leads us to an important question: Does Gonzaga truly wish to declare “hate” a forbidden word? Surely, Gonzaga does not intend to ban students from advertising for speakers who *condemn* hatred, as such a policy would, for instance, apply to a victim of the Ku Klux Klan who wrote a book entitled “Why the Ku Klux Klan Hates Catholics.” Gonzaga must recognize that to teach students to suppress words and ideas they dislike is to teach them disdain for the process of education and enlightenment itself.

FIRE urgently requests that Gonzaga University overturn its decision in this case, remove the October 1 letter from the College Republicans’ file in the Office of Student Activities, and take steps to reassure all Gonzaga students that they have the rights to discuss controversial topics and to publicize these discussions—even if some students, faculty, or administrators disagree with the perspective of the speaker. If the university chooses not to make amends in this way, FIRE will use its resources to support the Gonzaga College Republicans and, ultimately, to see this matter through to a just conclusion.

We deeply hope that Gonzaga University will not decide to abandon the principles of fairness, openness, and free exchange of ideas as they exist in the larger society in favor of a regime of censorship. We are encouraged that Gonzaga has seen fit to make a commitment to such principles in the statements cited above, and we hope that you will choose to uphold them in this situation.

We look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Lukianoff". The signature is stylized and cursive.

Greg Lukianoff
Director of Legal and Public Advocacy

(next page)

cc:

David Lindsay, Director of Student Activities, Gonzaga University

Bernard J. Coughlin, S.J., Chancellor, Gonzaga University

Sue D. Weitz, Vice President for Student Life, Gonzaga University

Michael Casey, Corporation Counsel, Gonzaga University

Robert Prusch, Dean of the College of Arts & Sciences, Gonzaga University

Colleen McMahon, Associate Dean of the College of Arts & Sciences, Gonzaga University

Alfred Morisette, Associate Dean of the College of Arts & Sciences, Gonzaga University

Robert V. Lyons, S.J., Presiding Officer, Members of the Corporation of Gonzaga University

Paul Schafer, Student