



Foundation for Individual Rights in Education

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November 2, 2005

President H. Douglas Lee
DeLand Hall
Stetson University
421 North Woodland Blvd., Unit 8258
DeLand, Florida 32723

Sent by U.S. Mail and Facsimile (386-822-7253)

Dear President Lee:

As you can see from our Directors and Board of Advisors, 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, legal equality, freedom of religion, academic freedom, due process, and, in this case, freedom of speech and of the press on America's college campuses. Our website, thefire.org, will give you a greater sense of our identity and activities.

FIRE is gravely concerned about Stetson University's attempt to censor the independent student publication *Common Sense* by preventing its distribution both on and off campus. Stetson's attempt to quash unpopular or potentially offensive speech is a direct attack on freedom of the student press and shows a lack of respect for students' freedom of expression, as well as a lack of confidence in students' ability to recognize satire and appreciate dissent.

This is our understanding of the facts. Please inform us if you believe we are in error. *Common Sense* is an independent student newspaper that has a conservative viewpoint and aims to "discuss issues that affect Stetson students in a manner that is not condescending or institutionalized, but which relays important information to, and expresses the opinion of, the student." On October 3, 2005, the first issue of *Common Sense* was distributed to a small group of students selected and known by the paper's editors. According to a student report, the editors were subsequently notified by Michelle Espinosa, Dean of Students, that they had violated the Student Code of Conduct in failing to gain approval prior to distributing the paper.

The editors of *Common Sense* met with Dean Espinosa on October 14, 2005, to discuss the situation, and later that day, she issued a letter to the newspaper's editors making an "official request" that the newspaper "not be distributed either

on the campus or outside of the Stetson University community.” Dean Espinosa’s “request” threatened judicial action under the university’s Student Code of Conduct if the editors failed to comply. On October 31, 2005, that warning was reinforced in a letter from James Beasley, Senior Vice President of Stetson University, who objected to the publication on two grounds. First, Vice President Beasley complained that the paper lacked a clear indication that it is not an official publication of Stetson University because it was founded by Stetson students and bore the registered marks of Stetson University in a parody on the back cover. Second, he cited the newspaper’s use of a picture of a rainbow flag hanging in a student’s window and the quotation of a joke made by Jay Leno as evidence that *Common Sense* lacked “sensitivity to and respect for the diversity and inclusiveness of the Stetson Community.” Vice President Beasley claimed that this “targeted” certain students because of their race/ethnicity and sexual orientation. Beasley stated that these issues had to be “addressed” before the editors could gain approval to distribute further issues of *Common Sense*.

Stetson University’s attempts to censor *Common Sense* even included an attempt to endanger the newspaper’s financial stability. On October 12, 2005, Shelley Wilson, writing in her capacity as the Director of the Cross Cultural Center at Stetson University, wrote a cautionary e-mail to the Bread Basket, a local business that had advertised in the first issue of *Common Sense*. In a deliberate attempt to dissuade the advertiser, Ms. Wilson stated that she found the paper “full of hate and venom,” saying the paper’s promotion of “racism and ‘culture wars’ ...supports the worst of our society and makes it less safe for everyone.” A copy of the e-mail is attached to this letter.

While Stetson, as a private university, is not directly bound by the First Amendment’s requirement of freedom of the press, the university has a moral and contractual obligation to live up to its promises to respect its students’ freedoms, of which freedom of the press is among the most basic. Like most universities, Stetson has committed itself to the principles of a “liberal education,” and its Values and Vision statement lists among the characteristics of such an education “[t]he centrality of knowledge, examined ideas, and independent judgment in the life of an educated person,” as well as “[t]he value of diverse persons and differing ideas in an educational community.” Its Educational Mission statement commits the university to encouraging “the development of informed convictions, independent judgment, and lifelong commitments to learning—characteristic features of an enlightened citizen.”

Without exposure to controversial, differing, and sometimes even offensive views, such things as “examined ideas,” “independent judgment” and “informed convictions” are impossible to come by—defeating the very purpose of a liberal education. Yet Stetson’s actions to censor *Common Sense* have been so extreme that the university has even threatened to punish students for distributing the paper off campus and has contacted the paper’s advertisers in an apparent effort to bankrupt the newspaper. In the current version of Stetson’s *Connections: Campus Life Handbook and Calendar*, the university commits to “create and foster a diverse community that appreciates, encourages and protects all of its members,” and explains its expectation that students value “diverse opinions and ideas, even when different from one’s own.” It is difficult to see how attempting to censor a new student publication before it can even be fully distributed lives up to this ideal.

The reasons Stetson has given for its attempt at censorship are also unconvincing. For instance, Vice President Beasley's claim that it is unclear whether *Common Sense* is an official publication of the university is simply not plausible. A quick look at the newspaper will confirm that any reasonable reader would realize that *Common Sense* is an independent voice of dissent from the university, and that the chances of confusion between *Common Sense* and an official university publication are minimal.

As for Vice President Beasley's second argument—that the content of the magazine was “insensitive” and “targeted” members of the Stetson community—Stetson must remember that the principle of freedom of speech does not exist to protect only non-controversial speech; indeed, it exists precisely to protect speech that some members of a community may find controversial or “offensive.” That said, the expression of a conservative viewpoint and the printing of jokes that might be objectionable to some people are certainly not tantamount to “targeting” certain members of the community. In this case, the comment in question, which Vice President Beasley claims “targeted” Mexicans, was a reprint of a joke made by *Tonight Show* host Jay Leno. If speech of this nature is considered outside of the parameters of protected speech at Stetson, then no expression is safe.

It also appears that *Common Sense* is being held to a different standard than other student publications on Stetson's campus. For example, the university has permitted both *The Reporter*, Stetson's primary campus newspaper, as well as *The Grotto*, another student publication, to print material that some would find offensive. The October 6, 2005, issue of *The Reporter*, for example, contains an article in which the removal of Hulley Tower is compared to a failed erection, and an “expert” is quoted as saying, “Poor, old Stetson just couldn't keep it up.” Likewise, the October 2005 online issue of *The Grotto* contains a review of a gay night club and invites students to “get your fake ID and a vial of assorted illegal drugs ready and head over to the north end of the Trail for a gay old time.” These comments could indeed be viewed as offensive by any number of groups, from conservative Christians, to anti-drug organizations, to gay-rights activists. Stetson, however, did not censor these publications, nor should it have done so. The selective censorship of *Common Sense* therefore represents a shameful double standard in Stetson's treatment of student publications.

Vice President Beasley's October 31 letter of reprimand also requires that the editors of *Common Sense* follow the university's Solicitation Policy if they wish to distribute future editions of their publication. That policy defines solicitation, however, as “any promotion, advertisement or sale of product or services, by non-University individuals, and by those University faculty, staff and students who are acting on their own behalf for personal gain.” Vice President Beasley's reference to the Solicitation Policy therefore appears to represent an attempt to institute prior review over an unaffiliated student publication. Yet policies that limit “solicitation” are often allowed to be more expansive in the larger society because they are usually, as with Stetson's policy, considered to apply only to “commercial speech”—publications such as product promotions, advertisements, and coupons. Commercial speech enjoys somewhat lessened protection in the larger society because the broadest freedom of such speech is not considered essential to the maintenance of a fair or democratic society. Most citizens should and do understand, however, that the right of the *New York Times* to publish the news is of far greater importance than the right of Domino's Pizza to hand out discount fliers. Therefore, despite the

fact that many newspapers contain advertisements, newspapers rightfully enjoy the greatest press protections since they are absolutely essential to the “marketplace of ideas.” The rights of newspapers in a free society cannot and must not be so dramatically curtailed.

FIRE urges Stetson University to cease its viewpoint discrimination and censorship of *Common Sense*, to clarify that the university does not retain the right to engage in prior review of independent student publications, and to take its commitments to a liberal education and to the encouragement of “differing ideas” seriously. We further ask that Stetson acknowledge its error in contacting *Common Sense*’s advertisers with the intent of sabotaging the paper’s financial stability. FIRE asks that Stetson University loudly and clearly reject campus censorship and work to assure its students that freedom of expression is to be celebrated, not feared. FIRE is committed to using all of its resources to oppose the censorship of *Common Sense* or any other campus publication. We request a response on this matter by November 23, 2005.

Sincerely,



Robert L. Shibley
Program Manager

cc:

James Beasley, Senior Vice President and Chief Operating Officer, Stetson University
Michelle Espinosa, Dean of Students, Stetson University
Rina Tovar, Director of Student Activities and Community Service, Stetson University
Linda P. Davis, Vice President, Stetson University
Shelley Wilson, Director, Cross Cultural Center, Stetson University
Frank Ganz, Editor, *Common Sense*

----- Original Message -----

From: [Shelley Wilson](#)

To: thebreadbasket@bellsouth.net

Sent: Wednesday, October 12, 2005 11:56 AM

Subject: Your Recent Advertisement

Good Morning:

I am a new resident of Orange City and am employed by Stetson University. I noticed your store recently and considered visiting. It came to my attention this week, however, that an advertisement for your store appears in a publication by the name of "Common Sense" that was recently distributed on the Stetson University campus.

I am writing to inquire about your support of "Common Sense", a publication that is, in my opinion, full of hate and venom. As a member of this community, I am concerned that it's promotion of racism and "culture wars" – in addition to other problematic aspects of the publication that the University is currently investigating - supports the worst of our society and makes it less safe for everyone.

Realizing, of course, that I have never patronized your establishment, your response to my inquiry will be considered a courtesy and I thank you in advance for your consideration.

Sincerely,
Shelley Wilson

Shelley R. Wilson

*Director, Cross Cultural Center
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