



FIRE is a nonprofit educational foundation devoted to free speech, individual liberty, religious freedom, the rights of conscience, legal equality, due process, and academic freedom on our nation's campuses.

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Foundation for Individual Rights in Education

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January 13, 2003

Dr. Talbert O. Shaw
President, Shaw University
118 East South Street
Raleigh, NC 27601

Sent via U.S. mail and facsimile (919-546-8301)

Dear President Shaw:

The Foundation for Individual Rights in Education (FIRE) is a non-profit civil liberties organization dedicated to the promotion of academic freedom, free speech, and fair procedures in American higher education. As you can see from our Board of Advisors, FIRE enjoys the advice, support, and respect of public intellectuals, academics, journalists, and others who have a common concern for these vital areas of American public life. Please see our website, www.thefire.org, to gain a further sense of our identity, activities, and resonance.

FIRE is intensely concerned by the threat to free speech, fundamental fairness, and academic freedom presented by your summary dismissal of professor Gale Isaacs in November 2002. According to a letter from and signed by you (attached), Isaacs's only "crime" was criticizing you and the administration of your university. Terminating a professor for such criticism shows utter contempt for the foundational principles of democracy and transforms a university into something more resembling a dictatorship than a place of learning in a free society.

This is our understanding of the facts. On October 24, 2002, an



Read excerpts from [The Shadow University](#) by Alan Charles Kors & Harvey A. Silverglate.



Read [Thought Reform 101](#) by Alan Charles Kors.



Read [Memo to Free Speech Advocates University of Wisconsin-Madison](#) by Harvey A. Silverglate.

Foundation for Individual Rights in Education, Inc.
210 West Washington Square
Suite 303
Philadelphia, PA 19106
Phone: (215) 717-3473 (717-FIRE)
Fax: (215) 717-3440
Email: fire@thefire.org

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anonymous resolution was circulated that criticized your presidency, the administration, and the Board of Trustees. Among other things, the resolution criticized “the present atmosphere of contention and distrust of the Faculty and Staff ... with regard to The Shaw University Board of Trustees, the Academic Administration and the sitting President.” The resolution also called for you to step down as president on December 31, 2002, as you had indicated you would. We note that you have decided not to step down.

On November 12, 2002, Gale Isaacs, a professor at the University since 1986, admitted to being one of the authors of the resolution. She was immediately stripped of her appointments and, on November 18, she received a letter from you terminating her position as of November 16. The termination letter stated that her co-authorship of the resolution “demonstrated faithlessness in and disloyalty to the University and exhibited an unwillingness to work for the common good of the University.” She was escorted from her office by campus security by the end of the day on November 18.

While a private university, Shaw University promises “Academic Freedom” (“Shaw University endorses the concept of academic freedom. Faculty members are given full freedom in teaching their subject matter and presenting their views in the classroom, and they are free from institutional censorship or discipline when speaking or writing as private citizens”). Shaw University also promises unfettered “Participation in Political Activity” (“Faculty and staff, as citizens, are entitled to the fullest freedom of political thought and activity”). Shaw University has not only failed to uphold those rightful obligations, but it also utterly and consciously betrayed these promises to its faculty and students, in contravention of both law and basic moral principle. The right to criticize the administration and the sitting president of a university is well within the customary understanding of what free speech and academic freedom mean in this country. Any court looking at this case will recognize that a university promising its faculty these rights must, at minimum, allow them to criticize the administration of the university.

What could account for such a shocking discrepancy between Shaw University’s actions here and the customary practice of virtually every other university in the nation is unclear. Perhaps your

statement in the December 12, 2002 Raleigh News and Observer article, “Shaw Professor Fired over Letter,” was an attempt to clarify this discrepancy. You stated: “Freedom of speech doesn't mean you can say everything.” This quote shows a deep misunderstanding of the concept of free speech. Your statement might be relevant if Isaacs’s speech were anywhere near the line of protected speech (if it incited someone to imminent lawless action, for example). However, Isaacs’s speech was nowhere remotely close to this line. While some things may be unclear about the outer parameters of free speech, it is uncontested that, **at its core**, free speech exists to allow people to air grievances on matters of public concern and to question the legitimacy and decisions of those in power. Isaacs’s resolution is the very essence of the heart of free speech. To fire her for this is to demonstrate grave hostility to freedom itself.

You are also quoted in this article as saying that Isaacs should “stand up and talk, rather than writing anonymous, careless and destructive letters. I don't think we ought to throw stones and hide our hands.” This implies that the “resolution” was not only dangerous and somehow irresponsible (despite the fact it demonstrated legitimate concern for the welfare of the University), but also was punishable because it was anonymous. The right to anonymous speech is clear in constitutional law, and is therefore likely implied when a private institution promises free speech. Furthermore, despite any arguments one may come up with against it, in situations where citizens must fear malicious retaliation for speaking their minds, the right to criticize anonymously becomes essential as a weapon against tyranny. By immediately terminating Professor Isaacs, you have proven to your entire faculty that, if they are to survive at your institution, they either must never criticize you or the administration, or—when they do—they must do so anonymously. It appears that Isaacs’s only error was in admitting that she had co-authored the resolution.

FIRE urgently requests that Shaw University immediately reinstate Professor Isaacs and publicly recommit itself to the principles of free speech and academic freedom. You have already, possibly irreversibly, injured your university, perhaps fatally damaging any atmosphere of candor and open discourse that may have existed. Only the most extreme and most enlightened remedies, taken immediately, will be able to reassure your faculty and students that freedom of speech is not a joke at Shaw University and that

criticizing the administration is not treated as if it were treason.

No one wishes this matter to become the subject of national attention, but it undoubtedly will become a public scandal unless Shaw University takes immediate and comprehensive corrective action. If we do not hear back from you within one week of the date of this letter, FIRE will use its full media and legal resources to support Gale Isaacs and, ultimately, to see this matter through to a just conclusion. As a result of this action, your students and faculty now live in insecure possession of what should be their common human, civil, and academic rights as members of a great university. Please spare Shaw University the embarrassment of fighting against the most basic tenets of free speech and of a decent society, by which it is morally and legally bound.

I look forward to your response.

Sincerely,

Greg Lukianoff
Director of Legal and Public Advocacy
Foundation for Individual Rights in Education

cc:

Ernest L. Pickens, Executive Vice President
Melanchton Crosse, Vice President for Fiscal Affairs
Patricia Pierce Ramsey, Vice President for Academic Affairs
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Vaughan C. Witten, Vice President for Fiscal Affairs
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Quincy Scott, Jr., Dean of Chapel
Gale J. Isaacs

Because Your Liberty is a Precious Thing
