



Newsletter of the Foundation for Individual Rights in Education

# THE FIRE QUARTERLY

Volume 5 Number 1

## In This Issue

- 2 From the President
- 3 Brown University Restores Freedom of Association to Christian Student Group
- 4 FIRE Fights for Students' Right to Online Speech
- 5 Speech Code of the Month
- 6 Victory for Freedom of Association at Pace University
- 7 Victory for Free Speech at Bellevue Community College
- 8 In the Mail
- 9 FIRE in the News
- 10 From the Board of Directors
- 12 The Last Word

## Victory for Freedom of Expression at San Francisco State University

FIRE won a crucial victory for freedom of expression this spring at San Francisco State University (SFSU) when the school tried to punish its College Republicans for stepping on makeshift Hezbollah and Hamas flags at an anti-terrorism rally. Only after FIRE intervened, drawing local, national, and even international media attention to the case (see page 9), did SFSU announce that it would not impose sanctions on the students.

The College Republicans' "offense" took place on October 17, 2006, when they held an anti-terrorism protest in Malcolm X Plaza. As part of the protest, they stepped on butcher paper they had painted to resemble the flags of Hamas and Hezbollah. Unbeknownst to the protesters, the flags they had copied from images from the Internet contained the word "Allah" written in Arabic script. This upset a number of counter-protesters, who accused the College Republicans of racism and intolerance.

On October 26, one of the counter-protesters filed a formal complaint with the university against the College Republicans. By December, Director of the Office of Student Programs and Leadership Development (OSPLD) Joey Greenwell notified the College Republicans in an e-mail that the complaint led to "allegations of attempts to incite violence and create a hostile environment" and "allegations of actions of incivility." OSPLD passed the case along to the Student Organization Hearing Panel (SOHP), a panel of students, faculty, and staff members set to deliver a verdict on the charges.

The College Republicans contacted FIRE, which wrote to SFSU President Robert A. Corrigan on January 23, 2007, to protest SFSU's unlawful actions and to explain the public university's obligation to protect students' constitutional rights. FIRE explained that "incitement" and creating a "hostile environment" are legal terms that are not applicable to the College Republicans' actions of stepping on a flag. FIRE's response also stressed that no American public institution can lawfully prosecute students for engaging in political protest or for desecrating religious symbols, reminding SFSU that since desecrating the American flag in



San Francisco State University students rally at an anti-terrorism protest where students stepped on Hezbollah and Hamas flags. When some students were later investigated for their involvement in the rally, FIRE rushed to defend their freedom of political expression.

political protest is legal, the College Republicans' protest involving other flags was "unquestionably protected by the First Amendment."

SFSU nevertheless scheduled a hearing on the matter for March 9, leading FIRE to immediately write to President Corrigan again to urge him to call off the hearing. Undeterred by FIRE's reminder about clearly established constitutional jurisprudence, SFSU went forward with the hearing as scheduled.

On March 19, President Corrigan finally wrote to FIRE with the welcome news that the SOHP had "unanimously concluded that the College Republicans organization had not violated the Student Code of Conduct and that there were no grounds to support the student complaint lodged against them," and promised to look into the fact that so much time had elapsed between the time of the charge and the ultimate outcome of the students' trial—a torturous delay of nearly five months.

While FIRE is glad that SFSU finally refused to punish students for engaging in a well-recognized form of political protest, the fact that the students faced a five-month-long investigation and trial process indicates that free expression is not yet safe at SFSU. Indeed, the College Republicans' "offense" was so obviously a legal form of protest that no charge against them should even have been contemplated. FIRE will continue to work to fight for free expression on this West Coast campus.

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# From the President

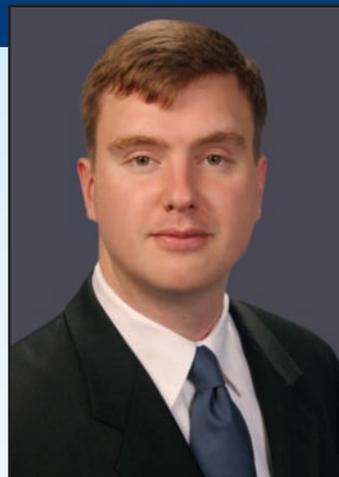
I have always found it fascinating that colleges and universities—which tend to believe themselves to be centers of perfect open-mindedness and progressive thought—so often end up echoing the censors of bygone eras. As we note in FIRE’s *Guide to Free Speech on Campus*, for example, administrators’ justifications for punishing politically incorrect, ideologically incompatible, or simply inconvenient speech at times echo the rationale of southern slave owners in the early 19th century who wished to ban abolitionist speech because it “inflicted emotional injury” on slave owners. As we often have to point out, while politeness is a virtue, it is of minuscule importance when compared with robust debate and discussion.

The pattern that strikes me the most, however, is the tendency of administrators to sound like the censors of the Victorian era—morally infallible, plugged into absolute truth and engaged in saving the country’s soul from incivility or impropriety.

Take Johns Hopkins University, for example, where President William Brody imposed an extraordinary speech code in the wake of the “Halloween in the Hood”/Justin Park controversy (covered in detail on page 4) as part of a series of efforts to “build a stronger community.” The code provides, in relevant part, that “Rude, disrespectful behavior is unwelcome and will not be tolerated,” and that “Every member of our community will be held accountable for creating a welcoming workplace for all.”

The code, by its breadth and anachronistic priggishness, turns common student interaction into actionable campus offenses. Because such a code is impossible to enforce uniformly (as virtually all students are “disrespectful” at some point), the only option for Hopkins is to enforce this code selectively. It therefore virtually guarantees arbitrary punishments and viewpoint discrimination. President Brody should ask himself: why would a parent wish to send a child to a college that maintains policies that mean his or her son or daughter may be punished at any time for normal college-age behavior? Why would students wish to attend a university where their academic careers are so tenuously protected?

This past winter, at San Francisco State University (SFSU), the administration revived the idea of Victorian-age anti-blasphemy laws in order to threaten students who had shown disrespect to the name of God. The twist here, however, was that the College Republicans (CRs) had allegedly “desecrated the name of Allah” by stepping on Hamas and Hezbollah flags as part of an anti-terrorism rally. This may very well be the first time in United States history that a public institution has violated the U.S. Constitution by attempting to enforce the religious norms of Islam. FIRE fought hard against SFSU for bringing charges against the CRs: we wrote numerous letters, issued multiple press releases, and with the help of columnist Debra Saunders (whose column is also reprinted on page 9), brought the story to the press and to the blogosphere. Finally, on March 19, SFSU announced that the CRs will face no punishment for hosting the rally.



Greg Lukianoff

Another chilling example that FIRE has been fighting for months is Columbia University’s Teachers College’s “social justice” requirement. Since at least 2003, Columbia University’s Teachers College has maintained a policy of evaluating students on their “commitment to social justice.” The College’s “Conceptual Framework” states that education is a “political act,” that teachers are expected to be “participants in a larger struggle for social justice,” and that “[t]o change the system and make schools and societies more equitable, educators must recognize ways in which taken-for-granted notions regarding the legitimacy of the social order are flawed.” The policy goes on to say that students are expected to recognize that “social inequalities are often produced and perpetuated through systematic discrimination and justified by societal ideology of merit, social mobility, and individual responsibility.”

Those may be perfectly fine topics for academic discussion, but when they are tied to mandatory evaluation criteria, they unavoidably become political litmus tests. Besides, does Teachers College honestly believe that a student who thinks “individual responsibility” and “merit” are positive societal values would not make a good teacher?

While the specific beliefs represented by Columbia’s “social justice” requirement are not themselves at all Victorian, the idea that education is about inculcating “correct” beliefs to an ignorant public smacks of late 19th century imperiousness. It is true that the similarity between the narrow-minded Victorian censors and those of the present day campus may only exist because authoritarianism manifests in a finite number of forms—the rationales for censorship and repression are predictable, generally uncreative, and tend to repeat through history with the monotony of a terrible skipping record. The results are, also, sadly predictable: crushing dissent squelches innovation and utterly impedes the noble search for truth and greater understanding. FIRE exists as a counterforce to this troubling and longstanding trend, and working together with the public and our supporters, we can help bring the eternally radical ideas of individual liberty, academic freedom, and the right to private conscience back to our campuses.

A handwritten signature in black ink that reads "Greg Lukianoff". The signature is fluid and cursive.

Greg Lukianoff

# Brown University Restores Freedom of Association to Christian Student Group

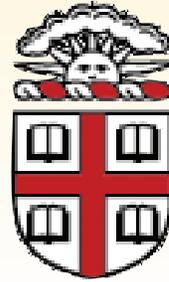
After months of public pressure, FIRE achieved a victory for freedom of association at Brown University when the school lifted its inexplicable, semester-long suspension of the Reformed University Fellowship (RUF) student group.

FIRE first reported in November that Brown's Office of the Chaplains and Religious Life (OCRL) suspended the evangelical student organization for reasons that remained unclear throughout the course of the suspension. OCRL Director the Rev. Janet Cooper Nelson first claimed that RUF's sponsoring church, Trinity Presbyterian Church, had withdrawn its sponsorship. Trinity's senior pastor, the Rev. David Sherwood, quickly refuted that claim, however, responding that "Trinity Presbyterian Church has not, in any sense, withdrawn its sponsorship."

Another Brown religious life administrator, the Rev. Allen Callahan, then stated that the group had been suspended since the previous semester because its leader failed to file paperwork on time. This also made no sense, since RUF reported to FIRE that it didn't know about any suspension last year and was actually able to reserve rooms for meeting throughout the last school year—something suspended groups cannot do.

Brown's final "justification" for its treatment of the group was simply that the group had "become possessed of a leadership culture of contempt and dishonesty." When RUF students asked administrators to clarify what Brown was talking about, they received no response.

“FIRE ACHIEVED A VICTORY FOR FREEDOM OF ASSOCIATION AT BROWN UNIVERSITY WHEN THE SCHOOL LIFTED ITS INEXPLICABLE, SEMESTER-LONG SUSPENSION OF THE REFORMED UNIVERSITY FELLOWSHIP (RUF) STUDENT GROUP.”



## BROWN

In need of help, RUF contacted FIRE, which wrote to Brown President Ruth Simmons on October 27, 2006 to ask her to "offer a reasonable explanation for the RUF's suspension or revoke the suspension, allowing the RUF to recommence meeting."

Russell C. Carey, Brown's interim vice president of Campus Life and Student Services, responded to FIRE's letter on November 10, claiming that the school's action in suspending the RUF "was warranted and that it represented an even-handed application of the University Chaplaincy's longstanding policies and procedures." Yet Carey also provided no explanation for the increasingly mysterious suspension.

Since Brown had passed up numerous opportunities to provide any reasonable grounds at all for RUF's suspension, FIRE took the case public with a November 16 press release. Resulting articles in *The Providence Journal*, an appearance by FIRE on *The O'Reilly Factor*, and interviews on several talk radio programs helped draw attention to Brown's unjust and apparently completely arbitrary ban on this religious student group.

Stung in the press, Brown administrators soon met with RUF. The student group submitted the necessary paperwork to be reactivated and was allowed to hold its first on-campus meeting of the academic year on January 28, 2007. The group is now able to reserve meeting space on campus and is once again fully operational.

FIRE welcomes Brown's decision to reinstate the group. However, the fact that Brown administrators never saw fit to explain their actions against the RUF or to acknowledge that the group's suspension was imposed on uncertain grounds still gives FIRE cause to be concerned about arbitrary and unfair administrative action on Brown's campus. FIRE will stay vigilant to see that such an abuse does not occur at Brown University again.

# FIRE Fights for Students' Right to Online Speech: Facebook.com Cases at Johns Hopkins University and University of Illinois at Urbana-Champaign

Students communicating on the popular college “social networking” site Facebook.com have faced increased attempts at administrative censorship as university officials have begun policing the site looking for “offensive” speech to punish. Within the last year, more of these online social networking cases came before the public than ever before. FIRE is standing on the frontlines of this debate, defending students at Johns Hopkins University (Hopkins) and the University of Illinois at Urbana-Champaign (Illinois), and has authored a cover story on the subject in *The Phoenix* newspaper in both Boston and Providence, Rhode Island.



## TRICK OR TREAT

The controversy at Johns Hopkins began at Halloween when Justin Park, a Hopkins student and then the social chair of the Sigma Chi fraternity chapter, posted an advertisement for the fraternity’s “Halloween in the Hood” party on Facebook.com. When Director of Greek Affairs Robert Turning asked Park to remove the invitation because some students found it racially offensive, Park complied and deleted the Facebook post. He soon replaced it with another invitation that he thought was less “offensive,” but which still upset some members of the Hopkins community.

On November 6, Associate Dean of Students Dorothy Sheppard sent Park a letter stating that the Facebook.com invitations “contained offensive racial stereotyping.” Park was charged with “failing to respect the rights of others and to refrain from behavior that impairs the university’s purpose or its reputation in the community,” with violating the “university’s anti-harassment policy,” with “failure to comply with the directions of a university administrator,” with “conduct or a pattern of conduct that harasses a person or a group,” and with “intimidation.”

The Student Conduct Board held a hearing to discuss the charges against Park, and shortly thereafter, Park received another letter stating that he had been found “responsible for all charges.” Park’s original punishment—for a party invitation—was shockingly severe: suspension from the university for one year, completion of 300 hours of community service, an assignment to read 12 books and write a reflection paper on each, and mandatory attendance at a workshop on diversity and race relations.

Park turned to FIRE for help, and FIRE wrote a letter to Hopkins President William Brody to emphasize that Hopkins’ severe treatment of Park was inconsistent with its policy that students must “protect the university as a forum for the free expression of ideas.” FIRE called on the Hopkins administration to revoke its earlier decision to punish Park for exercising his right to freedom of speech on Facebook.com.

Weeks later, in the wake of FIRE’s letter and national and local articles produced through FIRE’s media network, Hopkins finally reduced Park’s punishment. Park informed FIRE that he was satisfied with the results, but requested that the specific details of the outcome remain private.

Despite Park’s contentment with the outcome of his case, FIRE continues to question Hopkins’ commitment to freedom of speech and to have serious doubts about whether students at Hopkins have even the most minimal rights to free speech and due process. Because of its involvement in this and in another case of censorship, FIRE named Johns Hopkins University its Censor of the Year for 2006.

## FAR FROM A TRUE THREAT

FIRE stepped in at the University of Illinois when the institution threatened to discipline a student who posted a hyperbolic comment on Facebook.com that the university interpreted as a threat. FIRE called on the public university to immediately drop its investigation into what was unquestionably protected expression made concerning the school’s controversial “Chief Illiniwek” mascot.

In November 2006, in response to calls to eliminate the school’s mascot, “Chief Illiniwek,” a group of Illinois students started a Facebook group entitled “If They Get Rid of the Chief I’m Becoming a Racist.” Comments posted on the group’s “wall” (an open comments section on Facebook.com) included criticism of one of the mascot’s most vocal opponents, including the statement, “apparently the leader of this movement is of Sioux descent . . . the Sioux are the ones that killed off the Illini Indians [sic], so she’s just trying to finish what her ancestors started. I say we throw a tomahawk [sic] into her face.”

On January 8, 2007, a group of the school’s American Indian Studies Program faculty members and staff at the Native American House publicly asked the university to “initiate disciplinary proceedings” against the student who posted the comments. In response, Illinois Chancellor Richard Herman sent an e-mail to the university community stating that he “can not and will not tolerate such violent threats. The University will take all legal and disciplinary actions available in response to the threatening messages.”

FIRE wrote to Herman on January 30, 2007, urging the university to cease its investigation of the student for engaging in constitutionally protected expression. FIRE explained that only “true threats”—which the Supreme Court defined as “serious expression[s] of an intent to commit an act of unlawful violence to a particular individual or group of individuals”—are devoid of First Amendment

continued on page 7

# ‘Speech Code of the Month’ Feature Yields Real Change on Campus

Each month, FIRE features a college or university with a particularly egregious speech code as its Speech Code of the Month. The Speech Code of the Month feature both educates the public about the broader problem of speech codes on campus and uses public pressure to encourage particular institutions to abandon repressive policies. Since June 2005, four institutions—Albertson College of Idaho, Jacksonville State University, Massachusetts College of Liberal Arts, and the University of Nevada at Reno—have revised their policies after being named Speech Code of the Month. In addition, policy change is imminent at Western Michigan University, where a concerned alumnus wrote to the university president after FIRE named the university’s sexual harassment policy its Speech Code of the Month for March 2007.

## ALBERTSON COLLEGE OF IDAHO

In July 2005, FIRE featured the harassment policy in Albertson’s Student Handbook as its Speech Code of the Month. Albertson officials quickly eliminated both of the provisions highlighted by FIRE and informed FIRE of the change. In announcing the revisions, Albertson President Bob Hoover said: “Since its founding, Albertson College of Idaho has embraced the ideals of freedom of speech. In the course of a review of the student handbook, policies that could have restricted open discourse were revised to reflect those ideals.”

## JACKSONVILLE STATE UNIVERSITY

In February 2006, FIRE named Jacksonville State University’s student conduct code its Speech Code of the Month for providing that “[n]o student shall...offend...anyone on University owned or operated property.” After being featured, Jacksonville State University changed “offend” to “abuse,” making the policy far more consistent with the university’s obligation to uphold its students’ First Amendment rights.

## MASSACHUSETTS COLLEGE OF LIBERAL ARTS

Since being named FIRE’s Speech Code of the Month in January 2006, Massachusetts College of Liberal Arts (MCLA) has dramatically changed its formerly unconstitutional picketing policy. The old policy allowed for interference with demonstrations that contained “offensive language.” As FIRE pointed out at the time, such a policy “could easily be used to suppress almost any student demonstration,” since the nature of a demonstration is such that it “will often, if not always, offend people who hold opposing beliefs.” Since that time, MCLA has totally revised the policy highlighted by FIRE to bring it in line with the college’s constitutional obligations.

## UNIVERSITY OF NEVADA AT RENO

In September 2005, FIRE named the University of Nevada at Reno (UNR)’s Residence Hall Handbook its Speech Code of the Month. At the time, the handbook prohibited all “offensive language” in the residence halls—a policy that was clearly unconstitutional at a public university such as UNR. The policy has since been revised to prohibit only that offensive language which actually rises to the level of unlawful harassment.

## WESTERN MICHIGAN UNIVERSITY

After FIRE named Western Michigan University (WMU)’s sexism policy its March 2007 Speech Code of the Month, an alumnus of the university wrote to WMU President Diether Haenicke to express his concern over the policy. The policy as currently written prohibits “sexism,” defined as “the perception and treatment of any person, not as an individual, but as a member of a category based on sex.” President Haenicke wrote a timely and thoughtful response, stating that he shared FIRE’s concern about free speech and had directed university administrators to rewrite the policy.

Please visit  
  
 THE **CAMPUS** FREEDOM RESOURCE

for comprehensive information on the state of liberty on America’s campuses, including pages for individual academic institutions, relevant links to our research of speech codes, and case materials from FIRE’s Individual Rights Defense Program.

# Victory for Freedom of Association at Pace University

FIRE successfully intervened on behalf of the Christian Law Students' Association (CLSA) at Pace Law School when the Student Bar Association (SBA) initially refused to officially recognize the student group. The SBA originally stated that it felt that the group's Christian nature, as expressed in its constitution, would be unwelcoming to non-Christian students. Law School Dean Stephen Friedman publicly disagreed with the SBA's decision shortly after FIRE became involved, however, and asked Pace's legal counsel to review the CLSA constitution almost immediately.

Last year, law student Cari Rincker attempted to form the Pace Christian Legal Society (PCLS) as a chapter of the national Christian Legal Society (CLS). In accordance with national CLS rules, the proposed PCLS constitution included a statement of faith and limited membership to students who were willing to "sign, affirm, and endeavor to live their lives in a manner consistent with the Statement of Faith." The PCLS' constitution also contained an "Equal Opportunity and Equal Access" clause that prohibited discrimination on the bases of "age, disability, color, national origin, race, sex, or veteran status"—but not on the bases of religion and sexual orientation. Campus reaction to the formation of such a group was so vitriolic, with students circulating petitions against the PCLS and participating in heated e-mail debates, that Rincker withdrew the request for recognition last March.

“LAW SCHOOL DEAN STEPHEN FRIEDMAN PUBLICLY DISAGREED WITH THE SBA'S DECISION SHORTLY AFTER FIRE BECAME INVOLVED, HOWEVER, AND ASKED PACE'S LEGAL COUNSEL TO REVIEW THE CLSA CONSTITUTION ALMOST IMMEDIATELY.”



This past fall, Rincker revised the PCLS constitution, expanding the clause in question to also prohibit discrimination on the bases of "religion or Christian denomination" and "sexual orientation." In addition, Rincker removed the requirement that members adhere to the statement of faith and even added, "Those that disagree with any or all of the aforementioned beliefs are still welcome to be members of PCLS."

Despite the amended constitution, a name change to the Christian Law Students' Association (CLSA) and Pace's clear promise to grant students freedom of association, the SBA rejected the group's application for recognition.

FIRE wrote to Pace Law School Dean Stephen J. Friedman on January 11, 2007 to urge him to intervene. FIRE expressed its hope that "as leaders in the field of law and institutional governance, the Pace administration [would] step in where the Student Bar Association has failed, to correct its unjust, arbitrary, and discriminatory errors."

While Pace's legal counsel has not yet made public its revisions to the CLSA constitution—which could include significant changes to the description of the group's Christian mission—Pace did uphold its students' right to freedom of association when it announced in February its official recognition of the CLSA. FIRE hopes that any official alterations to the constitution do not infringe on the group's expressive purpose, and will be watching developments closely.

## STUDENTS' RIGHT TO FREELY ASSOCIATE IN QUESTION AT HAMPTON UNIVERSITY

FIRE stepped in to fight for official recognition of a gay and lesbian student group on campus at Hampton University when the school denied official status to the group for the second time in two years without an explanation. The group, Students Promoting Equality, Action and Knowledge (SPEAK), contacted FIRE for assistance. FIRE is now calling on Hampton to either explain or reverse its decision.

SPEAK applied for recognition on September 11, 2006 with a constitution stating that its mission is to "serve as a bridge between the Gay, Lesbian, Bisexual, Transgender and Straight communities of Hampton University," with the purpose of "providing a safe place for students to meet, support each other, talk about issues related to sexual orientation, and work to end homophobia." On December 20, Interim Director of Student Activities Patra Johnson issued a letter denying SPEAK official recognition. Instead of offering an explanation, Johnson stated simply, "[y]our organizations [sic] proposal was not selected at this time."

Hampton is a private, non-sectarian, historically black institution with a stated commitment to "prohibit[ing] discrimination, while striving to learn from differences in people, ideas, and opinions." Furthermore, Hampton's Code of Conduct, section 4, says "[e]ach member of the Hampton Family will support equal rights and opportunities for all regardless of age, sex, race, religion, disability, ethnic heritage, socio-economic status, political, social, or other affiliation or disaffiliation, or sexual preference."

Yet no gay and lesbian organization exists at Hampton, even though student organizers report that 54 students expressed an interest in joining SPEAK. Hampton also denied recognition to a gay and lesbian group two years ago, and Hampton policies, as referenced in Johnson's letter to SPEAK, state that student organizations denied recognition are not permitted to reapply for another two years.

FIRE wrote a letter to Hampton on February 7, urging the university to recognize SPEAK or provide an adequate explanation for effectively banning the group from campus for the next two years. FIRE's letter pointed out Hampton's policies that promise equality for its students and prohibit discrimination on campus. Hampton has not replied to FIRE's letter.

Because no reason was given for SPEAK's denial, students at Hampton are left wondering if the rejection was based on legitimate reasons or if some groups are just unwelcome in the Hampton community.

FIRE continues to work on this case, and more news and updates on the situation are available on our website, [www.thefire.org](http://www.thefire.org).

# Victory for Free Speech at Bellevue Community College

After facing seven months of opposition from FIRE, Bellevue Community College (BCC) dropped its proposed punishment of Professor Peter Ratener, who composed a math exam problem that featured a woman named Condoleezza dropping a watermelon from the roof of a federal building. FIRE's public efforts to condemn BCC's punishment of a professor who authored an accidentally offensive question proved successful when BCC announced in February that it would not suspend Ratener.

Ratener composed the math question—which originally featured the comedian Gallagher, who was well-known for smashing watermelons on the stage—in 2004, but changed it in 2006 to read in part, “Condoleezza holds a watermelon just over the edge of the roof of the 300-foot Federal Building, and tosses it up with a velocity of 20 feet per second.” Ratener later declared that because so many current students would be unfamiliar with Gallagher and his routine, he substituted the more recognizable name “Condoleezza.”

Following complaints from students in early 2006 that the question was “offensive,” Ratener's exam turned into a controversy, garnering media and public attention. After weeks of debate and a public apology from Ratener, BCC announced its decision to suspend the professor for one week without pay.

FIRE wrote to BCC on August 28, 2006 to protest the fact that the college “raced to vilify Ratener and punish him for what he admits was a mistake,” instead of giving Ratener—a 26-year veteran of

*continued from page 4*

protection and that, by contrast, this Illinois student was “merely using vivid language to complain about those who are pressuring [Illinois] to abandon the ‘Chief Illiniwek’ mascot.” FIRE emphasized that the student who posted the exchange on Facebook.com was not “actually threatening to attack someone with an antiquated weapon.”

Recognizing that the students' Facebook statements were not meant to incite a tomahawk riot on campus and that no reasonable administrator could have believed that to be the case, FIRE fought to show that students have always engaged in ironic, hyperbolic expression that is often offensive or inappropriate to certain groups or individuals. The difference since Facebook entered the picture, FIRE pointed out, is that the Internet makes this type of speech more accessible to administrators and therefore more susceptible to attempted censorship.

As of press time, FIRE still awaits a response from Illinois administrators.

“FIRE'S PUBLIC EFFORTS TO CONDEMN BCC'S PUNISHMENT OF A PROFESSOR WHO AUTHORED AN ACCIDENTALLY OFFENSIVE QUESTION PROVED SUCCESSFUL WHEN BCC ANNOUNCED IN FEBRUARY THAT IT WOULD NOT SUSPEND RATENER.”

BCC with a spotless record—the benefit of the doubt. FIRE followed the letter with a press release, drawing additional media attention to the case and reminding the school that “While BCC and others are free to criticize Ratener for his choice of words, the answer to speech one dislikes is more speech, not official punishment.”

FIRE announced on February 27, 2007 that BCC decided to drop its proposed punishment of Ratener.



## TAKING THE PROBLEM PUBLIC

In the wake of these Facebook controversies, FIRE President Greg Lukianoff and Senior Program Officer Will Creeley co-authored a cover story for *The Phoenix* newspaper in both Boston and Providence, entitled “Facing off over Facebook: Who’s looking at you, kid?”

The article highlighted FIRE's involvement in the Hopkins and Illinois cases, while maintaining that even though policing student speech is not a new phenomenon on university campuses, the popularity of Facebook makes it easier for school officials to access exchanges that used to take place in less public settings. As a result, students need to be aware that school officials are likely trawling these sites, and officials need to remember that most “offensive” student speech is often also constitutionally protected. Online or off, FIRE stands ready to fight for students wrongfully censored.

# In the Mail



4/10/2007

Dear FIRE,

I wanted to extend to you a most humbled 'thank-you' from us at the Clemson Conservatives with your help during our fight for free speech at Clemson University. The assistance you gave us was unquestionably vital to the success we achieved in defeating the tyrannical speech zones on campus. From the very beginning, FIRE was on top of the case and helped to diligently settle our dispute. I have no doubt that without FIRE's assistance the discord at Clemson would have lasted much longer than it did.

As a student, I can not think of a better friend to have than FIRE. I am just thankful to know there are people who are there to protect students from oppressive administrations and policies that severely restrict freedom of expression on campuses across the nation. Without FIRE, it is frightening to imagine just how abhorrent conditions would be in American higher education.

Again, thank you for everything you have done for us, and everything you stand for. Without you, free speech would just be some vague concept taught in a history class, and not something actually recognized and practiced. As you stated in your letter to Clemson University, no student should ever have to fear for exercising his most basic American right on a college campus. Because of you, we no longer have to.

Sincerely,

Andrew Davis  
Chairman, Clemson Conservatives

March 19, 2007

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Tara E. Sweeney  
Senior Program Officer  
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Ms. Sweeney:

I want to take this time to thank you, and the rest of the staff at FIRE for your diligent efforts to assist me this winter regarding my challenges starting a Christian organization at Pace Law School. Your organization was recommended to me from a law school professor. Upon further research, I am incredibly thankful for the invaluable work that FIRE does to protect civil liberties in our school systems.

Words cannot properly express how comforting it was to be able to reach out to an organization like FIRE for support and assistance in the midst of a heated debate on campus. It was unfortunate that I had to deal with the challenges and roadblocks at my law school with my endeavor to start a Christian organization. The struggle that I and other Christians at Pace had to deal with are happening everywhere and the work that FIRE does is critical to help give a voice advocating for religious liberties and other foundational freedoms. Even private schools, such as Pace, should uphold our Constitutional rights.

I am continually impressed by the professionalism and politeness of your staff. I instantly felt compassion from your organization for the plight that I was facing. I am also thankful for the assistance that FIRE gave me with press efforts. It's imperative that the public and school administration be cognizant of the immense challenges facing students in advanced education regarding our religious liberty and freedom of association because it is only through knowledge of past problems that future problems can be prevented.

Without the assistance of FIRE, I do not believe that the school would have officially recognized our Christian organization. I am eternally grateful for the support that FIRE gave me and other Christians at Pace Law School during this time of struggle standing up for our Constitutional freedoms.

Sincerely,

Cari Rincker

FIRE's **THE TORCH**

WANT MORE FIRE NEWS AND VIEWS?

Check out FIRE's blog, The Torch, for daily updates at [www.thefire.org/torch](http://www.thefire.org/torch).

# In the News *San Francisco Chronicle*

## S.F. STATE—HECKLERS’ PARADISE

By Debra Saunders

This column appeared in the February 8, 2007 issue of the *San Francisco Chronicle*. Reprinted with permission.



SAN FRANCISCO  
STATE UNIVERSITY

What is San Francisco State University teaching that makes student leaders think that if they don't like what other students say, they can use student organizations to stifle those with dissenting views? Do they even know about the First Amendment?

This story starts with an “anti-terrorism rally” held last October on campus by the College Republicans. To emphasize their point, students stomped on Hezbollah and Hamas flags. According to the college paper, the Golden Gate (X)Press, members of Students Against War and the International Socialist Organization showed up to call the Republicans “racists,” while the president of the General Union of Palestinian Students accused the Repubs of spreading false information about Muslims.

In November, the Associated Students board passed a unanimous resolution, which the (X)Press reported, denounced the California Republicans for “hateful religious intolerance” and criticized those who “pre-meditated the stomping of the flags knowing it would offend some people and possibly incite violence.”

Now you know that there are students who are opposed to desecrating flags on campus—that is, if the flags represent terrorist organizations.

But wait—there's more. A student filed a complaint with the Office of Student Programs and Leadership Development. OSPLD Director Joey Greenwell wrote to the College Republicans informing them that his office had completed an investigation of the complaint and forwarded the report to the Student Organization Hearing Panel, which will adjudicate the charge. At issue is the charge that College Republicans had walked on “a banner with the world ‘Allah’ written in Arabic script”—it turns out Allah's name is incorporated into Hamas and Hezbollah flags—and “allegations of attempts to incite violence and create a hostile environment,” as well as “actions of incivility.”

At an unnamed date, the student panel could decide to issue a warning to, suspend or expel the GOP club from campus.

Maybe SFSU should just put up a sign that reads: Conservatives need not apply.

“A UNIVERSITY IS SUPPOSED TO BE A PLACE OF LEARNING AND A FORUM MADE MORE VIBRANT BY THE FREE EXCHANGE OF IDEAS, BUT THIS EXERCISE MAKES SFSU LOOK LIKE A PLAYGROUND WHERE BULLIES RULE.”

The Foundation for Individual Rights in Education, a group that stands up for free speech on campus, has taken up the College Republicans' cause. FIRE sent a letter to SFSU President Robert Corrigan that urged him to “spare SFSU the embarrassment of fighting against the Bill of Rights.” The letter noted, “Burning an American flag as part of a political protest is expression protected by the First Amendment.” And: “Speech does not constitute incitement if a speaker's words result in violence because people despise what the speaker said and wish to silence him or her.

“By punishing students on the basis of how harshly, violently or unreasonably others might react to their words,” the letter argued, “SFSU would create an incentive for those who disagree to react violently, conferring a ‘heckler's veto’ on speech to the least tolerant members of the community.”

The university's response? Spokesperson Ellen Griffin told me, “The university stands behind this process.”

And: “I don't believe the complaint is about the desecration of the flag. I believe that the complaint is the desecration of Allah.”

To which FIRE Vice President Robert Shibley responded, “It really doesn't make any difference whether it's the flag or a religious figure.”

If the College Republicans had denigrated Allah, I would defend their right to do so, while noting I have no use for the gratuitous Islam-bashing endemic in certain circles.

But it is not the students' fault that Allah is on the Hamas and Hezbollah flags—in a language they don't read.

Besides, every freshman should know that students have a right to say what they will about any religion, while believers enjoy the right to talk back.

“I'm confident that in the end of the day, the Constitution will vindicate us,” SFSU junior Leigh Wolf of the College Republicans told me. Wolf is well aware of the double-standard on campus: Left-leaning students hide behind the First Amendment while trying to silence any conservative voices that dare to be heard. Yumi Wilson, who teaches journalism at SFSU and previously worked at The Chronicle, told me, “My belief is that people should be able to have the freedom of expression, whether it is popular or not. That's what makes my country different from other countries.” After all, she added, “If I don't like them, I can walk away.”

As for the students who want to punish the College Repubs, they might want to consider how their actions reflect on SFSU. A university is supposed to be a place of learning and a forum made more vibrant by the free exchange of ideas, but this exercise makes SFSU look like a playground where bullies rule.

# From the Board of Directors



Virginia Postrel

Writing in *The Washington Post*, David Ignatius recently extolled the global dominance of American universities. “They are the brand names for excellence—drawing in the brightest students and faculty and giving them unparalleled opportunities,” he wrote. “This is where the openness and freewheeling diversity of American life provide us a huge advantage over tighter, more homogeneous cultures. We give people the freedom to think and create—and prosper from those activities—in ways that no country can match.”

He’s right. The American system of higher education is a magnificent achievement, a testament to the power of competition and choice. The wide variety of our colleges and universities—public and private, large and small, regional and national, secular and religious—is something people accustomed to the rigid systems found in much of the rest of the world have trouble understanding.

When *The Atlantic* sent the French intellectual Bernard-Henri Levy on a Tocquevillian tour of the United States, he spent some time with me in Dallas. He was puzzled that Southern Methodist University would hire Jews like my husband, not to mention Hindus, Muslims, and Buddhists. “Why would the Methodists do that?” he asked. Because, I tried to explain, they want the best professors they can get. It’s a competitive market. And, I could have added, they have enough confidence in their faith to let students find their own way (not that religion comes up in my husband’s business strategy courses).

FIRE faces a similar question all the time: How can you defend those people? What’s wrong with letting universities squelch speech that offends people? Why not limit student organizations to those that school administrators feel comfortable with?

Take the Western Michigan University policy singled out by FIRE as its Speech Code of the Month in March. The university bans “sexism,” which it defines as “the perception and treatment of any person, not as an individual, but as a member of a category based on sex.” Now, I am not fond of sexism myself, either as a woman or as an individualist. But the implications of such a policy are frightening.

Most likely, it will be selectively and arbitrarily enforced against poorly informed or unpopular students, professors, or staff members. And that injustice would be the *least* bad outcome. Worse would be strict enforcement, which would ban everything from biomedical research on sex differences in drug metabolism to economic research on labor markets to feminist research on “women’s ways of knowing.” The policy, after all, prohibits any generalization or aggregation based on sex. That may be a valuable guide to personal behavior, but it would certainly stifle research, which is all about finding patterns. Again, the likely result is discriminatory enforcement: If your form of sexism is popular, you’re OK. If not, you’re in trouble.

Fortunately, FIRE’s scrutiny often persuades universities to change such repressive (and, in the case of public universities, illegal) policies. Sometimes they’re convinced by our arguments. But just as often they’re simply worried about bad publicity. Intense competition for students, faculty, and funding dollars creates pressure for schools to live up to their ideals and promises.

Take FIRE’s work on behalf of students’ freedom of association. Like dorm bull sessions, affiliating with campus groups helps young people define their identities and beliefs. When universities committed to freedom and equality establish procedures for recognizing student groups, they need to be even-handed and respectful of groups’ purposes. To take the most common, and absurd, example, they have to let Christian groups be Christian, defined as those groups see fit. A secular university, especially a secular *state* university, has no place deciding which religious doctrines are legitimate for restricting group membership.

Private schools don’t have to embrace freedom of speech or association—but they must bear the competitive consequences if they don’t. And they have the responsibility to live up to their stated policies. FIRE recently exposed the bait-and-switch at Hampton University, which refuses to recognize a gay and lesbian student group despite claiming to be an institution that supports “equal rights and opportunities for all regardless of . . . sexual preference.”

In a recent blog posting, FIRE Legal Director Samantha Harris illustrated the importance of truth in advertising by quoting (with emphasis added) a comment from a gay Hampton student: “It hurts being on campus most days. It hurts like hell. And I hope you and the other students in power will really help to change that one day. In the meantime, many of us are suffering. *We are regretting we came here under false pretenses of equality.*” Thanks to FIRE, such students need not suffer alone. The world is watching.



Virginia Postrel  
Board of Directors

## About the Publication

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*The FIRE Quarterly* is published four times per year by the Foundation for Individual Rights in Education.

The mission of FIRE is to defend and sustain individual rights at America's increasingly repressive and partisan colleges and universities. These rights include freedom of speech, legal equality, due process, religious liberty, and sanctity of conscience—the essential qualities of individual liberty and dignity. FIRE's core mission is to protect the unprotected and to educate the public and communities of concerned Americans about the threats to these rights on our campuses and about the means to preserve them.

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## The Impact of FIRE

**Since its inception in 1999, FIRE has successfully fought battle after battle in a sustained campaign to secure rights and to educate members of the academic community about issues of liberty.** Over the years, FIRE has won public victories at 82 colleges and universities with a total enrollment of more than 1.6 million students and more than 143,000 faculty members. Additionally, FIRE is directly responsible for changing unconstitutional or repressive policies affecting more than 940,000 students at 40 of these universities.

**FIRE THANKS ALL OF ITS SUPPORTERS  
FOR THEIR DEDICATION TO FIRE AND  
ITS MISSION THROUGHOUT 2006.**

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## FIRE Launches CFN CAMPUS FREEDOM NETWORK



New website for the Campus Freedom Network

FIRE has launched the **Campus Freedom Network (CFN)**, a new tool in the continuing fight to protect individual rights at institutions of higher learning across the country. Envisioned as a loosely-knit coalition of faculty members and students, the CFN will allow FIRE allies across the country to work together in new ways to more effectively defend basic liberties on campus.

The CFN, headed by FIRE Senior Program Officer Will Creeley and Program Associate Luke Sheahan, provides an opportunity to collaborate with faculty, students and administrators concerned about preserving and defending basic rights on campus. Because the CFN is a wholly new undertaking, the specifics of its operation will be partially determined by the needs and aspirations of its participants.

Faculty and students interested in participating in this new program can e-mail FIRE at [cfn@thefire.org](mailto:cfn@thefire.org) for more information.

### Newsletter of the Foundation for Individual Rights in Education



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