



Foundation for Individual Rights in Education

May 19, 2006

President William Brody
Johns Hopkins University
Office of the President
242 Garland Hall
3400 N. Charles Street
Baltimore, Maryland 21218

URGENT

Sent via U.S. Mail and Facsimile (410-516-6097)

Dear President Brody:

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 the threat to free speech and freedom of the press posed by the theft of and ban on distribution of *The Carrollton Record* student newspaper at Johns Hopkins University (JHU). JHU's apparent refusal to recognize that the sudden disappearance of 600 copies of the publication constitutes theft, along with its newly enforced restriction on distribution of *The Carrollton Record* in dormitories, shows a disturbing lack of respect for freedom of the press and places JHU on the side of institutional censorship.

This is our understanding of the facts. Please inform us if you believe we are in error. The May 2006 edition of the *The Carrollton Record* (TCR) featured a cover story entitled "Depthroating Hopkins: How Your Money Pays the Gay Porn Industry," which protested a recent lecture at JHU by pornographic film director Chi Chi LaRue. TCR's cover pictured LaRue along with members of the Diverse Sexuality and Gender Alliance student group, which sponsored the LaRue event. On May 13, approximately 1,800 copies of TCR were distributed throughout JHU's campus—600 of which went to the Milton S. Eisenhower Library and 500 to various dormitories, as was TCR's usual practice.

By the next day, May 14, all 600 copies of *TCR* were missing from the library. *TCR*'s editor, Jered Ede, attempted to report that the papers had been stolen to the security office, but Ede told FIRE that a security guard informed him that this was not a case of theft and directed him to speak with Dean of Student Life Susan Boswell. Boswell reportedly reiterated that the missing papers did not constitute theft, and informed Ede that Dean of Residential Life Shelly Fickau had also suddenly banned the distribution of *TCR* in all JHU dormitories. Further, on May 17, Ede says Fickau informed him that approximately 300 copies of *TCR* had been confiscated from dormitories and that he could retrieve them from Boswell's office on May 18.

After discovering that *TCR*'s distribution was now forbidden in dormitories, Ede attempted to post advertisements for *TCR*'s website in the dormitories to provide students with an alternative way to view the paper. Following JHU's posting policy, Ede submitted the posters to the Office of Residential Life for approval on May 17, but was informed that a decision would not be made until Fickau returned to the office the following day. Ede reports that on May 18 he was told that approval had been denied because all posters were being removed from the dormitories.

Ede adds that on May 18, he was also called to JHU's Equal Opportunity Office to be informed that a harassment complaint had been submitted against students affiliated with *TCR*, presumably because of the cover story in the May issue. As far as Ede knows, no formal charges have yet been filed.

FIRE is deeply concerned with JHU administrators' apparent failure to recognize that the sudden and unusual disappearance of 600 copies of *TCR*, particularly following the publishing of a controversial article, is likely to constitute a theft. Newspaper theft is a serious and widespread form of mob censorship on many campuses across America. In one notorious instance in Berkeley, California, a mayoral candidate admitted to stealing 1,000 copies of a university newspaper. Such thefts have also been reported at campuses as diverse as Binghamton University in New York, Arkansas State University, North Carolina State University, and Purdue University, among many others. JHU's refusal to respond in any meaningful way to this apparent newspaper theft sends the message that thieves may stifle speech with which they do not agree, to the great detriment of the remainder of JHU's students and faculty.

FIRE is also concerned about the sudden ban on the distribution of *TCR* in dormitories. Ede asserts that until the May issue of *TCR* was released, the newspaper, along with other publications, was regularly distributed in JHU dormitories. Has JHU now determined that because *TCR*'s content is controversial, JHU students must be protected from it? Not only does this apparent decision to shield students from *TCR* alone constitute viewpoint discrimination that would be prohibited at any public university or college, but it also insults JHU students, the vast majority of whom are adults, by presuming that they cannot handle reading or even briefly being exposed to controversial material.

JHU has committed itself to supporting free expression—not to the censorship of views unpopular with JHU administrators. The JHU Student Handbook discusses the obligations of every member of the JHU community: “Acceptance of membership in the University community carries with it an obligation on the part of each individual to respect the rights of others, to protect the university as a forum for the free expression of ideas, and to obey the law.” JHU simply cannot credibly present itself as a university that values “the free expression of ideas” if it is not willing to countenance freedom of the student press.

Finally, FIRE is extremely disturbed by the harassment complaint that Ede says has been filed against the staff of *TCR*. If JHU is willing to consider charging students with “harassment” for publishing a paper protesting the use of university funds for a lecture by a pornographer, it should expect a great deal of doubt from students and the public regarding the university’s seriousness about the issue of harassment. True harassment is a serious crime; publishing a newspaper disagreeing with university policy or the stance of certain students on a political issue is not. Punishing such expression as harassment trivializes real harassment and makes a mockery of the term.

FIRE strongly urges Johns Hopkins University to revoke its viewpoint-based ban on newspaper distribution rights in dormitories, to react accordingly to the theft of 600 copies of *The Carrollton Record*, and to refuse to consider harassment charges on students whose only “offense” was to express controversial ideas in a newspaper. FIRE further asks that JHU take seriously its commitment to a liberal education. If a university in a free society aims to act as a “marketplace of ideas,” it must strive not to suppress controversial speech but to welcome the free exchange of diverse opinions. JHU must loudly and clearly reject campus censorship and work to assure its students that freedom of expression is to be celebrated, not feared. While we hope to come to an amicable resolution to this matter, FIRE is committed to using all of its resources to oppose the censorship of *The Carrollton Record*. Because of the egregious nature of these instances of theft and censorship, FIRE requests a response on this issue by May 26, 2006.

Sincerely,



Robert L. Shibley
Vice President

cc:

Susan Boswell, Dean of Students, Johns Hopkins University

Ralph Johnson, Assistant Dean of Students, Johns Hopkins University

Linda Robertson, Vice President for Government, Community and Public Affairs, Johns Hopkins University

Stephen Dunham, Vice President and General Counsel, Johns Hopkins University

Shelly Fickau, Residential Life Director, Johns Hopkins University

Jered Ede