



THE UNIVERSITY of NORTH CAROLINA  
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303 Mossman Building  
PO Box 26170, Greensboro, NC 27402-6170  
336.334.3067 Phone 336.256.0408 Fax

January 17, 2006

Mr. Robert L. Shibley, Program Manager  
Foundation for Individual Rights in Education  
601 Walnut Street, Suite 510  
Philadelphia, PA 19106

Re: Your letter of January 12, 2006

Dear Mr. Shibley:

Thank you for faxing me a copy of your letter to Leslie Winner. I appreciate your willingness to share your analysis of *ACLU v. Mote*, albeit indirectly. I was beginning to think you would not accept our invitation to have input into the study process we put into

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campus rules interrupt classes or substantially interfere with the opportunity of other students

to obtain an education. *Healy v. James*, 408 U.S. 169, 189 (1972).

Thus, the difficult task before us is to determine, first, which areas of the campus must be open for expressive activities by students, second, are there other areas that should be opened, i.e., "designated" as public fora, and third, what time, place and manner regulations do we need in order to ensure that speakers are protected and that University operations are not disrupted? As responsible administrators, I do not believe we have the option to simply throw our hands in the air and say that "anything goes," and I cannot believe that would be your position either. Again, we invite and welcome your input on these questions.

Sincerely,



Lucien Capone III