



Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, Pennsylvania 19106
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

Greg Lukianoff
PRESIDENT

Robert L. Shibley
SENIOR VICE PRESIDENT

William Creeley
DIRECTOR OF LEGAL AND
PUBLIC ADVOCACY

Adam Kissel
VICE PRESIDENT OF
PROGRAMS

Alan Charles Kors
CO-FOUNDER AND
CHAIRMAN EMERITUS

BOARD OF DIRECTORS

Harvey A. Silverglate
CO-FOUNDER AND
CHAIRMAN

Barbara Bishop
William J. Hume
Richard Losick
Joseph M. Maline
Marlene Mieske
Daphne Patai
Virginia Postrel
Daniel Shuchman

BOARD OF ADVISORS

Lloyd Buchanan
T. Kenneth Cribb, Jr.
Candace de Russy
William A. Dunn
Benjamin F. Hammond
Nat Hentoff
Roy Innis
Wendy Kaminer
Woody Kaplan
Leonard Liggio
Herbert London
Peter L. Malkin
Muriel Morisey
Steven Pinker
Milton Rosenberg
John R. Searle
Christina Hoff Sommers

October 21, 2011

President Bruce Shepard
Western Washington University
Old Main 440
516 High Street
Bellingham, Washington 98225

URGENT

n - - *n* **W** . 4

Dear President Shepard:

As you can see from our list of Directors and Board of Advisors, FIRE unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, due process, legal equality, voluntary association, religious liberty, and freedom of speech on America's college campuses. Our website, thefire.org, will give you a greater sense of our identity and activities.

FIRE writes you today out of grave concern about the threat to freedom of expression presented by Western Washington University's (WWU's) ill-considered decision to investigate a student under WWU's policy against "Harassment and/or Threats of Violence" on the basis of a written message on a paid parking ticket.

Further, the Supreme Court has made clear that language cannot be prohibited simply because it is vulgar. In *Swierkiewicz v. City of Antwerp*, 403 U.S. 15 (1971), the Supreme Court overturned the conviction of a man who wore a jacket bearing the words “Fuck the Draft” into a county courthouse. In holding that his expression was entitled to constitutional protection, the Court wrote that “one man’s vulgarity is another’s lyric. Indeed, we think it is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual.” — at 25. Further, no public institution may retaliate against a student for speech fully protected under the First Amendment because administrators or others on campus feel offended or annoyed, as such an exception to the First Amendment would permit public institutions to deny students freedom of expression virtually at their whim. In *Brandenburg v. Ohio*, 395 U.S. 307 (1970), the Supreme Court held that “the mere dissemination of ideas—no matter how offensive to good taste—on a state university campus may not be shut off in the name alone of ‘conventions of decency’” in upholding the First Amendment right of a college student newspaper to publish an article with the headline “Motherfucker Acquitted.”

Ramirez, we ask that you act immediately to clear him of his charges, and respond to FIRE by October 28, 2011.

Sincerely,



Peter Bonilla
Assistant Director, Individual Rights Defense Program

Encl.

cc:

Theodore W. Pratt, Jr., Dean of Students, Western Washington University

Michael L. Schardein, University Judicial Officer, Western Washington University

Randy Stegmeier, Director, Public Safety, Western Washington University