



Foundation for Individual Rights in Education

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August 6, 2009

Susan Jean Crawford
Chair, Bucknell University Board of Trustees
c/o Department of Defense
Office of Military Commissions
1600 Defense Pentagon, Room 3B652
Washington, DC 20301-1600

Dear Ms. Crawford:

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, academic freedom, due process, freedom of speech, and freedom of conscience on America's college campuses. Our website, www.thefire.org, will give you a greater sense of our identity and activities.

FIRE is deeply disappointed by the failure of Bucknell University President Brian C. Mitchell to address specific, repeated violations of Bucknell's stated commitment to freedom of expression on campus. In the past several months, FIRE twice wrote President Mitchell because lower-level administrators repeatedly interfered with the Bucknell University Conservatives Club's (BUCC's) expression regarding the early 2009 Federal stimulus bill and affirmative action. As the included correspondence shows, these administrators cited inapt campus policies as pretexts for shutting down BUCC's activities. These violations have embarrassed Bucknell among alumni and the general public through stories in the Associated Press, *The Philadelphia Inquirer*, and *The Wall Street Journal*, and they make a mockery of any idea that Bucknell respects differences of opinion on campus.

After receiving FIRE's first letter on May 21, 2009, President Mitchell passed our letter to General Counsel Wayne A. Bromfield rather than addressing this embarrassing and unconscionable situation himself. Bromfield, for his part, responded on June 11 with falsehoods that are easily contradicted by video evidence, audio evidence, first-person accounts, and Bucknell's own policies.

When FIRE pointed out these falsehoods in a second letter to Mitchell on June 30, Mitchell again passed FIRE's letter on to Bromfield. Bromfield's second response, on July 9, claimed that FIRE had offered "no new information," and Bromfield thus refused to alter Bucknell's false and misleading account of events.

Especially in light of President Mitchell's planned retirement, it is particularly incumbent upon the Board of Trustees to maintain its fiduciary duty to ensure the good name of the university and to maintain Bucknell University's reputation as a truly free "marketplace of ideas." Perhaps the most egregious wrong that you can set right is Dean of Students Gerald W. Commerford's demand that Bucknell University control all discussion of affirmative action, keeping such discussion off of "the public property on the campus." As FIRE wrote on June 30:

Commerford rejected a request to have the event [an "affirmative action bake sale"] with completely optional pricing such that other students could participate in BUCC's protest however they wished. Under such circumstances, it would be even more ludicrous and, frankly, impossible, to successfully claim discriminatory pricing. Yet Commerford completely rejected this option, saying on a recorded audio tape, "No, no, no, no, no, no, no, no, because it's a discriminatory [pricing] policy."

... [T]o make matters still worse, Commerford added (again, in the conversation recorded on audio), "It's a political issue, ok; it needs to be debated in its proper forum, ok, and not on the public property on the campus." When a BUCC member then asked, "There is no way we can have an event like this?" Commerford replied, "No." As our first letter to you pointed out, Commerford defended this extreme restriction in an April 24 article in *The Bucknellian*.

Bromfield produces no policy stating that discussion of political issues is to be so tightly controlled at Bucknell. Instead, he apparently sees no problem whatsoever in Bucknell dictating that BUCC must accept one of the venues offered by Bucknell in order to be allowed to discuss political issues. Few universities in America, public or private, have asserted such control over the way that student groups are allowed to present political issues.

FIRE urges you to read the enclosed correspondence and instruct Bucknell administrators about the plain truth of the matter: "affirmative action bake sales" with optional pricing are *not* discriminatory and are fully within Bucknell's mission of free expression and open debate.

FIRE has placed Bucknell on our "Red Alert" watchlist of colleges and universities, which currently names only five other schools as the "worst of the worst" when it comes to protecting basic liberties on campus. FIRE backs up this dishonor with an active campaign notifying prospective students and faculty that they should think twice before joining the Bucknell community because their liberties are in danger at Bucknell. This campaign includes prominent advertising in the college rankings issue of *U.S. News & World Report* magazine, both in print and online. (A copy of last year's full-page ad in *U.S. News & World Report* is enclosed.) If Bucknell reverses course, however, and permits BUCC to engage in free expression on campus, we will remove Bucknell from the list.

Bucknell alumni and donors, the Associated Press, *The Philadelphia Inquirer*, *The Wall Street Journal*, and the American public remain interested to know if at Bucknell free speech is

celebrated, honored, and encouraged—or feared, suppressed, and restricted through deceitful justifications. Please respond by August 27, 2009.

Sincerely,



Robert L. Shibley
Vice President

cc:

Bucknell University Board of Trustees
Brian C. Mitchell, President, Bucknell University
Wayne A. Bromfield, General Counsel and Parliamentarian, Board of Trustees
Gerald W. Commerford, Associate Dean of Students
Tom Evelyn, Director of Media Relations
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