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Permission to Speak Freely

Locked doors and a lawsuit over First Amendment rights at Northeastern Illinois University

By Deanna Isaacs

December 18, 2008

I didn't think I'd need to hang a press badge around my neck last week when I headed to a faculty senate meeting at Northeastern Illinois University, about a proposed policy that would restrict free speech on campus. I just threw a pen and notebook in a bag and caught a ride to the northwest-side campus, where I'd been a student myself back in the late 1960s—when free speech was erupting all over and federal agents were infiltrating student clubs.

My mistake. After I took a seat at the long table, signed in, and, when asked, identified myself as press, I was met with fish eyes all around, then a request for proof. "For all we know, you could be from the president's office," one of the professors said.

Before I could offer my editor's phone number, someone else motioned for a closed executive session and I was ousted, along with the only other observer, NEIU faculty member Russell Benjamin. Chitchat in the few unguarded moments before they ushered us out and locked the door behind us made it clear that members of the faculty senate considered the proposed policy stifling—they just didn't want their discussion of a potential threat to free speech to be open and reported.

It was a striking indication of the lines that have been drawn at NEIU, where some of the school's unionized faculty are increasingly concerned about a top-down administration seeking a buttoned-down campus, and one professor is suing university officials over alleged retaliation after she spoke out in defense of minority rights and against the Iraq war.

Proposed by university president Sharon K. Hahs, the Policy Concerning Demonstrations on Campus, Distribution and Display of Visual Communications and Solicitation of Signatures on Campus—dubbed DDS for short—was submitted last month to the faculty senate and three other campus groups representing students and employees, with a request that they buy in. Opening with a statement that posits an opposition between "constitutionally guaranteed liberties" and "the duty to educate," it requires an advance "reservation request" for any person or group planning to hold a demonstration, hand out flyers, display posters, or gather



An NEIU student protest in 2007

myspace.com/neiusaw


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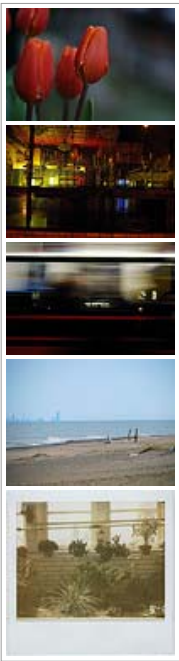
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signatures on a petition. The request would have to be submitted no later than one week in advance for students and employees (two for everyone else), and include copies of any visual communications that would be used. Although there's an "exception" procedure for "spontaneous" demonstrations—involving on-the-spot approval by a representative of the dean's office—they'd clearly be discouraged.

These activities would also be limited to specific locations and hours, in effect creating free speech zones within the campus.

Although NEIU is a commuter school, with many students attending evening classes, no demonstrations would be allowed inside university buildings after 4:30 PM. Outdoor demonstrations would have to wrap up an hour before sunset. Demonstrators—defined as "one or more persons engaged in a public manifestation of a particular point of view"—would have to submit to mandatory supervision by the dean's office. Obscenity and excessive noise would be forbidden. Commenters around the senate table before my eviction speculated about the increase in administrative staffing for this labor-intensive control and costly legal challenges that might follow attempts to squelch constitutionally protected speech.

Benjamin, an associate professor of political science, says he showed up for the meeting because he considers the proposed policy "very disturbing" and was hoping the senate and the other groups would refuse to endorse it. "I think people should have free speech everywhere," he says. "Two years ago I received a letter announcing that I was head of a committee to deal with the issue of free speech zones on this campus. I had not been consulted about that, and I made sure they knew that I would not serve on such a committee. I don't believe that a university should have zones of free speech, or that people should be required to have prior approval for buttons, T-shirts, and signs." All of America is a free speech zone, Benjamin adds. As for the meeting we were booted from: "Both the proposed policy and the debates on it should be public."

Meanwhile, Loretta Capeheart, a tenured member of the justice studies department, is suing President Hahs and two other university officials, charging that they infringed on her right of free speech and retaliated against her after she criticized the university's record on recruiting and retaining Latino students and faculty, voiced antiwar sentiments, and found fault with the university for arresting students peacefully protesting a CIA recruitment event at a college job fair. According to Capeheart's suit, university officials blocked her appointment as chair of her department, even though department members had elected her to that position, and denied her several other appointments and honors. It also alleges that Melvin Terrell, NEIU's vice president of student affairs, defamed her, falsely asserting at a meeting of the Faculty Council on Student Affairs that she was "a subject of interest for the police" and that a student had filed "stalking" charges against her.

The suit calls for damages of at least \$500,000, but Capeheart's attorney, Thomas Rosenwein, says the most important thing is the injunction to prevent the "ongoing violation of her rights to free speech."

NEIU is seeking dismissal of the suit, arguing that it's not a free speech issue but an employment matter.

Rosenwein sees a connection between the DDS policy and his client's case. "One of the provisions seems to be directly related to Loretta, because it makes the gym, where the job fair is held, off limits for leafleting." Rosenwein says it looks to him like the proposed policy is partly "designed to stop students from protesting CIA recruiting on campus." He thinks it might have been inspired by measures adopted by some municipalities in the wake of 9/11: it smacks more of a frightened small town than the hotbed of open inquiry that a university's supposed to be.

The term ended last week; at press time there was concern that the proposed policy could be put into effect without faculty endorsement, when few people are on campus to notice. An NEIU spokesperson emphasized that the policy is only a proposal at this point.

Send a [letter to the editor](#).

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Comments

[Hide comments](#)**Chris Poulos** at 5:31 PM on 12/18/2008[Flag as inappropriate](#)

Hi I am student and political organizer at NEIU. I was surprised and delighted to read this article!

I am writing with a request for everyone that reads the article and is disgusted with the DDS policy:

If you could send e-mails of disapproval to cdpoulos@gmail.com with your name and who you are, we (political organizers at NEIU) can use them as a form of written protest against the policy from the Chicagoland community.

Thanks!

Chris Poulos

Chris Poulos at 5:32 PM on 12/18/2008[Flag as inappropriate](#)

Also, if you want a copy of the policy you can e-mail me!

camilla at 5:03 AM on 12/19/2008[Flag as inappropriate](#)

To curb free speech is not to have free speech. That is one lesson those of us remember from the democratic convention in Chicago, 1968. Our teacher that year spoke to us of how, what, why and where'sof "free speech", tampering is no longer considered free speech.

When you tamper or otherwise restrict free speech, you squash the evolution of change in society and you ask otherwise intelligent human beings to "gag and put up". If Northeastern Illinois University were to face difficulties that a protest would solve, they would rush to break the policy they are trying to create.

Camill Steffen Student

Wynne at 12:43 AM on 12/20/2008[Flag as inappropriate](#)

I am a student at NEIU, and I am definitely NOT okay with this policy! I feel my constitutional rights are being violated in a place that I'm supposed to feel safe to express myself freely, amongst all places! Student activists on campus are currently utilizing our break time well also (take a note from Dr. Hahs) to organize, locally but also today I made connections NATIONALLY so I hope that the university is prepared for what is about to happen!!!

John K. Wilson at 2:04 PM on 12/20/2008[Flag as inappropriate](#)

You can read my comment about the NEIU policy (and read the policy itself) at my blog, <http://collegefreedom.blogspot.com/2008/12/repressive-policy-proposed-at.html>

Christine at 11:01 AM on 12/22/2008[Flag as inappropriate](#)

I was a student present during the supposedly 'peaceful' CIA demonstration. The students knocked an administrator down in their haste to disrupt an event attended by 30 other students and injured her.

Is that peaceful? I don't think so.

There are some of us that want to work for agencies like the CIA. Don't free speech rights also extend to students like us who want to hear what organizations like this have to say?

Chris Poulos at 12:27 PM on 12/25/2008[Flag as inappropriate](#)

Christine I would appreciate if you make clear the distinction between what you saw and what you heard. The only person that was knocked to the ground was Matt Larson--a student demonstrator. No admin was knocked to the ground. For further proof you may consult the police report. The administrator claimed injury because of her arm, but couldn't back it up with any medical proof. Hence, battery was dropped very quickly, and the other charge was upheld: interfering with the public.

Moreover, the only people outside of the classroom were the 8 demonstrators. That completely delegitimizes your false information, and makes me question your intentions for responding to this article.

Finally, free speech rights DID extend to the students inside the class room. It DID NOT extend to the 2 students who were arrested for not being in a free speech zone.

This was the problem back then, and is STILL the problem with Hahs' new unconstitutional policy. Students and faculty are having their first amendment rights even more impinged upon by Hahs' new DDS policy.

I'm sure we can all agree, regardless of political ideology, that upholding our first amendment is a major priority of students, faculty, admin, and taxpayers a like. Anything less on a campus university creates a chilling effect and should not be tolerated.

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