



## Foundation for Individual Rights in Education

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October 27, 2005

President Alan G. Merten  
George Mason University  
D103 Mason Hall  
4400 University Drive  
Fairfax, Virginia 22030-4444

*Sent by U.S. Mail and Facsimile (703-993-8707)*

Dear President Merten:

As you can see from our 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, freedom of speech, due process, legal equality, voluntary association, and religious liberty on America's college campuses. Our website, [thefire.org](http://thefire.org), will give you a greater sense of our identity and activities.

FIRE writes to George Mason University to express our concern not only about the incident involving student Tariq Khan, but also about two policies at GMU that unconstitutionally inhibit the freedom of expression of GMU students and faculty members. As a public institution of higher education, GMU has a moral and legal responsibility to recognize and protect the free speech rights of students and faculty. Not only do media accounts indicate that GMU failed to do this with regard to Khan, but FIRE's subsequent review of the university's policies on solicitation and posting shows that GMU must change both its policies and its practices if liberty on its campus is to be preserved.

With regard to the incident involving Khan, who is a junior at GMU and an Air Force veteran, FIRE's understanding of the facts comes from numerous published accounts of the incident as well as GMU's own statements about the incident. Please inform us if you believe we are in error. On September 29, Tariq Khan went to the George W. Johnson Center, a public building on GMU's Fairfax campus, to protest near a table of military recruiters. Khan carried posters and flyers and affixed a sign to his chest reading "Recruiters Lie, Don't Be Deceived."

Khan told *The Washington Post* that two students approached him and began yelling at him in disagreement with his message, and that one of the students ripped the sign off his chest. About half an hour after Khan's protest began, the campus police arrived and asked him for identification, which he did not have on

his person. After a brief scuffle—the nature of and origin of which is the subject of disagreement between the parties—Khan was arrested and charged with trespassing and disorderly conduct.

After receiving widespread press coverage because of the incident, GMU issued two statements. The first statement from Provost Peter N. Stearns stated that the university would “commit to review Johnson Center and other relevant policies, to make sure they are compatible with freedom of speech, and [that GMU would] work to identify those individuals responsible for any alleged violations.” He also said that “Georg

added.] This policy would apply to Tariq Khan, as he was distributing flyers to those people who asked him for them and presumably did not have permission to do so beforehand.

University Policy 1110, the “Vending Sales and Solicitation Policy,” also presents constitutional problems. This policy, which “applies to all University Departments, faculty, staff, students, contractors, and the general public at all George Mason University locations,” states that “[t]he sale, distribution, or solicitation of any products, goods, food, beverage, service, and newspaper by GMU and non-GMU organizations and individuals is subject to prior authorization.” By its

leaflets—should be protected from those who might attempt to silence or assault them, not blamed for disturbances caused by others. Students who wish to distribute newspapers or leaflets on campus should be free to do so regardless of their political, religious, or ideological beliefs. If GMU is to be a true “marketplace of ideas” where intellectual inquiry can flourish, the chilling effect on expression that comes with the possibility of administrative censorship must not be a part of that community.

In light of the concerns outlined above, FIRE has two requests. First, we request that GMU handle Tariq Khan’s situation with the greatest respect for due process and for his rights under the First Amendment. Unless some pivotal wrongdoing on the part of Tariq Khan is missing from the public record, GMU should dismiss any potential charges against him. Second, FIRE requests that GMU rewrite its policies on the posting of posters, on vending sales and solicitation, and any other policies that might restrict speech on GMU’s campus to bring them in line with the university’s legal and moral commitments to the First Amendment and to freedom of expression.

Because of the nature of this incident and the importance of the rights at stake, FIRE requests a response on this matter by November 16, 2005.

Sincerely,

A handwritten signature in blue ink that reads "Robert L. Shibley". The signature is written in a cursive style and is positioned above a solid black horizontal line.

Robert L. Shibley  
Program Manager

cc:

Sandra Hubler, Vice President for University Life, George Mason University

Peter N. Stearns, Provost & Executive Vice President for Academic Affairs, George Mason University

Linda A. Schwartzstein, Vice Provost for Academic Affairs, George Mason University