



HARVARD UNIVERSITY
Office of the General Counsel

Bradley E. Abruzzi
Associate Attorney
babruzzi@camail.harvard.edu

Holyoke Center, Suite 980
1350 Massachusetts Avenue
Cambridge, Massachusetts 02138-3834

t.617.495.1281
f.617.495.5079

May 30, 2008

Adam Kissel
Foundation for Individual Rights in Education
601 Walnut Street, Suite 510
Philadelphia, Pennsylvania 19106

Re: May 8, 2008 Letter to Sharon Howell

Dear Mr. Kissel:

I write in response to your letter of May 8, 2008 to Sharon Howell, the Adams House Allston Burr Resident Dean, in which you expressed FIRE's concern that Adams House administrators infringed upon the rights of two student groups attempting to promote a party by the name "Barely Legal." We have reviewed this matter and concluded that the administrators' actions were entirely appropriate and consistent with free speech principles that represent a vital aspect of the Harvard community.

Some background may be helpful. From time to time, Adams House will make its common facilities available to non-resident student organizations (i.e., to students or groups who are not affiliated with the House and otherwise could not use its facilities) for organizational or social events. Grant of access to House facilities is purely discretionary, and Adams House administrators have denied requests for a range of reasons — security, potential disruption and burden on staff among them. Because House decisions over the use of the space by non-resident organizations are purely discretionary, a grant of access for an organization's event necessarily carries an endorsement of the event by the House.

Your letter's suggestion that Adams House "punish[ed] students for engaging in clearly protected expression" suggests a fundamental misunderstanding of the facts. The students were not subjected to or threatened with discipline by Harvard College or Adams House. Neither Adams House nor the College undertook to prevent the student groups from following through with the party, which the groups were free to hold elsewhere. Adams House administrators simply determined, in their discretion, that the House should not make its common facilities available to host the party as structured. Far from taking punitive action against the group, the administrators did ultimately agree to host the party in the Adams dining hall, once the student groups and administrators reached a common understanding about how the party would proceed.

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In short, the actions of Adams House administrators were appropriate and in full accord with Harvard's free speech policy and First Amendment principles.

Sincerely,



Bradley E. Abruzzi

Cc : Sharon Howell, Adams House Resident Dean
Judith and Sean Palfrey, Adams House Masters
Sophia Chaknis, Adams House Administrator
Otto Coontz, Assistant to the Resident Dean

Jessica D. Acosta, President, Fuerza Latina
Xavier Del Rosario, President, Latino Men's Collective