

May 26, 2004

Robert Carothers  
President  
University of Rhode Island  
Kingston, RI 02881

Dear President Carothers:

A very disturbing issue of academic censorship at your University has been brought to our attention, and I am writing in the hope that you can promptly intervene to address it.

Last October, university officials asked Professor Donna Hughes, who holds the Carlson Endowed Chair in the University's Women's Studies Program, to "temporarily" remove from her university website two articles she had written about international trafficking in women and children. This is her area of academic expertise. Professor Hughes reluctantly agreed to the request, and the university thereupon removed the posted articles. This action was prompted by a letter Professor Hughes received from a London law firm, threatening to file a defamation suit against her and the University for the inclusion on her website of these two papers. Seven months later, the articles still have not been reposted.

We are concerned from both a procedural and substantive standpoint about the University's actions. Procedurally, we note the apparent lackadaisical manner in which this matter has been handled. When the threat of the lawsuit was first received, the University acted quite quickly in having the material "temporarily" removed, purportedly to give school officials the opportunity to research and consider the legal issues involved. Despite numerous phone calls and e-mails, however, Professor Hughes heard nothing at all from URI officials for months, until finally, in March, she advised the school's legal counsel that she was going to place the articles back on her web site. In quick response, Mr. Saccoccio asked for Professor Hughes's "continued cooperation," but warned that the situation raised liability issues for the University and

"also raises issues of personal liability for you individually since indemnification cannot be guaranteed at this time. You do have the right to publish or post whatever you please individually, not as a representative of the University, and using your personal resources. However, that does not extend to the use of the University's webpage or use of its resources, until a final decision has been made on this issue."

At a meeting held shortly afterward, officials advised Professor Hughes of the potential financial costs involved in defending a defamation lawsuit, and that is where things stand to this day. Thus, some seven months after this incident first arose, two articles written by a distinguished professor remain censored by the University, even as one of the articles apparently remains accessible on the website of a nationally recognized magazine.

It is hard to minimize the impact of this situation on academic freedom, for the potential ramifications are enormous. If a professor posts a piece critical of a foreign government's leaders, and that government threatens an action in its local courts, will the university require its removal? If a professor writes an on-line article about people accused of being former Nazi officers, and someone threatens suit, will the university remove the article? If the posted syllabus of a course lists a book which someone in France thinks libels them, will the syllabus be taken down? Although we recognize that there are potential costs to the University in facing a defamation suit in England, we think there is an even greater cost to the University when it allows the mere threat of an action by an individual overseas to result in removal of speech of public importance on the university's web site.

A section on academic freedom in the contract between the Board of Governors and the URI AAUP affirms "unqualified acceptance of the principle of freedom in inquiry and expression," and specifically recognizes that teachers are "entitled to full freedom in research and in the publication of the results." The situation Professor Hughes has faced hardly seems to live up to those standards. To the contrary, the University has, by its actions (and inaction) essentially told its academic community that any time a threat of defamation is made against a professor, the University is prepared to immediately capitulate and, if challenged on that capitulation, to take its time reconsidering. It is important to note that Professor Hughes has received no support at all – moral or otherwise – from the University during this time. Rather, she has been warned that the University is not prepared to indemnify her for any liability incurred for these specific academic activities.

We fully appreciate the potentially complicated legal questions raised by a demand letter from a foreign country with different legal procedures. But, as noted above, the University's failure to quickly deal with this threat to academic freedom sends an extremely poor message to Professor Hughes's colleagues and the institution as a whole. In essence, Professor Hughes has been told she can speak to the specific matters giving rise to the defamation threat only to the extent that people can literally hear her voice. In an age where so much information is transmitted, read, researched and stored electronically, the University's unilateral decision to remove articles from her website and force her to fend for herself if she wishes to defend her academic work is extremely troubling.

We urge the University to reverse course and show its support for academic freedom by agreeing to represent Professor Hughes should any action be taken against her. Only in this way can the true mission of the University be fulfilled.

Thank you in advance for your attention to this matter, and I look forward to hearing back from you about it.

Sincerely,

Steven Brown  
Executive Director

cc: Professor Donna Hughes  
Louis Saccoccio  
Frank Annunziato, URI/AAUP