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October 4, 2009

*Butler University v. John Doe*

I hope that all those who care about our University and our community will pay attention to the case now before Marion County Superior Court, *Butler University v. John Doe* (case no. 49D020901PL001164). This suit has a great deal to say about the state of the University and how it is being ruled by its current administrators.

Anyone who wishes to read the complaint, but cannot make the trip to the Marion County Clerk's office, may get an electronic version of the case from me.

*Butler v. Doe* concerns a weblog, TrueBU, which was maintained by a person or persons operating under the name Soodo Nym from October to December of 2008. In the early postings, Soodo Nym criticized incoming Provost Jamie Comstock, and raised questions about her record at Millikin University, where she had been vice president of academic affairs before coming to Butler.

The blog really came alive, though, when Andrea Gullickson was relieved of her duties as director of the School of Music. It contained harsh criticisms of Comstock and Dean Peter Alexander for their handling of Gullickson's dismissal from her position.

The blog also contained documents relating to Gullickson's departure, including a letter she wrote to the faculty members in the School of Music. Other people wrote anonymous comments that were included in the blog. At one point, I wrote a comment critical of Dean

Alexander and his management of Jordan College, under my own name, which was included in the blog.

After reaching a rather feverish pitch, with many postings and many viewings, the blog went down suddenly at the end of December. There was no explanation for the closing of the blog; typing in its address simply produced the message, “The blog you were looking for was not found.”

Butler’s suit against John Doe, aka Soodo Nym, was filed on January 8, 2009, after TrueBU was closed, and asserts that the blog contained statements about Provost Comstock and Dean Alexander that were defamatory and libelous.

The suit further asserts that Comstock, Alexander and the University itself have all been damaged by the libelous statements on TrueBU. Consequently, the suit requests “compensation in the full amount of its damages, plus accrued pre-judgment and post-judgment interest at the highest legal rate permissible, attorneys’ fees and costs, and all other equitable and legal relief available.”

In support of its claims, the suit quotes various postings from TrueBU which are claimed to be either defamatory or libelous. Early in the history of the blog, Soodo Nym claims that Comstock “doesn’t seem to care much for student opinion” and is “unwilling to work with students unless she can see how the relationship will directly benefit her.”

The suit goes on to quote a later posting, after Gullickson was relieved of her position. Soodo Nym writes, “Dean Alexander acted inappropriately and inexcusably in handling this matter. His actions are not consistent with the Butler Way, and are ridiculously irresponsible.”

I am no expert on communications law, but it is very difficult for me to see how these or any other statements included in the suit meet a legal definition of either defamation or libel. They are statements of opinion. They may be wrong-headed or intemperate or just plain mean, and one might criticize them, as I did in my statement on TrueBU, for appearing under a pseudonym, rather than the author's name. But I would be astonished if they were judged libelous in a court of law.

It is equally difficult for me to see how Comstock, Alexander or the University itself has been damaged in any measurable way by the comments of Soodo Nym. Comstock is still Provost, Alexander is still dean, until he retires from that position at the end of this year, and the University is still recruiting students and winning football games.

In short, *Butler University v. John Doe* seems to me a nuisance suit. It is calculated to coerce an individual into some course of action in order to avoid the expenditure of time and money to defend himself, rather than a legitimate attempt to achieve justice.

Moreover, this suit and the circumstances around it have been used to persecute a Butler student. As the *Collegian* reported last Spring, a student thought to be associated with TrueBU had his private email read by the University. It is my understanding that the University has threatened to substitute that student's name in the complaint, and pursue a lawsuit against him.

This is all unbelievably petty and vindictive. The University should stand for freedom of speech, broadly construed, rather than slapping libel suits on and demanding "accrued pre-judgment and post-judgment interest at the highest rate permissible" of those who make statements with which they disagree.

This lawsuit also seems to me a very poor use of scarce University resources. Because of the economic difficulties, faculty and staff at Butler have received a raise of just one percent this year. The names of three high-powered attorneys appear on the lawsuit. It makes little sense to me to pay them to pursue an unnecessary suit when the University has so many other needs.

This lawsuit speaks for our community. It is in your name, and it is in my name. I hope you will join me in calling on our administrators to stop this nonsense.

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