



Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, Pennsylvania 19106
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

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July 28, 2006

Martin Lipton
Chairman, Board of Trustees of New York University
Wachtell, Lipton, Rosen and Katz
51 West 52nd Street
New York, NY 10019

Sent via U.S. Mail and Facsimile (212-403-2000)

Dear Chairman Lipton:

The Foundation for Individual Rights in Education (FIRE) is a nonprofit, nonpartisan organization that works on behalf of freedom of speech, freedom of expression, freedom of religion, due process, and legal equality on America's college campuses. FIRE wrote to New York University's (NYU's) president and administrators last March to protest their refusal to protect free speech and open discussion at an event hosted by the NYU Objectivist Club. FIRE now writes to NYU's Board of Trustees because the errors of last March have not yet been rectified, and we fear that they will only be repeated.

The Ayn Rand Institute, in conjunction with student objectivist clubs, organized events at five colleges across the country last spring to show and discuss the well-known Danish cartoons depicting the prophet Mohammed. Of these universities—the University of California at Los Angeles, the Johns Hopkins University, the University of Southern California, the University of Chicago, and NYU—NYU has the dubious distinction of being the only institution to censor the public display of the cartoons. The events at the other universities took place without incident or censorship and produced meaningful and informed dialogue on the global controversy.

NYU proudly promises its students that it “is committed to maintaining an environment where open, vigorous debate and speech can occur.” NYU's Policy on Speakers and Other Campus Visitors provides that “[t]he interests of the academic community are not served by fear and suppression of free discussion, controversy, and dissent.” Sadly, NYU did not live up to its commitments and has been roundly condemned by the press for that failure (see the attached “NYU Knuckles,” a *New York Post* editorial, and “‘Free speech’ cries ring hollow on college campuses and beyond,” by Nat Hentoff in *USA Today*).

Like previous NYU Objectivist Club events, this panel was to be open to the public. Two days prior to the event, however, NYU administrators gave the Objectivist Club's officers an ultimatum—if they wished to show the cartoons that were the subject of the event, they had to disinvite nearly 150 off-campus guests who had registered to attend. Citing “the campus climate and controversy surrounding the cartoons,” NYU Director of Student Activities Robert Butler ordered the students to inform the “non-NYU people” who had already registered that they “should not plan on attending.” He concluded, “This is not negotiable.”

The Objectivist club, heeding Butler's warning and threats from protesting students who planned to destroy the available student tickets, “chose” not to show the cartoons at their panel. A decision made in reaction to an ultimatum, however, is not a decision made in freedom.

During NYU's disturbing defense of the university's illiberal and bullying decisions, a university spokesman compared the cartoons to the smallpox virus: “Realistically,” John Beckman told NYU's student newspaper, “one can have a discussion on smallpox without actually handing out the live virus to the audience.” That a university official would seriously liken displaying a cartoon to infecting viewers with a deadly virus shows NYU's profound disregard for the importance of protecting open discussion on provocative topics.

When FIRE learned of NYU's actions, I immediately called President Sexton to urge him to reverse this grievous violation of the free speech rights that NYU promises its students. FIRE later wrote President Sexton to remind him that while NYU is not directly bound by the U.S. Constitution, its policies show great respect for the principles enshrined in the First Amendment. One cannot claim to value free speech but then take the side of angry censors. I believe this issue is serious enough to warrant a response from NYU, but we have received no response whatsoever.

Unless President Sexton addresses NYU's failure to defend the fundamental principles of a free university in this case, NYU will be haunted by the legacy of this incident for years to come. FIRE urges you and the members of the NYU Board of Trustees to take the time to read the material attached to this letter and decide for yourselves whether NYU's administrators have held themselves to the professional standards that the trustees of NYU have a right to expect. We urge you to contact President Sexton with your opinions. Free speech needs to be defended not only when it is convenient to do so, but also in times of greatest controversy. A university president should understand that.

Please feel free to call me at 215-717-3473 or write me at greg@thefire.org if you have any questions regarding the important matters in this letter.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Greg Lukianoff".

Greg Lukianoff
President

cc:

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Encl.