



FIRE

Foundation for Individual
Rights and Expression

November 17, 2023

Lisa R. Kranc
Board of Trustees
Brandeis University
Irving Enclave, MS 100
415 South Street
Waltham, Massachusetts 02453415

Sent via Electronic Mail and U.S. Mail (obrien@brandeis.edu)

Dear Chairwoman Kranc:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,¹ remains alarmed that Brandeis University has derecognized its campus chapter of Students for Justice in Palestine based solely on the university's opposition to the group's views. As discussed in our enclosed November 7 letter to President Ronald Liebowitz, this punishment for political advocacy violates the university's explicit, public commitment to uphold student free speech rights. We call on Brandeis' Board of Trustees to restore SJP's recognition and recommit the university to its laudable free expression promises.

In *The Boston Globe* and in an email to SJP, President Liebowitz made clear that Brandeis' punishment is based entirely on its pro-Palestinian advocacy.² As of today, Brandeis has offered no evidence that the SJP chapter violated any law or university policy. Indeed, Liebowitz conceded that no individual students have faced disciplinary action.³ Absent any indication that Brandeis students engaged in misconduct or evidence of legitimate campus

¹ For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our recently expanded mission and activities at thefire.org.

² Jordan Howell, *Free speech promises be damned, Brandeis bans Students for Justice in Palestine*, FIRE (Nov. 7, 2023), <https://www.thefire.org/news/free-speech-promises-be-damned-brandeis-bans-students-justice-palestine>.

³ Mike Damiano, *Brandeis bans controversial student group, plunging into free speech debate*, THE BOSTON GLOBE (Nov. 7, 2023), <https://www.bostonglobe.com/2023/11/07/metro/brandeis-bans-controversial-student-group-plunging-into-free-speech-debate>.

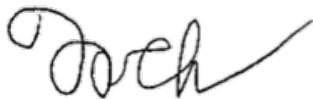
safety concerns, the only explanation for Brandeis' action is administrators' opposition to the chapter's ideology.

Yet Brandeis promises its students, in no uncertain terms, that it will “encourage the airing of the widest range of political and scholarly opinions and to prevent attempts to shut down conversations, no matter what their topic.”⁴ Your institution has adopted its namesake Supreme Court Justice Louis Brandeis' pronouncement: “If there be a time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence.”⁵ Any reasonable conception of “free expression” and the “free exchange of ideas” endorsed by Brandeis necessarily protects the whole of the speech of its SJP chapter.⁶

Rather than resort to engaging in more speech to air its concerns with SJP's views, Brandeis silenced its students by revoking SJP's recognition. Under Brandeis' own policies, it can justify such a severe sanction only for the kind of extreme misconduct that is not present here.⁷ Instead, this derecognition seeks to stifle the chapter's expressive rights by preventing it from accessing campus space for their events, university funds for their advocacy, and student listservs to communicate with the academic community. This censorship has already wrought consequences—the university's sudden revocation of recognition recently forced SJP to cancel a planned vigil for the victims of the Israeli bombardment of Gaza.⁸

It is precisely moments of great strife when educational leaders must take a principled stand for free speech. Brandeis students are no safer nor wiser because Liebowitz derecognized one of the only pro-Palestinian groups on campus. We urge you to restore the primacy of student free speech on campus by reinstating the university's SJP chapter, and we request a substantive response to this letter no later than the close of business on December 1, 2023.

Sincerely,



Zachary Greenberg
Senior Program Officer, Student Organizations, Campus Rights Advocacy

Encl.

⁴ *Principles, Free Speech and Free Expression*, BRANDEIS UNIV., (adopted September 2018), <https://www.brandeis.edu/free-expression/principles.html> [<https://perma.cc/UEA5-436E>].

⁵ *Id.*

⁶ *Id.* (“We explicitly connect free speech concerns with our desire for a diverse, inclusive community. Free expression, including the arts, implies the free exchange of ideas — talking and listening.”).

⁷ *Rights and Responsibilities*, BRANDEIS UNIV., (last visited Nov. 17, 2023), <https://www.brandeis.edu/student-rights-community-standards/rights-responsibilities/current/section-18.html> [<https://perma.cc/Q4VP-ZR3C>] (defining potential loss of “University recognition” under “Group Sanctioning.”).

⁸ Damiano, *supra* note 3.