

# FIRE

Foundation for Individual  
Rights and Expression

December 6, 2023

Michelle Anderson  
Office of the President  
Brooklyn College  
2129 Boylan Hall  
Brooklyn, New York 11210

**URGENT**

Sent via Next Day Delivery and Electronic Mail (bcpresident@brooklyn.cuny.edu)

Dear President Anderson:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,<sup>1</sup> is concerned by Brooklyn College's demand that Master of Fine Arts graduate student Morgan Patten remove two signs expressing pro-Palestinian sentiments from her studio door. While the Israeli-Palestinian conflict is undoubtedly a divisive issue, public institutions like Brooklyn College may not restrict student expression due to fear of disruption stemming from the views expressed.

Our concerns arise out of the extent to which Brooklyn College assigns Patten personal studio space as an MFA student, where since October she has without incident displayed two door signs that say, "Free Palestine" and "Zionism is fascism."<sup>2</sup> On November 18, Brooklyn College held Open Studios, a public event in which visitors may view students' studio spaces and artwork. During the event, an anonymous individual reported Patten's signs to campus police. Two officers arrived and demanded she remove the signs, for the ostensive reason that no posters are allowed on doors.<sup>3</sup> Patten complied, placing the signs inside her studio—but also

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<sup>1</sup> 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](https://thefire.org).

<sup>2</sup> The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information to offer and invite you to share it with us. To these ends, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

<sup>3</sup> Despite Patten's signs being clearly visible to campus police completing nightly rounds for over a month prior to Open Studios, she was never told they violated a school policy or asked to remove them until the complaint made on November 18.



observed several posters on office doors just down the hall from her studio, where they remained in place not only that night, but to this day.<sup>4</sup>

On November 29, Eto Otitigbe, an assistant professor and the MFA co-deputy, notified Patten the complaint about her signs had been escalated to the legal department.<sup>5</sup> Otitigbe requested a meeting with Patten and Mona Hadler, the art department chair under Otitigbe.<sup>6</sup> That meeting was originally scheduled for December 6, but is now being rescheduled for a later date.

Patten bumped into Hadler later in the day on November 29, and they discussed the issue. Hadler acknowledged Patten has the right to free speech, but Hadler also said campus police have the authority to remove posters from doors. She did not explain why others' door signs and artwork were able to remain up while Patten's signs had to come down. Hadler said her primary concern was that Patten not rehang the signs when she moves to new studio space next to the administrative offices and art history classroom a few weeks hence, because Hadler wants to keep peace in the department. Patten told her she was considering hanging a piece of artwork about war on her door, and Hadler told her that would likely be fine.

On November 30, Hadler reported that legal counsel confirmed Patten's signs violated the posting policy because the door is college property and provided a link to the policy.<sup>7</sup> The policy reads: "Do not place any postings on college walls, entrances, grounds, etc. These will be removed."<sup>8</sup>

Brooklyn College's forcing Patten to remove her signs, requiring her to meet with administrators, and signaling to her that she should not hang signs on her new studio space—even as other users remain free to post their signs or artwork—raises serious constitutional concerns.

As a public institution, Brooklyn College's restrictions on student expression must comport with the First Amendment.<sup>9</sup> While public colleges may establish "reasonable restrictions on the time, place and manner" of speech and expressive activity,<sup>10</sup> those rules must be viewpoint-

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<sup>4</sup> Enclosed please find photos of posters and other various hangings still allowed to remain on other doors nearby.

<sup>5</sup> Email from Eto Otitigbe, Assistant Professor, to Morgan Patten, student (Nov. 29, 2023, 11:18 AM) (on file with author).

<sup>6</sup> *Id.*

<sup>7</sup> Email from Mona Hadler, Art Dept. Chair, to Patten (Nov. 30, 2023, 7:41 AM) (on file with author).

<sup>8</sup> *Campus Beautification Project*, Guidelines for Posting, BROOKLYN COLL. (visited Dec. 1, 2023), <https://www.brooklyn.edu/dosa/special-projects/beautification/#::~:~:text=Guidelines%20for%20Posting,any%20of%20the%20bulletin%20boards> [https://perma.cc/H7VT-DXXK].

<sup>9</sup> *Healy v. James*, 408 U.S. 169, 180 (1972) ("[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, 'the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.'" (internal citation omitted)).

<sup>10</sup> *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).



and content-neutral, narrowly tailored to serve a significant government interest, and leave open ample alternative channels for communication.<sup>11</sup> Brooklyn College’s policy prohibiting posters on doors appears to comply with this principle on its face, but it runs afoul of the First Amendment when selectively enforced based on the content and message of the poster, as amply illustrated by Brooklyn College’s demand that Patten remove her signs, apparently for no reason other than their message.

Demanding that Patten remove her signs, while allowing other posters on office doors in the same area to remain in place, is an impermissible content- and viewpoint-based restriction. The “bedrock principle underlying” the First Amendment is that authorities “may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”<sup>12</sup> This is especially particularly true in the context of a college, where “conflict is not unknown”<sup>13</sup> and “dissent is expected and, accordingly, so is at least some disharmony.”<sup>14</sup> There is “no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large.”<sup>15</sup> Nor is the desire to quell potential disagreements in the art department a valid reason for selectively restricting Patten’s speech. As one federal appellate court has explained, “desire to maintain a sedate academic environment does not justify limitations” on expressive freedoms.<sup>16</sup>

Given the urgent nature of this matter, we request a substantive response to this letter no later than close of business Wednesday, December 13, 2023, confirming Brooklyn College will apply its posting policy in a viewpoint-neutral manner.

Sincerely,



Jessie Appleby  
Program Officer, Campus Rights Advocacy

Cc: Mona Hadler, Art Department Chair  
Eto Otitigbe, Art Department Co-Deputy  
Sarah Luke, Executive Legal Counsel and Labor Designee

Encl.

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<sup>11</sup> *Id.*

<sup>12</sup> *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

<sup>13</sup> *Hulen v. Yates*, 322 F.3d 1229, 1239 (10th Cir. 2003).

<sup>14</sup> *Highbee v. E. Mich. Univ.*, 399 F. Supp.3d 694, 704 (E.D. Mich. 2019).

<sup>15</sup> *Healy*, 408 U.S. at 180.

<sup>16</sup> *Rodriguez v. Maricopa Cnty. Comm. Coll. Dist.*, 605 F.3d 703, 708 (9th Cir. 2009); *see also Tinker v. Des Moines Ind. Cmty. Sch. Dist.*, 393 U.S. 503, 508 (1969) (“[U]ndifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression.”).



## Authorization and Waiver for Release of Personal Information

I, Morgan Patten, born on 11/10/1996, do hereby authorize Brooklyn College (the "Institution") to release to the Foundation for Individual Rights and Expression ("FIRE") any and all information concerning my current status, disciplinary records, or other student records maintained by the Institution, including records which are otherwise protected from disclosure under the Family Educational Rights and Privacy Act of 1974. I further authorize the Institution to engage FIRE's staff members in a full discussion of all matters pertaining to my status as a student, disciplinary records, records maintained by the Institution, or my relationship with the Institution, and, in so doing, to fully disclose all relevant information. The purpose of this waiver is to provide information concerning a dispute in which I am involved.

I have reached or passed 18 years of age or I am attending an institution of postsecondary education.

In waiving such protections, I am complying with the instructions to specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom disclosure may be made, as provided by 34 CFR 99.30(b)(3) under the authority of 20 U.S.C. § 1232g(b)(2)(A).

This authorization and waiver does not extend to or authorize the release of any information or records to any entity or person other than the Foundation for Individual Rights and Expression, and I understand that I may withdraw this authorization in writing at any time. I further understand that my execution of this waiver and release does not, on its own or in connection with any other communications or activity, serve to establish an attorney-client relationship with FIRE.

I also hereby consent that FIRE may disclose information obtained as a result of this authorization and waiver, but only the information that I authorize.

DocuSigned by:  
*Morgan Patten*  
6CE69BE65C0949B

Student's Signature

12/6/2023

Date



5113

Archie Rand

REFOCUS FORM

~~REDO~~

Name: Harold H.  
Grade: 1st  
Teacher: Mr. Conner

I engaged in unacceptable behavior  
by: making copies of  
dog man comic in  
office.


My behavior caused other students and teachers to:  
freak out

How will my behavior change in the future? be  
more quiet when  
making copies of dog man  
comic in office.

I am ready to re-join the classroom. Yes ☐ No ☒

Why? too busy making  
dog man comic

Student signature: Harold H.

DRAWING  HOW MANY TIMES  
DO WE HAVE TO  
TALK ABOUT THIS???



3159

Listen skeptically. Grade-school education is built on the myth that the teacher knows what he's doing. Here [in the university], things are different. Never close your mind to the possibility that your teacher—despite his authoritative tone, his many books, papers, patents, theorems or ethic poems, his international reputation and his world-wide following—might not know what he is talking about.

Wall Street Journal, September 4, 2018, page A17.

By HELENE L. SMITH  
Oct. 21, 2018 6:37 p.m. ET

We do not talk about the environment, or racism, or feminism, or our president's failed policies. We talk about literature. We wait, for the 40 minutes each day that I teach English to middle- and high-school students in New York City, in an issue-free zone.

We talk about books, images or word choice, and as we construct arguments about them or reach conclusions about character, we back everything up with details from the text. What I hope my students are learning is a lesson that is not political but is essential for politics: that one must support assertions with proofs, that one must consider counterarguments, that it's necessary to listen to what others say and that doing so may allow you to strengthen, or force you to alter, what you think.

In other words, in a modest way, we are disciples, generations removed, of John Milton's "Areopagitica," of the belief that truth, or as much of it as we can grasp, is arrived at not through trigger warnings but through discussion and through debate that turns on details.

We are running hard against the current, but my students don't know that. My aim is to teach them to love great writing and to take pleasure in the habits of mind that close reading demands. These are also the habits essential for an informed citizenry. I'm reassured that I send forth young adults who, whatever political positions they adopt, will question before they conclude, and will respect others' rights to question and to conclude otherwise.

This fall, in sixth grade, we've read Scottish border ballads—"The Two Corbies," "Sir Patrick Spence," "Edward, Edward," "Barbara Allen"—some of them about politics and some of them about personal identity. And yet my young students have looked at questions of evil, its sources, its manifestations, at courage, at putting on a front when you're scared, at grief and time, at optimism and regret—at things that make us human.

The lovely thing is the universality of all this. These simple ballads permit these children to explore what they feel, and show them, in nonthreatening, nonintrusive ways—ways that talk about "your identity" or "your feelings"—does not—that what they feel others, too, have felt.

In 12th grade, we've read elegant essays by Bacon and Montaigne, Woolf and Baldwin, E.B. White and Lamb, Kimmell and Vinturi and Orwell. Some are what one might call "political," some are not. For each we look at what the author is saying and then, not at how we feel about that, but at how the author feels about it, and at how he or she uses words to influence us.

My seniors and I will read "Hamlet" and "Antony and Cleopatra," and then perhaps "Henry IV, Part 1," or "As You Like It," or "Othello." We will not consider political parallels to today's world, rather, we will immerse ourselves in the world Shakespeare creates. And by so doing, we will emerge with a sense of enlarged humanity, an enlarged sense of what is beautiful—how essential and how little politics of that sort—and a readiness to study and test the ideas and propositions of others, whether authors or politicians or friends.

In English class we are mirrors of texts. And only by being mirrors of the finest glass can we see ourselves and the world beyond ourselves.

Remember that a professor has no business mentioning his personal politics in class, ever. Teachers must not abuse their positions of authority for the purpose of propaganda. We are all human, and our biases slip out occasionally no matter how careful we are. But if they keep slipping out, the professor should be in a different line of work.

Reading and writing are the most important skills of all.

Quelque chose de la vérité est à lire.

According to the Iowa-based nonprofit that produces and administers the ACT, the percentage of 2016 graduates who met college readiness benchmarks in English reading, math and science fell to 26% from 28% among 2015 grads.

For listening is in some places plain, in others it may lie hidden. If we read with reverence and think deeply, we can always see the moral.

Elmer agreed to it all, for she did not think he deserved the compliment of rational opposition.

Here's a fellow

frights English out of his wits.

Only do the things which are best for you, and more focused on your own interests.

[My play] is so intensely and deliberately didactic, and its subject is esteemed so dry, that I delight in throwing it at the heads of the wisecracks who repeat the parrot cry that art should never be didactic. It goes to prove my contention that great art can never be anything else.

Educators fail at their first duty to produce adults who can read and write and speak and listen like adults.

Most people don't like to think at all, or like to think as little as possible.

You can't write clearly if you don't think clearly.

Completing essays can boost lifetime earnings as much as \$80,000, according to a 2014 study by the Federal Reserve Bank of San Francisco. Most of those benefits, however, vanish for students who don't even a diploma.

"I don't think I am equal to the intellectual architecture of thought."

Cast a cold eye. On life, on death. Horseman, pass by.

## A Movement Rises to Take Back Higher Education

By Emily Tafazzoli Smith

Doreen Mackinnon, a psychology professor at Harvey Mudd College, was leading a class discussion about intellectual honesty this past semester when the students came to a halt. Ms. Mackinnon asked the students to think of ways in which, during an argument, they could control intellectual honesty—that is, when they don't want to win and are open to other perspectives. A student commented pointing someone with something like "I could be wrong, but..." A black student then stood up by the word "wrong" and said it was a racist word.

A few weeks later, Ms. Mackinnon was advising a student about which classes to enroll in when he said, "With this class, I could kill two birds with one stone." He discussed and then discussed the idiom. "I could complete two responsibilities with one course," Ms. Mackinnon asked him. He had reversed himself. "I didn't want to offend you," she recalls him saying. "Because it's a racist statement and we are not supposed to talk about racist things."

The classroom climate of higher education has profoundly changed, a culture of self-censorship. Persecution of this year's graduating seniors at Harvard said

they had at some point chosen not to register an opinion in an argument setting during their time at Harvard, out of fear that it would offend others, according to a Harvard Crimson poll.

But some students and professors are finding ways around the new culture of safe spaces, trigger warnings, microaggressions, and blue response teams. Ms. Mackinnon took a series of classes from Harvey Mudd to become executive director of Heterodox Academy, an organization founded in 2015 to promote viewpoint diversity on campus. Its members, more than 2,000 professors and graduate students in the U.S. and beyond, are leading a movement in favor of free speech and inquiry. They hold their first-ever conference Friday in New York.

Heterodox Academy is a politically diverse group—its Princeton legal scholar Robert P. George and Harvard psychologist Steven Fiske are Catholics, feminist John McGarry and former American Idol host Simon Cowell are Jewish, and its president, John C. Loftis, is a Presbyterian. They common belief is that the purpose of a university is to teach students how to think, which entails discussing their position by exposing them to ideas that contradict their current beliefs. The purpose of a university is to educate the person of a university if everyone on campus thinks alike—no

pretends to, the fear of giving offense or being ostracized—then an open exchange of ideas is impossible, and so is learning.

Harvard's no offense campaign has been around at least since the 1990s, but since has changed, according to social psychologist Jonathan Haidt of New York University, is the attitude of the students. Mr. Haidt, who co-founded Heterodox Academy,

Heterodox Academy, now more than 2,000 strong, stands against censorship and for free inquiry.

But we keep being having a course. According to FIRE, discrimination against Jewish students has been on the rise for higher rates of antisemitism and Islamophobia—some Jewish students at the University of Wisconsin—Madison have taken more to increase viewpoint diversity on their campus.

In 2015 the University of Chicago issued a statement condemning the suppression of free speech in education. To date 43 colleges, from Colgate to the University of Minnesota, have adopted the Chicago principles as a statement of the

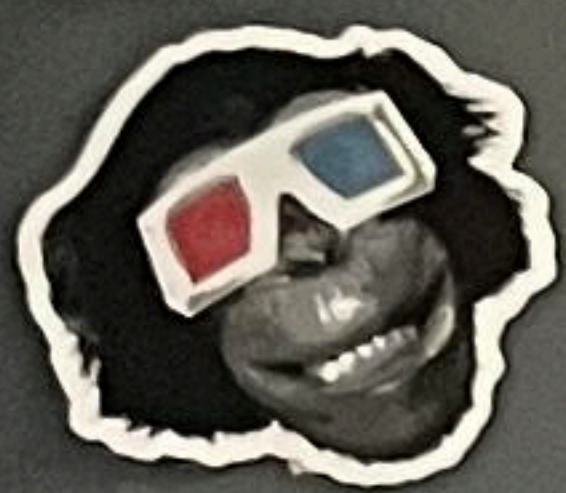
Last year Mr. George, the Princeton conservative, authored a statement with Carol Mavor, a Harvard fellow, asserting that "all of us should work respectfully to engage with people who challenge our views." To his thousands of signatures, inside and outside academia.

Michael Roth, the progressive president of Brown University, last year announced an "affirmative action" program to bring conservative faculty and ideas to campus. Heterodox Academy has created an educational app called OpenMind to help students learn versus that intellectual honesty and empathy so that they can speak to one another across the divide. So far it has been used in over 100 classrooms.

As encouraging as these initiatives are, there's a more fundamental shift that needs to take place—a rethinking of identity politics. Rather than promoting a "common-enemy identity politics" that alienates white people and others with "privilege," Mr. Haidt said Friday, professors and administrators should embrace a "common-humanity identity politics," but that what liberal education is all about.

Mr. Smith, an editor at the Harvard Institute, is author of "The Power of Meaning: Finding Purpose in a World Obsessed With Happiness."





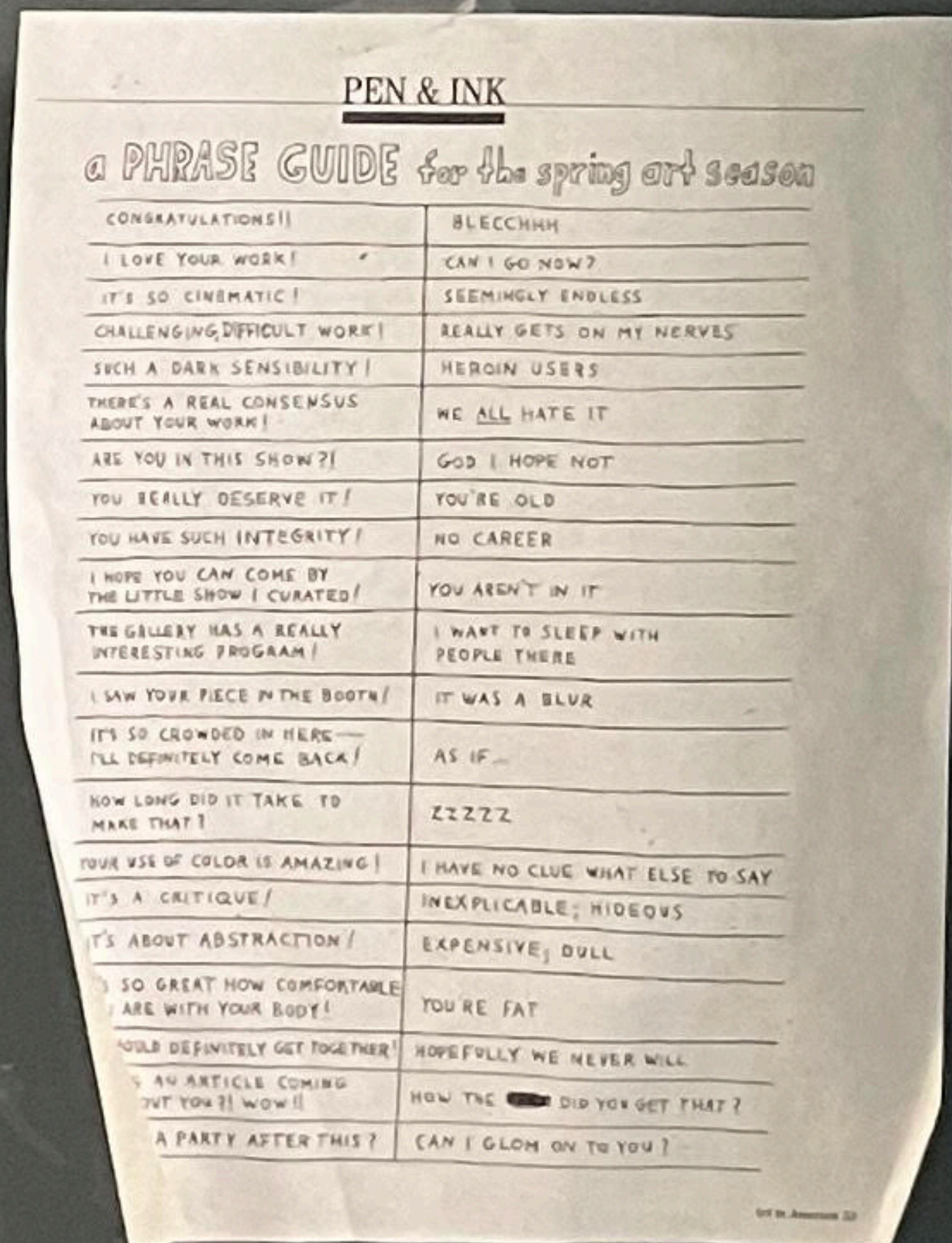
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Christopher Richards




## BEADWORK, Art and the BODY

Dillo Tse Dintshi/Abundance



Brooklyn College Department of Art

Artist-In-Residence Lecture



*Dynam sphere (2023), charcoal, Conte, pastel fabric dye on paper, 84" x 60"*

Materiality and Blackness  
and the Figure and the Future  
Artist Talk by Robert Pruitt

Thursday, March 30, 2023 at 5:00pm  
Woody Tanger Auditorium in the Library, First Floor

Reception to follow  
Open to the Public - Free Admission  
For More Info Email: C.Richards66@brooklyn.cuny.edu

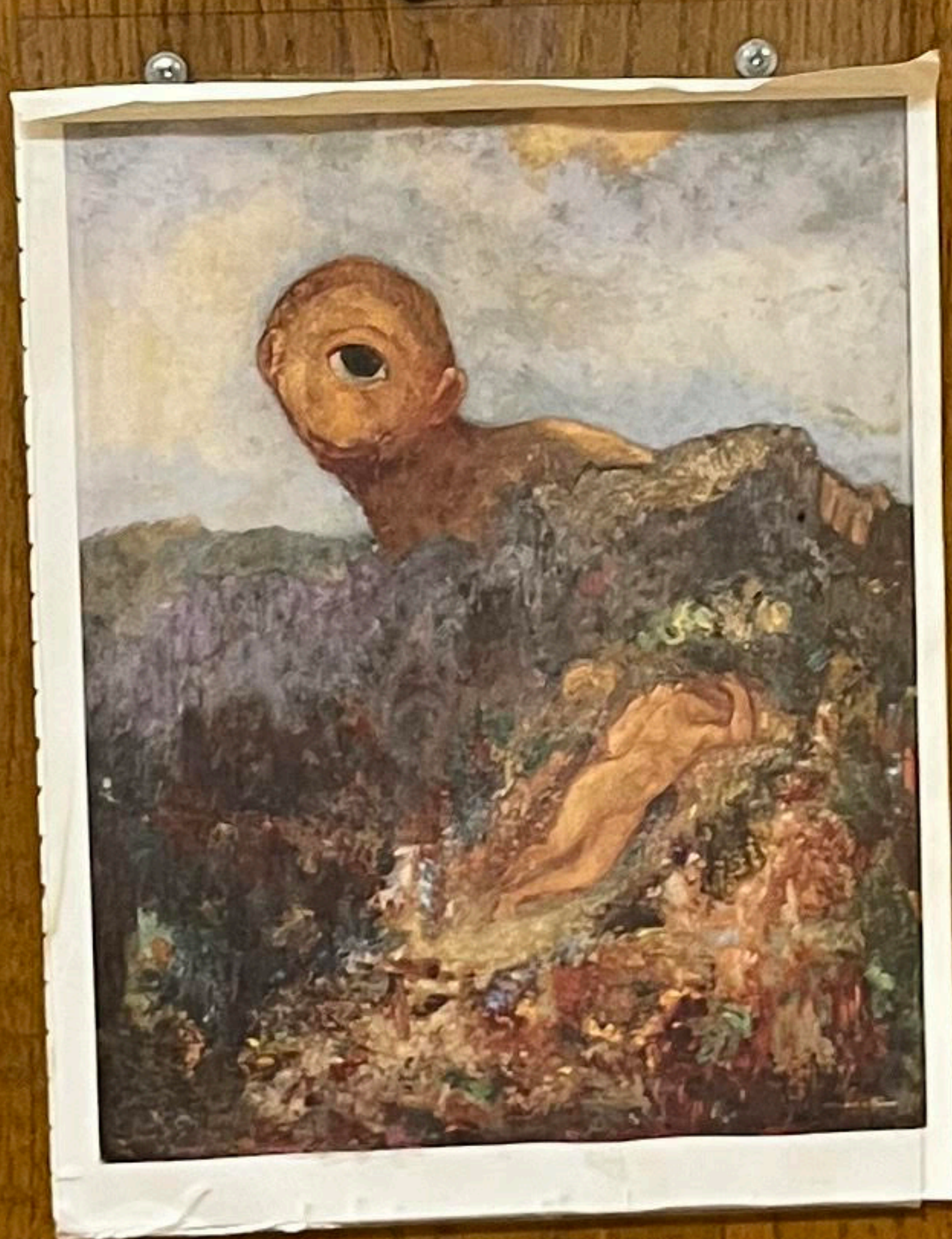


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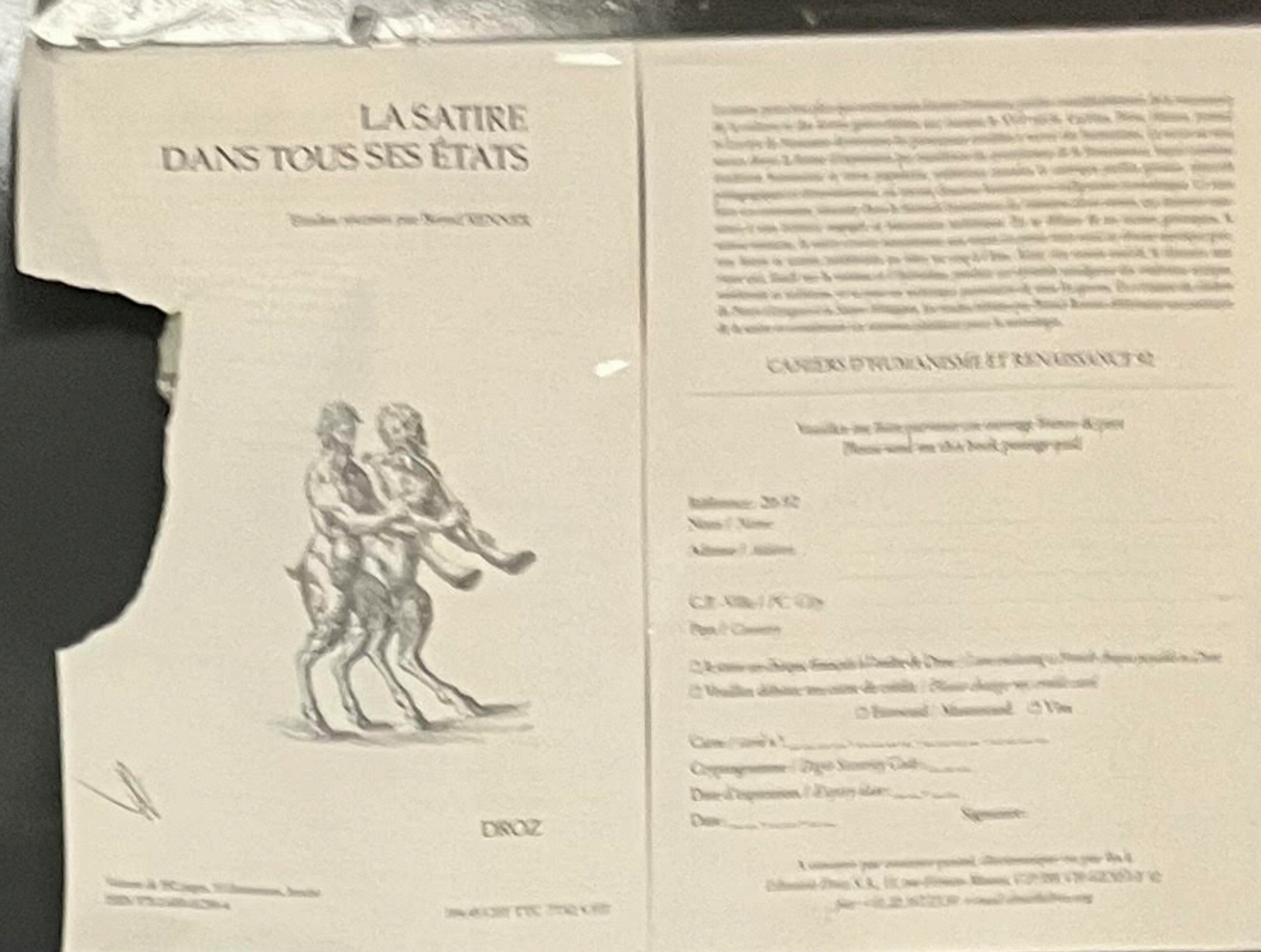
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Department of Classics

Prof. Philip Thibodeau







**Table des matières**

**Avant-propos**

Michel Kammerer  
Frank Leutenegger: une vie, une œuvre

**Visages**

Jean-Charles Labadie; André Dutoit; Vincent Massot; Myriam Marchadot-Combes; Phyllis John Elder; Nicolas Fornet-Mé; Justine Ungerey; Jean-Charles Anselme; Alexandre Tardieu; Rüdiger Oelzler; Marie-Christine Péllet; Andriana Marchal; André Zybyshev; Marie-Christine Goussu-Goussu; Olivier Miller; Philippe Desm

**Épaves**

Gregoire Hugel; Jéré Dutoit; Isabelle Puzin; Ann Clavel; ~~Thomas~~ Maria deSchilly; ~~André~~ Laurent; George Tolon; Richard Cooper; Bernd Ramel; Anne-Pascale Pouss-Mouton; Benjamin Hubert; Loris Petrucci; Marie-Christine ~~Elminger~~; Nicolas Kake; Tim Conley

**Religions**

Domin Constant; Gery Demayon; Jean-Charles Tardieu; Max Epigmanov; Alexandra Prada; Marie-Madeleine Fontaine; Bruna Costantini; Michèle Martenot; Max Williams; Christophe Burginon; Daniel Manager; Any C. Grossi-Moreno; Véronique Feller; Sébastien Lefebvre

**Écritures**

Michel Kammerer; Jean-Charles Moutonier; George Hugo Tucker; Mireille Blachon; Jean Goussu; Rosanna Gora Canna; Corinna Kleric; André Goussu; Annam Compagnon; ~~Thomas~~ Hinkler; Ann Bar


**Index**

Index nominum  
Index scriptorum

**SOUSCRIPTION\***


**LA RENAISSANCE AU GRAND LARGE**

*Mélanges en l'honneur de Frank Lestringant*



édités par  
Véronique Ferrer, Olivier Millet et Alexandre Tarrête

**DROZ**



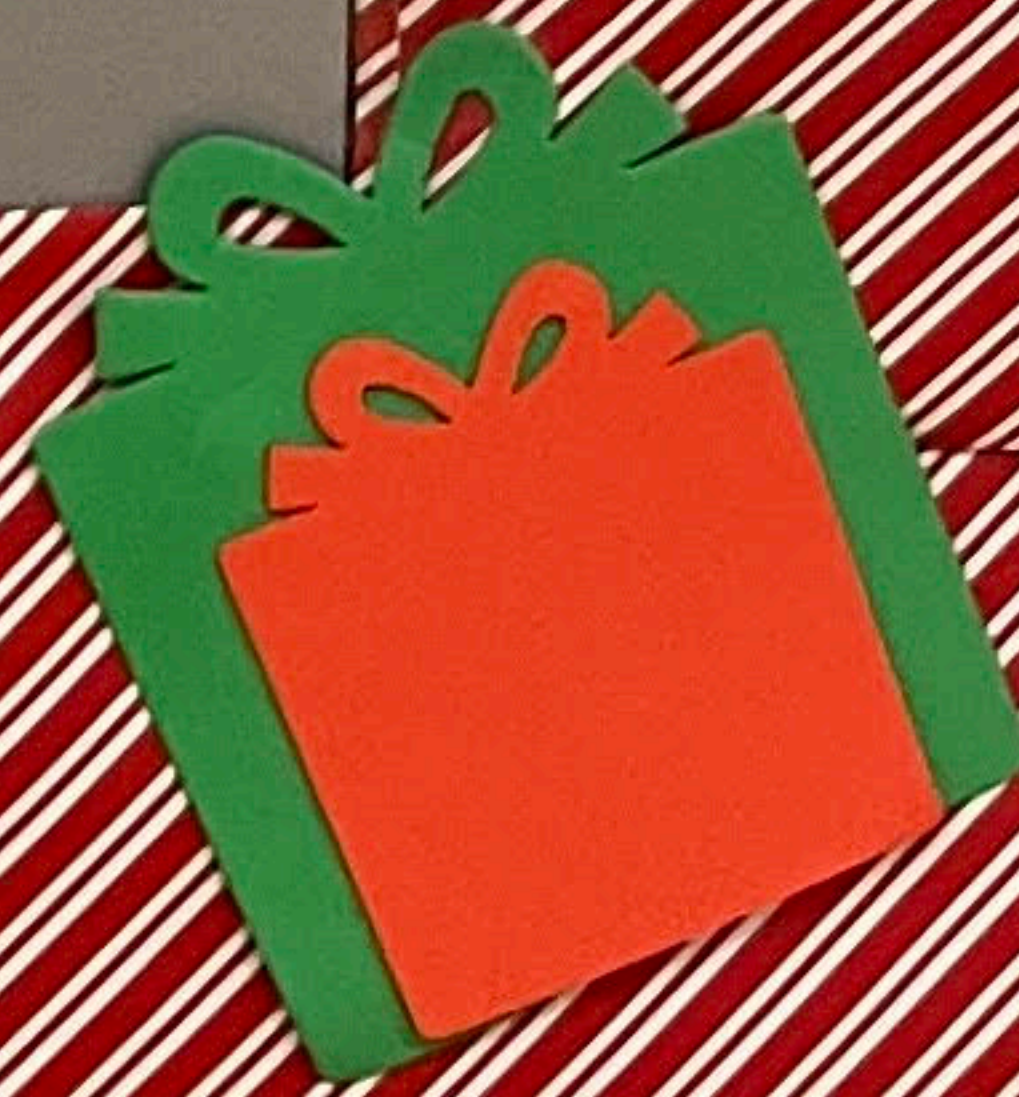
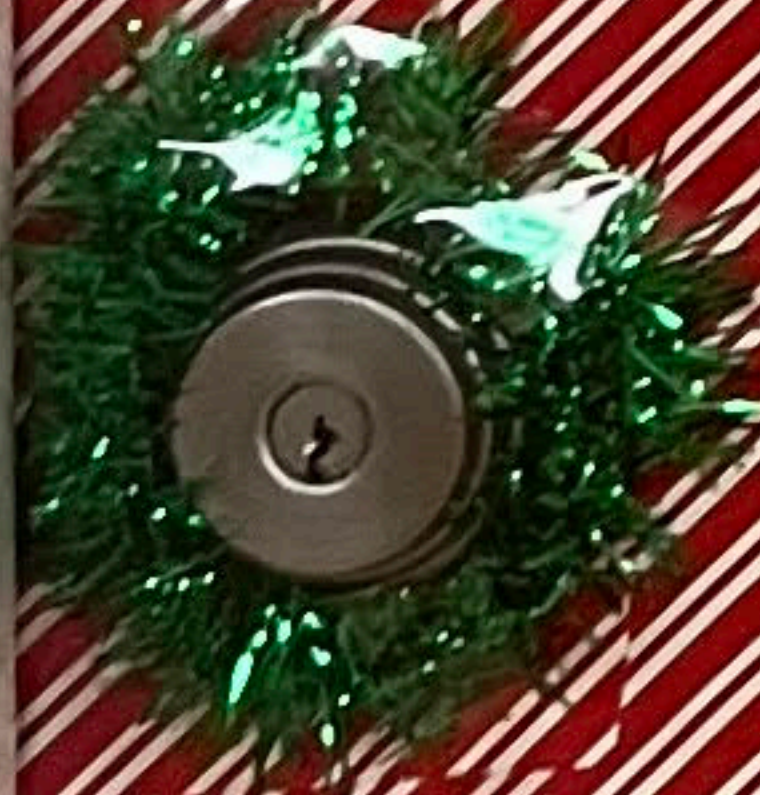
\*Inscription jusqu'au 15 janvier 2019. Remise des Mélanges le 15 mai 2019.  
Salle des Antiques, en Sorbonne (17, rue des Ecoles, 75005 Paris), à 14 heures.





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Office of  
Payroll Support

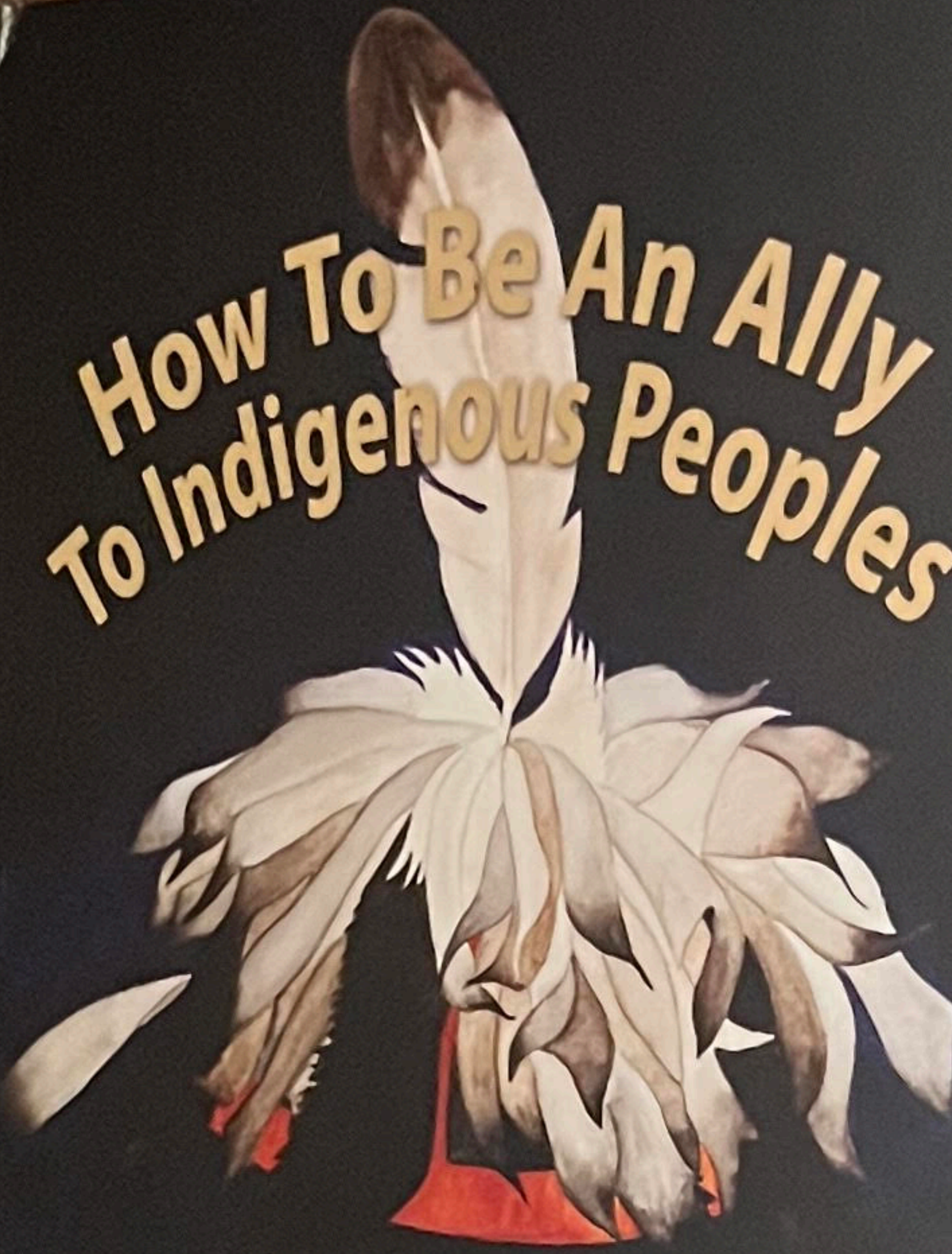




2407

Department of Classics

## How To Be An Ally To Indigenous Peoples



- Care for the Earth  
Give thanks frequently
- Respect and support Indigenous sovereignty
- Learn about treaties
- Remember that treaties are  
the Supreme Law of the United States  
(Article 6, US Constitution)
- Demand that our nation honor its  
treaty commitments
- Consider future generations in all your actions
- Question and resist stereotypes  
including team names and mascots
- Learn about and reject the "Doctrine of Discovery"
- Reach out to your Indigenous neighbors
- Slow down and listen more than you talk
- Notice where you are
- Live with gratitude
- Live lightly on the earth
- Work to end global warming
- Support renewable energy
- Stop hydrofracking, dirty coal and uranium mining
- Don't co-opt Native cultures or ceremonies
- Return sacred objects
- Read and promote the UN Declaration on the  
Rights of Indigenous Peoples
- Celebrate Indigenous Peoples' Day  
every October 12
- Learn about the people indigenous  
to wherever you are
- Read Native Authors • Support Native craftspeople,  
businesses and events
- Remember that all beings (animals and plants)  
are your relatives not your resources
- Appreciate the diversity of nations,  
cultures and people



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BYRON SMITH

