



## 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](mailto:fire@thefire.org) • [www.thefire.org](http://www.thefire.org)

Greg Lukianoff  
PRESIDENT

Robert L. Shibley  
VICE PRESIDENT

William Creeley  
DIRECTOR OF LEGAL AND  
PUBLIC ADVOCACY

Alan Charles Kors  
CO-FOUNDER AND  
CHAIRMAN EMERITUS

### BOARD OF DIRECTORS

Harvey A. Silverglate  
CO-FOUNDER AND  
CHAIRMAN

Barbara Bishop  
William J. Hume  
Richard Losick  
Joseph M. Maline  
Marlene Mieske  
Daphne Patai  
Virginia Postrel  
Daniel Shuchman  
James E. Wiggins

### BOARD OF ADVISORS

Lloyd Buchanan  
T. Kenneth Cribb, Jr.  
Candace de Russy  
William A. Dunn  
Benjamin F. Hammond  
Nat Hentoff  
Roy Innis  
Wendy Kaminer  
Woody Kaplan  
Leonard Liggio  
Herbert London  
Peter L. Malkin  
Muriel Morisey  
Steven Pinker  
Milton Rosenberg  
John R. Searle  
Ricky Silberman  
Christina Hoff Sommers

December 18, 2009

President Richard C. Levin  
Yale University  
President's Office  
P.O. Box 208229  
New Haven, Connecticut 06520

*Sent via U.S. Mail and Facsimile (203-432-7105)*

Dear President Levin:

"You'll hate school for a while, too, but I'm glad you're going to St. Regis's."

"Why?"

"Because it's a gentleman's school, and democracy won't hit you so early. You'll find plenty of that in college."

"I want to go to Princeton," said Amory. "I don't know why, but I think of all Harvard men as sissies, like I used to be, and all Yale men as wearing big blue sweaters and smoking pipes."

Monsignor chuckled.

"I'm one, you know."

"Oh, you're different—I think of Princeton as being lazy and good-looking and aristocratic—you know, like a spring day. Harvard seems sort of indoors——"

"And Yale is November, crisp and energetic," finished Monsignor.

"That's it."

They slipped briskly into an intimacy from which they never recovered.

—F. Scott Fitzgerald, Princeton X '17, *This Side of Paradise*

It is not a happy day when a Yale College dean with degrees from Yale and Princeton, an historian of art, declares that T-shirts quoting Fitzgerald are "not acceptable." "What purports to be humor by targeting a group through slurs is not acceptable," Dean Mary Miller wrote to the *Yale Daily News*, explaining her decision to "pull" the Freshman Class Council's democratically chosen design targeting Harvard students as "sissies."

No, not acceptable, not at Yale, the institution that issued the Woodward Report as official policy under President Brewster. This inspiring document argues that free speech "is a barrier to the tyranny of authoritarian or even majority opinion as to the rightness or wrongness of particular doctrines or thoughts" and argues for "the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable." Yet, Dean Miller apparently knew what had to be done. She did not even see a need to consult the senior academics, diplomats, or national security experts who had so carefully assessed Jytte Klausen's book.

Does it help the university's case that the Freshman Class Council independently, afterward, decided to pull the design? It helps the students' case; they listened to Dean Miller but made up their own minds, if we believe them. It does not, however, help Dean Miller's case. Or did the *Yale Daily News* report incorrectly on November 19 that Dean of Freshman Affairs Raymond Ou "told" the Freshman Class Council to meet with students concerned about the T-shirts, and that Miller "decided to pull the design"?

President Levin, I trust that you are aware of the Foundation for Individual Rights in Education (FIRE) and some of our work on America's college campuses. FIRE unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of freedom of expression, freedom of conscience, academic freedom, freedom of association, and freedom of religion—as well as due process and legal equality. You might have seen FIRE's name among many on the September 14, 2009, letter to you from Joan Bertin, Executive Director of the National Coalition Against Censorship, regarding Yale's removal of cartoons of Mohammed from Jytte Klausen's *The Cartoons That Shook the World*. Just a few weeks earlier, Yale's press had defended this censorship but qualified its moral position with this contradictory statement:

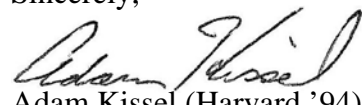
The University has no speech code, and the response to "hate speech" on campus has always been the assertion that the appropriate response to hate speech is not suppression but more speech, leading to a full airing of views.

The world—and Yale—are facing challenges much more serious than a word on a shirt. Yet, the world and the Yale community ought to be able to count on Yale College deans to respect freedom of expression enough to hold in abeyance any urge to censor. Does the Woodward Report exclude the word "sissies" from the principle that "the results of free expression are to the general benefit in the long run, however unpleasant they may appear at the time"? Does the report exclude images in a book from Yale's stated principle that "a free interchange of ideas is necessary not only within its walls but with the world beyond as well"?

In matters large and small, Yale has taken steps that erode the freedom it once championed, teaching its students that the authorities ultimately decide which expressions are acceptable or unacceptable. This seems the very opposite of a liberal education in a free society.

Now that these decisions have been made, others may follow more easily and more quickly. Meanwhile, will students and even faculty members self-censor to avoid the deans' hands, or will they test the boundaries of the deans' tolerance? Are the deans prepared to spend time and resources on further censorship? Please let Yale be governed by its own admirable policies, including its own Woodward Report. In the end, these policies will serve truth and tolerance more than censorship will. Please respond by January 12, 2010, and reassure us that Yale will no longer seek to censor "the unmentionable." We look forward to hearing from you.

Sincerely,



Adam Kissel (Harvard '94)

Director, Individual Rights Defense Program

cc:

Raymond Ou, Dean of Freshman Affairs

Mary Miller, Yale College Dean

Freshman Class Council

*Yale Daily News*