



## Foundation for Individual Rights in Education

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February 19, 2007

Norman Abrams, Acting Chancellor  
Box 951405, Murphy Hall 2147  
University of California–Los Angeles  
Los Angeles, California 90095-1405

*Sent via U.S. Mail and Facsimile (310-206-6030)*

Dear Chancellor Abrams:

As you can see from our Directors and Board of Advisors, FIRE unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, due process, legal equality, freedom of speech, and religious liberty on America's college campuses. Our website, [www.thefire.org](http://www.thefire.org), will give you a greater sense of our identity and activities.

FIRE is deeply concerned about the threat to free speech posed by the University of California–Los Angeles' (UCLA's) reaction to a scheduled immigration debate hosted by the student organization Liberty, Objectivism, Greed, Individualism, Capitalism (L.O.G.I.C.). UCLA's decision that L.O.G.I.C. must pay for additional security because other students threatened to protest the debate infringes upon L.O.G.I.C.'s right to political expression and impedes the open exchange of ideas on campus.

This is our understanding of the facts. Please advise us if you believe we are in error. L.O.G.I.C. planned to sponsor a debate on immigration between Carl Braun, executive director of the Minuteman Civil Defense Corps of California, and Yaron Brook, president of The Ayn Rand Institute and advocate for open immigration. The debate was set to take place on Tuesday, February 6, 2007. As part of its initial contract, L.O.G.I.C. agreed to pay for eight security officers to attend the event.

On February 4, Students for a Democratic Society, an unrecognized student group, posted an announcement on the website [www.la.indymedia.org](http://www.la.indymedia.org) stating they would protest the debate and calling on other students to join them. Arthur Lechtholz-Zey, L.O.G.I.C.'s chief executive officer, reports that one protestor posted the comment, "let's do what they did at Columbia and shut it down," referring to the students who violently disrupted a speech at Columbia University by Minuteman Project founder Jim Gilchrist in October, 2006.

On February 5, Lechtholz-Zey attended a meeting with representatives from the UCLA Police Department, the Center for Student Programming, and the UCLA Events Office to discuss additional security measures for the debate. Lechtholz-Zey reports that administrators required an additional 16 university police officers and 30 hired guards from the outside group Contemporary Services Corporation to provide security for the debate and protest. Lechtholz-Zey was informed that L.O.G.I.C. would have to pay for the additional security forces, a sum totaling \$12,000 to \$15,000. Administrators also reportedly said that they would not know until February 6—the day of the event—whether security would be available. UCLA therefore forced L.O.G.I.C. to cancel the debate. L.O.G.I.C. has rescheduled the debate for March 15 and UCLA has not stated whether L.O.G.I.C. will have to pay for additional security for the rescheduled debate.

Lechtholz-Zey reports that UCLA has no policies stating explicitly that student groups are required to pay for additional security forces for their events. He also reports that at the February 5 meeting, administrators stated that student organizations bear the cost of security for their events and for whatever proximately results from those events. On February 7, the *Daily Bruin* printed an article in which Mike Cohn of the Center for Student Programming stated, “[t]he protest is involved with [L.O.G.I.C.’s] event. They have to ensure that their event is safe for everybody. If they choose to bring speakers that are controversial, then they have to be responsible for that. And that’s the standard for all campus organizations.”

UCLA’s stated requirement that student organizations hosting controversial events pay for extra security is clearly unconstitutional, as it affixes a price tag to events based upon their expressive content. The Supreme Court addressed this issue in *Forsyth County v. Nationalist Movement*, 505 U.S. 123 (1992), by striking down an ordinance in Forsyth County, Georgia, that permitted the local government to set varying fees for events based upon how much police protection the event would need. The Court wrote that in the case of the Forsyth County ordinance, “[t]he fee assessed will depend on the administrator’s measure of the amount of hostility likely to be created by the speech based on its content. Those wishing to express views unpopular with bottle throwers, for example, may have to pay more for their permit.” Deciding that such a determination required county administrators to “examine the content of the message that is conveyed,” the Court wrote that “[l]isteners’ reaction to speech is not a content-neutral basis for regulation. ... **Speech cannot be financially burdened, any more than it can be punished or banned, simply because it might offend a hostile mob.**” [Emphasis added.] In the interest of preserving content-neutrality in determining fees for campus events, UCLA cannot and must not force student groups to pay more money for security protection because others in the community might protest against a planned event.

Moreover, by holding student organizations hosting expressive events responsible for whatever disruptive activity results from those events, UCLA grants a heckler’s veto to the most disruptive members of the university community. Protestors wishing to shut down speech with which they disagree merely have to threaten to protest, and student groups not able to furnish thousands of dollars will be forced to cancel their events. As

happened with L.O.G.I.C.'s planned debate, disruptive protests win out over responsible expressive activity.

Imposing high costs for additional security measures also threatens to deprive the UCLA community of vigorous discussion on important and timely matters. L.O.G.I.C. sought to address the immigration issue—which surely interests many students in the Los Angeles area—by inviting two experts to campus to openly and honestly defend their opposing positions on immigration. L.O.G.I.C.'s course of action was among the most responsible that we can ask of university students. UCLA's unjust and ill-conceived requirement that L.O.G.I.C. furnish an additional \$12,000 to \$15,000, however, deprived the campus of an informed dialogue on immigration.

FIRE urges UCLA to compose a clear policy stating that student organizations are not responsible for extra security costs based upon the perceived controversial nature of their expression. Controversial expression must not be treated any differently than more neutral expression. When L.O.G.I.C. hosts its next debate, currently scheduled for March 15, UCLA must not hold the group responsible for additional security costs or for whatever protests occur in reaction to that debate.

FIRE hopes to resolve this situation amicably and swiftly; we are, however, prepared to use all of our resources to see this situation through to a just and moral conclusion. We request a response to this letter by Friday, March 2, 2007.

Sincerely,

Tara E. Sweeney  
Senior Program Officer

cc:

Scott L. Waugh, Executive Vice Chancellor and Provost, UCLA  
Jack Raab, Director, Events Office, UCLA  
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Arthur Lechtholz-Zey, Chief Executive Officer, L.O.G.I.C.