



Foundation for Individual Rights in Education

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An Open Letter to New York Mayor Michael Bloomberg and Brooklyn Borough President Marty Markowitz Regarding the Ongoing Controversy at Brooklyn College

February 6, 2013

Dear Mayor Bloomberg and Borough President Markowitz:

The Foundation for Individual Rights in Education (FIRE, thefire.org) is a nonpartisan, nonprofit organization dedicated to defending and sustaining freedom of speech, legal equality, due process, religious liberty, and academic freedom at our nation's colleges and universities. We write today to express our concern about recent statements made by elected officials that threaten the academic freedom of the City University of New York's Brooklyn College.

At issue is an event at Brooklyn College scheduled for February 7 and titled "BDS Movement Against Israel." (BDS is an acronym for "boycott, divestment, and sanctions.") The event is co-sponsored by Brooklyn College's political science department as well as at least one student group, Students for Justice in Palestine, and features two speakers, Judith Butler and Omar Barghouti, who are well-known proponents of the BDS movement.

As you know, several New York city and state lawmakers have responded with calls for Brooklyn College to cancel the event, or, failing that, for the political science department to withdraw its sponsorship. These requests have in some cases been accompanied by threats to the public funding of Brooklyn College and CUNY. An example of this is found in a letter from ten members of the New York City Council, which states:

Among this City's diversity — and the student body of Brooklyn College — there are a significant number of people who would, and do, find this event to be offensive... We do not believe this program is what the taxpayers of our City — many of who would feel targeted and demonized by this program — want their tax money to be spent on.

We believe in the principle of academic freedom. However, we also believe in the principle of not supporting schools whose programs we, and our constituents, find to be odious and wrong. So, should this event occur, we must strongly oppose it and ask you to reconsider any official support or sponsorship.

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At the outset, FIRE wishes to make clear that we take no position on the BDS movement or any other aspect of the Israeli-Palestinian conflict. FIRE consistently defends the rights of those who are threatened with censorship or punishment on campus, regardless of their point of view. For instance, we defended the right of a student artist at Penn State University to put on an exhibit critical of Islamic terrorism against Israel called “Portraits of Terror” that was falsely labeled “hate speech” by Penn State administrators, while also decrying Brooklyn College’s decision under political pressure to cancel its appointment of an instructor, Kristofer Petersen-Overton, whose class syllabus was seen by some as too pro-Palestinian. A full accounting of our public cases, which number in the hundreds and which bear out our commitment to free expression regardless of viewpoint or ideology, may be found at thefire.org/cases/all.

Our concern in this case therefore stems not from a political opinion on the issue but from our concern about the ramifications for academic freedom posed by the threats to Brooklyn College’s funding. Academic freedom is essential for the functioning of an institution of higher education. If an institution of higher education is to serve as a marketplace of ideas and a haven of free thought, those who teach and study there must not be made to live in fear that arguing for, espousing, or simply coming to believe an idea will lead to political threats either to their positions in the academic community or to the institution as a whole. As Mayor Bloomberg pointed out in his statement on the subject today, threats from lawmakers to withdraw funding when controversial views are aired create the antithesis of such an environment.

The Supreme Court of the United States has eloquently and thoughtfully elaborated on the importance of academic freedom as a special concern of the First Amendment. In *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957), the Court wrote:

The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. No field of education is so thoroughly comprehended by man that new discoveries cannot yet be made. Particularly is that true in the social sciences, where few, if any, principles are accepted as absolutes. Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.

This finding was later cited and echoed in *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967), a case arising out of the state of New York, in which the Court elaborated on its reasoning in *Sweezy*:

Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom. “The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.” The classroom is peculiarly the “marketplace

of ideas.” The Nation’s future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth “out of a multitude of tongues, [rather] than through any kind of authoritative selection.” (Internal citations omitted.)

FIRE opposes attempts by elected officials to stifle debate and discussion on college campuses by threatening their funding when they host conferences and discussions that the officials dislike. We would hope that politicians would understand the tremendous benefits our society has gained from affording our institutions of higher education independence and academic freedom. The fact that this academic freedom may sometimes result in discussions or ideas that politicians will dislike is inevitable, but the way to combat ideas we dislike in a free society is through open debate and discussion, not threats and coercion from those in power. The politicians who support punitive actions against Brooklyn College should also understand that such attempts to stifle opinions are not only unwise, but also are likely to bring more attention to the opinions that they wish to suppress and to strengthen the resolve of those who hold those opinions. Americans rightfully admire freedom of speech and look suspiciously upon those who, rather than engage in debate on the merits of their ideas, seek to stop the debate from happening in the first place. FIRE supports the academic freedom of Brooklyn College and asks that New York city and state elected officials refrain from using threats and coercion to prevent controversial discussions from taking place on campus.

Sincerely,
The Foundation for Individual Rights in Education

cc:
Bill de Blasio, Public Advocate, New York City
Dennis M. Walcott, Chancellor, New York City Department of Education