



Office of the President

June 13, 2023

Alex Morey
Director, Campus Rights Advocacy
510 Walnut Street, Suite 1250 Philadelphia, PA 19106

Sent via alex@thefire.org

Dear Mr. Morey:

I am in receipt of your letter dated June 8, 2023.

The letter was sent by you because "FIRE is deeply concerned by New College's decision not to renew Visiting Assistant Professor of History Wallenberg's contract, apparently due to his teaching, views, and past criticism of university leadership."

The sole data you use to support this are four tweets from the personal Twitter account of a board member.

Based on these four tweets from a board member's private Twitter account, you conclude the letter by asking that New College "take swift action". You do not specify what this "swift action" should be.

It is interesting that you have taken the time to write a five-page letter but cannot sum up in a few words what the "swift action" is that you want the university to take. The reason is clear: your letter asks New College to take "swift action" against a private citizen making comments on his own personal Twitter account. In fact, you directly state *in the letter* that Mr. Rufo is protected in this instance by the First Amendment. ("If public college trustees like Rufo disagree with the teaching, views, or criticisms of certain New College faculty, they may employ their own expressive rights to voice their concerns.") Therefore, I can understand the difficulty in making a direct ask to New College which would violate FIRE's core mission.

In between the letter's first sentence - which states the reason for the letter - and the penultimate paragraph in which you ask New College to take "swift action," you cite over 15 court cases.

You cite these cases specifically for their legal conclusions. Please understand that courts do not make blanket legal conclusions in a vacuum. Courts rely on facts to decide if legal rules apply in specific instances, not surmises. In the future, it would be helpful to focus on the actual facts of a case before writing a public letter filled with pages of legal conclusions untethered by factual reality.

The facts are as follows.

1. Mr. Rufo is a private citizen who has a right to free speech on his own private Twitter account.
2. Mr. Rufo cannot act unilaterally on a 13-member board.
3. Mr. Rufo, as a board member, is not involved in minor HR decisions, such as whether or not to renew a one-year, visiting professor's contract.

4. With little research you would find that numerous members of New College faculty have disagreed with the board and administration very publicly and are still employed.

5. Mr. Rufo's comments did not state that the contract was not renewed for a retaliatory reason. Even if he had said this, his speech is still protected. However, as I stated before, facts matter. The tweets simply do not say what you are asserting at all. Since you qualify the entire letter in the first sentence with the word "apparently", I think you know this - though you then predicate the rest of the letter on the understanding that Mr. Rufo said something that is clearly not stated in the actual text of the tweets. Sticking to the facts rather than vitriol and virtue signaling will be helpful to advance civil discourse in the future.

New College of Florida supports the First Amendment rights of its students and faculty, as well as its trustees. Mr. Rufo is free to say what he wants on his personal Twitter account. To presume otherwise would be to act against not only New College's mission but your own. Your organization is pursuing a worthy goal based on its vision and I am a big fan. Please feel free to contact me if you would like to learn about the steps New College is taking to preserve free speech for all its stakeholders.

Sincerely,



Richard Corcoran
Interim President
New College of Florida