



March 8, 2024

Renu Khator
Office of the President
University of Houston
4302 University Drive, Room 212
Houston, Texas 77204

URGENT

Sent via U.S. Mail and Electronic Mail (rkhator@uh.edu)

Dear President Khator:

The Foundation for Individual Rights and Expression (FIRE)¹ is concerned by University of Houston's cancellation of the opening ceremony of an on-campus art exhibit featuring the work of Shahzia Sikander and of a screening accompanying it. We urge the university to reschedule the opening ceremony and screening for the earliest practicable date and to publicly commit to upholding freedom of speech—including artistic expression—on its campus.

Sikander's multimedia art exhibition "Havah ... to breathe, air, life," consisting of a statue and a film screening, was scheduled to formally open February 28 in the Cullen Family Plaza on UH's campus and will remain on campus until October 2024.² The statue, titled "Witness," is already on campus, and the animated film titled *Reckoning*, was set to accompany the exhibition's formal February 28 opening.³

¹ FIRE is a nonpartisan nonprofit dedicated to defending freedom of speech. For more than 20 years, it 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.

² *Temporary Art Exhibit at the University of Houston*, Frequently Asked Questions, UNIV. OF HOUS. SYS., <https://publicartuhs.org/wp-content/uploads/2024/02/Temporary-Art-Exhibit-at-the-University-of-Houston-Final.pdf> [<https://perma.cc/ZU93-73VX>]. The recitation of events here reflects our understanding of the pertinent facts, which is based on public information. We appreciate that you may have additional information to offer and invite you to share it with us if that is the case.

³ Jessica Fuentes, *Protestors Oppose Installation of Shahzia Sikander "Satanic Sculpture; University of Houston Postpones Opening Events*, GLASSTIRE (Feb. 24, 2024), <https://glasstire.com/2024/02/24/protestors-oppose-installation-of-shahzia-sikander-satanic-sculpture-uh-postpones-opening-events/>.

Our concerns arise from UH’s announcement, days before the exhibit’s opening, that it was cancelling the opening ceremony and screening of *Reckoning*, asserting that the artist was unavailable”⁴ and of the screening could not “meet the scheduled installation date.”⁵ The university also stated it was “in conversation with the artist to see if schedules allow for another opportunity for public conversation about the exhibition.”⁶ However, UH also published FAQs describing Sikander’s works as “offensive to some people,”⁷ while media outlets reported that two pro-life leaders said UH officials promised them the university would not display the statue.⁸ Sikander disputes, in any event, UH’s public claim that the postponement was due to her “unavailability,”⁹ stating that she had not asked for the opening event to be cancelled¹⁰ (and said she had not been consulted before UH posted FAQs that noted the perceived “offensiveness” of her art).¹¹

The media reports, Sikander’s comments, and public UH statements strongly suggest administrators canceled the screening and opening ceremonies because the exhibition offended certain groups. UH must not censor campus artistic expression over concerns about reactions to an exhibit. It is among the “bedrock principles underlying the First Amendment ... that the government may not prohibit the expression of an idea simply because society finds [it] offensive or disagreeable.”¹² This applies with particular force to public universities like UH dedicated by their fundamental nature to free inquiry, intellectual debate, and creative

⁴ Sarah Grunau, *University of Houston cancels opening ceremony, increases security around “satanic” art installation*, HOUSTON PUBLIC MEDIA (Feb. 27, 2024), <https://www.houstonpublicmedia.org/articles/arts-culture/2024/02/27/479098/university-of-houston-cancels-opening-ceremony-increases-security-around-satanic-art-installation/>.

⁵ Rhea Nayyar, *Texas School Cancels Artist’s Talk After Anti-Abortion Group Complaints*, HYPERALLERGIC (Feb. 27, 2024), <https://hyperallergic.com/874193/houston-university-cancels-shahzia-sikander-talk-after-anti-abortion-group-complaints/>.

⁶ Grunau, *supra* note 4.

⁷ Helen Stoilas, *‘Shame on those that silence artists’: Shahzia Sikander speaks out after her opening in Texas is cancelled*, THE ART NEWSPAPER (Feb. 26, 2024), <https://www.theartnewspaper.com/2024/02/26/shahzia-sikander-speaks-out-after-her-opening-in-texas-is-cancelled>.

⁸ B.D. Hobbs, *The University of Houston Adds A Pro Abortion Statue to Campus*, KTRH (Feb. 27, 2024), <https://ktrh.iheart.com/featured/houston-texas-news/content/2024-02-26-the-university-of-houston-adds-a-pro-abortion-statue-to-campus/>. In the weeks leading to the formal opening, the Texas Right to Life group circulated a petition urging UH to cancel the exhibition because they interpret that “Witness” uses “satanic imagery” that honors abortion and contradicts their religious beliefs. *Satanic Abortion Statue Coming to Houston February 28*, TEX. RIGHT TO LIFE, <https://texasrighttolife.com/satanic-abortion-statue-coming-to-houston-february-28/> [<https://perma.cc/V2LQ-BR8G>].

⁹ Grunau, *supra* note 4.

¹⁰ Sara Weissman, *U of Houston Cancels Art Event for Sculpture Deemed ‘Satanic’*, INSIDE HIGHER ED (March 5, 2024), <https://www.insidehighered.com/news/students/diversity/2024/03/05/u-houston-cancels-event-sculpture-deemed-satanic>.

¹¹ Nayyar, *supra* note 5.

¹² *Texas v. Johnson*, 491 U.S. 397, 414 (1989). This protection extends to artistic expression, especially if it sends a political message or touches upon other matters of public concern, as does Sikander’s work. *Id.* at 404 (holding freedom of expression “does not end at the spoken or written word”).

discovery.¹³ As the Supreme Court has held, “mere dissemination of ideas...on a state university campus may not be shut off in the name alone of ‘conventions of decency.’”¹⁴

Nor should UH have cancelled the screening of *Reckoning* or otherwise restricted Sikander’s exhibit due to a possibility of protests. Doing so ratifies a “heckler’s veto,” where an institution cancels or significantly modifies an event in the face of a real or potential disturbance.¹⁵ Caving to this pernicious form of censorship—in which those opposed to expression seek to silence it through threats or uses of violence—incentivizes critics to issue more threats whenever they dislike a speaker’s views.¹⁶

Censoring parts of Sikander’s exhibit also eliminates opportunities for campus and off-campus constituencies to respond to the art with peaceful, non-disruptive protest—the “more speech” remedy to offensive expression that free speech principles prefer to enforced silence.¹⁷ Students or faculty who object to Sikander’s work are free to “avert their eyes.”¹⁸ The university, however, must not censor the work. FIRE accordingly urges UH to immediately reschedule the opening ceremony and film screening for the earliest possible date. We request a substantive response to this letter no later than close of business on Friday, March 22.

Sincerely,



Graham Piro
Program Officer, Campus Rights Advocacy

Cc: Rachel Mohl, Executive Director and Chief Curator, Public Art UHS

¹³ *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967) (describing the unique role of universities as “peculiarly the ‘marketplace of ideas’”) (internal citations omitted).

¹⁴ *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 670 (1973).

¹⁵ See, e.g., Zach Greenberg, *Rejecting the ‘heckler’s veto,’* FIRE (June 14, 2017), <https://www.thefire.org/news/rejecting-hecklers-veto>.

¹⁶ See, e.g., *Bible Believers v. Wayne Cnty*, 805 F.3d 228, 255 (6th Cir. 2018).

¹⁷ *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).

¹⁸ *Cohen v. California*, 403 U.S. 15, 21 (1971).