



December 17, 2024

J. Larry Jameson
Office of the President
University of Pennsylvania
1 College Hall, Room 100
Philadelphia, Pennsylvania 19104-6380

Sent via U.S. Mail and Electronic Mail (president@upenn.edu)

Dear President Jameson:

FIRE¹ is concerned by the University of Pennsylvania's unilateral cancellation, based on unspecified security concerns, of Professor Amy Wax's seminar featuring political commentator Jared Taylor. Penn's laudable written commitment to free speech and the open exchange of ideas, which you have promised to uphold,² precludes the university from interfering with professors' classes based on undisclosed safety threats. We urge Penn to allow Wax to exercise her academic freedom and host Taylor at the law school.

Our concerns arise from Carey Law School Dean Sophia Lee's November 22 email to Wax about the December 3 session of her Conservative Political and Legal Thought seminar at which Taylor was invited to speak:³

My understanding is that you have not shared needed information with the Division of Public Safety for making security arrangements for Jared Taylor's visit to the Law School. If you are having him visit your class on December 3, your class will be held at the Inn at Penn. Please provide details of your plan to Felicia or DPS by the close of business on Monday, November 25 or you will

¹ As you may recall from prior correspondence, the Foundation for Individual Rights and Expression (FIRE) is a nonpartisan nonprofit dedicated to defending freedom of speech. You can learn more about our mission and activities at thefire.org.

² A message from Interim President J. Larry Jameson, UNIV. OF PA., <https://president.upenn.edu/announcements/message-interim-president-j-larry-jameson> [<https://perma.cc/3B5T-DP26>].

³ Email from Sophia Lee, Carey Law School Dean, to Amy Wax, professor (Nov. 22, 2024, 2:36 PM) (on file with author). The discussion here reflects our understanding of the relevant facts, though we appreciate you may have additional information and invite you to share it with us. To that end, please find enclosed an executed privacy waiver authorizing you to do so.

not be able to host him at the Inn at Penn and we will assume you will make your own arrangements to host him outside of the Law School.

Wax, who had hosted Taylor before, responded that this was the first time Penn had contacted her about security for her class and that she believed no security would be required.⁴ Lee, in turn, warned Wax the law school would not host Taylor if she did not contact DPS by November 25.⁵ Wax did not contact DPS, telling Lee that it is ultimately Penn’s responsibility to address any outside disruption to her class, and offering to meet with Lee to discuss this issue.⁶ Lee did not meet with Wax, and on November 26, the Penn Law Registrar’s Office informed Wax’s class that her session with Taylor would not be able to take place in the law school.⁷ Lee later told Wax this was “an operational decision made after consultation with the Division of Public Safety and review of the University’s Open Expression guidelines.”⁸

Lee’s actions contravene Penn’s written commitment that it “affirms, supports and cherishes the concepts of freedom of thought, inquiry, speech, and lawful assembly,”⁹ which encompasses professors’ “academic freedom in teaching and in scholarly inquiry.”¹⁰ Universities dedicated to these values must be places where students and faculty can discuss—and hear from—a wide array of speakers.¹¹ And faculty’s right to invite pedagogically relevant speakers to address their class without interference from administrators or campus safety officials is well within the academic freedom Penn promises to its professors.

Lee’s refusal to allow Wax to host Taylor at the law school is precisely the type of interference foreclosed by Penn’s Guidelines on Open Expression, which caution against canceling expressive events for safety concerns, noting such drastic action is “a most serious step” that “may exacerbate existing tensions.”¹² Instead, universities committed to free speech must make “bona fide efforts” to address potential disruptions to students’ right to listen and

⁴ Email from Wax to Lee (Nov. 22, 2024, 5:43 PM) (on file with author).

⁵ Email from Lee to Wax (Nov. 23, 2024, 1:12 PM) (on file with author).

⁶ Email from Wax to Lee (Nov. 23, 2024, 2:53 PM) (on file with author).

⁷ Email from Penn Carey Law Registrar’s Office to Conservative Political and Legal Thought class section (Nov. 26, 2024, 10:44 AM) (on file with author).

⁸ Email from Lee to Wax (Nov. 27, 2024, 4:15) (on file with author).

⁹ *Guidelines on Open Expression*, UNIV. OF PA., <https://catalog.upenn.edu/pennbook/open-expression> [<https://perma.cc/PH3M-LYZJ>].

¹⁰ *Faculty Handbook*, Academic Freedom and Responsibility, UNIV. OF PA., <https://catalog.upenn.edu/faculty-handbook/ii/ii-a> [<https://perma.cc/VXW6-F8CR>].

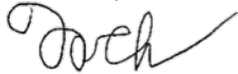
¹¹ *E.g.*, *Gay Students Org. of the Univ. of N.H. v. Bonner*, 367 F. Supp. 1088, 1096 (D.N.H. 1974) (the student right “to hear speakers of their own choice” is one of the “activities traditionally protected by the First Amendment”); *Brooks v. Auburn Univ.*, 296 F. Supp. 188, 190–91 (M.D. Ala. 1969) (First Amendment protects “rights of students and faculty to hear a speaker invited to the campus”); *see also Stanley v. Georgia*, 394 U.S. 557, 564 (1969) (it is “well established” that the First Amendment confers and protects the right to speak as well as “the right to receive information and ideas”). While Penn is not bound by the First Amendment, its free speech policies mirror First Amendment jurisprudence, therefore courts’ interpretations of free speech principles should inform Penn’s commitment to upholding expressive rights and faculty’s reasonable expectation of what those rights encompass.

¹² *Guidelines on Open Expression*, *supra* note 9, at *Responsibilities for Enforcement*.

professors' right to teach.¹³ Such efforts are “the proper response to potential and actual violence” and must occur *before* authorities “suppress legitimate ... [expressive activity] as a prophylactic measure.”¹⁴ Penn’s Guidelines on Open Expression make clear that the burden of providing security for expressive events rests entirely with administrators and DPS—not professors.¹⁵

To the extent Penn’s actions are based on legitimate safety concerns, such as potential disruption to Wax’s class from protestors opposed to Taylor, Penn must disclose those concerns to Wax and provide the necessary security arrangements to allow her class to proceed at the law school.¹⁶ We request receipt of your response no later than close of business January 3, 2025.

Sincerely,



Zachary Greenberg
Faculty Legal Defense Counsel

Cc: Hikaru Kozuma, Vice Provost for University Life
Sophia Lee, Dean and Bernard G. Segal Professor of Law, Penn Carey Law

Encl.

¹³ See *Bible Believers v. Wayne Cnty.*, 805 F.3d 228, 255 (6th Cir. 2018).

¹⁴ *Collins v. Jordan*, 110 F.3d 1363, 1371–72 (9th Cir. 1996); *Bible Believers*, 805 F.3d at 255 (“In a balance between two important interests—free speech on one hand, and the ... power to maintain the peace on the other—the scale is heavily weighted in favor of the First Amendment.”).

¹⁵ *Guidelines on Open Expression*, *supra* note 9, at *Responsibilities for Enforcement* (“It is the responsibility of the Vice Provost for University Life ... to protect and maintain the right of open expression under these Guidelines. ... The Vice Provost or delegate may request members of the University Police to attend meetings, events or demonstrations to help protect the open expression of those involved.”).

¹⁶ Talyor has spoken at Penn and other universities in recent years without incident. Lara Cota & Nicole Muravsky, *Penn law students protest outside white nationalist’s guest lecture at class taught by Amy Wax*, DAILY PENNSYLVANIAN (Dec. 1, 2023), <https://www.thedp.com/article/2023/12/penn-amy-wax-jared-taylor-protest-november-28>. (“The invited speaker was not interrupted nor was he disallowed to speak.”).