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210 West Washington Square, Suite 303 · Philadelphia, PA 19106

Tel: 215.717.3473 · Fax: 215.717.3440 · fire@thefire.org · www.thefire.org

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Ricky Silberman Christina Hoff Sommers enforcement of a University of Arizona regulation that prohibited handbilling on campus; the university's justification was that the protestor's exercise of his freedom of expression through the distribution of controversial handbills caused people to threaten him with violence and therefore created a risk of public disturbance. The Ninth Circuit found in favor of the protestor, noting that "undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression." (\*-d. at 621, citing \*n\xetaer De Mo ne \*\ndep Co^{\delta} n y c D \delta \text{, 393 U.S. 503, 508 (1969)}. Even in the face of extremely hostile reactions, then, the court affirmed that a person has a right to be free from a "heckler's veto" and to express his or her views. A

v ." one , at 621. Yet during the performance of P on of  $eM^{U}$  c , Washington State campus security not only refused to remove the disruptive protestors, but actually told Lee to alter the play in order to avoid angering the very people who were attempting to squelch the cast's expression.

In addition to this university-supported heckler's veto on April 21, subsequent statements made by you and other administrators demonstrate that to defend this heckler's veto the university is even willing to dispense with the most common sense understanding of what a theatrical production is. Such an event is a venue for the director, cast, and others involved in the production to express themselves. It is not a forum for protestors in the audience. Simply put,

. Performing a play is constitutionally protected free speech; however, disrupting a play is not, and threatening people with violence for expressing themselves is potentially criminal. Washington State's argument that Lee and the performers somehow created a public forum in the midst of a theatrical production is preposterous.

FIRE has also discovered that the same Office for Campus Involvement that on April 21 purchased tickets for the 40 student protestors at P on of  $eM^U$  c sponsored a showing earlier this year of Eve Ensler's eM n Mono o Ve, a play that some students would find offensive. In April, the university also sponsored the production of e of e Lo or C n, which included scenes of a young man masturbating onto an American flag and of two characters smoking marijuana. During the fall of 2003, the university sponsored the production of  $Eq^{UU}$ , which contained nudity and "adult" language. Would the university have defended the "right" of a group of students who disliked the content of eM n Mono o Ve, e of e Lo or Ve n, or  $Eq^{UV}$  to disrupt those performances or threaten the performers because they disliked these shows? Would the university, knowing that these students organized and planned such a protest, have purchased tickets on their behalf so that they would not have to pay to see something that offended them?

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