



February 17, 2006

Dr. Richard Herman
Chancellor
University of Illinois at Urbana-Champaign
Swanlund Administration Building
601 E. John Street
Champaign, IL 61820

Dear Dr. Herman:

AMERICAN CIVIL
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RICHARD ZACKS
TREASURER

On behalf of the almost 600,000 members of the American Civil Liberties Union, its board and staff across our 53 offices, I write to express our deep concern and disagreement with the decision to suspend the editor in chief and opinions page editor of the Daily Illini, Mr. Acton H. Gorton and Mr. Chuck Prochaska, for the publication of the controversial cartoons satirizing the Prophet Muhammad.

While we certainly understand the sensitivities surrounding the publication of explosive and controversial content, it has been the long-standing belief of my organization that the best response to speech we find odious and noxious is more speech – not less. Over the last several weeks, we have closely watched the cartoon debate evolve in Europe. Up until this morning's article about your university's decision to suspend students, we had found very little indication of American censorship, threats or reprisals against journalists or publications that ran the cartoons in this country. We had been largely gratified that the issues of free speech and freedom of expression had been so well-established that the contagion of reprisals had not to spread to American outlets. Indeed, we were interested to read that the University of North Carolina, Arizona State University, and University of Arizona have all published the cartoons – without retribution against the students or publications involved.

In that context, we were particularly dismayed that the University of Illinois is now an outlier – and possibly joining forces with those who would censor or prohibit legitimate First Amendment expressions because of their controversial content. To be sure, this is not a new issue for the United States. Unlike many of the other nations now confronting this issue, we have a long history and a well-established jurisprudence defending the right of free expression. We firmly believe that explosive content cannot be used as a means to justify censoring the expressions of ideas or a free press. Indeed, this is the very issue we confront in our litigation to secure photographs and videos of the Abu Ghraib torture, where the government argues that the release of these images would jeopardize

American lives and safety. U.S. District Court Judge Alvin K. Hellerstein in that opinion eloquently wrote:

The terrorists in Iraq and Afghanistan do not need pretexts for their barbarism; they have proven to be aggressive and pernicious in their choice of targets and tactics. They have driven exploding trucks into groups of children at play and men seeking work; they have attacked doctors, lawyers, teachers, judges and legislators as easily as soldiers. Their pretexts for carrying out violence are patent hypocrisies, clearly recognized as such except by those who would blur the clarity of their own vision.

Judge Hellerstein has noted that the explosive photos and videos must be released since their expression serves the public interest.

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We understand that the publication of the anti-Muslim cartoons presents vexing issues for a democracy, but we also believe that that is the price of an open society. As a defender of basic freedoms, the ACLU has been as concerned with free speech as we have been about the rights and treatment of Muslims, Arabs and Asians in the post-9/11 context. Lamentably, it has been those communities that bore the brunt of the civil liberties backlash and whose members have had their rights violated by government officials. Working on these issues from contexts as diverse as racial profiling, rights of detainees in Guantanamo, and selective immigration enforcement, we do not minimize the mistreatment, hatred and scapegoating of Muslims, Arabs and Asians in the United States. To that end, we encourage you to reach out to Muslim and Arab students and ensure that the University is adequately addressing the many legal and immigration issues that your students now confront.

At the same time, we make plain our request that Mr. Gorton and Mr. Chuck Prochaska be reinstated in their positions at the Daily Illini. A formal apology and an explicit commitment to ensuring diverse and divergent voices on your college campus would also ensure an environment of robust and vigorous debate at the University of Illinois.

Because democracy, Dr. Herman, may be a great many things to a great many people. But it must never be a quiet business.

Sincerely,



Anthony D. Romero
Executive Director