



# LIBERTY UNIVERSITY

## OFFICE *of the* PRESIDENT

October 9, 2019

### VIA EMAIL

Betsy DeVos  
Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202  
[betsy.devos@ed.gov](mailto:betsy.devos@ed.gov)

RE: Liberty University Response to Claims of Congressmen Levin and Raskin

Dear Secretary DeVos:

I have read the October 7, 2019, letter addressed to you and signed by Congressman Andy Levin and Jamie Raskin and write to note that it contains many false statements and erroneous conclusions. Specifically regarding Liberty University, it wrongly claims that Liberty University has acted in violation of the First Amendment, Title IX and Executive Order 13864. In doing so, its authors demonstrate a fundamental lack of understanding of the scope and purpose of all three.

First, as a private university, Liberty University simply cannot violate the First Amendment of its students because, as you know, the First Amendment is a limitation on the government's power to regulate private speech and association. So the behavioral limitations Liberty University places on students through its conduct code, such as prohibiting viewing pornography and sex outside of biblical marriage, are fully consistent with the proper role of a Christian institution of higher education in the US and are what both its students and their parents expect. The "censorship" wrongly claimed by the Congressmen was simply Liberty University exercising its editorial control over the Liberty Champion, the newspaper it owns, publishes and fully funds staff payroll. Even though most of that staff consist of student employees, it is not and has never been a "student newspaper." On one occasion prior to the 2016 election, Liberty limited its paper to one pro-Hillary Clinton piece in the October 25 issue, opting for the opinion page versus the sports page column. The sports editor's column that was passed over was set to run in the next issue but he quit instead. Indeed, it would be a violation of the First Amendment if the federal government were to act to force Liberty to print anything in its own newspaper or punish it for failing to print anything in its own newspaper. Sadly, that is just what the Congressmen invite you to attempt in their letter.

Second, to the extent Liberty University's code of conduct furthers its founding religious tenets, Congress wisely included a religious exemption in Title IX to protect the University's right to do so. As you are aware, this exemption is self-executing under the law, requiring no further action by Liberty University. So, again, the Congressmen are incorrect. Liberty's religiously-based rules do not violate Title IX.

Third, Liberty University has done nothing to violate the March 21, 2019, Executive Order regarding free speech on campus. The incidents cited by the Congressmen all predate the effective date of the Executive Order. Moreover, none of them would violate it had it been in effect. Liberty University has consistently complied with all its institutional policies regarding freedom of speech, including free inquiry.

Unlike most of its counterparts in the United States, Liberty University actually promotes free speech and free expression. Using its own resources, Liberty University invites conservatives and liberals, as well as Democrats, Republicans, Libertarians and Independents to its regular student Convocation forums and commencement ceremonies. Other institutions disinvite conservative commencement speakers when campus opposition forms, allow hecklers to prevent conservative voices from being heard, and force conservative student organizations to organize and fund any non-liberal speakers, sometimes forcing them to bear security costs, and then cite public safety as a reason to cancel those speaking events. While outside protesters are not generally permitted access to Liberty's campus to protest, students can and do readily obtain permission to protest. Faculty at Liberty have academic freedom, as well.

It is indeed a shame that two federal legislators can be so out of touch with the basic civics concerning the laws about which they wrote you. This is especially shameful with Congressman Raskin being the Vice Chair of the Judiciary Committee's Subcommittee on the Constitution, Civil Rights and Civil Liberties and Congressman Levin serving on the Education and the Workforce Committee. Even so, we understand if your Department must respond in some way to this openly politically motivated pressure and Liberty University will respond to any Department of Education inquiry concerning these matter to set the record straight.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Falwell", written in a cursive style.

Jerry Falwell  
*President*

cc: Rep. Jamie Raskin c/o Lauren Doney Deputy Chief of Staff - lauren.doney@mail.house.gov  
Rep. Andy Levin c/o Ven Neralla, Chief of Staff - ven.neralla@mail.house.gov