

BRIGHAM YOUNG UNIVERSITY
PROVO, UTAH 84602-8000
(801) 422-6842/FAX: (801) 422-0399



April 7, 2017

His Excellency, Dr. János Áder
President of the Republic of Hungary
Office of the President of the Republic of Hungary
1536 Budapest, Pf. 227
Hungary

Sent via Email: c/o haszronicsne.maria@keh.hu

Dear President Áder,

We are faculty members in the departments of law and political science at Brigham Young University in the United States. We are writing on BYU letterhead for purposes of identification and to facilitate possible communication, but emphasize that we are doing so in our personal capacities. We have enjoyed close ties with Central European University over many years, including teaching dozens of courses, working with graduate students, and engaging in joint research with CEU colleagues. We write today to urge that you veto the legislation recently passed by the Hungarian parliament and refer it to the Hungarian Constitutional Court for review.

By way of background, our home institution is the largest religiously affiliated university in the United States. While we come from an institution that would be widely viewed as religious and conservative, we have always been welcomed at Central European University as a voice that enhanced the diversity and richness of CEU's academic offering. BYU has, in turn, sought to reciprocate by providing opportunities for all recent Hungarian ambassadors to the United States to visit our campus and to give widely-attended public lectures. In just the last few years, BYU has hosted Ambassadors Csaba Körösi, György Szapáry, and Réka Szemerkenyi, along with Consul General Lazlo Kalman.

Against this backdrop, we are dismayed by the potential effects of the legislation recently passed by parliament. As has emerged in public discussions, the legislation clearly targets CEU, and in addition to violating canons of academic freedom, is clearly discriminatory in character. It is also inconsistent with recognized rule of law constraints, both in terms of procedural irregularities flowing from the breakneck speed with which the legislation was passed, and more substantive problems relating to the arbitrary targeting of CEU. Significant vested property interests are also at stake, raising questions of de facto taking of property. In contrast to the arbitrary and precipitous action of Parliament in this matter, we are conscious that the University, for its part, has scrupulously complied with applicable Hungarian laws. Indeed, within the past month, CEU received confirmation from the responsible government officials that it was in compliance with all applicable legislation.

An additional concern for those of us who regularly teach at CEU is that contrary to past practice, the new legislation would require us to obtain a work permit each time we come to CEU to teach. This will impose an unnecessary burden, particularly in view of the fact that our visits to CEU are generally only for short (but recurring) periods. We have appreciated the courtesy of not having to spend hours going through this process in the past. We would think compliance with normal visa requirements would be enough.

The charge has been made that CEU's present status allows it to compete unfairly with other Hungarian higher education institutions. But CEU is not "competing." It takes only graduate students in limited numbers and operates on a purely non-profit basis. A substantial number of its students come from outside Hungary, and become permanent friends of the country as a result of their time at the university. CEU simply does not have an adverse effect on other Hungarian universities, whether state- or privately-operated. Instead, it enriches higher education in Hungary by making available programs and academic visitors who would not otherwise come to Budapest.

In classes we have taught at CEU, we have been impressed with the opportunities Hungarian students have had to interact with students from other cultures and backgrounds. It is a genuine benefit for Hungarian students to study in such a rich international environment, and at the same time, it is an important benefit for Hungary that so many foreign students leave with a permanent appreciation for Hungary and its culture. We are also aware that for many years, BYU (and many other U.S. institutions) have had agreements allowing American students to study at CEU and allowing CEU students to study in the United States. One would be hard-pressed to find a better way to build life-long bridges between cultures.

It is no surprise that there has been a massive outpouring of support for CEU's position. CEU has been an important contributor to the richness of academic life in Hungary. More than that, leading countries such as the United States and Hungary's partners in the European Union understand the significance of academic freedom for a genuinely free and pluralistic society. The statement recently issued by the United States Department State (see <https://www.state.gov/r/pa/prs/ps/2017/03/269343.htm>) is representative of views in many countries. We second the statement of the U.S. Department of State in urging "the Government of Hungary to avoid taking any legislative action that would compromise CEU's operations or independence." We urge that the recently passed legislation be vetoed and referred to Hungary's Constitutional Court for further action.

Sincerely,

W. Cole Durham, Jr., Susa Young Gates University Professor of Law
J. Clifton Fleming, Ernest L. Wilkinson Professor of Law
Kirk Hawkins, Associate Professor of Political Science
Wade Jacoby, Mary Lou Fulton Professor of Political Science
Brett G. Scharffs, Francis R. Kirkham Professor of Law