



SPEECH FIRST

1300 I St NW Suite 400E
Washington, DC 20005

April 26, 2021

Dr. Richard D. Muma
Interim President
Wichita State University
1845 Fairmount St.
Wichita, KS 67260-0001

RE: Free Speech at Wichita State University

Dear President Muma:

Speech First is an organization that is dedicated to preserving the First Amendment by fostering a lively marketplace of ideas on college campuses throughout the United States. We seek to defend and preserve First Amendment principles of free speech and expression through our advocacy and litigation. As President of Speech First, I am writing to implore you to protect these First Amendment principles on your campus by issuing a public statement in support of free expression and intellectual diversity.

Your students have demonstrated the necessity of such a reaffirmation by their recent attempts to silence Olivia Gallegos. Ms. Gallegos is a student senator who suggested the Student Government Association honor Morgan Zegers, a prominent female conservative, in a Women's History Month social media post. Gallegos explained that she wanted to highlight Zegers to show "diversity" and inclusiveness to "all ideologies." But the student body was not interested in such intellectual diversity. Several student senators and members of the student body have demanded that Ms. Gallegos resign from her position or be charged with a code of conduct violation. Some have even resorted to issuing threatening ultimatums: "you got 4 hours to resign, you either resign or we keep the pressure coming, up to you."¹

Such demands reflect a fundamental misunderstanding of the importance of free expression amongst your student body. In response to the situation the University has stated that it "does not restrict students from free speech."² This does not go far enough. As you have recognized, "the free expression of diverse ideas helps" Wichita State "flourish and, most importantly, . . . helps . . . students develop into

¹ Elizabeth Louise, "Wichita State University Student Gov't Senator Threatened For Highlighting Female Conservative Activist In Women's History Month Twitter Post," *The Daily Caller* (Mar. 27, 2021), <https://bit.ly/3sNymrm>.

² *Id.*

well-rounded and thoughtful global citizens.”³ And the University has long claimed to be committed to “maintaining an environment that is a marketplace of ideas . . . where freely exchanging ideas is not compromised because the ideas are to some offensive, unwise, disagreeable, too conservative, too liberal, too traditional, radical, or wrong-headed.”⁴ We urge you to reaffirm these principles in a statement promoting freedom of expression and condemning attempts to silence Ms. Gallegos.

The Supreme Court has long recognized that “[t]he vigilant protection of constitutional freedoms” such as freedom of speech and expression “is nowhere more vital than in the community of American schools [of higher education].” *Healy v. James*, 408 U.S. 169, 180 (1972). This “right to speak freely and to promote diversity of ideas and programs is . . . one of the chief distinctions that sets us apart from totalitarian regimes.” *Terminiello v. City of Chicago*, 337 U.S. 1, 4 (1949).

The First Amendment protects not only the speaker but the listener as well: “[f]reedom of speech presupposes a willing speaker. But where a speaker exists, as is the case here, the protection afforded is to the communication, to its source and to its recipients both.” *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council*, 425 U.S. 748, 756 (1976). Or as Frederick Douglass put it, “[t]o suppress free speech is a double wrong. It violates the rights of the hearer as well as those of the speaker.”⁵ American universities are “peculiarly the marketplace of ideas,” training future leaders “through wide exposure to that robust exchange of ideas which discovers truth out of a multitude of tongues, rather than through any kind of authoritative selection.” *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967).

Those calling on Ms. Gallegos to resign base their demands directly on Morgan Zegers’s purportedly offensive views. But speech should not be suppressed because it is merely “offensive.” *Piarowski v. Illinois Community College*, 759 F.2d 625, 630 (7th Cir. 1985). “The discomfort and unpleasantness that always accompany an unpopular viewpoint” is a function of a free society and no speaker should be silenced just because students disagree with the content of their message. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 509 (1969).

As the president of a university, you have a duty to stand against the “mobocratic spirit”⁶ that animates the attacks on Ms. Gallegos. Without the vigorous exchange of ideas on campuses protected by the First Amendment, “our civilization will stagnate and die.” *Sweezy v. N.H. ex rel. Wyman*, 354 U.S. 234, 250 (1957). We

³ Paul Sullentrop, “Panel discussed universities’ responsibilities with Freedom of Expression,” WSU News (Apr. 2, 2021), <https://bit.ly/32MxubT>.

⁴ Wichita State University, “University Values on Freedom of Thought, Speech and Expression” available at <https://bit.ly/2QVxsvC>.

⁵ Frederick Douglass, *A Plea for Free Speech in Boston* (Dec. 10, 1860).

⁶ Abraham Lincoln, *The Perpetuation of Our Political Institutions: Address Before the Young Men’s Lyceum of Springfield, Illinois* (Jan. 27, 1838).

urge you to use this lamentable episode as an opportunity to educate your students on the importance of the free exchange of ideas to a free society.

Thank you for your time and consideration of these pivotal issues.

Sincerely,

/s/ Cherise Trump

Executive Director, Speech First