



FIRE

Foundation for Individual
Rights and Expression

March 3, 2023

Vanessa Beasley
Office of the President
Northrup Hall, Suite 400
One Trinity Place
1101 Camden Avenue
San Antonio, Texas 78212-7200

URGENT

Sent via U.S. Mail and Electronic Mail (tupresident@trinity.edu)

Dear President Beasley:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,¹ is concerned by a report that Trinity University required Speech First Executive Director Cherise Trump to purchase liability insurance as a condition of her appearance on campus at the invitation of a student group. While Trinity is a private, religious university, it makes affirmative promises of free expression to its students. Accordingly, it cannot burden their rights by creating additional barriers for certain, speculatively controversial, campus speakers.

Young Conservatives of Texas invited Ms. Trump to appear on campus on Friday, March 3.² As a condition of her campus appearance, Trinity's administration required that Trump purchase liability insurance due to concern about the potential campus reaction to the event, which allegedly presented an "elevated risk."³ Director of Risk Management & Insurance Jennifer Adamo told student organizers that "[i]n this case, there is potential for others to mistakenly believe that Cherise Trump is related to Donald Trump which may attract opposing groups so it was recommended to request a COI [Certificate of Insurance] from her organization, Speech

¹ For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our recently expanded mission and activities at thefire.org.

² The recitation of facts here reflects our understanding of the pertinent facts, which is based on public information. We appreciate that you may have additional information to offer and invite you to share it with us.

³ Aaron Sibarium, *Her Name is Trump. That Makes Her an 'Elevated Risk,' According to Trinity University*, WASH. FREE BEACON (Feb. 28, 2023), <https://freebeacon.com/campus/her-name-is-trump-that-makes-her-an-elevated-risk-according-to-trinity-university>.

First.”⁴ Another university administrator also said YCT indicated there was potential for protests of the event, despite the group marking “no” for the question “is there a potential violence or non-peaceful disturbance or protest during this event?” on the event form.⁵

FIRE understands Trinity’s interest in taking reasonable and narrowly tailored security measures to ensure student-organized events occur without significant disruptions, including due to protests. In fact, if an event disruption were to occur, we would call on Trinity to take action to ensure the planned speech could continue. Otherwise, the university would capitulate to a “heckler’s veto,” where a speaker’s event is substantially disrupted or canceled because of actual or potential hostility of those ideologically opposed to the event.⁶

But Trinity cannot force a speaker invited by a student group to campus to shoulder excessive security costs simply because some students may choose to protest her event, for any reason. Such viewpoint-discriminatory requirements chill student expression as the excessive costs may dissuade invited speakers deemed controversial from coming to campus in the future. In turn, this inappropriately and significantly limits the viewpoints students can bring to campus.

While Trinity, as a private, religious university, is not bound by the First Amendment to uphold student expressive rights, it does make strong, independent promises that students have the right to free expression:⁷

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Trinity further states that students “shall enjoy the same freedom of speech, peaceful assembly, and the right to petition that all other students enjoy.”⁸ Accordingly, First Amendment jurisprudence provides a useful baseline for understanding the scope of expressive rights Trinity students and faculty reasonably expect.

Despite the First Amendment’s well-established intolerance of viewpoint discrimination, Trinity has affixed a viewpoint-based price tag to Young Conservatives of Texas’s expression. The Supreme Court addressed precisely this issue when it struck down a Georgia ordinance permitting the local government to set varying fees for events based upon how much police

⁴ *Id.*

⁵ *Id.*

⁶ *See, e.g.,* Zach Greenberg, *Rejecting the ‘heckler’s veto,’* FIRE (June 14, 2017), <https://www.thefire.org/news/rejecting-hecklers-veto> (detailing trends concerning the increased use of violence and other disruptive tactics to silence speakers on college campuses).

⁷ *Statement on Student Rights and Responsibilities*, TRIN. UNIV., <https://policies.trinity.edu/2d0855dc-c520-461f-bb88-a8468fcf05a3.pdf?v=8mh0jvcBd0OQ3vxLchzv9Q2> [<https://perma.cc/8EU9-PVKG>].

⁸ *Id.*

protection the event would need.⁹ Declaring the ordinance unconstitutional, the Court wrote “[t]he fee assessed will depend on the administrator’s measure of the amount of hostility likely to be created by the speech based on its content. Those wishing to express views unpopular with bottle throwers, for example, may have to pay more for their permit.”¹⁰ Because Trinity promises expressive rights, it must not engage in this type of viewpoint-discrimination.

Trump and the Young Conservatives of Texas are not shielded from every consequence of their expression—including criticism by students, faculty, the broader community, or the university itself. Criticism is a form of “more speech,” the remedy to offensive expression that the values of the First Amendment prefer to censorship.¹¹ But Trinity cannot require that certain speakers pay extra to speak on campus at the invite of students, especially when such a requirement is imposed in a viewpoint-based manner.

We request a substantive response this letter no later than the close of business on Monday, March 6, assuring that Trinity will not require that any other campus speakers purchase insurance policies as a prerequisite of speaking on campus.

Sincerely,

A handwritten signature in black ink, appearing to read "Graham Piro". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Graham Piro
Program Officer, Campus Rights Advocacy

Cc: Jennifer Adamo, Director of Risk Management & Insurance

⁹ *Forsyth County v. Nationalist Movement*, 505 U.S. 123, 134-35 (1992).

¹⁰ *Id.*

¹¹ *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).