

## TAKING ACTION TOGETHER

Just over a year ago, FIRE expanded our focus from safeguarding free speech on university campuses to protecting free speech everywhere across the country. Our goal? For Americans to overwhelmingly support the rights of everyone to freely express their views — no matter what.

In these pages you'll read story after story describing FIRE's amazing work, but I want to highlight a few examples where folks like you stood with us to launch a principled defense of free speech on campuses, at town councils, in the federal government, and beyond. We rely on FIRE supporters like you to defend free speech with us — and that means taking action whenever and wherever censors strike.

When editors at Puffin Books announced plans to purge Roald Dahl's classic children's books of language they found too "problematic" for modern audiences, free expression proponents leapt into action, with thousands joining with FIRE to quickly contact the publisher demanding the original texts be preserved. Shortly after, Puffin Books released a statement announcing the publication of "The Roald Dahl Classic Collection," which will preserve Dahl's original texts.

After protesters chased down former NCAA swimmer Riley Gaines following her speech at San Francisco State University, hundreds of free expression advocates contacted the school's president to explain that the administration had failed to honor students' First Amendment rights. Following FIRE's aggressive email campaign, the president announced the school would investigate the incident, pursue punishment for any unlawful behavior, review its policies to ensure nothing like this disruption happens again, and strengthen its efforts to teach students about free speech.

Local officials in Franklin, Tennessee, put forward for consideration a "Community Decency Policy" that would have allowed for an overbroad and unconstitutional ban on behavior which "does not align with generally accepted community standards." After a month of advocacy from hundreds of Tennessians and others around the country, the proposal was voted down unanimously!

Together, we've made great strides for expressive rights, and we're just getting started.

FIRE staffers are hard at work collaborating with alumni to bring pro-free speech reform to their alma maters, aiding students who wish to educate their classmates about the state of free expression, working with well-known individuals to publish articles on relevant topics, assisting faculty who are beginning to create associations of their own to defend academic freedom, and empowering members of the public to defend their rights.

Bottom line: To create a culture of free speech in which we seek to listen rather than censor, we need people like you in our corner, and I wouldn't have it any other way.

Thank you for standing beside us as we strive to preserve free speech and expression for all.

Connor Murnane
Director, Engagement and Mobilization



## CORNELL UNIVERSITY USHERS IN YEAR OF FREE EXPRESSION

After FIRE's advocacy, this Ivy League institution is turning over a new leaf.

Amid mounting pressure from free speech supporters, Cornell President Martha E. Pollack announced in April a university-wide initiative to explore the theme of free expression and academic freedom throughout the next academic year. The president's plan may be just what the doctor ordered, as Cornell students continue to trample on free speech norms.

In November, students shouted down conservative commentator Ann Coulter. And in March, the student assembly attempted to compel faculty speech, unanimously voting to pass a resolution requiring faculty to provide content warnings before students face potentially triggering material in class.

After the shoutdown, we called on Cornell to implement educational programming to teach students about free speech. Later, we urged Cornell to reject the student assembly's resolution because it would infringe on faculty members' freedom to determine what to teach and how to teach it.

Cornell's actions are promising.
First, it rejected the content warning

resolution, telling students that the recommendations would "infringe on our core commitment to academic freedom and freedom of inquiry, and are at odds with the goals of a Cornell education." And now, it's gearing up for an entire academic year filled with free expression-themed programming designed to teach students the importance of engaging with controversial views.

"Learning from difference, learning to engage with difference and learning to communicate across difference are key parts of a Cornell education," said Pollack. "Free expression and academic freedom are the bedrock not just of the university, but of democracy."

We couldn't agree more — and have been saying so for years. In 2021, FIRE hosted a webinar specifically focused on Cornell, titled, "Cornell University and Free Speech: an Unauthorized Look at the Campus Climate," to provide alumni with information about the free speech climate at their alma mater. We spoke with a student and professor and walked through how alumni could bring reform to campus.

"Learning from difference, learning to engage with difference and learning to communicate across difference are key parts of a Cornell education."

- Martha E. Pollack
President, Cornell University

After the webinar, alumni activists demanded the university uphold its students' and faculty members' right to free expression and wrote a letter asking Cornell to add free expression training to its new student orientation.

It was in the wake of these initiatives that Pollack centered her welcome address at 2022's student convocation around free speech, civil discourse, and communicating across differences. Now, with her latest announcement, we're pleased to see that she's keeping the momentum going.

The efficacy of FIRE's work dramatically increases when alumni, students, and faculty lift up their voices in favor of free expression. We hope Cornell will become a model for institutions across the country, revealing why educating students and faculty on their expressive rights benefits the entire community.





### LAWSUIT

## THE SHOW MUST GO ON

## FIRE to university president who canceled charity drag show: Disliking expression isn't grounds for banning it.

In March, members of a West Texas A&M student group, Spectrum WT, faced an unpleasant surprise when their college president, Walter Wendler, unilaterally canceled their charity drag show which would have raised funds for LGBTQ+ suicide prevention.

Remarkably, Wendler appeared to recognize that his action violated the law. In a campus-wide email, he stated that he was canceling the event due to his personal beliefs even though the "law of the land appears to require" him, as the leader of a public university, to permit student expression he dislikes.

Of course, public university officials cannot simply decide to ignore the Constitution when they feel like it.

"College presidents can't silence students simply because they disagree with their expression," said FIRE attorney Adam Steinbaugh. "The First Amendment protects student speech, whether it's gathering on campus to study the Bible, hosting an acidtongued political speaker, or putting on a charity drag show."

That's why when FIRE caught wind that censorship was blowing through Texas, we implored Wendler to restore the event, reminding him that drag performances are inherently expressive acts protected by the First Amendment. But he didn't back down. So now we've taken our involvement a step further, representing the student group and two of its leaders in a lawsuit against Wendler and other Texas A&M University System officials.

"President Wendler has made it clear to us that he knows what his legal obligations are, but he chose to ignore them, and we are thankful to FIRE for taking up our case to protect our First Amendment rights," said Spectrum WT President Bear Bright.

The lawsuit seeks to halt Wendler's unlawful censorship and obtain damages for the violation of the students' First Amendment rights.

We're also bringing attention to the fact that Wendler's actions violate a 2019 Texas campus free speech law backed by broad bipartisan support and signed by Gov. Greg Abbott. The law states that a university "may not take action against a student organization or deny the organization any benefit" on the basis of "any expressive activities of the organization."

"Public colleges and universities must be beacons of free expression, not Orwellian conformity centers," said FIRE senior attorney JT Morris.

"This edict is textbook viewpoint discrimination," said FIRE attorney Conor Fitzpatrick. "Wendler's personal opinion on drag shows does not override the Constitution. The show must go on."

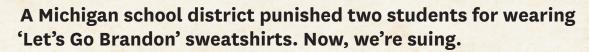
"Hopefully, this lawsnit will not just help the LGBTQ+ students here at WTAMU protect our rights, but also help protect students' rights across the U.S."

- Bear Bright
President, Spectrum WT

## LAWSUIT

## 'LET'S GO' ... TO COURT

IN THE MEDIA! This story was covered by The New York Times, The Washington Post, and USA Today among other print and broadcast outlets.



In early 2022, two Michigan students wore sweatshirts to school with the phrase, "Let's Go Brandon," a political slogan critical of President Joe Biden and a cultural reference to a more

profane chant.

An assistant principal and a teacher at Tri County Middle School ordered the boys to remove the sweatshirts, wrongly relying on a policy that prohibits "profane" clothing to censor the message. But the message on the students' sweatshirts isn't profane. We said as much in April when we launched a lawsuit against the school district on behalf of the two students.

"The slogan exists as a way to express an anti-Biden message without using profanity," explained FIRE attorney Conor Fitzpatrick. "A public school district cannot censor speech just because it might cause someone to think about a swear word."

What's more, the same school district that punished the students for wearing the sweatshirts allowed other students to express another political message: support for gay pride. It ordered a student to remove a Trump 2024 flag while allowing other students to wear pride flags as capes on field day, when the school relaxes its dress code. This reveals that the district engaged in blatant, unconstitutional viewpoint discrimination.

"Whether it's a Biden sticker, 'Let's Go Brandon' sweatshirt, or gay pride T-shirt, schools can't pick and choose which political beliefs students can express," said Fitzpatrick.

Indeed, political speech falls squarely within the First Amendment's protection.
And Supreme Court precedent confirms that it's a right enjoyed by K-12 students.

In the 1969 Supreme Court case of Tinker v. Des Moines, the Supreme Court affirmed public school students' First Amendment right to wear black armbands to school protesting the Vietnam War. The Court stressed that students disagreeing with each other is not only "an inevitable part of the process of attending school; it is also an important part of the educational process."

"These students should not only be allowed to express their political beliefs, but should be encouraged to do so," said FIRE attorney Harrison Rosenthal. "America's students must be free to exercise their constitutional rights, not just learn about them."

With the lawsuit, we aim to secure that freedom. We're seeking a court order

blocking the school district's viewpoint-discriminatory ban on "Let's Go Brandon" apparel and a provision of its dress code banning students from wearing clothing which "calls undue attention" to the student.

We hope the Michigan court will see the case our way, recognizing the value of an educational environment in which K-12 students are free to engage in political speech.





FIRE President and CEO Greg Lukianoff

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## **CHANGING HEARTS AND MINDS**

#### REFLECTING ON THE FIRST YEAR OF FIRE'S EXPANSION

On June 6, 2022, FIRE expanded the scope of its mission to become the premier defender of free expression nationwide. One year later, we're working tirelessly on behalf of individuals of all backgrounds and perspectives, protecting free speech throughout the country without fear, favor, or apology. And we already have a lot to show for our efforts.

Since the expansion,
FIRE has notched win
after win in cases
with broad impact, protecting the
rights of political campaigners in
Pennsylvania, bloggers in New York,
and concerned citizens of Eastpointe,
Michigan. And we've filed numerous
amicus briefs in key First Amendment
cases, defending — among other
things — the right to parody, to
freedom of association, and to speak
up at public school board meetings.

Simultaneously, we've redoubled our efforts on campus. Since the expansion, we achieved more than 100 case victories for students and faculty,

improved 48 campus speech policies on 24 campuses, and launched four campus lawsuits. We spoke up for due process protections for students and against DEI requirements in faculty hiring. Our efforts on behalf of a University of South Florida student and

> professor even led a judge to halt enforcement of key provisions of Florida's Stop WOKE Act, enabling higher ed students and faculty to freely discuss concepts related to race and sex in

the classroom.

190,000 new subscribers

Seeing the positive difference we have made together with our allies and supporters inspires us to continue apace. In order to arm even more Americans with the knowledge necessary to continue the fight, FIRE is conducting extensive research on the state of free speech at American campuses with our biggest yet "College Free Speech Rankings" report. We've also facilitated opportunities for free speech advocates to meet and work with one another, expanding

the membership base of our student network, faculty network, and alumni network. Outside the classroom, we launched multiple national and city-wide ad campaigns. And we're generating buzz. Since June 2022, our email list attracted more than 190,000 new subscribers, our social media accounts gained more than 120,000 new followers, and more than 3.7 million people visited our website. FIRE's work was mentioned more than 7,000 times in media outlets across the country including The New York Times, The Washington Post, and the Wall Street Journal. And our videos on YouTube and TikTok amassed more than 15 million views.

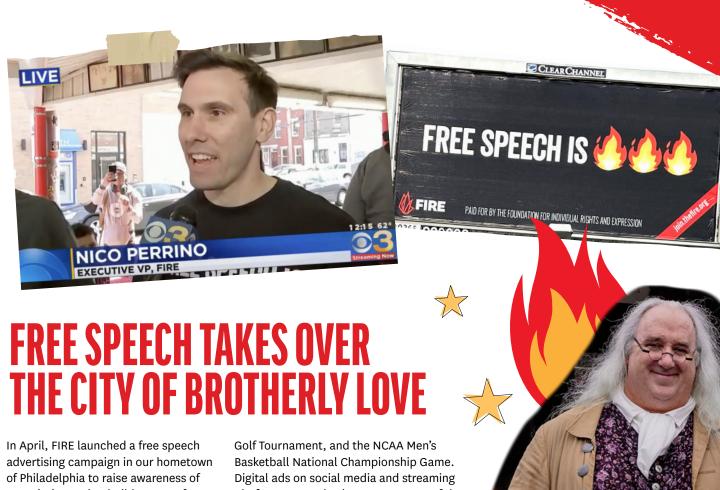
The message is ringing out loud and clear.

Americans need an unapologetic, nonpartisan free speech defender dedicated to protecting the right to freely speak, listen, teach, and learn. FIRE is proud to fill that role — and it's all thanks to your help and support.









our mission and to build support for our new \$25 membership program.

The campaign was a smashing success. By the end of the effort, we saw a 238% increase in FIRE's brand awareness, with nearly 1 in 4 Philadelphians aware of FIRE compared to roughly 1 in 15 before the campaign. We also saw an astounding 1,120% increase in email signups and a 1,025% increase in donations originating from Philadelphia.

The campaign kicked off with a "Free Cheesesteaks for Free Speech" event at Pat's and Geno's, two of Philadelphia's most famous cheesesteak restaurants. We gave away 1,791 free cheesesteaks to honor the ratification of the First Amendment in 1791. The event was covered by all of Philadelphia's major TV and radio stations.

As part of the "surround sound" campaign, FIRE took over more than 100 billboards throughout the area and dozens of displays at the Philadelphia International Airport. We produced compelling TV and radio ads that ran throughout the month, including during Phillies baseball games, the Masters

platforms were also key components of the effort. Philadelphians couldn't miss FIRE!

We learned a lot from the campaign including what messages and advertising strategies are most effective in reaching different audiences.

The next step is to take what we learned and bring FIRE's free speech message to two new cities in July and August: Chicago and Nashville. Free speech is taking over the Windy City and the Music City!

If you live in or near either city and see one of our ads, snap a photo and share it on social media using our handle, @theFIREorg. Want to bring free speech to your hometown? Have a recommendation for where we should go next? Let us know at support@thefire.org.





Mere months after the Uvalde school district suspended its entire police force for failing to effectively respond to a deadly shooting at an elementary school, school officials banned a concerned parent from school property - because he questioned the qualifications of a new police hire.

That parent is Adam Martinez. His son was at Robb Elementary School on May 24, 2022, the day a gunman shot and killed 19 students and two teachers. While his own child was physically unharmed, Martinez saw the impact the tragedy had on his community and decided to get involved in efforts to help.

He started a local advocacy group through which he and other community members raised funds for impacted families and organized service projects. In taking on these efforts, Martinez often spoke online and with Uvalde administrators about student safety and police training. During the shooting, officers on the scene stood outside the classroom for more than an hour instead of trying to stop the shooter: Martinez and other Uvalde

parents wanted to make sure future hires would be properly vetted.

In seeking this information, Martinez ran into trouble. At a Feb. 13 school board meeting, he approached Uvalde Consolidated Independent School District Police Chief Josh Gutierrez to express concerns about an officer recently hired by the school district who had previously been deemed ineligible for rehire.

But Gutierrez didn't want to hear Martinez's criticism: He told the concerned parent to sit down. Martinez, wanting answers, continued to speak to the police chief. Then Gutierrez told Martinez and his family to leave the meeting.

The following day, Martinez received a notice from the UCISD Interim Superintendent Gary Patterson unjustifiably characterizing his behavior as "disrupting and/or disturbing" the meeting and indicating that Martinez would not be allowed to set foot on any UCISD school property, including attending school board meetings, for two years.

"My community counts on me to be their voice, but the district wants to shut me up," Martinez said.

FIRE demanded UCISD lift its unconstitutional ban against the parent — or we'd sue.

Fortunately, in July, the district backed down and Martinez's rights were vindicated. Now, like any other parent, he is free to attend board meetings and make his voice heard.

"All I've ever wanted was to speak my mind and be a voice for my community," said Martinez. "I'm thankful to FIRE for taking my case, and look forward to holding our local leaders accountable."

"The school district's administrators overstepped their authority," said FIRE attorney Josh Bleisch. "We're glad they finally came to their senses, but it shouldn't take the threat of a lawsuit to remind them that the Constitution does not allow them to use their power to silence their critics."



In Feb. 2022, FIRE sued Tarleton State University to obtain records that the university improperly withheld after its administrators engaged in a suspicious string of actions.

The story began in Sept. 2018, when Tarleton quietly paid professor Michael Landis more than \$60,000 to leave the university after an investigation found that he acted inappropriately toward female students. Three years later, Landis threatened to sue an editorially independent student newspaper, the Texan News Service, for defamation over stories it had published about Landis' misconduct and departure.

Landis' threat to sue was toothless: Any defamation suit would have been too late under the statute of limitations, and the student newspaper's reporting was accurate and truthful. But Tarleton administrators still pressured the student editors to take down the articles. After FIRE wrote the university in August 2021 to defend the student publication, Tarleton claimed — contrary to the paper's former policy handbook and history — that TNS was never editorially independent from the administration.

Tightening the administration's grip on the student paper, Provost Karen Murray wrote in a Sept. 30 letter to faculty that it is "imperative that the TNS operate only as an instructional laboratory for students and interns." FIRE learned from a faculty member that classifying TNS this way would give TNS' adviser final editorial discretion over what the paper can publish.

In redefining TNS' identity, Tarleton administrators essentially stripped the publication of its editorial independence — all to cover up an embarrassing situation.

Alarmed by Tarleton's blatant censorship, FIRE lodged public-records requests with the university, seeking information on efforts to censor TNS and on Landis' threat of a lawsuit. Tarleton provided some records, but withheld others, claiming it could do so under the Family Educational Rights and Privacy Act.

In the words of FIRE attorney Kelley Bregenzer, "Tarleton State covered up Landis' inappropriate behavior by demanding TNS remove its reporting, and then covered up the cover up by withholding public records."

Recognizing Tarleton could not lawfully hide this information, we sued.

Now, per a recent ruling of Texas' 266th Judicial District Court, the pertinent records will finally see the light of day. Seeing the records will enable us to better understand the details of this case, shedding light on exactly why Tarleton's administration censored and seized editorial control over its student newspaper. Empowered with this knowledge, we'll be better equipped to help student journalists maintain their ability to conduct independent reporting.

"We're glad the court agreed to shine a light on Tarleton's slippery behavior," said FIRE attorney Gabe Walters. "The university should have done the right thing years ago, but the truth has prevailed."



"The court's ruling reminds Tarleton that public information belongs to the people, and not the state."

- Kelley Bregenzer FIRE attorney

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# PROBLEMS AND PROMISE IN OUR LEGISLATURES

FIRE's advocacy is sweeping the nation. So far this year, we've monitored more than 400 bills impacting free expression rights introduced in all 50 state legislatures, D.C., and Congress, testified in hearings more than 25 times, and sent countless letters to lawmakers. And for good reason — across the country, expressive rights are threatened. Still, we're notching important victories, protecting free speech for countless Americans.

Here is just a sample of FIRE's latest legislative efforts:

ARKANSAS: Legislative Counsel Greg Gonzalez testified in support of legislation providing students at public colleges fundamental due process protections including the right to a live hearing, the right to active assistance of counsel, and the right to cross examination. It passed unanimously and was signed into law by Gov. Sarah Huckabee Sanders to the benefit of college students throughout the state.

**FLORIDA:** While Florida continues to double down on the unconstitutional provisions of its 2021 Stop WOKE Act,

free speech emerged victorious when a bill which would have statutorily overturned the landmark Supreme Court case New York Times v. Sullivan was defeated. FIRE testified repeatedly against this bill, ensuring that reporters and the public have the necessary breathing room to criticize public officials without being hauled into court.

TEXAS: Last year, when Texas's lieutenant governor indicated that the state would pass a law to ban how race and sex could be discussed in college classrooms, FIRE took action. Senior Legislative Counsel Tyler Coward worked behind the scenes to convince officials that such a bill would be unconstitutional. The work paid off and no higher ed bills in Texas imposed this unconstitutional ban.

NEBRASKA: Legislators in the
Cornhusker State put forth a bill that
seeks to restrict drag performances
— even if they contain nothing sexual.
Under that overbroad bill, even a
live performance of "Mrs. Doubtfire"
would be prohibited. FIRE Legislative
Counsel John Coleman testified against

it in March. Thankfully, the legislature adjourned for the year without advancing it, but FIRE will remain vigilant if it is considered next year.

**NATIONWIDE:** FIRE is working in Congress and state legislatures to protect artistic expression with the Restoring Artistic Protection Act. Legislative and Policy Director Joe Cohn — along with lawmakers and several other advocacy organizations - participated in a press conference at the U.S. Capitol in Washington, D.C., announcing the reintroduction of the bill in Congress. The bill would clarify that artistic expression, including song lyrics, may only be admitted as evidence in criminal proceedings in limited circumstances — meaning artists need not fear freely exploring ideas in their work.

As we enter the second half of 2023, we will continue doing everything in our power to safeguard free speech wherever it's threatened, ensuring all Americans continue to enjoy the rights afforded to them by the First Amendment.



## THE FUTURE OF FREE SPEECH:

#### FIRE interns prepare to share their knowledge

Each year, FIRE welcomes a select new cohort of undergraduates into its Philadelphia office for its summer internship program. The highly competitive program actively seeks out enthusiastic change-makers on American college and university campuses who are passionate about free speech law and culture.

In June, FIRE brought in eight new interns from colleges and universities across the country:

- · Nia Cain, Ohio State University
- · Justin Crosby, Yale University
- Charlie Hatcher, Claremont McKenna College
- · Dylynn Lasky, College of Wooster
- Emma Maple, Whitworth University
- · Manas Pandit, University of Massachusetts Amherst
- · Daniel Shaw, Princeton University
- · Vydalia Weatherly, Mercyhurst University

The 10-week program provides these students with unique opportunities including attending weekly free speech and due process advocacy seminars and meeting with FIRE Legal Director Will Creeley to discuss

precedent-setting First Amendment cases. Ultimately, the interns will share their knowledge at FIRE's annual Student Network Conference, where they will present on issues American college students face today.

"The opportunity to work closely with some of the foremost First Amendment attorneys in the country is incredible, and I intend to make the most of it," shared Charlie Hatcher.

"I believe that we are currently in a time when learning how to productively engage in civil discourse is a necessary tool that many people can benefit from," said Nia Cain, "I am excited for FIRE to imprint this skill on me, and to carry this knowledge back to campus."

We look forward to helping these dedicated students expand their knowledge of expressive rights and bring the conversation to their friends and classmates.



## **DONOR SPOTLIGHT: BILL SILVER**



"FIRE is the most important of my charitable contributions, because of FIRE's effectiveness in defending the foundations by which human knowledge and justice advance. The primary way that we humans can trust that something is true, or just, is that it has survived a serious and ongoing effort to prove or persuade otherwise. Questioning and dissent are therefore not a matter of mere tolerance, but rather must be encouraged and even demanded. Freedom of expression must be defended anew in every generation, and my support helps to ensure that FIRE is able to do so."

Bill is a dedicated member of FIRE's Ember Club. Thanks to his support, FIRE is able to ensure that dissent and debate are not just passively allowed, but actively encouraged on college campuses and in every corner of the public square. FIRE is exceedingly grateful for Bill's commitment to free speech as the foundational principle that it is, and we are glad to have him on our team.

You can learn more about the Ember Club at thefire.org/donate. If you would like to discuss membership and benefits, please contact us at support@thefire.org or 215-717-3473.



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#### A NEW ERA: FIRE'S 2023 GALA CELEBRATION

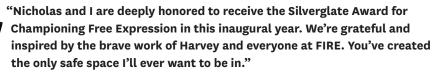
In April, more than 500 friends of FIRE like you gathered in New York City to look back at FIRE's impact since its founding in 1999 and to look ahead to a bright future for free speech nationwide. The evening featured an inspiring lineup of free speech luminaries and brave individuals who fought with FIRE when their rights were threatened.



"Before FIRE reached out, we felt like it was us vs. the world ... FIRE showed us that we were not alone."

#### Sam Neves

Former student, Emerson College



#### Erika Christakis

Educator, former Yale professor, recipient of FIRE's first Silverglate Award

"Since 1999 we've played by one rule. If it's protected, we defend it: No throat-clearing, no apologies."

#### Will Creeley



Throughout the night, those gathered were reminded of their unique contribution to the national effort to protect free speech and inspired to keep the momentum going.

Thank you for being a part of this movement.

