

February 19, 2025

Ana Marie Cauce  
Office of the President  
University of Washington  
301 Gerberding Hall  
Box 351230  
Seattle, Washington 98195

Sent via U.S. Mail and Electronic Mail (pres@uw.edu)

Dear President Cauce:

FIRE<sup>1</sup> writes you today concerning the University of Washington's failure to address the substantial disruption of a recent campus event on trans issues featuring conservative commentator and former collegiate athlete Olivia Krolczyk. Rather than taking the necessary steps to allow the event to take place as planned, UW instead chose to allow the event to be disrupted, ratifying an unconstitutional "heckler's veto" that incentivizes further threats to free speech on campus.<sup>2</sup>

Our concerns arise from UW's response to disruptions at Krolczyk's January 21 event, "Protecting Women from Men: The Threat of the Trans Agenda." Krolczyk was invited to speak by UW's chapter of Turning Point USA, a recognized student organization. At the beginning of the event, student disruptors pulled a fire alarm, forcing attendees to evacuate the building.<sup>3</sup> Even after attendees were permitted back into the building, disruptors continued to disturb

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<sup>1</sup> As you recall from previous correspondence, the Foundation for Individual Rights and Expression (FIRE) is a nonpartisan nonprofit dedicated to defending freedom of speech.

<sup>2</sup> A heckler's veto occurs when protestors substantially disrupt an event via violence or other means to prevent a speaker from speaking. *First Amendment Glossary*, FIRE, <https://www.thefire.org/research-learn/first-amendment-glossary> (last visited Mar. 11, 2024); see also Zach Greenberg, *Rejecting the 'heckler's veto'*, FIRE (June 14, 2017), <https://www.thefire.org/rejecting-the-hecklers-veto>; Adam Goldstein, *Dear University of North Texas: The 'Heckler's veto' is not a good thing*, ETERNALLY RADICAL IDEA (Nov. 5, 2020), <https://www.thefire.org/dear-university-of-north-texas-the-hecklers-veto-is-not-a-good-thing>. The following is our understanding of the pertinent facts. We understand that you may have additional information and invite you to share it with us.

<sup>3</sup> Rachel Bowman, *Woke flash mob ruins University of Washington student's event about DEI and trans sports*, DAILYMAIL.COM (Jan. 25, 2025), <https://www.dailymail.co.uk/news/article-14318029/university-washington-student-dei-transgender-sports.html>.

the event by breaking windows, banging on doors, throwing noisemakers into the crowd, and yelling loudly.<sup>4</sup> Eventually, UW campus police determined the event had become too dangerous to continue, dressed Krolczyk in police gear, and escorted her out of the building.<sup>5</sup>

By allowing Krolczyk's event to be repeatedly and unlawfully disrupted and then removing Krolczyk rather than the disruptors, UW abdicated its constitutional obligation as a public university bound by the First Amendment<sup>6</sup> to protect the right of invited speakers (and their student hosts) to speak, and the audience's right to hear those speakers.<sup>7</sup> When disruptors target such events, state educational institutions must make "bona fide efforts" to protect speakers' expressive rights and ensure the event can proceed.<sup>8</sup> Efforts to address the disruption are "the proper response to potential and actual violence" and must be made *before* authorities "suppress legitimate First Amendment conduct as a prophylactic measure."<sup>9</sup> In holding that even the violent reaction of a hostile mob cannot justify cutting off a speaker's protected expression, courts have explained that:<sup>10</sup>

Maintenance of the peace should not be achieved at the expense of the free speech. The freedom to espouse sincerely held religious, political, or philosophical beliefs, especially in the face of hostile opposition, is too important to our democratic institution for it to be abridged simply due to the hostility of reactionary listeners who may be offended by a speaker's message.

Yet when UW faced substantial disruption of Krolczyk's event, campus officials rewarded those seeking to silence Krolczyk instead of protecting the fundamental First Amendment right to host and hear speakers on campus. Individuals do not have a First Amendment right to engage in unlawful, disorderly, or destructive behavior intended to silence their opponents'

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<sup>4</sup> *Id.*

<sup>5</sup> Elad Vaida, *Olivia Krolczyk responds to protests at University of Washington*, CAMPUS REFORM (Jan. 24, 2025), <https://www.campusreform.org/article/olivia-krolczyk-reponds-protests-university-washington-/27350>.

<sup>6</sup> *Healy v. James*, 408 U.S. 169, 180 (1972) ("[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, 'the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.'") (internal citation omitted).

<sup>7</sup> See, e.g., *Gay Students Org. of the Univ. of N.H. v. Bonner*, 367 F. Supp. 1088, 1096 (D.N.H. 1974) (the student right "to hear speakers of their own choice" is one of the "activities traditionally protected by the First Amendment"); *Brooks v. Auburn Univ.*, 296 F. Supp. 188, 190–91 (M.D. Ala. 1969) (First Amendment protects "rights of students and faculty to hear a speaker invited to the campus"); *Stacy v. Williams*, 306 F. Supp. 963, 975 (N.D. Miss. 1969) (First Amendment protects student group's right to invite political candidates to campus); see also *Stanley v. Georgia*, 394 U.S. 557, 564 (1969) (it is "well established" that the First Amendment confers and protects the right to speak as well as "the right to receive information and ideas.").

<sup>8</sup> *Bible Believers v. Wayne Cnty.*, 805 F.3d 228, 255 (6th Cir. 2018).

<sup>9</sup> *Collins v. Jordan*, 110 F.3d 1363, 1371–72 (9th Cir. 1996); *Bible Believers*, 805 F.3d at 255 ("In a balance between two important interests—free speech on one hand, and the ... power to maintain the peace on the other—the scale is heavily weighted in favor of the First Amendment.").

<sup>10</sup> *Bible Believers*, 805 F.3d at 252.

expression. UW's failure to follow the law not only allowed this to happen, but also incentivized threats to future events, discouraged speakers from visiting campus, and sent the message that UW rewards vigilante censorship of disfavored speakers.

FIRE calls on UW to acknowledge that, in the future, it will make bona fide efforts to address substantial disruptions to expressive events *as they occur*, and that it will educate students, administrators, and campus police on the distinction between protected expression and protest versus disruptive conduct that prevents others from exercising their own freedom of speech.

FIRE would be pleased to work with UW to protect campus free speech, and we hope this letter can serve as a useful start to that process. We request receipt of your response no later than March 5, 2025.

Sincerely,

A handwritten signature in cursive script, appearing to read "Aaron P. Corpora".

Aaron Corpora  
Program Officer, Campus Rights Advocacy