

FIRE

Foundation for Individual
Rights and Expression

March 1, 2023

Marc Tessier-Lavigne
Office of the President
Stanford University
450 Jane Stanford Way, Building 10
Stanford, California 94305

URGENT

Sent via U.S. Mail and Electronic Mail (president@stanford.edu)

Dear President Tessier-Lavigne:

FIRE¹ is concerned by reports that Stanford University students have burned and otherwise vandalized flyers for a Stanford College Republicans (SCR) event featuring Matt Walsh. Stanford, and its leadership, should step in to prevent the vandalism of flyers approved under its advertising policy, especially when flyers are removed from public spaces and burned.

On December 8, 2022, the Stanford Daily reported that SCR was planning to host conservative commentator Matt Walsh in Spring 2023 as part of Walsh's "What is a Woman?" tour to promote his documentary of the same title.² While the Undergraduate Senate approved funding for the event,³ it also passed a resolution opposing the decision to host Walsh and allocated funding for "counter programing" that opposed the event.⁴ More recently, since

¹ As you may recall from previous correspondence, the Foundation for Individual Rights and Expression is a nonpartisan nonprofit dedicated to defending freedom of speech. You can learn more about our recently expanded mission and activities at thefire.org.

² Grace Lee, *Stanford College Republicans to bring right-wing provocateur Matt Walsh to campus in March*, THE STANFORD DAILY (Dec. 8, 2022, 11:14 PM), <https://stanforddaily.com/2022/12/08/stanford-college-republicans-to-bring-right-wing-provocateur-matt-walsh-to-campus-in-march>. The following is 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 George Lucas, *Student Senate claims Matt Walsh will create an 'unsafe environment' on campus*, CAMPUS REFORM (Jan. 5, 2023), <https://campusreform.org/article?id=20974>.

⁴ Grace Shoemaker, *Stanford student senate allocates thousands of dollars to fund Matt Walsh protesters*, THE COLLEGE FIX (Jan. 23, 2023), <https://www.thecollegefix.com/stanford-student-senate-pledges-thousands-to-matt-walsh-protesters>.

February 17, 2023,⁵ photographs of the flyers being burned were posted to Fizz.⁶ Additional photographs on SCR's Twitter page showed that flyers on campus had been torn down or vandalized.⁷ SCR committed to going forward with the event as planned.⁸

Stanford and its leaders promise free speech and expression for their students.⁹ Stanford holds its students to the "Fundamental Standard," requiring they show "respect for order, morality, personal rights and the rights of others as is demanded of good citizens."¹⁰ In explaining how the Fundamental Standard affects student expression, Stanford's Office of Community Standards explicitly says student groups are "permitted to invite provocative speakers to campus so long as they follow the relevant University policies."¹¹ Students are expected to be able to engage and debate with views with which they disagree.¹² Engagement, however, does not encompass the arson of approved signage.

Stanford has an obligation to protect the expressive rights of its students, including the students who bring controversial speakers to campus. To the extent that students have torn down and burned these flyers, those students' actions are beyond what Stanford can allow while also upholding a commitment to free expression. As you have stated, "[a]ctions aimed not at engaging and debating with ideas but rather at suppressing them . . . go counter to what is needed to foster the open inquiry that our mission calls for."¹³ Burning flyers for a controversial event is both an attempt to intimidate SCR without engaging with speech students dislike and interference with flyers that students posted in accord with Stanford's flyers and advertising policy. Stanford's Office of Community Standards said it best: "[T]he appropriate intervention to abhorrent speech 'is more speech, not enforced silence.'"¹⁴

⁵ Stanford College Republicans (@Stanford_GOP), TWITTER (Feb. 17, 2023, 2:03 PM), https://twitter.com/Stanford_GOP/status/1626658684435841024.

⁶ Terrance Kible, *Protestors set fire to Matt Walsh flyers ahead of Stanford speech, Eventbrite cancels ticket sales*, THE COLLEGE FIX (Feb. 28, 2023), <https://www.thecollegefix.com/stanford-republicans-accuse-campus-leftists-of-using-intimidation-to-stop-matt-walsh-event>. "Fizz" is a university and community focused discussion app. *See id.*; *see also* *Founding Story*, FIZZ, available at <https://fizzsocial.app>.

⁷ Stanford College Republicans (@Stanford_GOP), TWITTER (Feb. 23, 2023, 11:31 PM), https://twitter.com/Stanford_GOP/status/1628975968562946048?ref_src=twsrc%5Etfw.

⁸ Stanford College Republicans, *Why we invited Matt Walsh*, THE STANFORD REVIEW (Feb. 23, 2023), <https://stanfordreview.org/why-we-invited-matt-walsh>.

⁹ *Freedom of Speech and the Fundamental Standard*, STANFORD UNIV., OFF. OF COMMUNITY STAND., <https://communitystandards.stanford.edu/resources/additional-resources/freedom-speech-fundamental-standard>; *see also* Marc Tessier-Lavigne & Persis Dill, *Advancing Free Speech and Inclusion*, STANFORD UNIV., NOTES FROM THE QUAD (Nov. 7, 2017), <https://quadblog.stanford.edu/2017/11/07/advancing-free-speech-and-inclusion>.

¹⁰ *Fundamental Standard*, STANFORD UNIV., OFF. OF COMMUNITY STAND., <https://communitystandards.stanford.edu/policies-guidance/fundamental-standard>.

¹¹ *Freedom of Speech and the Fundamental Standard*, *supra* note 9.

¹² *Remarks on our campus climate for discussing divergent views*, STANFORD REPORT (May 26, 2021), <https://news.stanford.edu/report/2021/05/26/remarks-campus-climate-discussing-divergent-views>.

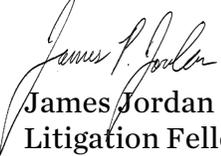
¹³ *Id.*

¹⁴ *See Freedom of Speech and the Fundamental Standard*, *supra* note 9 (quoting *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring)).

Burning approved flyers on campus is not alternative speech that spurs discussion, it is a violation of SCR's free expression that Stanford should step in to prevent.

Given the urgent nature of this matter, we request an affirmation no later than close of business Friday, March 3, 2023, that Stanford will ensure the event is not disrupted and that flyers promoting it are not vandalized.

Sincerely,



James Jordan
Litigation Fellow

Cc: Persis Drell, Provost
Debra Zumwalt, Vice President and General Counsel