



October 22, 2024

Michelle Gillespie
Office of the Provost
Wake Forest University
1834 Wake Forest Road
Winston-Salem, North Carolina 27109

URGENT

Sent via U.S. Mail and Electronic Mail (provost@wfu.edu)

Dear Provost Gillespie:

FIRE appreciates your response to our letter regarding Wake Forest University's decision to cancel Abdulhadi's planned October 7 lecture about the Israel-Hamas war and not to host any other "contentious" events on the anniversary of Hamas' attack on Israel. Yet our concerns that WFU did not abide by its commitment to free speech and academic freedom remain. We therefore urge WFU to affirm to its campus community that future speakers and events will be allowed on any day regardless of whether the university might deem them to be "contentious."

Your response refers to a letter to faculty "clarifying" the decision to cancel Abdulhadi's lecture. The Letter to the Faculty states, while underscoring the importance of academic freedom:¹

[I]nviting a scholar to give a lecture titled "One Year since al-Aqsa Flood: How do We Review a Year of Genocide and Resistance?" on the first anniversary of the Hamas attack on Israel led to a series of cascading events that eroded the University's confidence in ensuring security in the rapidly-evolving environment surrounding the public event date.

As an initial matter, neither this letter nor your response to FIRE addressed our concern about the chilling effect of WFU's vague prohibition not just of Abdulhadi's lecture but of all "contentious" events on October 7. Such a prohibition inevitably chills students and faculty

¹ Michelle Gillespie, *A Letter to Faculty: Oct. 1, 2024*, WAKE FOREST UNIV. OFFICE OF THE PROVOST (Oct. 1, 2024), <https://provost.wfu.edu/2024/10/a-letter-to-faculty/> [<https://perma.cc/MZA4-D23F>].

from scheduling and participating in a wide range of activities for fear their efforts will be wasted if WFU deems the event to be “inherently contentious.”

Regarding Abdulhadi’s lecture, WFU still has not disclosed any specific threat to campus safety or security that informed the decision to cancel it. And as the Supreme Court has said, “undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression[.]”² to which WFU clearly commits itself.³

By canceling the event, WFU has sent the message that campus discourse can be thwarted simply because others are opposed to the views expressed. If those opposed to a speaker or their messages target an expressive event for disruption, WFU must respond not by canceling the event but rather with “bona fide efforts” to protect the speaker’s and audience’s expressive rights “by other, less restrictive means.”⁴ And if there were threats truly so serious that WFU felt it had no choice but to cancel the lecture, the university has a responsibility to report those threats to law enforcement so they can be investigated and criminal charges pursued if appropriate.

WFU also owes its campus community full transparency as to what, if any, threats occurred and what actions the university took to address them before canceling the event. Without this transparency, it appears WFU canceled the event primarily because of opposition to Abdulhadi and her views. That the Unitarian Universalist Fellowship of Winston-Salem was able to host Abdulhadi’s October 7 lecture on short notice and without incident despite having far fewer resources than WFU further demonstrates that the university’s safety concerns were insufficient to justify the cancellation.⁵

Protecting students’ and faculty members’ right to invite and hear from controversial speakers⁶ is vitally important in times of intense disagreement and strife, as academic communities at WFU and across the nation debate the Israel-Hamas war. Rubin Presidential Chair of Jewish History Barry Trachtenberg, a WFU professor who helped organize Abdulhadi’s

² *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 508 (1969).

³ *Student Code of Conduct*, Statement on Student Expression, WAKE FOREST UNIV., 3 (Aug. 2024), <https://prod.wp.cdn.aws.wfu.edu/sites/294/2024/08/Wake-Forest-University-Student-Code-of-Conduct-Approved-Document-August-2024.pdf> [<https://perma.cc/2LL2-PBHK>]; *Faculty Handbook*, Professional Standards for Faculty Members, Campus Disruptions, WAKE FOREST UNIV., 36 (revised Aug.-Sept. 2023), <https://prod.wp.cdn.aws.wfu.edu/sites/140/2023/10/Handbook-202309.pdf> [<https://perma.cc/45RX-X8TS>]. While WFU, as a private university, is not bound by the First Amendment, courts’ First Amendment jurisprudence informs WFU’s commitment to upholding student and faculty free speech and academic freedom rights and its students’ and faculty’s reasonable expectations of what those rights encompass.

⁴ *Bible Believers v. Wayne Cnty.*, 805 F.3d 228, 255 (6th Cir. 2018) (en banc).

⁵ Ella Klein, *Rabab Abdulhadi gives lecture at local church after event is canceled by Wake Forest*, OLD GOLD & BLACK (Oct. 8, 2024), <https://wfuogb.com/25091/news/rabab-abdulhadi-gives-lecture-at-local-church-after-event-is-canceled-by-wake-forest>.

⁶ *Brooks v. Auburn Univ.*, 412 F.2d 1171, 1172 (5th Cir. 1969); cf. *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.”); *Academic Freedom and Outside Speakers*, AM. ASS’N OF UNIV. PROFESSORS (updated 2024), <https://www.aaup.org/report/academic-freedom-and-outside-speakers-0#1>.

cancelled lecture, called the decision to cancel “an absolute disgrace,” making the point that it “was intended to provide expert insight on critical global issues.”⁷

Free speech principles exist precisely to protect expression that some, or even most, may find subjectively offensive, divisive, bigoted, and hateful.⁸ As divisive as this global conflict may be, stifling the voices of those seeking to discuss it will only inflame the already-heated campus atmosphere. Neither popular petitions nor hostile mobs can justify canceling a “contentious” speaker.⁹

While WFU has an important interest in ensuring campus safety, it may not invoke it to squelch debate and discussion. In the future, WFU must take a principled stance for free speech by firmly resisting demands for censorship, even when it is difficult or unpopular to do so. FIRE requests a substantive response to this letter no later than the close of business on November 5, 2024, confirming WFU will allow speakers and events on any day regardless of their “contentious” nature.

Sincerely,



Haley Gluhanich
Senior Program Officer, Campus Rights Advocacy

Cc: Susan Rae Wente, President

⁷ Maddie Stopyra & Maria Silveira, *BREAKING: Wake Forest cancels Oct. 7 speaker event after facing backlash*, OLD GOLD & BLACK (Sept. 26, 2024), <https://wfuogb.com/24991/news/breaking-wake-forest-cancels-oct-7-speaker-event-after-facing-backlash>.

⁸ *Matal v. Tam*, 137 S. Ct. 1744, 1764 (2017) (the Court has refused to a limitation on speech viewed as “hateful” or demeaning “on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground.”); *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (holding the First Amendment protects burning the American flag under the “bedrock principle” that government actors “may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable”).

⁹ See, e.g., *Bible Believers*, 805 F.3d at 252.