

October 3, 2024

Susan Rae Wente  
Office of the President  
Wake Forest University  
1834 Wake Forest Road  
Winston-Salem, North Carolina 27109

**URGENT**

*Sent via Next Day Delivery and Electronic Mail (wente@wfu.edu)*

Dear President Wente:

FIRE, a nonpartisan nonprofit dedicated to defending freedom of speech,<sup>1</sup> is concerned by your decisions to cancel a planned lecture by Dr. Rabab Abdulhadi and to not host any “contentious” events on October 7. Wake Forest University cannot curtail its commitment to free speech and academic freedom on a day of symbolic importance simply because some oppose certain views or rhetoric. Instead, WFU must abide by its commitments by allowing faculty and students to invite speakers to campus and host events on any day and by allowing the campus community to hear those speakers and attend those events. We thus urge you to allow Abdulhadi to speak on campus on October 7 and to publicly rescind the decision to disallow “contentious” events.

Our concerns stem from reactions to plans for Abdulhadi to give a campus lecture titled “One Year Since al-Aqsa Flood: Reflections on a Year of Genocide and Resistance” on October 7—the one-year anniversary of the Hamas attacks in Israel—sponsored by the WFU Humanities Institute, its departments of history and of politics & international affairs, its Middle East and South Asia Studies program, and the National Endowment for the Humanities.<sup>2</sup> This led WFU Hillel and Chabad student executive board members to post an online petition on September 22, urging the administration to cancel the lecture because of Abdulhadi’s alleged antisemitic

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<sup>1</sup> 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 mission and activities at [thefire.org](https://thefire.org).

<sup>2</sup> Maria Silveira, *Wake Forest Jewish students create petition to cancel Oct. 7 event featuring Rabab Abdulhadi*, OLD GOLD & BLACK (Sept. 25, 2024), <https://wfuogb.com/24979/news/wake-forest-jewish-students-create-petition-to-cancel-oct-7-event-featuring-rabab-abdulhadi/>. The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information to offer and invite you to share it with us.

rhetoric and support of Hamas,<sup>3</sup> and garnering over 8,000 signatures.<sup>4</sup> On September 26, you and Provost Michele Gillespie announced WFU had canceled Abdulhadi's lecture because the university decided "not to host events" on October 7, 2024 that WFU believes "are inherently contentious and stand to stoke division in our campus community."<sup>5</sup> At the same time, you promoted an "Interfaith Prayers for Peace" and "Community Reflection Event" for that date.<sup>6</sup>

WFU pledges that free speech is a "basic requirement[] of a university."<sup>7</sup> As such, it commits itself to providing "the right to openly dissent and to speak, write, listen, challenge, protest, and learn," noting that while "the vibrant exchange of ideas may become contentious, such interactions ... can lead to changed perspectives, advanced knowledge, and informed action."<sup>8</sup> WFU also states that it "cannot be content merely to tolerate inquiry and discussion; it has an obligation to protect them."<sup>9</sup> 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.

Free speech principles give faculty and students the broad expressive right to both invite and hear speakers free from limitations based on "orthodoxy or popularity of their political or social views[.]"<sup>10</sup> This right to invite and hear campus speakers "includes and exceeds the presence of controversial outside speakers on college and university campuses and reaffirms academic freedom,"<sup>11</sup> which is a "special concern to the First Amendment."<sup>12</sup> Simply put, universities cannot limit these expressive rights because of a speaker's viewpoint.<sup>13</sup>

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<sup>3</sup> *Id.*

<sup>4</sup> Isabelle Laxer, *Cancel Event with Terrorist Sympathizer at Wake Forest University on Oct. 7th*, CHANGE.ORG (Sept. 22, 2024), <https://www.change.org/p/cancel-event-with-terrorist-sympathizer-at-wake-forest-university-on-oct-7th>.

<sup>5</sup> Susan R. Wente & Michele Gillespie, *October 7 community update*, WAKE FOREST UNIV. (Sept. 26, 2024), <https://inside.wfu.edu/2024/09/october-7-community-update/#>.

<sup>6</sup> *Id.*

<sup>7</sup> *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>].

<sup>8</sup> Student Code of Conduct, *supra* note 7.

<sup>9</sup> Faculty Handbook, *supra* note 7.

<sup>10</sup> *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.").

<sup>11</sup> *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>. WFU has not shown any evidence of imminent danger.

<sup>12</sup> *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967).

<sup>13</sup> *See Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995).

Cancellation of Abdulhadi’s campus lecture because it may allegedly prove “contentious” is clear viewpoint discrimination—an “egregious” act of “censorship in its purest form”<sup>14</sup> that violates WFU’s commitment to free speech and academic freedom. Those principles do not exist to protect only non-controversial expression. Expression that no one finds offensive hardly needs protection. Free speech principles exist precisely to protect speech that some members of a community *will* find controversial, offensive, or hateful.<sup>15</sup>

As the Supreme Court explained:<sup>16</sup>

[Speech] may indeed best serve its high purpose when it induces a condition of unrest ... or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea.

This is especially true of the right to discuss political issues, the protection of which lies at the core of the First Amendment and is especially necessary in times of intense disagreement on global affairs<sup>17</sup> and other “sensitive topics” like ethnicity or religion “where the risk of conflict and insult is high.”<sup>18</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>19</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.

WFU’s disallowance of “inherently contentious” events also suffers the fatal flaw of being too vague to give students and faculty guidance regarding what kind of events they may host.<sup>20</sup> With an ongoing war in the Middle East, any event about the Israeli-Palestinian conflict is inherently likely to be contentious—even, potentially, the university-sponsored interfaith prayer and

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<sup>14</sup> *Id.* at 836.

<sup>15</sup> *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”); *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.”).

<sup>16</sup> *Terminiello v. Chicago*, 337 U.S. 1, 4 (1949).

<sup>17</sup> *Buckley v. Am. Constitutional Law Found.*, 525 U.S. 182, 186-87 (1999).

<sup>18</sup> *Rodriguez v. Maricopa Cnty. Comm. Coll. Dist.*, 605 F.3d 703, 705 (9th Cir. 2010).

<sup>19</sup> *Bible Believers v. Wayne Cnty.*, 805 F.3d 228, 252 (6th Cir. 2018).

<sup>20</sup> *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972) (regulations must “give a person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly”).

community reflection events you promoted. Your message also does not make clear whether the limitation on “contentious” events applies only to those involving the Israeli-Palestinian conflict, or to *any* event that may prove contentious (a potentially capacious category four weeks before Election Day). This vagueness cannot help but chill a wide range of activity, as students and faculty will justifiably avoid scheduling events out of fear that WFU will subjectively deem them “inherently contentious.”

We therefore urge you to allow Abdulhadi to speak on campus on October 7 and publicly rescind the decision to disallow “contentious” events. WFU should take careful note that after the University of Maryland canceled a student group’s vigil for Gaza and banned all non-university sponsored expressive events for Oct. 7—an effectively equivalent prohibition to what WFU has enacted—the United States District Court for the District of Maryland held those actions to be an unconstitutional denial of First Amendment rights.<sup>21</sup>

Given the urgent nature of this matter, we request a substantive response to this letter no later than the close of business on October 9, 2024.

Sincerely,

Haley Gluhanich  
Senior Program Officer, Campus Rights Advocacy

Cc: Michele Gillespie, Provost

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<sup>21</sup> *Univ. of Md. Students for Justice in Palestine v. Bd. of Regents of the Univ. Sys. of Md.*, 2024 WL 4361863, at \*11 (D. Md. Oct. 1, 2024).