

August 13, 2026

Mark Anthony Brown
Office of the President
Tuskegee University
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308 Kresge Center
Tuskegee, Alabama 36088

Sent via U.S. Mail and Electronic Mail (ksamuels@tuskegee.edu)

Dear President Brown:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by Tuskegee University's newly announced student dress code. The code bans clothing with messages or images containing profanity or promoting alcohol and tobacco, as well as particular "unprofessional" apparel and styles, such as du-rags, bonnets, and sagging pants. We urge Tuskegee to revise its policy to allow students the freedom to express themselves through attire.

Tuskegee's new dress code policy² contravenes the university's stated commitment to free expression.³ Tuskegee properly recognizes that free inquiry and free expression are "indispensable" to "the transmission of knowledge, the pursuit of truth, the development of students and the general wellbeing of society."⁴ It promises students the freedom to "organize and join associations to promote their common interests," as well as the freedom to "examine and to discuss all questions of interest to them, and to express opinions publicly and privately ... [and] to support causes by orderly means that do not disrupt the regular and essential operation of the institution."⁵ These free expression policies are informed by decades

¹ For more than 25 years, FIRE has defended freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at fire.org.

² Dress code policy, Tuskegee Univ. (on file with author).

³ *Student Handbook*, University Policies, Joint Statement on Student Rights and Freedoms, at 135, TUSKEGEE UNIV., https://www.tuskegee.edu/student-affairs/TU_Student_Handbook_2025-2026.pdf [<https://perma.cc/TT26-YDXR>].

⁴ *Id.*

⁵ *Id.* at 136–37.

of First Amendment jurisprudence to which students will reasonably look to understand the rights Tuskegee promises.

A student's expression is not limited purely to speech but includes expressive conduct.⁶ As the Fifth Circuit Court of Appeals has recognized, a "person's choice of clothing is infused with intentional expression on many levels. In some instances, clothing functions as pure speech," such as "shirts or jackets with written messages supporting political candidates or important social issues."⁷ But clothing "may also symbolize ethnic heritage, religious beliefs, and political and social views. Individuals regularly use their clothing to express ideas and opinions ... [and] students in particular often choose their attire with the intent to signify the social group to which they belong, their participation in different activities, and their general attitudes toward society and the school environment."⁸ Both "pure speech" in the form of textual messages and symbolic speech communicated through style and images are protected.⁹ Under Tuskegee's free expression policies, clothing is a classic nondisruptive means by which students may "express opinions [and] ... support causes."¹⁰

Tuskegee's ban on clothing displaying "profanity, discriminatory language, sexually explicit content, or images or messages promoting violence, illegal drugs, alcohol, tobacco, or other inappropriate material," are impermissible content-based regulations. If its commitment to free expression is to be meaningful, Tuskegee may only impose such rules when it can show that the banned apparel is reasonably likely to lead to substantial disruption of the educational environment.¹¹ In simply enacting the blanket restrictions in its dress code, Tuskegee has not done so. The university's disdain for certain messages is not an appropriate basis for restricting student expression, even when those messages are profane, discriminatory, or promote violence.¹² Barring adult university students from wearing, for example, t-shirts depicting dogs playing poker and smoking cigars,¹³ advertising a local pub, or saying "Save Ukraine, Bomb

⁶ *Texas v. Johnson*, 491 U.S. 397 (1989).

⁷ *Canady v. Bossier Parish Sch. Bd.*, 240 F.3d 437, 440 (5th Cir. 2001).

⁸ *Id.* at 441.

⁹ *Cohen v. California*, 403 U.S. 15 (1971) (jacket emblazoned with "Fuck the Draft" is protected expression); *Tinker v. Des Moines Ind. Cmty. Sch. Dist.*, 393 U.S. 503 (1969) (black armbands symbolizing opposition to the Vietnam War are protected expression).

¹⁰ *Student Handbook*, *supra* note 3 at 137.

¹¹ *Tinker*, 393 U.S. at 510; *Jacobs v. Clark Cnty. Sch. Dist.*, 526 F.3d 419, 430–31 (9th Cir. 2008); *Canady*, 240 F.3d at 443; *Scott v. Sch. Bd. of Alachua Cnty.*, 324 F.3d 1246, 1248 (11th Cir. 2003).

¹² *Matal v. Tam*, 582 U.S. 218, 246 (2017) (refusing to establish a limitation on speech viewed as "hateful" or demeaning "on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground"); *Snyder v. Phelps*, 562 U.S. 443, 448, 461 (2011) (holding insulting signs outside of soldiers' funerals is protected expression because "[a]s a Nation we have chosen . . . to protect even hurtful speech on public issues to ensure that we do not stifle public debate"); *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (burning the American flag is protected expression because the "bedrock principle underlying" free speech is that institutional actors "may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable").

¹³ T-shirts featuring the famous images are common and sold at many retailers. *See, e.g.*, Poker Dogs Vintage Graphic T-Shirt, LuckyDayGift Co. on Etsy, <https://www.etsy.com/listing/4535005992/poker-dogs-vintage-graphic-t-shirt-retro>; A Friend in Need Dogs Playing Poker T-Shirt, TeePublic, <https://www.teepublic.com/t-shirt/16911475-a-friend-in-need-dogs-playing-poker>.

Russia” in the classroom or cafeteria is administrative overreach and entirely inappropriate at a university ostensibly committed to freedom of expression.

Similarly, Tuskegee’s restrictions on most head coverings, sagging pants, and t-shirt dresses—all forms of protected symbolic speech—are impermissible unless they further an important university interest unrelated to suppressing expression and the restriction is no broader than necessary to advance the university’s interest.¹⁴ For instance, barring sagging pants and other loose clothing in laboratory settings or requiring sneakers in campus gyms and other athletic spaces may well be a legitimate restriction on student dress necessary for student safety. But broad restrictions on wearing such clothing in the cafeteria and all classrooms, where it poses no particular risk to student safety, inappropriately infringes adult students’ free expression rights. The university’s interest in teaching students the importance of professionalism also cannot justify the new policy because the restrictions are far broader than necessary to prepare students to understand and navigate professional expectations in the workplace.

We urge Tuskegee to revise its new dress code policy to allow students the freedom to express themselves through their attire where such freedom does not pose a legitimate safety risk and is unlikely to substantially disrupt the instructional environment. FIRE would be happy to assist Tuskegee with revising its dress code policy to conform to its free expression commitments—free of charge, in accordance with our charitable mission. We request a substantive response to this letter no later than the close of business on August 27, 2026.

Sincerely,



Jessie Appleby
Program Counsel, Campus Rights Advocacy

Cc: Office of the General Counsel

¹⁴ *Jacobs*, 526 F.3d at 434.