

October 16, 2026

Amanda Cochran-McCall
Office of the Vice President for Legal Affairs
University of Texas at Austin
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Sent via U.S. Mail and Electronic Mail (vppla@austin.utexas.edu)

Dear Vice President Cochran-McCall:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by the imposition of over \$17,000 in security fees for the University Democrats' September 30 campus event featuring left-leaning political commentator Hasan Piker. Forcing the University Democrats to shoulder these security costs infringes on the group's expressive rights under the First Amendment. Further, questions raised by attendees of the Piker event and publicly asked at an October 7 event with right-leaning commentator Ben Shapiro represent serious viewpoint discrimination concerns. To that end, we have submitted a public records request to UT Austin. We urge UT Austin to refund or rescind the exorbitant security fees imposed upon the University Democrats, forego assessing prohibitive security fees based on controversial speakers in the future, and conform its Special Events policy to constitutionally sound principles.

On August 10, University Democrats President Adit Raha submitted a guest speaker request form to host Piker at WCP Auditorium on September 30.² The event was approved on August 31. The approval drew outcry from Texas public officials, including Governor Greg Abbott³ and Representative Henry Cuellar.⁴ Following the event's approval, UT Austin Police Department

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 Adit Raha, *Student Organization Guest Speaker Request* (Aug. 10, 2026, 8:55 PM) (on file with author).

³ Haley Cohen, *University of Texas College Dems invitation to Hasan Piker sparks campus outrage, GOP fire*, JEWISH INSIDER (Sept. 10, 2026), <https://jewishinsider.com/2026/09/hasan-piker-invitation-university-of-texas-college-dems/>.

⁴ Henry Cuellar (@RepCuellar), X (Sept.14, 2026, 1:29 PM), <https://x.com/RepCuellar/status/2099566216050352624> [<https://perma.cc/TG5G-GZG9>] ("Hasan Piker's scheduled appearance at the University of Texas is deeply concerning. Free speech allows difficult and controversial views, but it does not require anyone to stay silent when someone has a history of hateful comments about Jewish Americans, 9/11, and Hamas terrorism. Jewish students at UT should not be made to feel targeted or unsafe on their own campus. UT should be a place for debate, learning, and respect, not

Special Events Coordinator Brian Schlather recommended to Raha that a minimum of two police officers attend the event, which would cost \$364.⁵ But UTPD ultimately charged the University Democrats \$16,359 for security.⁶ UTPD also outsourced \$1,537 in services to Austin PD, bringing the University Democrats' total security cost to \$17,896. Raha shared with FIRE that, since Schlather's first estimate, the group and Piker faced threats, prompting UT Austin to require "officers, barricades, drones, SWAT, and overwatch" for the event. Raha additionally shared that the extent of the security UTPD would provide was not made aware to him until the event began.

UT Austin's Special Events Policy gives broad authority to UTPD to determine the ultimate fees to impose on a student group, stating that while "[e]vent organizers may request a specific number of officer[s] [sic], ... UTPD will determine the appropriate staffing levels based on factors such as attendance, event type, location, and operational needs."⁷ That level of discretion cannot be squared with UT Austin's promises under its Speech, Expression, and Assembly Policy that provides "[n]o fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event."⁸ The university goes on to promise that "[a]ll fees will be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day."⁹ During an October 7 event hosted by UT Austin's Turning Point USA chapter, even conservative commentator Ben Shapiro acknowledged that, "[i]f the University is, on the basis of speech, discriminating against [Hasan Piker], then obviously it's a violation of the First Amendment. They shouldn't do that."¹⁰

Indeed, it has long been settled law that the First Amendment is binding on public universities like UT Austin.¹¹ Accordingly, the decisions and actions of a public university—including the maintenance of policies implicating student and faculty expression¹² and imposition of security fees¹³—must be consistent with the First Amendment. By forcing the University

antisemitism or rhetoric that excuses terrorism. Leaders in both parties should be clear: antisemitism and hate must be condemned wherever they appear.”).

⁵ Email from Brian Schlather, Special Events Coordinator, to Adit Raha, student (Aug. 12, 2026, 1:40 PM) (on file with author).

⁶ *University Business Services, Invoice No. LB011821* (Oct. 7, 2026) (on file with author).

⁷ *UTPD Special Events, Rates and Terms of Service*, THE UNIV. OF TEX. AT AUSTIN POLICE DEP'T, <https://police.utexas.edu/utpd-special-events> (last visited Oct. 8, 2026).

⁸ *Speech, Expression, and Assembly*, Enforcement and Appeals, Police Protection, UNIV. OF TEX. AT AUSTIN, <https://catalog.utexas.edu/general-information/appendices/appendix-c/speech-expression-and-assembly/> [<https://perma.cc/C9GW-3RS7>].

⁹ *Id.*

¹⁰ Catherine MacLeod, ‘Save America and the West’: Ben Shapiro talks Israel-Hamas war, midterm elections, THE DAILY TEXAN (Oct. 8, 2026), <https://thedailytexan.com/2026/10/08/save-america-and-the-west-ben-shapiro-talks-israel-hamas-war-midterm-elections/>.

¹¹ *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).

¹² *See, e.g., Dambrot v. Central Mich. Univ.*, 55 F.3d 1177 (6th Cir. 1995).

¹³ *Sonnier v. Crain*, 613 F.3d 436, 448 (5th Cir. 2010).

Democrats to pay more than \$17,000 in security fees after holding its event, UT Austin has unconstitutionally affixed a viewpoint-based price tag to the group's expression.

The Supreme Court addressed precisely this issue when it struck down an ordinance in Forsyth County, Georgia, that permitted the local government to set varying fees for events based upon how much police protection the event was projected to require.¹⁴ Declaring the ordinance a violation of the First Amendment, the Court explained the problem: “[t]he fee assessed will depend on the administrator’s measure of the amount of hostility likely to be created by the speech based on its content. Those wishing to express views unpopular with bottle throwers, for example, may have to pay more for their permit.”¹⁵ The Court also held that “[any] government regulation that allows arbitrary application is inherently inconsistent with a valid time, place, and manner regulation because such discretion has the potential for becoming a means of suppressing a particular point of view.”¹⁶ The Court found that Forsyth County’s implementation of the ordinance did not rely on “narrowly drawn, reasonable and definite standards guiding the hand of the Forsyth County administrator,” and thus ruled that “[n]othing in the law or its application prevents the official from encouraging some views and discouraging others through the arbitrary application of fees.”¹⁷

Likewise, UT Austin’s Special Events Policy is impermissibly arbitrary and invites a heckler’s veto. Allowing the controversial nature of the University Democrats’ invited speaker to determine the group’s fees then *effectuates* that heckler’s veto, allowing the anticipated audience reaction to price speakers out of the marketplace of ideas.¹⁸ In the interest of preserving viewpoint and content neutrality in determining fees for campus events, UT Austin cannot and must not force student groups to pay more money for security because it fears a violent reaction to an event.

In fact, UT Austin recognizes this tenet in its Speech, Expression, and Assembly Policy, which designates that fees will not be charged for officers assigned “because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event.”¹⁹ This constitutionally sound policy contradicts the university’s Special Events Policy, which gives the university unbridled authority to determine security staffing and related charges. That contradiction must be resolved in favor of the Speech, Expression, and Assembly Policy, and the university must refund or rescind the exorbitant fees assessed to the University Democrats.

Because of the ongoing threats to free expression this fee assessment and the Special Events policy raise, we request a substantive response to this letter by close of business on October 23, 2026, confirming UT Austin will rescind these exorbitant security fees, forego assessing

¹⁴ *Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 134–35 (1992).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *See, e.g., Watson v. Memphis*, 373 U.S. 526, 535 (1963) (“[C]onstitutional rights may not be denied simply because of hostility to their assertion or exercise.”).

¹⁹ *Speech, Expression, and Assembly*, *supra* note 8.

prohibitive security fees based on controversial speakers and their viewpoints in the future, and conform its Special Events Policy to constitutionally sound principles.

Sincerely,

A handwritten signature in black ink, reading "Marie McMullan". The signature is fluid and cursive, with the first name "Marie" written in a larger, more prominent script than the last name "McMullan".

Marie McMullan
Program Counsel, Campus Rights Advocacy