

BRENNA BIRD
ATTORNEY GENERAL



1305 E. WALNUT ST.
DES MOINES, IA 50319
515-281-5164
www.iowaattorneygeneral.gov

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

Dear Presidents and Deans of Universities and Colleges:

We were shocked and saddened by the assassination of Charlie Kirk on the campus of Utah Valley University on Wednesday. As the chief law enforcement officers of our states, we unequivocally condemn political violence of any kind. The fact that the slaying took place on a college campus, during a debate, makes it even more tragic. Particularly at this moment, it is critical our state institutions of higher learning serve as forums for robust debate from all perspectives. The campus should be the very place where the First Amendment rings loudest for all to hear. We urge you to say no to the “Assassin’s Veto.”

Unfortunately, we have heard troubling reports that some university officials are using the murder of Charlie Kirk as a justification to shut down speech on campus. While considering safety concerns, it is critical that universities are not imposing what would effectively be a tax on free speech. Particularly at this moment, when free speech itself was attacked, our universities must show through their actions that they will defend free speech and resist the “Assassin’s Veto.” You have an obligation to protect free speech—you must not use the burden of protecting free speech to prevent free speech.

Indeed, the U.S. Supreme Court has made abundantly clear that imposing exorbitant security fees can violate the First Amendment, particularly if such fees are applied based on the content of the speech. *Forsyth County v. Nationalist Movement*, 505 U.S. 123 (1992).

We thus remind you that your universities must impose security fees in a content-neutral and viewpoint-neutral manner. And any security policy that appears neutral on its face must not be applied in a discriminatory manner. There is a long and troubling trend of universities misusing security policies to unconstitutionally chill conservative speech on campus. For example, just last year, the U.S. District Court for the District of New Mexico issued a preliminary injunction against the University of New Mexico after the university attempted to charge Turning Point USA over \$5,000 in security fees for an October 2023 event featuring conservative speaker Riley Gaines. As the Court found, that was unacceptable.

As Attorneys General of your respective States, we expect that you will take the appropriate steps to protect the safety of your students while also ensuring

that discussion and debate is protected to the fullest extent required by our First Amendment.

More, the students on your campuses may be considered consumers under your State's respective Consumer Fraud Acts or Unfair and Deceptive Acts and Practices laws. To the extent that your schools advertise your campuses as open for discussion and dialogue, or include similar promises in your handbooks, you may violate your State's laws if you invoke "security concerns" to impose exorbitant fees on student groups hosting conservative speakers, or refuse events altogether, while not applying the same scrutiny to liberal or neutral speakers; or if you apply your security regulations in a manner that disproportionately affects conservative speakers and groups. Such actions can harm students as consumers by diminishing the educational value of your school.

We ask your school to confirm that facility-use and security-fee policies are viewpoint-neutral. We also ask that you ensure your school has transparent standards requiring disclosure of any fee calculations or restrictions, applied consistently to all events regardless of viewpoint. There should be clear protocols for event approval and protecting speakers, ensuring security is the responsibility of the institution rather than a financial barrier on disfavored speech. Security fees should not be assessed based on the anticipated viewpoints, opinions, or expressions of the participants. And security regulations should not allow for broad administrative discretion without explaining the criteria by which the fees are set.

If we receive complaints about your school, we will fully and fairly investigate those complaints subject to the authority of our respective offices. Our offices are committed to ensuring that all our state entities, including our public colleges and universities, follow the Constitution.

We trust that you will continue to take steps to keep your campuses safe. And we also trust that you won't use safety as a pretext to silence debate, at a time when it is sorely needed. Not everyone will agree with every speaker that your institutions host. But that is exactly the point.

Sincerely,

A handwritten signature in cursive script that reads "Brenna Bird".

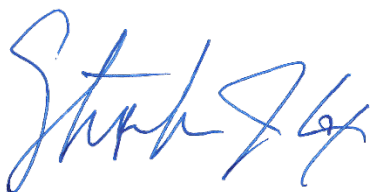
Brenna Bird
Attorney General of Iowa



Steve Marshall
Attorney General of Alabama



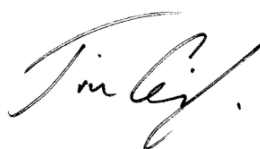
Kris Kobach
Attorney General of Kansas



Stephen J. Cox
Attorney General of Alaska



Liz Murrill
Attorney General of Louisiana



Tim Griffin
Attorney General of Arkansas



Andrew T. Bailey
Attorney General of Missouri



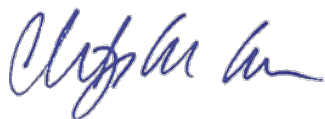
James Uthmeier
Attorney General of Florida



Austin Knudsen
Attorney General of Montana



Mike Hilgers
Attorney General of Nebraska



Chris Carr
Attorney General of Georgia



Gentner Drummond
Attorney General of Oklahoma



Todd Rokita
Attorney General of Indiana



Alan Wilson
Attorney General of South Carolina



Marty Jackley
Attorney General of South Dakota



Ken Paxton
Attorney General of Texas



Derek E. Brown
Attorney General of Utah