



September 16, 2024

The Honorable Mike Johnson  
Speaker of the House  
U.S. House of Representatives  
H-232 The Capitol  
Washington D.C. 20515

The Honorable Hakeem Jeffries  
House Minority Leader  
U.S. House of Representatives  
H-204, The Capitol  
Washington D.C. 20515

Dear Speaker Johnson and Minority Leader Jeffries,

On behalf of America's leading research universities, I urge you to oppose H.R. 3724, the "[End Woke Higher Education Act](#)." Title II ("Respecting the First Amendment on Campus") of this misguided legislation would dangerously undermine public universities' ability to implement crucial time, place, and manner policies for campus expression, jeopardizing their ability to protect student safety—particularly for vulnerable groups such as Jewish students—and disrupting the educational environment.

It is puzzling that, at a time when the House has been focused on what colleges and universities are doing to protect students from hateful, intimidating, or harassing actions which impede an atmosphere conducive to effective learning, this legislation would actually remove critical tools that campuses use to protect students and reduce the likelihood of such outcomes.

Time, place, and manner policies are not abstract concepts; they are vital tools that have been repeatedly upheld by the U.S. Supreme Court for use by federal, state, and local governments, as well as university campuses. These content-neutral regulations govern when, where, and how speech activities occur on campus, balancing free expression with safety and educational needs. For example:

- Time restrictions limit noisy demonstrations during class hours
- Place restrictions designate appropriate areas for large gatherings
- Manner restrictions regulate sound amplification use or require advance notice for major events

The U.S. Supreme Court has consistently recognized the constitutionality of these policies, holding that such restrictions are valid if they are content-neutral, narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels for communication.

This Act seeks to broaden the requirements of that legal standard by simultaneously 1) reclassifying all generally accessible areas of campus at public institutions as traditional public forums and 2) weakening public universities' ability to regulate the time, place, and manner of campus protests by requiring them to allow a right of no-notice spontaneous assembly to any member of the public who wants to protest. The Act would also allow demonstrators a right to physically approach students on campus to distribute literature.

These added requirements will jeopardize this established legal framework within which universities consider a variety of factors, including free expression, campus safety, disruption of educational mission, and protection of students from the type of discrimination and harassment that creates an environment that impedes their ability to participate in their education.

By changing the requirements these policies, the Act would:

- Endanger Jewish students and other vulnerable groups: Without the ability to manage the location and timing of demonstrations, colleges would struggle to prevent hostile groups from gathering near religious or cultural centers, potentially subjecting students to harassment or intimidation.
- Disrupt the learning environment: Unrestricted protests could interfere with classes, exams, or even important events like Holocaust remembrance ceremonies, impeding the core educational mission of universities.
- Create logistical nightmares: Colleges would be unable to effectively allocate resources for security or manage competing demands for limited campus spaces, potentially leading to chaos and increased safety risks.
- Conflict with other legal obligations: The Act could make it nearly impossible for colleges to meet their responsibilities under Title VI of the Civil Rights Act to protect students from discrimination while still allowing free expression.

Instead of this deeply flawed legislation, AAU strongly urges Congress to:

- Protect colleges' ability to implement reasonable, content-neutral time, place, and manner restrictions as already established by judicial precedent.
- Support initiatives that balance free expression with campus safety.
- Encourage collaborative policy-making involving administrators, students, and faculty to address each campus's unique needs.

While the provisions relating to campus speech are our primary focus, AAU has additional concerns with other provisions in the Act relating to security fees and single-sex associations, some of which affect both public and private universities.

Despite its “Respecting the First Amendment” name, Title II of this legislation would not enhance free speech. Instead, it would create a potentially dangerous environment that could silence vulnerable voices and undermine the very purpose of higher education. I implore you to stand against this misguided legislation and protect the delicate balance of rights and responsibilities that our universities currently navigate.

Sincerely,

A handwritten signature in blue ink that reads "Barbara R. Snyder". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Barbara R. Snyder  
President

cc:           The Honorable Michael Burgess, Chairman, House Committee on Rules  
              The Honorable Jim McGovern, Ranking Member, House Committee on Rules