



July 26, 2024

Rhett Brown
Office of the President
Wingate University
Stegall, 3rd Floor
213 E Wilson St.
Wingate, North Carolina 28174

URGENT

Sent via U.S. Mail and Electronic Mail (president@wingate.edu)

Dear President Brown:

FIRE, a nonpartisan nonprofit dedicated to defending freedom of speech,¹ is concerned by Wingate University's apparent termination of Professor Amanda Stanford for her Facebook comments about the attempted assassination of former President Donald Trump.² Wingate's laudable commitments to academic freedom and free expression bar it from punishing faculty for protected political expression, even when some view it as offensive or inappropriate. We therefore urge Wingate to immediately reinstate Stanford to her faculty position.

Our concerns arise out of Wingate's reaction to Stanford's July 14 Facebook comments on the shooting: "I'm begging y'all to care like this when it's a third grade classroom instead of an ear" and "How this kid missed is ridiculous."³ Another Facebook user, Brian Talbert, took offense to Stanford's comments and posted screenshots to his profile, noting Stanford's employment

¹ For more than 20 years, the Foundation for Individual Rights and Expression 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.

² The recitation here reflects our understanding of the pertinent facts based on publicly available information. We appreciate that you may have additional information to offer and invite you to share it with us.

³ Brian Talbert, screenshots of Stanford's comments and employment status, FACEBOOK (July 14, 2024, 9:15 am), <https://www.facebook.com/share/p/w6k23aMiyiNVYE3Y/>. Stanford reportedly posted the second comment in response to news articles shared on the same thread identifying the shooter and explaining the distance and challenge of the shot. See *The Secret Service is investigating how the man who shot Trump got as close as he did*, NPR (July 14, 2024, 3:36 AM), <https://www.npr.org/2024/07/14/nx-s1-5039137/secret-service-investigating-how-trump-shooter-was-able-to-get-so-close>; Krishnadev Calamur, *FBI identifies the alleged shooter as Thomas Matthew Crooks*, NPR (July 14, 2024, 7:42 AM), <https://www.npr.org/live-updates/trump-shooting#fbi-identifies-the-alleged-shooter-as-thomas-matthew-crooks>.

at Wingate and tagging the university.⁴ In the following days, he continued to publicize the comments and Stanford’s connection to Wingate, posting in local Facebook groups and on his own page,⁵ and commenting on Wingate’s Facebook page.⁶ On July 17, Talbert declared victory by screenshotting an email from Wingate spokesperson Kristen Johnsons Yost confirming Stanford was “no longer employed at the university.”⁷

Yet Wingate maintains an Academic Freedom policy that states that when faculty “speak or write as citizens, they should be free from institutional censorship or discipline.”⁸ It explains that academic freedom is not limited to teaching and scholarship, but includes “the freedom to address the larger community with regard to any matter of social, political, economic or other interest.”⁹ Faculty reading these policies would reasonably believe they have expressive rights commensurate with constitutional guarantees, especially because the policy’s language echoes corresponding First Amendment standards.¹⁰

It is in moments of controversy when such institutional commitments to free expression are most important—and put to the test. Wingate’s apparent termination of Stanford’s employment for her Facebook commentary fails that test by violating the university’s clear commitment to academic freedom and free expression.

⁴ *Id.*

⁵ Brian Talbert, screenshot of post removed from the What’s Up Wingate! Group, FACEBOOK (July 14, 10:48 AM), <https://www.facebook.com/share/p/ARKCA5LL21xRXoAn/> (commenting after a local Facebook group’s administrator removed his post about Talbert from the group page, “The fascists who run the page, What’s Up Wingate! Group do not like you talking bad about their fascist friends.”); Brian Talbert and Lisa Metzger, screenshots identifying Stanford as a member of Change for Monroe, FACEBOOK (July 19, 2024, 8:31 AM), <https://www.facebook.com/share/p/nJsYSTun8YH7cSAf/>; Brian Talbert, screenshots of negative reviews of Stanford on the Rate My Professors website, FACEBOOK (July 20, 2024, 1:21 PM), <https://www.facebook.com/share/p/24D6oEqH6yo3Hy9E/> (commenting, “These are just a few student reviews of former Wingate University professor, Amanda Stanford.”).

⁶ Wingate University, FACEBOOK (July 15, 2024, 10:45 AM), <https://www.facebook.com/share/p/zumKmEkJNsgGdV1R/> (Brian Talbert commenting, “What are you going to do with the professor that posted being disappointed in Trump not being killed?”).

⁷ Brian Talbert, screenshot of email confirming Stanford is no longer employed at Wingate, FACEBOOK (July 17, 2024, 5:14 PM), <https://www.facebook.com/share/p/8F3AfQFMsoc15sGP/>. The text on the post reads in full: “GREAT NEWS!!! The professor, Amanda Stanford, from Wingate University in Wingate, NC. The one that made comments about wishing the shooter would not have missed Trump, HAS BEEN FIRED!!!! Thank you to everyone that helped share and get the word out.”

⁸ *Wingate University Faculty Guide 2023*, § 3.1.2 Statement of Academic Freedom 19–20, WINGATE UNIV., <https://resources.finalsite.net/images/v1691763870/wingateedu/gvlqmmrj22pgresu0txh/FINALWingateUniversityFacultyGuide2023.pdf> [<https://perma.cc/3DAL-J3DH>] (last updated Feb. 8, 2023).

⁹ *Id.* (quoting *1940 Statement of Principles on Academic Freedom and Tenure*, AMER. ASSN. OF UNIV. PROFESSORS, <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>).

¹⁰ While Wingate, as a private university, is not bound by the First Amendment, courts’ interpretations of free speech principles should inform its commitment to upholding faculty free speech rights and its faculty’s reasonable expectation of what those rights encompass.

Stanford clearly spoke as a citizen “address[ing] the larger community” about a political matter in posting commentary about the assassination attempt.¹¹ Stanford’s comments certainly were not within the scope of her employment duties as a professor.¹² And the attempted assassination of a former president and current presidential candidate is a paradigmatic example of a matter of broad public concern.¹³ Expression on that issue thus squarely lies within the terms of Wingate’s faculty speech policy.

That remains true even to the extent Wingate views Stanford’s speech as involving vitriol about a prominent public figure and/or rhetorical hyperbole.¹⁴ More than 40 years ago, the Supreme Court affirmed that the right to freedom of speech protected a police department employee’s statement, uttered upon learning President Ronald Reagan had been shot, that “If they go for him again, I hope they get him.”¹⁵ Whether listeners found her statements of an “inappropriate or controversial character” was “irrelevant,” the Court explained, to whether her statement was protected speech on a matter of public concern.¹⁶ Free speech protections are at their “zenith” when applied to such core political speech,¹⁷ especially at universities like Wingate dedicated to protecting free inquiry and open debate.¹⁸ Wingate simply may not, consistent with its own policy, terminate Stanford for her Facebook comments.¹⁹

Of course, none of this shields Stanford from every consequence of her expression—including criticism by students, faculty, or the broader community. Criticism is a form of “more speech,” the remedy to offensive expression the First Amendment prefers to censorship.²⁰ Wingate’s

¹¹ See *Wingate University Faculty Guide*, *supra* note 8 at 19–20. Wingate’s Academic Freedom policy mirrors the First Amendment protection for the right of a public university faculty member “as a citizen, in commenting upon matters of public concern.” See *Connick v. Myers*, 461 U.S. 138, 143 (1983).

¹² *Lane v. Franks*, 573 U.S. 288, 240 (2014) (the “critical question” in determining whether speech was that of an employee or private citizen is “whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not whether it merely concerns those duties.”).

¹³ *Snyder v. Phelps*, 562 U.S. 443, 453 (2011) (holding that speech on a matter of public concern includes speech that “can be fairly considered as relating to any matter of political, social, or other concern to the community”).

¹⁴ *Watts v. United States*, 394 U.S. 705, 708 (1969) (man’s statement, after being drafted to serve in the Vietnam War—“If they ever make me carry a rifle the first man I want to get in my sights is L. B. J.”—was rhetorical hyperbole protected by the First Amendment, not a true threat to kill the president); *Noto v. United States*, 367 U.S. 290, 297–98 (1961) (asserting the “moral propriety or even moral necessity for a resort to force or violence” is protected speech).

¹⁵ *Rankin v. McPherson*, 483 U.S. 378, 381 (1987).

¹⁶ *Id.* at 387.

¹⁷ *Buckley v. Am. Const. Law Found.*, 525 U.S. 182, 186–87 (1999) (quoting *Meyer v. Grant*, 486 U.S. 414 (1988)).

¹⁸ See, e.g., *Vega v. Miller*, 273 F.3d 460, 467 (2d Cir. 2001) (academic freedom instructs colleges “not to discipline a college teacher for expressing controversial, even offensive, views”).

¹⁹ The immediate termination of teaching duties without a prior hearing is a harsh punishment reserved for violent or severe misconduct not remotely present here. See *Recommended Institutional Regulations on Academic Freedom and Tenure*, AM. ASS’N OF UNIV. PROFESSORS (revised 2023), <https://www.aaup.org/report/recommended-institutional-regulations-academic-freedom-and-tenure>.

²⁰ *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).

commitment to free speech, however, limits the *types* of consequences that may be imposed, and terminating Stanford for her personal political speech clearly violates that commitment.²¹

Moreover, giving in to social media pressure to fire a professor for her views extends an open invitation for further such efforts to silence Wingate faculty.²² Wingate's acquiescence to these calls for punishment opens the door to censorship of a limitless array of views on campus and chills faculty from speaking about political issues. As an institution that promises to protect faculty expressive rights, Wingate should not find this outcome acceptable.

Given the urgent nature of this matter, we request a substantive response to this letter no later than August 2, confirming that Wingate will reinstate Stanford to her faculty position.

Sincerely,



Jessie Appleby
Program Officer, Campus Rights Advocacy

Cc: Ben Sidbury, General Counsel and Senior Vice President

²¹ Stanford's termination also cannot be squared with the most basic principles of procedural due process, which includes timely and adequate notice of charges, adequate time to respond, and the ability to defend oneself before discipline is meted out. *Due Process on Campus*, FIRE, <https://www.thefire.org/research-learn/due-process-campus>.

²² *Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 134 (1992).