

MAJORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,  
*Chairwoman*

JOE WILSON, SOUTH CAROLINA  
GLENN THOMPSON, PENNSYLVANIA  
TIM WALBERG, MICHIGAN  
GLENN GROTHMAN, WISCONSIN  
ELISE M. STEFANIK, NEW YORK  
RICK W. ALLEN, GEORGIA  
JIM BANKS, INDIANA  
JAMES COMER, KENTUCKY  
LLOYD SMUCKER, PENNSYLVANIA  
BURGESS OWENS, UTAH  
BOB GOOD, VIRGINIA  
LISA C. MCCLAIN, MICHIGAN  
MARY E. MILLER, ILLINOIS  
MICHELLE STEEL, CALIFORNIA  
RON ESTES, KANSAS  
JULIA LETLOW, LOUISIANA  
KEVIN KILEY, CALIFORNIA  
AARON BEAN, FLORIDA  
ERIC BURLISON, MISSOURI  
NATHANIEL MORAN, TEXAS  
JOHN JAMES, MICHIGAN  
LORI CHAVEZ-DEREMER, OREGON  
BRANDON WILLIAMS, NEW YORK  
ERIN HOUGHIN, INDIANA



COMMITTEE ON  
EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

April 28, 2023

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,  
*Ranking Member*

RAÚL M. GRIJALVA, ARIZONA  
JOE COURTNEY, CONNECTICUT  
GREGORIO KILIJI CAMACHO SABLAN,  
NORTHERN MARIANA ISLANDS  
FREDERICA S. WILSON, FLORIDA  
SUZANNE BONAMICI, OREGON  
MARK TAKANO, CALIFORNIA  
ALMA S. ADAMS, NORTH CAROLINA  
MARK DESAULNIER, CALIFORNIA  
DONALD NORCROSS, NEW JERSEY  
PRAMILA JAYAPAL, WASHINGTON  
SUSAN WILD, PENNSYLVANIA  
LUCY MCBATH, GEORGIA  
JAHANA HAYES, CONNECTICUT  
ILHAN OMAR, MINNESOTA  
HALEY M. STEVENS, MICHIGAN  
TERESA LEGER FERNÁNDEZ,  
NEW MEXICO  
KATHY E. MANNING, NORTH CAROLINA  
FRANK J. MRVAN, INDIANA  
JAMAAL BOWMAN, NEW YORK

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary Cardona:

We are appalled at the treatment swimmer Riley Gaines received on April 6, 2023, as an invited speaker at San Francisco State University ("SFSU") – a recipient of approximately \$58 million in federal education funds over the preceding 12 months. Ms. Gaines' reception at SFSU was aggressive and violent, unbecoming any institution of higher learning, let alone one that receives federal funding.

As Ms. Gaines has publicly stated, immediately after speaking she was harassed, subjected to insults, cursed, chased down a hallway, and physically struck two times.<sup>1</sup> The situation got so disorderly that SFSU campus police had to escort her to a safe room where she had to remain for several hours to ensure her safety.<sup>2</sup> Shortly after the incident, Ms. Gaines tweeted a video of what transpired and issued the following statement:

The prisoners are running the asylum at SFSU. . . I was ambushed and physically hit twice by a man. This is proof that women need sex-protected spaces.

Still only further assures me I'm doing something right. When they want you silent, speak louder.<sup>3</sup>

<sup>1</sup> <https://nypost.com/2023/04/08/riley-gaines-threatens-legal-action-after-being-attacked-by-trans-rights-activists/>.

<sup>2</sup> The event began at 7:00 PM PDT; the prevailing circumstances did not become safe enough for Gaines to depart SFSU until around midnight.

<sup>3</sup> Riley Gaines (@Riley\_Gaines\_), Twitter (Apr. 7, 2023, 1:13 AM), [https://twitter.com/Riley\\_Gaines\\_/status/1644206766165737472](https://twitter.com/Riley_Gaines_/status/1644206766165737472).

As you may recall, in a letter to you dated September 28, 2022, then-Ranking Member Virginia Foxx of the Committee on Education and Labor (now Committee on Education and the Workforce) and then-Ranking Member James Comer of the Committee on Oversight and Government Reform (now Committee on Oversight and Accountability) wrote to express their concerns about colleges and universities that were stifling free thought and expression. This latest appalling event demonstrates how well-founded those concerns were. The indirect attack on free speech which Ms. Gaines endured is a serious threat to our Constitutionally protected right to free speech: as a direct response to her speech, Ms. Gaines, was cursed, subjected to harassment and insults, chased down a hallway, put in reasonable fear for her own safety, and in her own words was “hit twice by a man.”<sup>4</sup> This experience may discourage others – whether invited speakers, SFSU students, or professors – from voicing positions which are unpopular among their peers, fearing similar violent treatment from those who disagree with them.

SFSU’s handling of the event was similarly inadequate. The lack of meaningful preparation by the SFSU security was self-evident. Furthermore, rather than condemning such violent behavior, SFSU’s president Lynn Mahoney minimized the abhorrent conduct of the students, describing the conduct merely as “a disturbance after the event concluded” that “delayed the speaker’s departure.”<sup>5</sup> The president did indicate SFSU would “review[] the incident and, as always, will learn from the experience.”<sup>6</sup> We can only hope that such a review is thorough, is conducted swiftly, and that steps will be taken to ensure this does not happen again.

The Department of Education (“Department”) has been strangely silent about SFSU’s lack of adequate safety preparation, and more broadly it has failed to demonstrate any leadership on the free exchange of ideas on campuses. In fact, the tenor of the Department’s *Federal Register* notice of February 22, 2023, (“Request for Information Regarding First Amendment and Free Inquiry Related Grant Conditions”) appears to imply the Department is contemplating taking away free speech protections that are not only guaranteed by the Constitution but are conditions attached to the receipt of grants by institutions of higher education.<sup>7</sup> Further, the increasing proliferation of cancel culture in American postsecondary education continues to chill the ability of students, faculty, and guest speakers to express their viewpoints. Yet, the Department seems unfazed.

To assist the Committee in its oversight of the Department, we request a staff-level briefing as soon as possible, but no later than May 4, 2023, on the following: (a) specific steps the Department has taken from January 20, 2021 through the date of this letter to encourage institutions of higher education to ensure the safety of invited speakers; (2) specific steps the Department has taken from January 20, 2021 through the date of this letter to promote either the Chicago Principles<sup>8</sup> or the concepts represented by the Chicago Principles; and (3) specific steps the Department has taken from January 20, 2021 through the date of this letter to encourage or

---

<sup>4</sup> See *supra* n. 1 & 3.

<sup>5</sup> <https://president.sfsu.edu/presidents-messages>.

<sup>6</sup> *Id.*

<sup>7</sup> See 88 Fed. Reg. 10881 (Feb. 22, 2023).

<sup>8</sup> See Report of the Committee on Freedom of Expression at the University of Chicago (often referred to as the “Chicago Principles”), <https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>.

otherwise inform colleges and universities of Section 112 of the Higher Education Act (20 USC § 1011a(a)(1) (Sense of Congress on protected speech) and § 1101a(a)(2)(C) (Sense of Congress on free and open exchange of ideas).

In addition, please respond to the following questions and requests for production of documents (instructions enclosed) no later than two weeks after the date of this letter:

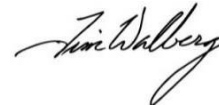
- (1) What has the Department done over the last 12 months to encourage colleges and universities to ensure the safety of invited speakers?
- (2) What has the Department done over the last 12 months to encourage the full range of intellectual discourse and viewpoints at public colleges and universities?
- (3) Provide copies of all Department officers' speeches or statements over the last 12 months wherein the officers have advocated for improved safety on college and university campuses for invited speakers.
- (4) Provide copies of all Department officers' speeches or statements over the last 12 months wherein the officers have encouraged the full range of intellectual discourse and viewpoints at public colleges and universities.

We look forward to hearing from you.

Sincerely,



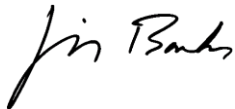
Virginia Foxx  
Chairwoman  
U.S. House Committee on  
Education and the Workforce



Tim Walberg  
Member on Congress



Glenn Grothman  
Member of Congress



Jim Banks  
Member of Congress



Burgess Owens  
Member of Congress



Rick Allen  
Member of Congress



James Comer  
Member of Congress



Bob Good  
Member of Congress



Lisa McClain  
Member of Congress

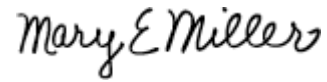


Aaron Bean  
Member of Congress



Erin Houchin  
Member of Congress

Enclosure



Mary Miller  
Member of Congress



Nathaniel Moran  
Member of Congress