

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

March 22, 2023

**SENT VIA EMAIL AND U.S. MAIL:**

**president@wtamu.edu**

Walter V. Wendler  
President  
West Texas A&M University  
2501 4th Avenue, 302  
Canyon, TX 79016

Re: Unconstitutional Censorship of Campus Drag Show

Dear President Wendler:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that recently occurred at West Texas A&M University (WTAMU). FFRF is a national nonprofit organization with more than 39,000 members across the country, including more than 1,600 members and a local chapter in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that on March 20, you issued a statement that your office would not be permitting a drag performance organized by a coalition of several student organizations, including WTAMU's Secular Student Alliance and LGBTQIA+ student group, Spectrum. This event, scheduled for March 31, was intended to be a fundraiser for the Trevor Project, a national nonprofit committed to preventing suicide and self-harm amongst LGBTQIA+ youth.

In an email to students, faculty, and staff, you stated several reasons for censoring this event, including your religious beliefs, that drag is inherently derisive and misogynistic, and that drag is comparable to blackface:

I believe every human being is created in the image of God, and therefore, a person of dignity. Being created in God's image is the basis of Natural Law...

Does a drag show preserve a single thread of human dignity? I think not. As a performance exaggerating aspects of womanhood (sexuality, femininity, gender), drag shows stereotype women in cartoon-like extremes for the amusement of others and discriminate against womanhood. Any event which diminishes an individual or group through such representation is wrong...

WT endeavors to treat all people equally. Drag shows are derisive, divisive and demoralizing misogyny, no matter the stated intent. Such conduct runs counter to the purpose of WT...I would not support 'blackface' performances on our campus, even if told the performance is a form of free speech or intended as humor...

The WT community should live by the Golden Rule. As a Christian, I personally learned this in the book of Matthew, ‘So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets,’...

A harmless drag show? Not possible. I will not appear to condone the diminishment of any group at the expense of impertinent gestures toward another group for any reason, even when the law of the land appears to require it.<sup>1</sup>

We write to request that you immediately reverse course and permit the drag show to take place. We also request that you issue an apology for your unconstitutional, religiously motivated censorship of WTAMU students.

### **Free Speech**

As president of a public university, you have a responsibility to uphold the first amendment rights of all WTAMU students, regardless of your personal beliefs. Your unilateral censorship of this drag show isolates a specific viewpoint for censorship. Viewpoint discrimination is an especially potent concern animating free speech jurisprudence. *See, e.g., Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995) (“Viewpoint discrimination is thus an egregious form of content discrimination...The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.”). While you may view drag performances as a form of misogyny, you may not use your position as the president of a public university to censor student groups who view drag performances as a celebration of gender identity and expression simply because that view is contrary to your own.

Furthermore, the Expressive Activity on Campus policy at West Texas A&M states: “The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.”

### **Establishment Clause**

Additionally, your statement makes it clear that your motivations for censoring this event are not only based in your belief that drag is misogynistic, but also explicitly based in your beliefs as a Christian. As president of a public university, you are tasked with upholding the Constitution of the United States—including the Establishment Clause. You represent a diverse community that consists of Christians, Jews, Muslims, atheists, and other non-Christians. In the email sent to the WTAMU community you directly state that you “believe that every human being is created in the image of God” and that you learned how to treat others through your background as a Christian, citing the Christian bible to explain your actions. Even though your statement does reference other religions which share similar

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<sup>1</sup> See the full email attached.

beliefs regarding the “Golden Rule,” you send the message that the university not only prefers those members of your community who are religious, but also prefers those whose religious beliefs align with your personal interpretation of Christianity. This needlessly alienates members of the WTAMU community who are part of the thirty-seven percent of Americans who are non-Christian, including the nearly one in three Americans who now identify as religiously unaffiliated.<sup>2</sup>

You are free to worship, pray, or quote any religious text you wish when acting in your personal capacity. But you cannot use your position of authority to impose your personal religion onto students or censor student activities based on your personal religious beliefs. As the president of WTAMU, you are charged with great responsibility and have been given significant trust by the university community, including those students, staff, faculty, and alumni who do not share your religious viewpoint.

### **Conclusion**

Censoring this drag show is an egregious abuse of your power as the president of WTAMU, and violates both the Free Speech and Establishment clauses of the United States Constitution. You must not allow your personal beliefs to interfere with your constitutional responsibilities to your students and the broader University community. The U.S. Constitution, the Texas Constitution, and the University’s own policies require that you allow the drag show to proceed as scheduled. We demand that you correct this egregious error immediately and issue an apology to the student organizations involved in hosting the event.

Sincerely,

A handwritten signature in black ink, appearing to read "Kat D. Grant", with a stylized flourish at the end.

Kat D. Grant

*Equal Justice Works Fellow (sponsored by the Wm. Collins Kohler Foundation)  
Freedom From Religion Foundation*

Enclosure

*To: Students, Faculty and Staff*

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<sup>2</sup>Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), [www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).

*From: Walter V. Wendler, President*

*Date: March 20, 2023*

*RE: A Harmless Drag Show? No Such Thing.*

*West Texas A&M University will not host a drag show on campus. It was advertised for March 31, 2023, as an effort to raise money for The Trevor Project. The nonprofit organization focuses on suicide prevention—a noble cause—in the LGBTQ community. Any person considering self-harm for any reason is tragic.*

*I believe every human being is created in the image of God and, therefore, a person of dignity. Being created in God's image is the basis of Natural Law. James Madison and Thomas Jefferson, prisoners of the culture of their time as are we, declared the Creator's origin as the foundational fiber in the fabric of our nation as they breathed life into it.*

*Does a drag show preserve a single thread of human dignity? I think not. As a performance exaggerating aspects of womanhood (sexuality, femininity, gender), drag shows stereotype women in cartoon-like extremes for the amusement of others and discriminate against womanhood. Any event which diminishes an individual or group through such representation is wrong. I registered a similar concern on campus when individuals debased Latinas regarding a quinceañera celebration. Should I let rest misogynistic behavior portraying women as objects? While I am not a woman, my best friend I have been married to for over a half-century is. I am also blessed to have daughters-in-law and granddaughters. Demeaning any demeans all. This is not an intellectual abstraction but a stark reality.*

*WT endeavors to treat all people equally. Drag shows are derisive, divisive and demoralizing misogyny, no matter the stated intent. Such conduct runs counter to the purpose of WT. A person or group should not attempt to elevate itself or a cause by mocking another person or group. As a university president, I would not support "blackface" performances on our campus, even if told the performance is a form of free speech or intended as humor. It is wrong. I do not support any show, performance or artistic expression which denigrates others—in this case, women—for any reason. WT intends to provide fair opportunities to all based on academic performance. Ideas, not ideology, are the coin of our realm. A university campus, charged by the state of Texas to treat each individual fairly, should elevate students based on achievement and capability, performance in a word, without regard to group membership—an implacable and exacting standard based on educational mission and service to all, sanctioned by the legislature, the governor and numerous elected and appointed officials.*

*The WT community should live by the Golden Rule. As a Christian, I personally learned this in the book of Matthew, "So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets." Buddhism expresses it this way: "Hurt not others with that which pains yourself." Judaism states, "What you yourself hate, do to no man." The law of reciprocity is at work in every known religion and society on the planet. Colloquially speaking, it is a manifestation of Newton's Third Law of Motion, "For every action, there is an equal and opposite reaction."*

*Mocking or objectifying in any way members of any group based on appearance, bias or predisposition is unacceptable. Forward-thinking women and men have worked together for nearly two centuries to eliminate sexism. Women have fought valiantly, seeking equality in the voting booth, marketplace and court of public opinion. No one should claim a right to contribute to women's suffering via a slapstick sideshow that erodes the worth of women.*

*When humor becomes harassment, it has gone too far. Any reading of the U.S. Equal Employment Opportunity Commission's purpose, coupled with common sense, affirms that acts of prejudice in the workplace and our campus is a workplace, even when not criminal, are harmful and wholly inappropriate. No amount of fancy rhetorical footwork or legal wordsmithing eludes the fact that drag shows denigrate and demean women—noble goals notwithstanding.*

*A harmless drag show? Not possible. I will not appear to condone the diminishment of any group at the expense of impertinent gestures toward another group for any reason, even when the law of the land appears to require it. Supporting The Trevor Project is a good idea. My recommendation is to skip the show and send the dough.*

*Offering respect, not ridicule, is the order of the day for fair play and is the WT way. And equally important, it is the West Texas way.*

*Walter V. Wendler  
President  
806.651.2100  
president@wtamu.edu*