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## Academic Freedom under the Gun: A Report from Kansas

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### Abstract

Faculty and students at the University of Kansas fought the recent implementation of concealed carry of guns on campus. The struggle involved taking on not just the state legislature and national practices of limiting research on gun violence, but also fighting a university administration that would not challenge, and indeed raised fears of violating, a dubiously constitutional state law that made “lobbying” against guns illegal. Thus the fight against campus carry was from the beginning a fight about academic freedom. Trying to prevent guns in the classroom revealed another level of crisis in the state of Kansas, an existing problem of a university administration that in the name of good relations with a hostile legislature fails to stand up to elected officials regarding basic protections of student, staff, and academic speech and of the right to organize around a workplace health and safety issue.

We authors of this article were part of a statewide movement of faculty, staff, graduate instructors, parents, undergraduates, and community members fighting to prevent concealed carry on campus (hereafter “campus carry”) at the University of Kansas in Lawrence and other colleges and universities across the state. The movement met, marched, posted stickers, won faculty senate resolutions, studied, wrote op-eds, tweeted, and testified repeatedly in the Kansas legislature in Topeka. It lost, though it was instrumental in keeping guns out of public hospitals and adult care homes. Accounts of the broader campaign and its tactics are being written, as each year more and more states are considering removing the ability of universities to keep concealed weapons off campus. In fact, the Kansas Legislature is continuing to consider bills that would

further loosen restrictions on campus carry—including a bill that will allow eighteen-year-olds to obtain permits. In this article and for this venue we wish to focus on campus carry in relation to free speech and academic freedom as intellectual, political, and workplace concerns.

The singularly distressing reality we faced in our attempts to mobilize opposition helps to organize our thoughts in this article. Again and again we heard, only sometimes directly but from all angles, that in simply speaking to the issues of workplace safety and pedagogy raised by campus carry, we were breaking the law, and that our being allowed to speak resulted from the sufferance of administrators who might have disciplined protesters had they wished. At a public forum on implementing the new progun policy in early 2017, the university counsel's office cited the ambiguous H.B. 2162 statute supposedly forbidding agitation by state of Kansas employees, as well as the opinion that our continued activities against campus carry fell under that law.<sup>1</sup> We seek here to understand how so many members of the administration and faculty came to accept that an ambiguous and constitutionally dubious statute took precedence over free debate regarding workplace safety and student learning. This cautionary tale unfolds at state, national, and local scales as it contextualizes H.B. 2162 and then returns to direct discussion of how that law came to be used.

Before continuing our discussion of the meaning of our work for a national audience, a review of some recent Kansas history is in order. In 2013, the Kansas firearms law that legalized concealed carry in the state, the “Kansas Personal and Family Protection Act” (K.S.A. 75-7c01 et seq.), was amended so that individuals twenty-one and older could carry concealed weapons on college campuses—with a permit—and in other public buildings that had previously been excluded under Kansas law.<sup>2</sup> Universities and other public entities were allowed to request one four-year exemption from this requirement. All seven universities governed by the Kansas Board of Regents (KBOR) obtained this exemption, meaning that they could ban concealed weapons until July 1, 2017. Also in 2013, the legislature passed H.B. 2162, a law that prohibits state-appropriated funds from being used to support or defeat legislation regarding “gun control.”<sup>3</sup> It became law on July 1, 2013—the very same day as the law requiring that universities allow campus carry after July 1, 2017.

Thus on July 1, 2017, the four-year exemption for Kansas state colleges and universities expired, and guns arrived on campuses. On that day, campus buildings took down ubiquitous signs reminding visitors with a handgun in a circle crossed by a line that concealed firearms could not be taken inside. In a new triumph for cheerful spin, the new signs read, “THE OPEN CARRYING OF FIREARMS IN THIS BUILDING IS PROHIBITED,” framed by the outline of a stop sign. Only buildings with metal detectors, firearms storage facilities, and armed guards policing every entrance can ban guns, an impossible standard to achieve either

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financially or logistically on a college campus. The theory of the law and policy held that without absolute assurance that no one can possess a gun, safety is guaranteed only by the right of everyone to do so.

However, the details of Kansas and federal law and policy ensured that such fantastical frontier egalitarianism does not in fact exist. Because Kansas concealed carry rights extended only to those aged twenty-one and over, because convicted felons lose such rights, and because international students are barred by federal law from carrying firearms, only a relatively small minority of students could actually carry legally. Thus the law defined the right to gun possession as fully necessary for safety even as most students were barred from exercising such a right. The eighteen-year-old woman at a social event with armed males three years older, the twenty-year-old black or Latinx student speaking up in or out of class, and the thirty-one-year-old international graduate teaching assistant delivering essential curriculum and sometimes low grades to potentially armed students all make concrete the illogic of campus carry as an equal right for all.

Despite these realities and two surveys revealing between 70 percent and 82 percent opposition to campus carry among students, faculty, and staff, and despite real fears about how our lives would change once guns were welcomed on campus, our protests remained relatively small. The supposed ban created by H.B. 2162 was bound to produce a hesitancy to join protests. Sometimes the ban seemed to threaten untenured faculty. For others the very facts of and rumors about the putative policy underlined how strongly the state's legislature felt about controlling debate about campus carry. Many people felt strongly that if protests grew, campuses would be punished with austerity measures. Even after many months of faculty engaging in behavior defying any supposed limitations on opposing campus carry—all without being disciplined—the idea of a ban persisted, so much so that department chairs at times hesitated to publicize strongly worded resolutions against concealed carry. At the height of protests three months before guns came to campus, a faculty delegation asked a top administrator to clarify that faculty and staff had the right to organize in opposition to the impending arrival of guns on campus. The reply expressed surprise that “somebody hadn’t challenged the constitutionality” of the law that university lawyers interpreted as barring protest. We argued unsuccessfully that at a university committed to free speech and faculty governance, the administration should have been that somebody, with university counsel crafting arguments in defense of academic freedom.

How did matters regarding academic freedom and firearms reach this unhappy point? It was not, of course, that Kansas university administrators were in any simple way against free speech. Nor were they for guns on campus. As late as December 2015, top university officials were taking positions they would suggest were contrary to state law just a year later. In that month Chancellor Bernadette Gray-Little wrote, “I want to

be clear that I am not in favor of allowing concealed carry on university campuses. I also realize that not everyone at KU or across the state will agree with my opinion. I appreciate that, and as always, I encourage you to share your perspectives with state lawmakers.” She did so in a message precisely addressed to faculty and staff—that is, to state employees. The outgoing provost signed on to similar sentiments at that time.<sup>4</sup> Retired general Richard Myers publicly stated his opposition to allowing concealed carry on college campuses on November 15, 2016, in a speech delivered directly after being named president of Kansas State University.<sup>5</sup>

However, this changed rapidly in the months before the implementation of campus carry. By that time, no University of Kansas administrator would join us in opposition. It was at that point of what they might have viewed as inevitable capitulation to the policy that we began to hear that our activities contravened state laws. The good faith of administrators came to be expressed not in opposing guns but in speaking of themselves as protecting protesters from disciplinary action despite our being in violation of H.B. 2162’s vagaries.

To understand what happened in Kansas we must look beyond the state. That so many smart, committed people seemed to accept that faculty could say nothing as faculty about a policy going so directly to the heart of the educational mission and safety on the job was startling. Indeed, because an increase in student suicides is the most likely medium-term result of the proliferation of firearms in easy reach, the welfare of those whom we teach was also clearly under discussion.<sup>6</sup> What had many of us accepted about guns and speech that made such a combination of soft censorship and strong self-censorship plausible and indeed successful? What laws did university lawyers think about when they argued against academic freedom and full discussion of workplace issues? What did we fear? And could this only happen in Kansas?

To answer such questions we must first understand that Kansas shares, and has long shared, with the rest of the country sharp restrictions of academic freedom where research into and speech about gun policies are concerned. At the same time, the University of Kansas presents its own local peculiarities, especially with regard to a chilling social media policy in part created out of pressure from the National Rifle Association (NRA) in response to a professor’s 2013 tweet. Likewise relevant is the fact that the 2016 and 2017 protests had to proceed in the shadow of H.B. 2162 and of unclear but consistent efforts by university administrators and legal counsel to suggest that the law itself was somehow clear, enforceable, and constitutional.

A defining national limitation on academic freedom where firearms are concerned came with the highly successful mid-1990s NRA campaign to decimate funded inquiry into gun violence as a legitimate topic of public health research. In 1996, President Bill Clinton signed legislation effectively preventing federal agencies

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from funding research that might be used to “advocate or promote gun control.”<sup>7</sup> After 1996, funded research on the prevention of gun violence injuries plummeted at the Centers for Disease Control (CDC) by 96 percent. In 2012, for example, the CDC’s budget approached \$6 billion, and its spending on firearms injuries prevention research was \$100,000. Research at the National Institute of Justice took a similar hit. Over thirty gun-related studies unfolded in the Clinton years, but not a single one was funded during the first term of the Obama administration.<sup>8</sup> Changes in 2013 briefly seemed to open possibilities, but these appeared to the CDC to be an unfunded mandate fraught with possible reprisals. The results in generating research were disappointing. Between 1996 and 2010, as firearm deaths, especially in school shootings and in youth and veteran suicides, became a national topic of conversation, academic publishing on firearm violence declined by 60 percent.<sup>9</sup>

Funding is one major dimension of this decline, but another lies in the erection of barriers, especially after 2003, to sharing or even collecting data on patterns of firearm use, on the repurposing of massive numbers of lost guns, and on the relationship between gun ownership and self-harm for active duty service workers and veterans. Given this national picture, it is scarcely a surprise that our Kansas campuses were not teeming with experts able to speak to gun violence. Lack of knowledge is systematically produced by policy, and even the most meager CDC research remains subject to attacks.<sup>10</sup>

The Kansas state government has meanwhile self-consciously cast itself as the most permissive state regarding guns. Its 2013 the “Second Amendment Protection Law” gave firearms something like citizenship rights. None could be destroyed after being used in a crime, and those made in the state and staying there could claim protection from federal regulations. One cosponsor touted the bill as part of a jobs policy in which pro-firearms legislation would lead gun manufacturers to relocate to Kansas. With the recently departed governor Sam Brownback promoting the doctrine of “Constitutional Carry,” any limits on gun ownership and possession have been regarded with suspicion. The requirement that applicants for a concealed carry permit receive training disappeared, as did required permits themselves.<sup>11</sup> Thus when campus administrators pointed to the eight (now, in early 2018, nine) other states with campus carry, one ready reply was that Kansas remains the only state welcoming guns on campus while requiring no training, permits, or registration.

The peculiarities of Kansas lie especially in how events and political forces tied together progun and anti-academic freedom policies. The most dramatic fastening together of these dynamics at the state level came in 2013 when University of Kansas professor David Guth tweeted, in the wake of the Washington, DC, Navy Yard shootings, “The blood is on the hands of the #NRA. Next time let it be YOUR sons and daughters.

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Shame on you. May god damn you.” Manifestly not speaking for the university or as part of his teaching or research, Guth sparked rage in both the Kansas legislature and a section of the state’s population. Quickly placed on leave, Guth returned to the classroom, despite vehement Kansas State Rifle Association objections, seven months later.<sup>12</sup> The Kansas Board of Regents denounced Guth’s statement in a press release, stating, “The Board of Regents expresses its disgust and offense at the statement made by David Guth. . . . The Board wishes to reiterate the statement made by Dean Ann Brill when she said that ‘while the First Amendment allows anyone to express an opinion, that privilege is not absolute and must be balanced with the rights of others.’”<sup>13</sup>

A new, extremely restrictive social media policy was soon enacted, and, in the wake of local and national faculty opposition, some attempts at amelioration followed. The Kansas policy now features the AAUP’s 1940 *Statement of Principles on Academic Freedom and Tenure* near its start. But in doing so it distinctly accents language from that document that reminds faculty that “their special position in the community imposes special obligations. . . . As scholars and educational officers they should remember that the public may judge their profession and their institution by their utterances.” Even the more protective words in the passage stress that rights of faculty are rooted in our status as “citizens” (something many of us aren’t) and professionals. Nor does it suggest that such faculty rights to speak are necessary to address workplace concerns. A key passage later in the Kansas policy document introduces the idea of weighing academic freedom against “the interest of the employer in promoting the efficiency of the public services it performs through its employees.” Such efficiency is to be “balanced against the employee’s right as a citizen to speak on matters of public concern.” Independent of H.B. 2162, policy was already moving to a position in which vigorous protest against campus carry could be subject to discipline.<sup>14</sup>

The AAUP condemned the Kansas social media policy as “a gross violation of the fundamental principles of academic freedom that have been a cornerstone of American higher education for nearly a century.”<sup>15</sup> Henry Reichman, at the time chair of the American Association of University Professors’ Committee A on Academic Freedom and Tenure, addressed the deficiencies in even the revised policy in his plenary address at AAUP’s 2014 national conference by saying the document paid only “lip service” to the principle of academic freedom.<sup>16</sup>

The Kansas social media policy is the subject of an excellent 2014 article in this journal. In it, Dan Colson of Emporia State University in Kansas makes two points that are critical for our purposes. The first is that the policy’s relationship to existing litigation was informed but tendentious. The language on “balancing” describes what some courts have held but by no means all. Those courts were engaged in defining what is permissible to do in certain cases in restricting speech, not in making policy for institutions. Even more

critically, Colson shows that the policies on which the Kansas Board of Regents settled were nested in a series of uncommonly severe attacks on university funding at the state level. The austerity-with-a-vengeance policies in the state legislature meant (and mean) that at every stage what the university's CEO had to balance was not only academic freedom versus efficiency but also academic freedom versus threats from the legislature. This tightrope act may well be part of a chancellor's job description, and it describes a situation that faculty sympathize with, perhaps to a fault. But such balancing remains incompatible with a principled and broad defense of academic freedom.<sup>17</sup>

Because the legislature had passed the antilobbying law H.B. 2162, campus social media policy became part of a larger set of loosely drawn policies specifically focused on quieting opposition to the NRA and the policies it promotes.<sup>18</sup> Its provisions were referred to so inexactly on campus it is worth quoting the official summary of the legislation in its brief entirety:

### **Prohibiting Use of State Appropriated Moneys for Gun Control**

HB 2162 prohibits the use of state-appropriated money, aside from normal and recognized executive and legislative relationships, for:

- Publicity or propaganda purposes relating to gun control; or
  - Preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat:
    - The enactment of legislation before the federal government, state legislature, or a local government legislative body relating to gun control;
- or
- Any proposed or pending regulation, administrative action, or order issued by the federal government, any state agency, or any local government relating to gun control.

Additional prohibited uses include paying the salary or expenses of any grant or contract recipient, or agent acting on behalf of a recipient, related to any activity designed to influence the enactment of legislation, an appropriation, a regulation, an administrative action, or an executive

order proposed or pending before the federal government, the Kansas Legislature, or local government legislative body relating to gun control.

The bill specifies these prohibitions include any activity to advocate or promote any proposed, pending, or future:

- Federal, state, or local tax increase relating to gun control; or
- Requirement or restriction on any legal consumer product, including its sale or marketing, relating to gun control.<sup>19</sup>

We protesters ran afoul of the second provision. We certainly did try to create print and electronic media and art designed to defeat state legislation allowing campus carry. But two large problems arise when attempting to use that provision to limit speech on workplace issues. First, unlike the draconian disciplinary measures outlined in the University of Kansas social media policy, this law lacked any measures for enforcement. Second, the title of the reproduced summary of the law rather undercuts the idea expressed in the bill that the intent is also to prevent research supporting gun control. When the law was passed proponents defended its constitutionality, which would have been more dubious if broadly applied, by saying it merely applied to Kansas the 1996 federal law against research appropriations for studies that could be used to “advocate or promote gun control.”<sup>20</sup> As vaguely written as the law was, it can hardly ground a wholesale denial of academic freedom and speech about workplace safety. At least that is what we would have forcefully argued if any forthright exposition of just what the university was arguing had been presented.

Practical attempts to restrict open opposition to campus carry at the University of Kansas Medical Center offers one example of the variety of appeals to faculty responsibility to not upset the legislature or regents. In June 2016, gun violence researcher and Executive Director of the Coalition to Stop Gun Violence Josh Horwitz was invited by the Family Medicine Department at the University of Kansas Medical Center to speak as a part of their “grand rounds” lecture series. The title of Horwitz’s talk was “A Risk-Based Approach to Addressing Gun Violence in Kansas.” The department had placed signs on the Medical Campus to advertise the talk in the weeks before Horwitz’s visit, but they were taken down.

On the morning of the event, Horwitz recalls meeting Joshua Freeman, then chair of the Family Medicine Department, in the parking lot. Freeman informed him that the Office of Communications wanted to look at his talk in advance of its delivery and that everyone was very worried. Kay Hawes, the associate director of news and media relations, and Natalie Lutz, the director of communications, brought Horwitz into an office and asked to see all of his slides. Hawes told Horwitz, “Look, the Legislature could cut our

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funding because of this.” Horwitz presented his slides in the hopes that they would reassure the communications staff, as his presentation was fact-based.

Freeman noted that there was extreme discomfort throughout the university administration about having Horwitz come speak. The administration specifically opposed the press release for the event because it was not cleared with the university’s press office. Douglas Girod, then executive vice chancellor of the Medical Center and now chancellor of the University of Kansas, conveyed to Freeman that they had every right to invite Horwitz as a speaker, but that publicity made his own life more difficult, as Girod was getting calls from the state legislature and from the board of regents demanding that the department be punished.<sup>21</sup>

Three larger messages emerge from these small stories. First, it is important to see the struggle over guns on campus as a workplace issue as well as one of free speech and academic freedom. Our own University of Kansas faculty group on the concealed carry issue took, after careful debate, the name Faculty for a Safer Campus, precisely highlighting workplace safety. Second, because bad interpretations of harmful laws in one state find imitators in others it is necessary to stress what did not happen. Although many of us ignored the university’s interpretation of the law, none of us were disciplined on the University of Kansas’s main campus. Though they hampered organizing seriously, the antispeech laws and policies were not successfully enforced, and there remains no evidence that they are enforceable. Finally and most critically, our experiences suggest that loss of the ability to exercise rights occurs often by accretion, not in one fell swoop. What is lost on one day and in one place haunts the next day and place, imparting a commonsense inevitability to processes that we must claim every right to contest.

Our insistence that the discrete erosions of academic freedom taking place at different scales are cumulative might also be supplemented by a brief closing question: What are we to make of administrators’ support for academic freedom that claims credit for not punishing protest spoken about as “illegal” for state employees? Welcome as such gestures may be at times, they don’t just fail to challenge the authority of constitutionally dubious legislation but also keep alive the threat of its potential use. These kinds of double edges have characterized liberal administrative style in Kansas, but they walk a difficult line that ultimately tends to undermine academic freedom. Contemporary examples of what the philosopher Herbert Marcuse long ago called “repressive tolerance,” they chill as they reassure.<sup>22</sup>

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## Notes

<sup>1</sup> Campus Forum on Concealed Carry featuring KU Public Safety Chief Chris Keary, Provost Neeli Bendapudi, and Professor Mike Williams, February 15, 2017,

<http://www.kansascity.com/news/local/article133007209.html#storylink=cpy>.

<sup>2</sup> Office of the Chancellor Policy, "University of Kansas on Weapons, Including Firearms, Effective July 1, 2017," <https://policy.ku.edu/university-kansas-policy-weapons-including-firearms-effective-july-1-2017>; "Kansas Personal and Family Protection Act—K.S.A. 75-7c01 et seq.," July 2017, <https://ag.ks.gov/docs/default-source/documents/concealed-carry-statutes.pdf>.

<sup>3</sup> H.B. 2162 (2013/14).

<sup>4</sup> "KU Chancellor, Distinguished Professors State Opposition to Guns on Campus," *Lawrence Journal-World*, December 7, 2015, <http://www2.ljworld.com/news/2015/dec/07/ku-chancellor-distinguished-professors-state-oppos/>.

<sup>5</sup> Jason Tidd, "Gen. Myers Chosen by Regents as 14th K-State President," *K-State Collegian*, November 15, 2016, <http://www.kstatecollegian.com/2016/11/15/gen-myers-chosen-by-regents-as-14th-k-state-president/>.

<sup>6</sup> Giffords Law Center, "Our New Report on Gun Suicide—Confronting the Inevitability Myth," September 15, 2017, <http://lawcenter.giffords.org/confronting-the-inevitability-myth-how-data-driven-gun-policies-save-lives-from-suicide/>.

<sup>7</sup> 104th Congress, "U.S. Public Law 104-208," September 30, 1996, <https://www.gpo.gov/fdsys/pkg/PLAW-104publ208/pdf/PLAW-104publ208.pdf>.

<sup>8</sup> Todd C. Frankel, "Why the CDC Still Isn't Researching Gun Violence Despite the Ban Being Lifted Two Years Ago," *Washington Post*, January 14, 2015, [https://www.washingtonpost.com/news/storyline/wp/2015/01/14/why-the-cdc-still-isnt-researching-gun-violence-despite-the-ban-being-lifted-two-years-ago/?utm\\_term=.fd21e4151b65](https://www.washingtonpost.com/news/storyline/wp/2015/01/14/why-the-cdc-still-isnt-researching-gun-violence-despite-the-ban-being-lifted-two-years-ago/?utm_term=.fd21e4151b65).

<sup>9</sup> Alison Kodjak, "What If We Treated Gun Violence Like a Public Health Crisis?," National Public Radio, November 15, 2017, <https://www.npr.org/sections/health-shots/2017/11/15/564384012/what-if-we-treated-gun-violence-like-a-public-health-crisis>; Michael Hiltzik, "The NRA Has Blocked Gun Research for 20 Years," *Los Angeles Times*, June 14, 2016, <http://www.latimes.com/business/hiltzik/la-fi-hiltzik-gun-research-funding-20160614-snap-story.html>; Mayors against Illegal Guns, "Access Denied: How the Gun Lobby Is Depriving Police, Policy Makers, and the Public from the Data We Need to Prevent Gun Violence," *Everytown for Gun Safety Forum*, January 2013, <https://everytownresearch.org/reports/access-denied/>.

<sup>10</sup> Alison Kodjak, "Congress Still Limits Health Research on Gun Violence," National Public Radio, December 8, 2015, <https://www.npr.org/sections/health-shots/2015/12/08/458952821/congress-still-limits-health-research-on-gun-violence>.

<sup>11</sup> John Celock, "Kansas Governor Signs 'Strictest Second Amendment Protection Law' in Nation," *Huffington Post*, April 18, 2013, [https://www.huffingtonpost.com/2013/04/17/kansas-gun-bill\\_n\\_3103488.html](https://www.huffingtonpost.com/2013/04/17/kansas-gun-bill_n_3103488.html); S. M., "The Matter with Kansas," *Economist*, May 7, 2013, <https://www.economist.com/blogs/democracyinamerica/2013/05/gun-control-and-nullification-0>. For one spectacularly convoluted case involving claims of exemption from federal firearms law see Roxana Hegeman, "2 Kansas Men Spared Prison in Prosecution over Kansas Gun Law," *Washington Times*, February 6, 2017, <https://www.washingtontimes.com/news/2017/feb/6/2-kansas-men-spared-prison-in-prosecution-over-sta/>.

<sup>12</sup> Robbie Byrd, "KU Professor Returning after 'Leave' over Controversial Tweet," KSNT, May 21, 2015, <http://ksnt.com/2014/04/02/ku-professor-returning-after-leave-over-controversial-tweet/>.

<sup>13</sup> Kansas Board of Regents, "Statement Regarding Offensive Remarks by David Guth," September 20, 2013, [https://www.kansasregents.org/resources/PDF/2617-FORIMMEDIATERELEASE\\_KBOR\\_Guth\\_September2013\\_FINAL.pdf](https://www.kansasregents.org/resources/PDF/2617-FORIMMEDIATERELEASE_KBOR_Guth_September2013_FINAL.pdf).

<sup>14</sup> Kansas Board of Regents, *Kansas Board of Regents Policy Manual*, <http://www.kansasregents.org/resources/PDF/About/BoardPolicyManual.pdf>; Scott Rothschild, "Regents Pass Social Media Policy in Wake of Guth Tweet," *Lawrence Journal-World*, December 18, 2013, <http://www2.ljworld.com/news/2013/dec/18/new-social-media-proposed-wake-guth-tweet/>.

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<sup>15</sup> AAUP Reports and Publications, “Academic Freedom and Electronic Communications,” November 2013, <https://www.aaup.org/report/academic-freedom-and-electronic-communications-2014>.

<sup>16</sup> Colleen Flaherty, “Can I Tweet That?,” *Inside Higher Ed*, June 13, 2014, <http://www.insidehighered.com/news/2014/06/13/aaup-conference-sessions-focus-academic-freedom-relation-social-media>;

<sup>17</sup> Dan Colson, “On the Ground in Kansas: Social Media, Academic Freedom, and the Fight for Higher Education,” *Journal of Academic Freedom* 5 (2014), <https://www.aaup.org/JAF5/ground-kansas-social-media-academic-freedom-and-fight-higher-education#.WnffCE2WyM->. See also Rick Levy, “Social Media and the Free Speech Rights of Public Employees,” *Recent Developments in the Law: CLE at KU LAW*, May 30, 2014, [https://law.ku.edu/sites/law.ku.edu/files/docs/recent-developments/\(9\)LevySocialMediaCLE2014.pdf](https://law.ku.edu/sites/law.ku.edu/files/docs/recent-developments/(9)LevySocialMediaCLE2014.pdf).

<sup>18</sup> John Hanna, “Kansas Lawmakers Pass Bill on Gun Lobbying,” *Kansas City Star*, May 21, 2013, <http://www.kansascity.com/news/local/article319628/Kansas-lawmakers-pass-bill-on-gun-lobbying.html>.

<sup>19</sup> Kansas Legislative Research Department, “Prohibiting the Use of State Appropriated Moneys for Gun Control: HR 2162,” 2013, [http://www.kslegislature.org/li\\_2014/b2013\\_14/asures/documents/summary\\_hb\\_2162\\_2013.pdf](http://www.kslegislature.org/li_2014/b2013_14/asures/documents/summary_hb_2162_2013.pdf).

<sup>20</sup> Hanna, “Kansas Lawmakers Pass Bill on Gun Lobbying.”

<sup>21</sup> Megan Jones in conversations with Josh Freeman, Erin Corriveau, and Josh Horwitz, January 29–February 12, 2018. Additionally, at the University of Kansas Medical Center, Mark Chertoff, a professor in the Department of Hearing and Speech, was asked to apologize for posting stickers on the doors of the University of Kansas Medical Center campus that read, “This [image of a gun free sign] will expire on July 1, 2017.” The dean and the chair of the Department of Hearing and Speech relayed the hospital’s position on the matter, which included possible felony charges for cleanup unless he apologized. Chertoff apologized for the location of the stickers but not for his attempt to inform the public about the law, and no charges were filed. The ability to pass out materials about the law was relegated to locations across the street and disallowed on the campus itself. Megan Jones in conversation with Mark Chertoff, February 11, 2018.

<sup>22</sup> See Herbert Marcuse, “Repressive Tolerance,” in Robert Paul Wolff, Barrington Moore Jr., and Herbert Marcuse, *A Critique of Pure Tolerance* (Boston: Beacon, 1965), 81–117.