



December 16, 2025

Kelly Damphousse  
Office of the President  
Texas State University  
601 University Drive  
San Marcos, Texas 78666

*Via E-mail (president@txst.edu)*

**Re: Cancellation of Black History 101 Mobile Museum**

Dear President Damphousse,

On behalf of the ACLU of Texas, NAACP Legal Defense & Educational Fund, Inc, and IDRA,<sup>1</sup> we write to express grave concerns about Texas State University's cancellation of Dr. Khalid el-Hakim's Black History 101 Mobile Museum event. Silencing university guest speakers for constitutionally protected expression undermines core democratic values, including academic freedom. Additionally, the underlying justifications for the cancellation demonstrate a fundamental misunderstanding of state law. Texas State should immediately reinstate the event and offer an apology to Dr. el-Hakim and its entire university community for its attempt to silence important, constitutionally protected speech.

The following factual recitation reflects our current understanding of the pertinent events; we recognize that there may be additional context or information, and we welcome any clarifications you may wish to provide. The Black History 101 Mobile Museum is the nation's premier traveling exhibition of Black history and has traveled to 43 states over the last 30 years.<sup>2</sup> Its collection contains a "wide array of rare artifacts encompassing various themes, including but not limited to slavery, politics, Jim Crow, science, religion, education, music, sports, and civil

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<sup>1</sup> The American Civil Liberties Union of Texas is a leading civil rights organization in the Lone Star State. The ACLU of Texas works with communities, at the State Capitol, and in the courts to protect and advance civil rights and civil liberties for every Texan, no exceptions.

Using the power of law, narrative, research, and people, the Legal Defense Fund (LDF) defends the humanity and advance the rights of Black people in America.

IDRA is an independent, non-profit organization. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

<sup>2</sup> *Black History 101 Mobile Museum*, <https://www.blackhistorymobilemuseum.com/> (last accessed Dec. 15, 2025).

rights.”<sup>3</sup> On October 13, 2025, a director of campus activities at Texas State University invited Dr. el-Hakim to bring the mobile museum to campus in February of 2026, for Black History Month. Dr. el-Hakim accepted the invitation and spent the next two weeks coordinating details with Texas State. But on October 28, that same campus official, after consulting with “supervisors and the leadership team,” cancelled the event in an email to Dr. el-Hakim.<sup>4</sup> The official cited “SB-17, the current climate of our State, and certain topics covered as part of the museum” as reasons for the cancellation. This is the first time, after over 1,000 events, that Dr. el-Hakim has ever had an invitation rescinded, and Texas State should urgently correct this mistake.

The First Amendment’s “bedrock principle” provides that “the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” *Texas v. Johnson*, 491 U.S. 397, 414 (1989). Indeed, the Supreme Court has long acknowledged academic freedom’s “vital role” in maintaining our democracy:

To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation . . . Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.

*Sweezy v. State of N.H. by Wyman*, 354 U.S. 234, 250 (1957); *see also Shurtleff v. City of Bos., Massachusetts*, 596 U.S. 243, 247 (2022) (“When the government encourages diverse expression—say, by creating a forum for debate—the First Amendment prevents it from discriminating against speakers based on their viewpoint.”).

By inviting the Black History 101 Mobile Museum to campus and hosting similar events, Texas State has established a limited public forum for speech, which is reinforced by the university’s policy that “all common outdoor areas of Texas State are limited public forums.”<sup>5</sup> In a limited public forum, viewpoint discrimination is forbidden and “[t]he 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.” *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 829 (1995). Rescinding the invitation for the Black History 101 Mobile Museum based on “S.B. 17, the current climate of our State, and certain topics covered as part of the museum” runs afoul of this requirement and improperly suppresses speech based on viewpoint. *See Rosenberger*, 515 U.S. at 831 (explaining that silencing speech regarding racism is “offensive to the First Amendment” as viewpoint discrimination).

Texas State’s citation to S.B. 17 and reliance on state law to cancel this event is also deeply misplaced. First, no state law can override the federal constitutional guarantees of freedom of speech. And it goes without saying that there is no free speech exception for difficult state “climate[s].” Indeed, it would be a disgrace for any institution of higher learning to ban important

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<sup>3</sup> *Id.*

<sup>4</sup> *See* Exhibit 1, email to Dr. el-Hakim.

<sup>5</sup> *Expressive Activities Policy*, Texas State University (Revised Sept. 8, 2025), <https://policies.txst.edu/university-policies/07-04-01.html>.

information in the Black History 101 Mobile Museum, including our nation’s history of racism against Black people and the ongoing struggles to secure racial equality in the United States, simply because of the political “climate” within Texas. Second, S.B. 17 specifically exempts “guest speakers or performers on short-term engagements” from its prohibitions. Tex. Educ. Code § 51.3525 (d)(4). Thus, that law has no bearing on this situation and cannot justify Texas State’s viewpoint-discriminatory and unconstitutional suppression of speech.

Texas State claims to be “committed to upholding the First Amendment of the United States Constitution and [to] respect[] individuals’ rights to express their views through all forms of legally protected speech, press, religion, petition, and assembly.”<sup>6</sup> We ask that the university live up to this ideal by not engaging in viewpoint discrimination or silencing the speech of Dr. el-Hakim and the Black History 101 Mobile Museum.

Cancelling this event based on viewpoint not only violates the First Amendment but also stifles free speech on campus to the detriment of Texas State’s students, faculty, staff, and visitors. As the U.S. Court of Appeals for the Fifth Circuit recently explained, free speech at university campuses is vital to allow students, staff, and faculty to “generate, debate, and discuss both general and specific ideas, hopes, and experiences [and] . . . to realize the political and human common good.” *Speech First, Inc. v. Fenves*, 979 F.3d 319, 339 (5th Cir. 2020).

We urge you to immediately correct this mistake. We would be happy to further discuss these issues with you as we work to safeguard academic freedom and free speech on Texas campuses.

Sincerely,

Chloe Kempf  
Charelle Lett  
Brian Klosterboer  
Edgar Saldivar  
ACLU Foundation of Texas

Avatara Smith-Carrington  
Antonio L. Ingram II  
NAACP Legal Defense & Education Fund, Inc.

Paige Duggins-Clay  
IDRA

CC: Dr. Khalid el-Hakim, via *E-mail* ([bhistory101@yahoo.com](mailto:bhistory101@yahoo.com))

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<sup>6</sup> *Supra* note 5.

# Exhibit 1

**Re: Black History 101 Mobile  
Museum sent you a new  
message**

Hi Dr. Khalid,  
After reviewing this with  
supervisors and the leadership  
team, the Black History 101  
Mobile Museum was not  
approved to be on campus. This  
decision is due to SB-17, the  
current climate of our State, and  
certain topics covered as part of  
the museum.

I sincerely apologize for  
any inconvenience this may  
cause and appreciate your  
understanding.

It's a great day to be a Bobcat,

1 Attachment