

United States Senate

WASHINGTON, DC 20510-6200

January 17, 2025

Lonnie G. Bunch III
Secretary
Smithsonian Institution
SI Building, Room 153, MRC 010
Washington, D.C. 20013-7012

Dear Secretary Bunch,

On January 24, 2025, Americans from across the country will participate in the March for Life, an annual march dedicated to promoting the beauty and dignity of every human life by working to end abortion—uniting, educating, and mobilizing pro-life people in the public square. This peaceful exercise of First Amendment rights has historically provided participants with a positive, welcoming experience in our nation’s capital.

Unfortunately, two years ago a pro-life student group from South Carolina instead faced harassment and discrimination at the hands of Smithsonian Institution employees while touring the Smithsonian National Air and Space Museum. The students, wearing pro-life and human-rights-affirming apparel, were expelled from the building in violation of their First Amendment rights and Smithsonian Institution policy. According to the American Center for Law and Justice, “museum staff mocked the students, called them expletives, and made comments that the museum was a ‘neutral zone’ where they could not express [pro-life] statements.”¹

Several Senators and Representatives wrote to you on February 6, 2023, asking for an explanation for this outrageous and unconstitutional behavior.² In your response, you stated, “I immediately asked my team to address this matter and take corrective action.” You also stated that, “[s]tarting January 23, 2023, the Smithsonian also began a refresher training to security staff at all Smithsonian museums on applicable Smithsonian policy.” You committed to “incorporat[ing] a standard practice to review our policies before any scheduled demonstration and/or protest and take appropriate steps to ensure First Amendment rights are protected and respected at the Institution.”

Furthermore, on March 18, 2024, the Smithsonian Institution, through its National Air and Space Museum, settled a civil case brought by the impacted individuals (the “Settlement”). As a result of the Settlement, the Smithsonian Institution made several commitments: (1) to provide the students a tour and an apology, (2) to disseminate to all public-facing security personnel its policy regarding clothing containing religious and political speech, (3) to show the students and their counsel video footage of the events, (4) to provide certain investigative information, and (5)

¹ Jordan Sekulow, *Outrageous: In Profanity-Laced Tirade, Smithsonian National Air & Space Museum Berates and Kicks Out Students for Wearing Hats With Pro-Life and Christian Messages*, ACLJ.ORG, available at <https://aclj.org/pro-life/outrageous-in-profanity-laced-tirade-smithsonian-national-air-space-museum-berates-and-kicks-out-students-for-wearing-hats-with-pro-life-and-christian-messages>.

² <https://www.cruz.senate.gov/newsroom/press-releases/sens-cruz-graham-tim-scott-demand-answers-from-smithsonian-over-harassment-of-pro-life-student-group-at-national-air-and-space-museum>.

to pay the sum of \$50,000.00 to resolve the lawsuit. The Institution also represented that it had conducted a thorough investigation of the events.

While we are pleased that the victims of this harassment received justice, it clearly never should have happened in the first place. No sum of money could truly undue the atrocious acts: officers bearing the badge and force of the federal government openly intimidated and violated the First Amendment rights of peaceful students. Moreover, American taxpayers footed the bill for the Smithsonian Institution employees' egregious behavior and apparent lack of adequate training. This cannot happen again.

Accordingly, please be aware that Congress will closely monitor the Smithsonian Institution's conduct next week and that we stand prepared to exercise all available oversight powers if the Institution fails to adhere to the Constitution, the requirements of the Settlement, and the Institution's policy that you previously asserted would prevent this recurrence.

In addition, please respond to the following questions by Thursday, January 23, 2025:

1. Has the Smithsonian Institution honored every term of the Voluntary Stipulation of Settlement, Release, and Dismissal [Doc. # 26], filed in *Kristi L. v. National Air and Space Museum*, 23-cv-355 (ABJ)?
2. If the answer to Question 1 is "No," please explain why the Institution has not done so. If the answer to Question 1 is "Yes," please provide a detailed explanation of every action taken.
3. In preparation for the 2025 March for Life, have you abided by your prior commitment to Congress to "incorporate a standard practice to review our policies before any scheduled demonstration and/or protest and take appropriate steps to ensure First Amendment rights are protected and respected at the Institution"?
4. If the answer to Question 3 is "No," please explain why you have not met that prior commitment. If the answer to Question 3 is "Yes," please provide a detailed explanation of the "review" and "appropriate steps" you have taken.

Thank you for your prompt attention to this matter.

Sincerely,



Todd Young
U.S. Senator



Ted Cruz
U.S. Senator