

No. 19-96

In the Supreme Court of the United States

Lincoln Rymer, *Petitioner*

v.

UT at Martin, et al., *Respondents*

On Petition for Certiorari
to the
United States Court of Appeals for the Sixth Circuit

SUPPLEMENTAL BRIEF

Lincoln Rymer
154 Fowler Cemetery Lane
Hurricane Mills, TN 37078
931-296-3001

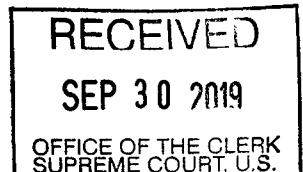


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SUPPLEMENTAL BRIEF ON PETITION FOR CERTIORARI

The Petitioner files this Supplemental Brief under Sup. Ct. R. 15.8 in light of recent developments relevant to this case.

On September 2, 2019, Tennessee Senator Kerry Roberts called for an end to the hostile learning environments created by the “indoctrination and intimidation” of college students by faculty who retaliate against students that voice opinions opposed by the faculty. On September 5, 2019, the National Review reported that free speech retaliation against college students by professors is a nationwide epidemic. On September 17, 2019, Petitioner found a recent Supreme Court of Rhode Island ruling with circumstances and issues similar to the Petitioner’s. The Court ruled in favor of the aggrieved student.

A. New nationwide epidemic of indoctrination and intimidation of college students by profes- sors

1. Senator Kerry Roberts demands students be allowed to voice their opinions without faculty intimidation and indoctrination.

Tennessee Senator Kerry Roberts’s statements on the abuse of college students by professors has attracted nationwide news coverage:

“Conservative parents are often spending (or borrowing) tens if not hundreds of thousands

of dollars to participate in an elaborate bait and switch. They sign up their children for education and advancement and instead receive intimidation and indoctrination.”¹

“Hostile learning and working environments are suddenly acceptable when the leftists are zealously doing their duty of quashing any dissent. Repulsive stories abound of First Amendment rights abused, shamed or denied. There are no safe spaces for conservatives on many campuses.”²

Prior to Senator Kerry Roberts’s call-to-action, Petitioner thought he was alone in his suffering caused by the Respondents. He is not.

2. The news media is reporting a massive crackdown on student speech by colleges.

On September 5, 2019, the National Review reported on a study from August 2019 that found 73 percent of Republican students have withheld political views in class for fear their grades would suffer.³ “Are professors tyrants?”, the headlines are asking.⁴

¹ www.newsweek.com/tennessee-senator-ban-higher-education-abortion-1458420

² www.nashvillescene.com/news/pith-in-the-wind/article/21086162/good-grief-kerry-roberts-higher-learning-isnt-bad

³ www.nationalreview.com/2019/09/poll-73-percent-of-republican-students-have-hidden-their-politics-over-fears-about-grades/

⁴ www.thecollegefix.com/are-professors-tyrants-just-ask-conservative-students/

3. **The Supreme Court of Rhode Island has recently allowed a similar case with similar issues to proceed.**

The Supreme Court of Rhode Island recently ruled that a jury should consider a former Rhode Island College graduate student's claims that the college violated his free-speech rights and retaliated against him based on his opinions. *William Felkner v. Rhode Island College*, ____ A.3d.____, 16-17 (R.I. 2019). The Court remanded for a determination of the individual defendants' entitlement to qualified immunity.

- B. **Rymer's case is one of the first of its kind, but it will not be the last. At minimum, this Court should hold the Rymer cert petition in abeyance because the immunity issues presented will likely recur in *Felkner* and undoubtedly in other cases with trained counsel better equipped to argue the common issues involved.**

The recent nationwide outbreak of free speech retaliation against students by colleges validates the intimidation and indoctrination claims brought by Rymer. Before the mass media began reporting the intimidation and indoctrination of college students by institutions of higher education, the undersigned attempted to hire a lawyer to take this case. Because the mass media had yet to report such incidents, no lawyer would take me seriously. So, I had to represent myself. Because of that, Judge Victoria Roberts

and the appellate staff attorney would not take me seriously.

The intimidation and indoctrination of college students is a life-and-death issue. After my professors constructively expelled me by setting me up for failure with an unfeasible multi-million-dollar student project, I went from engineering school to a life of low-wage hard labor, merely for voicing conservative opinions on education. I've been told that my life is like one of Justice Thomas's favorite characters, Howard Roark, from Ayn Rand's *The Fountainhead*. I have had it rough, despite the fact that my opinions on education are now echoed by The Establishment, including Justice Breyer⁵ and Chief Justice Roberts⁶.

At minimum, this Court should hold my petition in abeyance until a lawyer files a certiorari petition in a similar case presenting similar issues. *Felkner* is one such case. In my case, the Sixth Circuit, despite this Court's holding in *Terrell*, ruled that assigning a student a project is within the scope of a teacher's employment and therefore the professors are entitled to qualified immunity. *Terrell v. Morris*, 493 U.S. 1 at 3 (1989) (prohibiting the Sixth Circuit from affirming rulings never made by the district court). By the Sixth Circuit's ruling in my case, it is now within the scope of a teacher's employment to constructively expel a student by assigning an

⁵ legal academia has "left terra firma to soar into outer space"

⁶ "Pick up a copy of any law review that you see, and the first article is likely to be, you know, the influence of Immanuel Kant on evidentiary approaches in 18th Century Bulgaria, or something."

unfeasible project such as "design and build the Brooklyn Bridge" or "design and build a Boeing 737."

Similarly, *Felkner* challenges his professors' qualified immunity defense. The contours of the qualified immunity doctrine in the context of higher education are ill-defined, and it might be best if *Felkner* has a first crack at it.

Respectfully submitted,

September 26, 2019

A handwritten signature in cursive script, appearing to read "Lincoln Rymer".

Lincoln Rymer
154 Fowler Cemetery Lane
Hurricane Mills, TN 37078
931-296-3001