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F.I.R.E.

July 16, 2007 -- MOST Americans know that burning our nation's flag is protected by the First Amendment. No matter how distasteful to some, the Supreme Court has consistently held flag-burning to be protected as expressive political conduct.

So if burning an American flag is protected speech, burning other flags - say, the flags of political parties considered to be terrorist groups by our government - would also be protected speech, right?

Right - except at San Francisco State University (SFSU), where the First Amendment takes a backseat to Hamas and Hezbollah. As part of an anti-terrorism rally held on campus last October, SFSU's College Republicans stepped on homemade replicas of Hamas and Hezbollah flags drawn on butcher paper. Unbeknownst to the group, both flags contain the word "Allah" in Arabic - prompting a student to file a complaint accusing the College Republicans of "walking on a banner with the word 'Allah' written in Arabic script."

Even though the flag-stomping was protected speech - a fact pointed out twice to SFSU President Robert Corrigan in letters from the Foundation for Individual Rights in Education - SFSU administrators decided to put the College Republicans on trial for "attempts to incite violence and create a hostile environment" and "actions of incivility." An SFSU spokesperson even told the San Francisco Chronicle that the real issue was "the desecration of Allah." The ensuing investigation and hearing lasted more than five months before SFSU finally dropped the charges against the group under intense public criticism.

The College Republicans filed a federal lawsuit this week, arguing that SFSU violated the group's First Amendment rights by subjecting the group to an investigation instead of dismissing the charges out of hand. The suit also challenges SFSU's speech code, which requires students "to be civil" to one another - a rule that can only be selectively enforced against dissenting opinions on a campus as polarized as SFSU.

Constitutionally speaking, this case isn't even close: There's no exception for Hamas, Hezbollah or even Allah under the First Amendment. Now SFSU has to answer for violating the Constitution in court.

Written by the Foundation for Individual Rights in Education (thefire.org).

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