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Allah Says: Don't Tread on Me

Jacob Sullum | July 10, 2007, 10:49am[Printer Friendly](#) [Send to a Friend](#)

College Republicans at San Francisco State University recently filed a federal **lawsuit** challenging the speech restrictions that led to a five-month investigation of the group after an anti-terrorism rally last October. Participants in the rally stepped on paper facsimiles of the Hamas and Hezbollah flags in a deliberate counterpoint to similar treatment of the U.S. flag by members of those groups. Afterward a student complained that the College Republicans had "incited violence," created a "hostile environment," and engaged in "actions of incivility." Although both the ACLU and the Foundation for Individual Rights in Education reminded SFSU administrators that flag desecration is a form of speech protected by the First Amendment, the university continued to investigate whether the College Republicans should be disciplined for the rally before finally concluding that they had not run afoul of the school's speech rules.

"I don't believe the complaint is about the desecration of the flag," an SFSU spokeswoman **told** *San Francisco Chronicle* columnist Debra Saunders in February. "I believe that the complaint is the desecration of Allah." Both the Hamas and Hezbollah flags include the word *Allah* in Arabic script, which the College Republicans did not realize until hecklers pointed it out during the rally. But as the lawsuit points out, the fact that some people might construe the flag trampling as an attack on Islam does not justify prohibition of such symbolic expression by a public university, which is bound by a First Amendment that protects criticism of religious as well as political beliefs. Although the College Republicans ultimately escaped punishment, they argue that the threat was unconstitutional and had a chilling effect on student speech.

So does the possibility of future investigations based on the university's vague speech standards, which require students to "be civil to one another," abstain from "intimidation" and "harassment," avoid offensive behavior that "emphasizes another person's sexuality," and generally behave in a manner consistent with the school's (undefined) "goals" and "principles." In addition to a declaration that the investigation of the College Republicans violated their First Amendment rights and \$5,000 in damages, the suit seeks an injunction barring the university from enforcing its speech restrictions.

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