

FIRE SCHOOLS STATE ACTORS ON THE
FIRST AMENDMENT | 4

CAMPUS SCHOLARS BRING FREE SPEECH
CULTURE TO CAMPUS | 5

THE 10 WORST COLLEGES
FOR FREE SPEECH | 8



FIRE QUARTERLY

SPRING 2023

HOLDING A SIGN IS NOT A CRIME

But some Georgia officials
need reminding



OUR CAMPUS ROOTS GROW DEEPER

Advocating for college students and faculty was the entirety of FIRE's mission for more than 20 years. Happily, our expansion last summer beyond higher ed has only created new opportunities for our campus efforts to grow and deepen.

In 1999, all the campus rights advocacy at FIRE was undertaken by just two professors — one liberal, one conservative — joining forces to alert administrators to the dangers of speech codes. Today, our hyper-focused and finely-tuned Campus Rights Advocacy team boasts a dozen free speech and academic freedom experts who vet almost 1,400 varied case submissions a year. I'd love to share a few more fascinating stats demonstrating the increasing depth of FIRE's campus roots — an achievement made possible only with your continued trust and support.

In 2022, we sent a record number of demand letters to schools and publicized more of these efforts than ever before with a renewed commitment to public interest reporting.

We optimized our data analysis efforts, asking and answering questions like:

- “How many pages is the average successful letter?” (A concise and punchy two pages.)
- “Should we intervene before or after a hearing?” (Before! Schools are far more likely to decline imposing a sanction than to reverse one.)
- “Do people know we're nonpartisan?” (Increasingly, yes. For the first time, those on the left are just as likely to respond to our offers to help as those on the right.)
- “How big a deal are DEI statements?” (Big. Faculty forced to state certain views on diversity now represent a ~whopping ~10% of our caseload — up from zero in just a few years.)

Our victories in 2022 positively impacted the rights of about 1.5 million students. And we launched the Student Press Freedom Initiative, a dedicated resource for student journalists, complete with a 24/7(!) hotline for members of the campus press who need advice, are facing threats, or simply find themselves wondering: “Can I publish this?” And SPFI gets results, boasting an astounding 75% victory rate.

In Campus Rights Advocacy, we're a passionate bunch who care deeply about being there for students and faculty under threat. The people we help often tell us our expertise, guidance, and wholehearted care brought them through some of the most difficult moments in their lives. They're grateful, they say, to have FIRE in their corner.

We at FIRE are grateful to have you in our corner, supporting this kind of life-changing work nationwide, including — as ever — on America's college campuses.

Alex Morey

Director, Campus Rights Advocacy



ART CENSORSHIP SWEEPS THROUGH ST. PAUL CAMPUSES

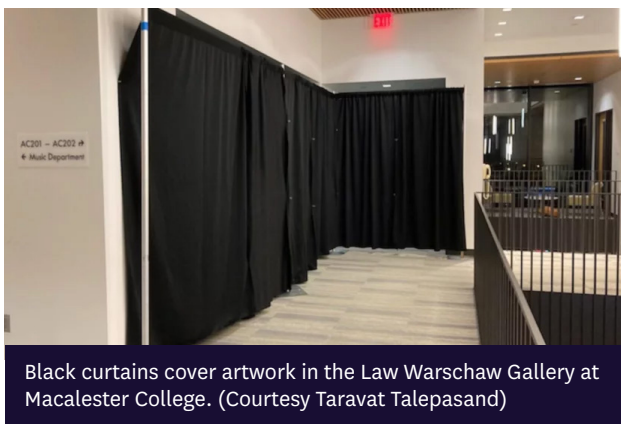


In the span of a few weeks, two ridiculous cases of censorship brought controversy to Minnesota's capital. Both took place at higher ed institutions, both centered around art, and both were provoked by claims of Islamophobia.

First, in December, Hamline University art history professor Erika López Prater displayed 14th century artwork depicting the Islamic prophet Muhammed in class. She did so after warning her students that the image would be shown and assuring them they could choose not to look. Still, this wasn't enough for Hamline when a student complained. Hamline nonrenewed López Prater's contract, a senior administrator called her actions "Islamophobic," and the school's president explicitly said that respect for observant Muslim students' sensitivities "should have superseded academic freedom."

FIRE demanded that the school reinstate the professor and launched an email campaign through which more than 2,000 people rallied for academic freedom. We also filed a complaint with the school's accreditor and even deployed a mobile billboard to the campus, decrying art censorship. After doubling, then tripling, down, Hamline finally affirmed its commitment to academic freedom, but only after López Prater had already lost her job — and threatened to sue.

Unfortunately, the weeks following this event brought another case of flagrant art censorship — less than two miles down the road. This one, at Macalester College, involved an exhibit by Iranian-American artist Taravat Talepasand. The exhibit focused on gender and religion, criticizing hijab laws in Iran with a series of images and sculptures depicting niqab and hijab-clad women with exposed body parts or visible lingerie. This caused a stir among students, who decried the "overtly sexualized" images in a petition. In response, the college temporarily closed the exhibit and covered windows with black curtains to obscure the art. In true dystopian fashion, when Macalester reopened the exhibit, it obscured the windows "to prevent unintentional or non-consensual viewing of certain works."



Black curtains cover artwork in the Law Warschaw Gallery at Macalester College. (Courtesy Taravat Talepasand)

We exposed Macalester's censorship with a news story and video exploring the bad precedent set by framing the viewing of an image as an issue of consent. And we reiterated that institutions of higher education should fulfill their educational mission by protecting expressive activities — not stifling them.

Now, we remain on alert for similar violations. And as always, we'll do everything in our power to enable art to flourish, in the gallery and in the classroom, without restriction.

“It’s a comically bad lesson to teach students that they should expect the words and images they encounter through the course of their lives to be understood as an exercise of their own consent, and not another’s right to free expression.”

Sarah McLaughlin,
Senior Scholar for Global
Expression



FIRE SCHOOLS STATE ACTORS ON THE FIRST AMENDMENT

FIRST-TIME CANDIDATE TAKES PARKS AND REC DEPT. TO TASK FOR RESTRICTING POLITICAL SPEECH

In October, a parks and rec director prohibited Dave Kocur and Kevin Gaughen from collecting petition signatures in a public park to get Kocur, a first-time candidate for the small-government Keystone Party, on the ballot.

We warned Dauphin County to stop violating constitutional rights but it doubled down, insisting that Fort Hunter Park “is not open to political activity—by anyone!” So we filed a lawsuit against the county and Director Anthea Stebbins, aiming to stop enforcement of the ban and seeking payment for the damages inflicted on Gaughen and Kocur.

“The county’s actions are an outrageous infringement of Pennsylvanians’ First Amendment rights,” said Gaughen. “We are filing this lawsuit to protect the First Amendment rights of everyone in Dauphin County.”

CITIZEN JOURNALIST DEFENDS HER RIGHT TO REPORT FACTS

The government cannot jail journalists for asking a question. But local Texas officials did just that, exploiting a cobwebbed criminal statute to arrest citizen journalist Priscilla Villarreal for simply asking police questions and accurately reporting information.

But Villarreal fought back, suing the public officials responsible for violating her constitutional rights. After an initial setback in district court, Villarreal, represented by FIRE, appeared in front of the full Fifth Circuit Court of Appeals in January. Now, we’re awaiting a decision.

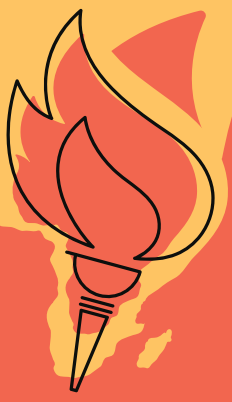
“If we win,” said Villarreal, “it will deliver a strong message to any government official who wants to trample our First Amendment freedoms: Americans shouldn’t go to jail simply for asking officials questions and reporting the truth.”

VICTORY: COURT PREVENTS BIG APPLE FROM PLAYING BIG BROTHER

FIRE represented constitutional law professor Eugene Volokh and online social media platforms Rumble and Locals in a lawsuit against New York Attorney General Letitia James, who ushered in a vague hate speech law that compelled all manner of websites — from blogs to social media platforms — to police protected speech deemed “hateful.” This even applied, in many cases, to comments from everyday Americans, whether they live in New York or not.

Because the law “is clearly aimed at regulating speech,” Judge Andrew Carter said, it “chills the constitutionally protected speech of social media users.” Accordingly, the court halted enforcement of the law, ensuring that people and platforms need not defer to Big Brother before posting or hosting online content. We’re pleased with this result, and will continue to ensure online speech remains free.





In January, the Campus Scholars met up in FIRE's Philly office to discuss their ideas.

CARRYING THE TORCH: FIRE'S CAMPUS SCHOLARS BRING FREE SPEECH CULTURE TO CAMPUS

Students who can communicate the importance of free speech to administrators, professors, and their peers are needed more than ever on American college campuses. Fortunately, FIRE's Campus Scholars are on the job, reviving free speech culture on campuses from coast to coast. With funding and guidance from FIRE, they're developing innovative projects that engage their campus communities. Here's what they're working on now:

Lincoln Anniballi circulated a survey asking Hofstra University students their beliefs about free speech. Upon compiling the results, he will analyze how student views track with Hofstra's existing speech policies.

Grishma Baruah is hosting monthly debates, based on specific individual rights, through the College of William & Mary's debate society. "I want to use debate as a safe space for students to share their opinions and learn more from others," she said.

Ashley Berdelis started a weekly blog featuring interviews with Texas Christian University students and

faculty, supplemented with survey data on comfort expressing ideas in the classroom. Ashley envisions sharing her findings with TCU's administration and advocating for policies that create a culture where students are encouraged to speak their minds.

Cole Daigneault partnered with other undergraduate students to create Huskies for Liberty, a registered student organization dedicated to promoting free speech and individual rights on the University of Washington campus and beyond. Cole plans to "bring a first-of-its-kind student-led free speech conference" to UW on April 28.

Hulan Edward is building an ePortfolio website to help educate the Oberlin College community on the importance of practicing free speech. The site will include five sections, each addressing a question like, "What is free speech?" and, "What are the dangers of revoking free speech?"

Nogaye Ndiaye is leading a series of workshops that challenge Syracuse University students to defend or change their perspectives based on what they

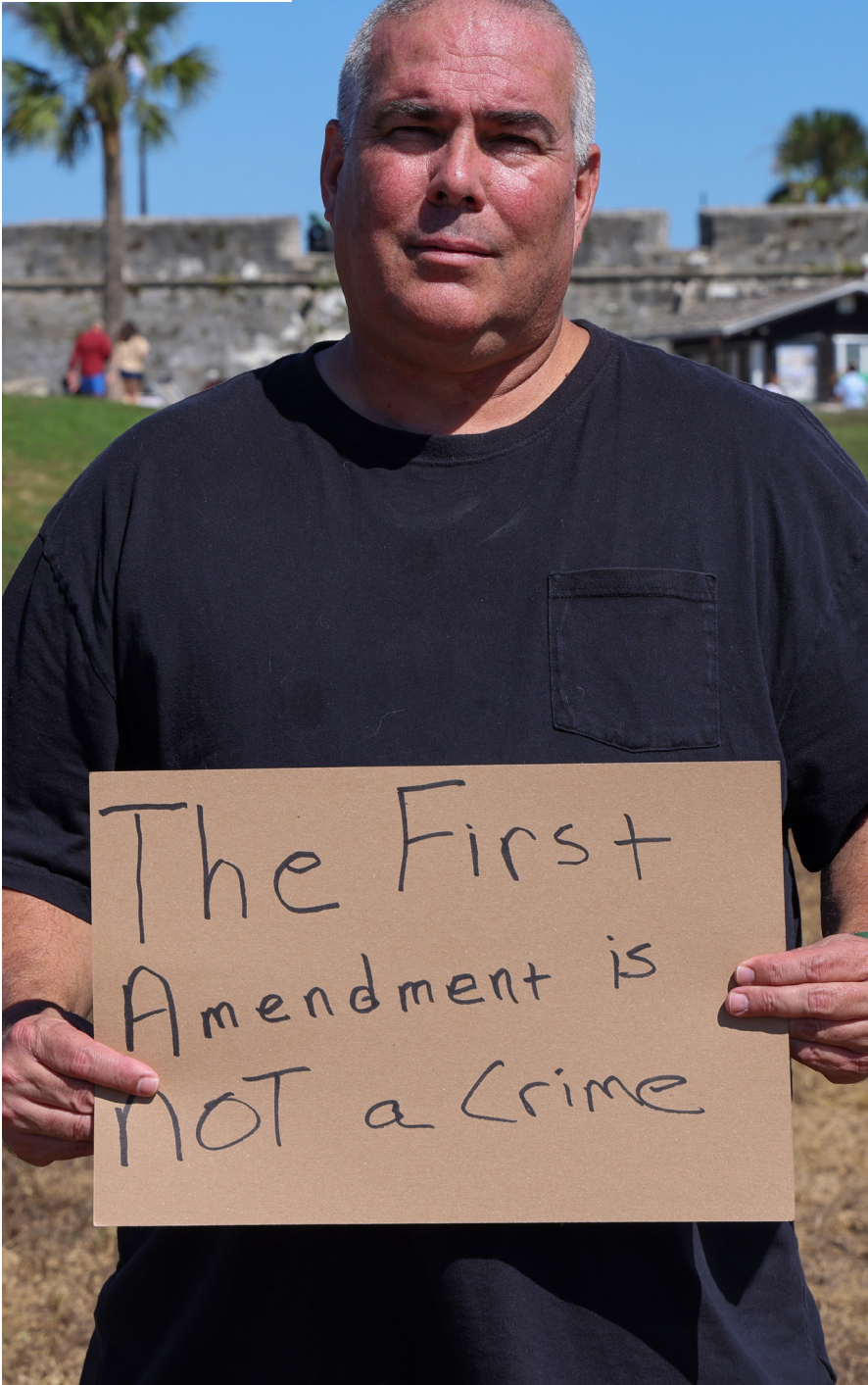
learn from one another. "Through encouraging the audience to exercise their right to expression, regardless of their stance, I aim to moderate complex discussions that will help further the communication skills of students," said Nogaye.

Logan Torres is developing a podcast examining the intersection of free speech and environmentalism. He will record interviews with professors at Brown University, then hold an on-campus event to engage in a panel discussion with interviewees.

We're inspired by these students' efforts to keep the flame of free speech burning bright. We know their projects will benefit their campus communities and society at large, which will no doubt be improved by the presence of more college graduates who understand, respect, and speak up for expressive rights.

ARMY VET ARRESTED FOR HOLDING A SIGN SUES TO DEFEND FIRST AMENDMENT RIGHTS

Jeff Gray
Plaintiff



Jeff Gray, a U.S. Army veteran and retired truck driver, has been repeatedly stopped, detained, searched, and arrested by the police. His alleged crime? Holding signs — in public spaces.

FIRE filed two lawsuits on Gray's behalf in late January to protect his First Amendment right to speak outside government buildings: one against the City of Alpharetta, Georgia, and two of its police officers; and another against the police chief of the City of Blackshear, Georgia.

"I have been harassed, trespassed, handcuffed and arrested countless times for peacefully exercising my First Amendment rights," said Gray. "My intention is to ensure that all Americans from the wealthiest millionaire to the poorest homeless person can exercise these rights without fear of consequence from our government."

In January 2022, Gray stood on a public sidewalk outside of Alpharetta's city hall holding a sign reading "God Bless the Homeless Vets" to raise



Police officers in two Georgia cities violated Jeff Gray's right to hold this sign in public places.

awareness of the plight of homeless veterans and, with his own camera rolling, to gauge government officials' understanding and respect for Americans exercising their basic First Amendment rights.

Alpharetta police told Gray he was engaging in illegal "panhandling" and threatened arrest if he didn't stop. Gray explained that he wasn't asking others for money and that, regardless, asking others for money is speech protected by the First Amendment.

But the police didn't back down. The lieutenant commandeered and turned off Gray's video camera, violating Gray's right to film police in public places. He demanded Gray's identification and searched him to find it, violating Gray's right to speak without being compelled to identify himself. Then, he banned Gray from the area, violating his right to engage in expression in a public place.

In Blackshear, Gray attempted to hold his sign in front of city hall. City Police Chief Chris Wright approached Gray and told him that a city ordinance requires him to have a permit for a "parade, procession, or demonstration"

to do so. Though Wright admitted the ordinance is "kind of silly," he explained that Gray would need to send a letter to Blackshear's mayor and city council explaining the purpose of his demonstration and obtain the council's approval before exercising his free speech rights in a public area.



A police officer confronts Jeff Gray outside city hall in Alpharetta, Georgia.

Gray left the premises, but not before being issued a criminal citation — which the city later dismissed.

The behavior of the officers in both of these Georgia cities unacceptably violates Gray's First Amendment rights and chills the protected speech of people who might otherwise wish to

express their views in a similar fashion. With our lawsuits, we aim to restore these rights and thaw the chill. FIRE's lawsuit against Alpharetta challenges its police officers' violations of Gray's right to speak, film, and remain anonymous, as well as the city's broader practice of banning "panhandling." In Blackshear, in addition

to suing its police chief, FIRE sent a letter to its mayor, explaining that the lawsuit is intended to bring an end to the city's permission-to-speak ordinance — and put other cities on notice that they can't leave unconstitutional laws lingering on the books. Sooner or later, we noted, a police officer will dust them off and use them, resulting in rights

violations — and liability for the city.

"Speaking out in public areas is a core First Amendment right, whether government officials recognize it or not," said FIRE attorney Harrison Rosenthal. "If our cities won't teach officers to do their job properly, FIRE will."

10 WORST COLLEGES FOR FREE SPEECH



Each year, FIRE bestows a special dishonor upon a select group of American colleges that go above and beyond in their efforts to trample expressive freedom. These are the schools that stopped at nothing to crush faculty rights, destroy student expression, and leave guest speakers in the dust.

For that, we owe them their just reward: A spot on our exclusive “10 Worst Colleges for Free Speech” list. In alphabetical order, here are the “winners”:

- ✗ Collin College
- ✗ Emerson College
- ✗ Emporia State University
- ✗ Hamline University
- ✗ Loyola University New Orleans
- ✗ Pennsylvania State University
- ✗ Tennessee Tech
- ✗ Texas A&M University
- ✗ University of Oregon
- ✗ University of Pennsylvania

Since our inaugural “10 Worst” list in 2011, hundreds of schools have vied — knowingly or not! — for this recognition. This year’s contenders were no exception, shoving aside fundamental rights in both classic and creative ways to secure their place.

They include Emerson College, which went toe-to-toe with a student group for having the nerve to advertise a documentary — about free speech; Emporia State University, which seized the opportunity to axe both tenure protections and 33 faculty members; and Collin College, which repeatedly fired professors for speaking out on topics ranging from Mike Pence to COVID-19 to Confederate statues, despite facing multiple lawsuits from FIRE.

We also awarded our highest lowest honor, the “Lifetime Censorship Award,” to Georgetown University for engaging in a years-long pattern of censorship.

Among Georgetown’s offenses:

- ✗ Suspending incoming lecturer Ilya Shapiro for 122 days over a tweet criticizing President Biden’s Supreme Court nominee.

- ✗ Refusing to recognize a pro-choice student group.
- ✗ Stopping students from tabling for Bernie Sanders.



Head over to thefire.org/10Worst to read, in detail, about how each of these institutions landed a spot on our naughty list. Or read about it in one of the countless media outlets that picked up the story — from student newspapers to national and international publications like Reason, the Daily Mail, RealClear Education, and The College Fix.

By giving these schools the discredit they deserve, we hope they’ll think twice before violating expressive rights again.



SPARKS OF HOPE ON CAMPUS: THE FREE SPEECH-FRIENDLY INITIATIVES CHANGING THE STATUS QUO

Massachusetts Institute of Technology

MIT's track-record on free speech is ... shaky, at best. But new President Sally Kornbluth began her term on a high note, endorsing the faculty-developed and approved MIT Statement on Freedom of Expression and Academic Freedom. The statement, spearheaded by the MIT Free Speech Alliance and vigorously supported by FIRE, affirms that the best response to speech one considers offensive or incorrect is more speech, not censorship. "I strongly endorse the final statement," said Kornbluth, "which is confident, nuanced and alive to the subject's inherent complexity and tensions."

Grove City College

Natalie Kahler fondly remembers her time as a student at Grove City College, where she regularly debated theological issues with professors and students over lunch. So when she began to notice a rise in intolerance of different opinions — and saw her own alma mater censor discussions of critical race theory — she knew she had to do something to restore a culture of robust debate. With FIRE's guidance, the Grove City Alumni for Freedom was born. Kahler believes the Grove City

community should recognize "the value of having all voices in the conversation, even when it makes us uncomfortable," and that the new alumni group can help it realize that vision.

James Madison University

JMU once earned FIRE's highest "green light" rating for its free speech policies, but later dropped to a "yellow light" rating for imposing policies that threaten expressive rights. Members of the Madison Cabinet for Free Speech and Accountability, a newly formed alumni group, decided to work toward reversing their alma mater's negative trajectory. Its leaders met with FIRE and we shared our expertise and resources to help the budding group grow. Now, the Madison Cabinet is off to a strong start, calling on JMU to revise its restrictive speech codes to better reflect the standards of First Amendment law. With the help of other alumni groups across the state, the Madison Cabinet hopes to restore free expression as the norm on Virginia campuses.

University of Chicago

UChicago has long been a rare free speech superstar. Home of the "Chicago Statement," the institution tops FIRE's Free Speech Rankings for its stellar rights-protective record and its advocacy for a culture of open inquiry. That's why we were unsurprised, but pleased, to hear that the school's new president, Paul Alivisatos, plans to maintain that legacy. In a powerful op-ed, he called on faculty and students to uphold one of the school's most important founding principles during a time of "heightened political polarization," writing that the university "was founded to advance the principles of academic freedom and free expression."



UChicago President Paul Alivisatos

TROUBLE AT STANFORD

Amid continuous controversy, can this elite school chart a better course?

Stanford University, one of the most selective institutions in California, requires students to “uphold the integrity of the university as a community of scholars in which free speech is available to all.”

So what happens when that value is put to the test? Apparently, it’s promptly abandoned.

In March, students at Stanford Law School substantially disrupted federal appellate Judge Kyle Duncan during a talk organized by the campus chapter of the Federalist Society. Then, a diversity administrator threw gasoline on the fire, praising the hecklers and suggesting that Stanford may want to reconsider protecting speech that upsets students.

And this was just the latest in a string of embarrassing incidents at the university. Only weeks prior, students tore down and burned flyers advertising a Stanford College Republicans event. In February, someone used Stanford’s easily abusable bias reporting system to report a student for reading “Mein Kampf.” And in December, Stanford took heat for its IT administrators’ “Elimination of Harmful Language

Initiative,” which framed commonly used words like “American,” “lame,” and “submit” as “potentially harmful.” Throughout these controversies, FIRE emphasized the “harm” of meeting free speech with censorship.

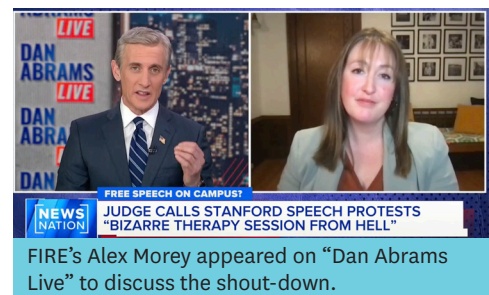
After each incident came to light, we publicly called Stanford out. In response to the harmful language initiative, whose ethos seems to underpin many cases of censorship at Stanford, FIRE’s Zach Greenberg told USA Today, “Stanford creates a chilling effect on all of the students and faculty who may want to use these words for their research, their teaching and just their everyday discussions.” And after the shout-down case, we said Stanford “must use all the resources at its disposal to prevent this pernicious form of mob censorship.”

Frankly, we’re tired of telling this top-tier academic institution what it should already know: Free speech is a fundamental right, and it’s integral to teaching and learning.

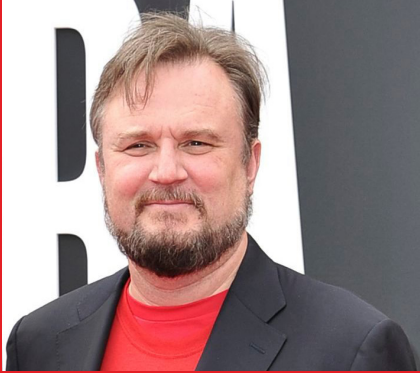
Fortunately, we seem to be making headway. In March, Stanford Law School Dean Jenny Martinez issued a strong statement, which links

to a document on FIRE’s website, condemning the disruptors and outlining a path forward for the institution. The statement emphasizes the fundamental importance of free expression, maps a cooperative relationship between free speech and diversity, and announces First Amendment training for students and faculty.

We hope the Stanford community takes note, for their own sake and for that of institutions across the country which, for better or worse, may take cues from such a prestigious school. Whatever the case, FIRE will stand firm in its defense of free speech continue to hold censors and disruptors to account.



EMBER CLUB MEMBER IN ACTION: DARYL MOREY



Daryl Morey (via Shutterstock)

Daryl Morey, president of the Philadelphia 76ers basketball team and member of FIRE's Ember Club, recently took his support for free speech a step further.

An MIT alumnus, Daryl was interested to read FIRE's report on MIT's Institutional Health. Discouraged to see MIT's culture increasingly ambivalent toward free speech, he penned an op-ed in *The Wall Street Journal* to defend freedom of expression and its importance for MIT's culture and mission. Daryl writes:

If MIT faculty, who are at the cutting edge of science and technology, can't count on their employer to defend open inquiry, it might prevent them from taking innovative risks. This, in turn, would stymie technological progress and the education of the next generation of innovators.... To maintain its

status as one of the finest research and educational institutions in the world, MIT must make a strong public commitment to free expression. This will ensure the institution's continued dedication to the pursuit of knowledge, innovation and science.

Daryl's op-ed shows how members of the Ember Club offer more than financial support to FIRE. They are partners in our work. Armed with data from FIRE's research, Daryl leveraged his influence as an alumnus and public figure to push for change. FIRE is deeply grateful to have him in our corner.

You can learn more about the Ember Club at thefire.org/donate. If you would like to discuss membership and benefits, please contact us at support@thefire.org or 215-717-3473.

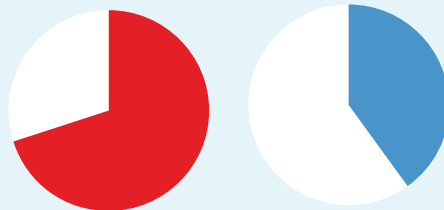
FACULTY FREE EXPRESSION REPORT REVEALS CAMPUS CLIMATE COMPARABLE TO MCCARTHY ERA

FIRE's 2022 report on faculty free expression and academic freedom documents the results of a national survey of almost 1,500 faculty at four-year U.S. colleges and universities. The findings are alarming, revealing higher levels of self-censorship among faculty today than during the McCarthy era.

Among the findings: Faculty across the political spectrum fear facing censorship or social stigma from students, administrators, and even other faculty for speaking their minds — and their concern may be justified. Though faculty are markedly more tolerant of free expression than the students they teach, they're still concerningly censorial.

"Faculty members complain that they can't speak freely, but they're also turning on each other. They can't have it both ways." said FIRE's Director of Polling and Analytics Sean Stevens. "If faculty members want to feel safe to speak freely, they have to stop supporting the censorship of others."

More than 72% of conservative faculty and 40% of liberal faculty are afraid of losing their jobs or reputations due to their speech.



1 in 5

faculty members under the age of 35 report some level of acceptance of students using violence to stop a controversial campus speaker. In contrast, older faculty overwhelmingly believe this is never acceptable.



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BUT WAIT! There's more...

ROCKSTARS RAGE AGAINST CENSORSHIP

FIRE teamed up with SPIN magazine to produce a series of videos showcasing iconic artists who advocate for free speech.

In the first video of the series, Tom Morello — lead guitarist for legendary bands like Rage Against the Machine and Audioslave — discusses facing censorship from sources ranging from his high school newspaper to radio stations.

In the second, music icon Melissa Etheridge talks about self-censoring song lyrics, the role of free speech in securing gay rights, and resisting the urge to call for censorship of those with whom she disagrees.

Both emphasize the fundamental importance of free speech for self-expression, activism, and art.



FIREPOWER: PUFFIN BOOKS RETAINS ORIGINAL ROALD DAHL BOOKS AFTER PUBLIC OUTCRY

In February, Puffin Books, publisher of Roald Dahl's beloved children's books, called in "sensitivity readers" to rewrite Dahl's work to impose "relevancy," slashing original language and replacing it with verbiage designed to appeal to modern sensibilities.

While the company has the right to do this, we weren't shy about exercising our right to tell them they were wrong. We launched an email campaign telling the president of Puffin to reverse the censorial decision — and more than 1,500 people participated.

Within the week, the effort paid off. Puffin announced it will release a "classics collection," under the Penguin logo, featuring the original versions of the books. This will give readers "the choice to decide how they experience Roald Dahl's magical, marvellous stories."

That's the power of FIRE's advocacy.