



FIRE

Foundation for Individual
Rights and Expression

RE: FIRE Urges Representatives to Vote NO on H. Res. 927

Dear Representative,

The Foundation for Individual Rights and Expression (FIRE)* urges you to **VOTE NO on House Resolution 927**. This resolution would send the message to universities across the country that they must censor free speech on their campus or risk Congressional castigation.

H. Res. 927 condemns the presidents of Harvard, Penn, and MIT, for correctly noting that student calls “for the genocide of Jews” are not categorically forbidden, but are actionable when they meet the standard for discriminatory harassment or other categories of unprotected speech. The resolution implies that universities should change their policies and institute a broad ban on speech that advocates genocide or could be construed as doing so.

Of course, universities must prohibit physical violence, as well as true threats, incitement, and targeted discriminatory harassment, including against Jewish students. The Supreme Court has established standards for these narrow categories of expression, each of which universities may police without violating the law or spirit of the First Amendment.

But there is no categorical First Amendment exception for calls for genocide, and the First Amendment protects speech that administrators or others may consider offensive, even deeply so. Government officials, including members of Congress, risk abusing their power when they demand that private universities punish speech protected by the First Amendment.

Further, insisting on a broad prohibition against a vague category of expression like “calls for genocide” will chill campus debates on questions of great legal, moral, and geopolitical significance. Many people disagree in good faith about which actions meet the definition of genocide and which expressions advocate it. In fact, both sides of the Israel-Gaza conflict have accused each other of genocide. A categorical ban on such expression will put university administrators in the impossible position of having to adjudicate such questions, and it will discourage members of the campus community from speaking out about them, or put them at risk of investigation and punishment.

In the fallout of the December 5 Education and the Workforce hearing, more universities — particularly private universities — are already considering revising their campus speech codes to allow for more administrative censorship of student expression. That outcome is contrary to the longstanding goals of many members in this body. Condemning Presidents Magill, Gay, and Kornbluth for standing for free expression sends exactly the wrong message.

FIRE knows all too well that colleges and universities — including Harvard, Penn, and MIT — have a checkered history in defending free expression. But instead of citing past hypocrisy to demand more censorship, Congress should hold these institutions to their newly found free speech promises.

Warm regards,

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