



# **FIRE QUARTERLY**

FALL 2024

## **CENSORSHIP AT CITY COUNCIL**

For criticizing a city attorney's pay raise, an Arizona mom was arrested in front of her 10-year-old daughter. Now, she's suing. | 8





# THE CHALLENGE AND PROMISE OF FREE SPEECH

Free speech can be hard work. Absolutely worthwhile, no doubt, but hard.

The polarized debates that erupted on college campuses in the last year showed us how difficult it can be for people to engage in peaceful, civic conversation about politically charged topics. While we saw many peaceful protests and counterprotests, too many devolved into unprotected conduct, because sometimes violence and disruption is easier than peaceful debate. And while we saw some administrators defend peaceful expression, too many moved to shut it down, because sometimes censorship is easier than defending open discourse.

But like other hard things that are also worthwhile — parenting, writing, math, exercise — free speech can be modeled and taught.

The violence, harassment, and intimidation we saw on campus demonstrate that colleges have long failed to teach and model what free speech should look like. This neglect finally caught up with them, and with unfortunate results.

As we move through the new academic year, colleges and universities must understand that teaching students how to engage in dialogue across differences — how to make their voices heard without violating the rights of others — is absolutely critical.

Colleges and universities can and must be part of the solution by teaching and modeling free speech, and FIRE is actively working with several institutions to help them do so. For example, FIRE's Robert Shibley and Tyler Coward went to the University of North Carolina, Asheville, to lead student orientation sessions on free expression, giving the next generation of students the tools they need to exercise their rights. FIRE also recently helped institutions like Dartmouth College and Middle Tennessee State University earn our highest, "green light" policy rating and signal to their campus communities their commitment to free speech.

We're also taking free speech education into our own hands. Our campus team designed a "Back to School Toolkit" to educate students across the nation on their free speech rights — it covers topics like the difference between protected and unprotected speech, how to engage in activism, and how to spot censorship. Our Engagement and Mobilization team is working with several campuses to organize on-the-ground civil discourse workshops for students. And our Student Press Freedom Initiative will lead in-person free press workshops at a national student journalism conference.

Free speech can be hard, but as a culture, we must relearn its value. Free speech has the power to bridge divides, to catalyze important change, and to shape a better tomorrow.

As our mission states, FIRE is here to "promote the value of free speech for all Americans." In these tumultuous times, we're leading the charge to do exactly that.

**Lindsie Rank**

*Director of Campus Rights Advocacy*



*The Dartmouth Political Union is a nonpartisan student organization bringing robust debate and discussion to campus. Last school year, it hosted speakers including Marianne Williamson, Dean Phillips, and Doug Burgum and held student debates on topics including drug legalization, sex work, and affirmative action. "DPU is really unique in that it's a place where you can continue your learning outside the classroom," said DPU President Emeritus Jess Chiriboga. "I'm constantly exposed to different viewpoints."*

## IVY LEAGUE INSPIRATION

Dartmouth College got a speech policy rating to match its school color, making it the only Ivy League school to currently earn FIRE's "green light."

This development is a welcome return to form for Dartmouth, which first earned a green light in 2005 for maintaining no policies that seriously imperil student speech. In 2013, the school descended to a "yellow light" after it set up a "bias incident reporting" protocol under which students could be reported, investigated, and disciplined for offenses as minor as "joke telling" and "stereotyping."

Dartmouth revised this protocol, clarifying that speech protected under free speech principles will not be investigated or punished, and it fixed two flawed policies governing harassment. Under the leadership of new President Sian Beilock, the intrepid Ivy is also launching initiatives that foster dialogue across differences.

In January, the college launched Dartmouth Dialogues, programming that facilitates conversations that bridge political and personal divides. And in September, Dartmouth announced the expansion of its

Open Expression Facilitators program, through which trained faculty and staff will ensure that campus events are not marred by deplatforming and disruption.

**"Say something controversial at most elite colleges and you're liable to get shouted down, canceled, reported, and disciplined," said FIRE Director of Policy Reform Laura Beltz. "But Dartmouth has shown it aims to foster a better environment for free speech."**

## PENNSYLVANIA GAG ORDER SILENCES STATE EMPLOYEES

A sweeping executive order from Gov. Josh Shapiro runs headlong into the free speech rights of all Pennsylvania state employees. By prohibiting "scandalous or disgraceful conduct, or any other behavior, on or off duty, which may bring the service of the Commonwealth into disrepute," the vague order ensnares not only conduct, but speech.

After raising constitutional concerns to the governor's office and receiving no reply, FIRE publicly condemned the executive order and announced a statewide call for plaintiffs to challenge it.

**"No elected official can slap a gag order like this on state officials," said FIRE Director of Public Advocacy Aaron Terr.**

The Pittsburgh Post-Gazette editorial board agreed with FIRE: **"Citizens do not relinquish their constitutional rights upon entering government service. The Shapiro administration should rescind its broad and vague free-speech restrictions — before spending taxpayer dollars defending a policy the courts will certainly throw out."**









# CENSORSHIP SUFFERS A LOSS IN COLORADO AND CALIFORNIA



*"My goal with this case is to make sure this type of censorship doesn't happen to anyone else, especially in the heart of our state's democracy."  
- Jeff Hunt, FIRE plaintiff*

## Colorado Capitol reverses fashion faux pas

In March, talk radio host Jeff Hunt visited the Colorado State Senate to oppose bills aiming to regulate crisis pregnancy centers. To silently express his pro-life stance, he wore a sweatshirt reading "Pro-Life U" inside the gallery. But Capitol officials weren't having it. Sergeants-at-arms told Hunt that "Pro-Life U" is a "political statement" and that such statements on clothing and pins are prohibited under a gallery rule. They then forced Hunt to cover the message or leave the gallery.

Just weeks before this happened, a group of students wore pro-gun control shirts in the gallery. Unlike Jeff, they were allowed to remain there. That's viewpoint discrimination. In July, FIRE demanded that Capitol officials stop playing fashion police, arguing that the gallery rule banning apparel "expressing political statements" was vague and too broad to be constitutional — what's more, officials had applied it in a viewpoint-discriminatory way. Faced with a potential First Amendment lawsuit, leaders of the Colorado House and Senate agreed to rescind the rule,

striking it from the Capitol website and gallery signs.

**"Jeff should have been allowed to express his opinions in a non-disruptive manner," said FIRE attorney Josh Bleisch. "Now that the ban is no more, Coloradans can wear a political shirt where politics happens."**

## California college puts away bad policy, pays damages to students



*(Left to right) Daniel Flores, Alejandro Flores, and Juliette Colunga*

You may remember Clovis Community College students Alejandro Flores, Daniel Flores, and Juliette Colunga from last fall's issue of the FIRE Quarterly. At that point, after taking Clovis to court for stopping these students from hanging anti-communist flyers on campus on behalf of their conservative student group, we had secured a court order making the school abandon its unconstitutional flyer policy while the case proceeded. In August, that victory got even sweeter.

In great news for more than 50,000 California students, the court prohibited the State Center Community College District — of which Clovis and three other community colleges are a part — from banning "inappropriate or offensive" speech or enforcing any viewpoint-discriminatory, overbroad, or vague policy to censor speech by a student group.

As part of the settlement, State Center also agreed to adopt a new, speech-protective posting policy, hold annual First Amendment training sessions for all district administrators, and pay Alejandro, Juliette, Daniel, and their student group \$20,000 in damages each, plus \$250,000 in attorneys' fees.



# FIRE'S 2025 COLLEGE FREE SPEECH RANKINGS

**IN THE WAKE OF ENCAMPMENT PROTESTS, ADMINISTRATORS AND STUDENTS STRUGGLE TO PRACTICE FREE SPEECH PRINCIPLES.**

America's largest study of free speech on campus got even bigger this year: In light of the spring semester's encampment protests, we included a supplementary encampment-focused report. What we found isn't pretty.

Thirty percent of the 3,803 students surveyed for the encampment report said they have been disciplined or threatened with discipline, or know someone who has been, for expression on campus. What's more, on campuses where encampment protesters were arrested, students are less confident that their administration would support free speech.

The main College Free Speech Rankings report, which surveyed more than 58,000 students, reveals even more disturbing findings. Notably, higher percentages of students this year than



*"You have to have the highest possible tolerance for opinion, but campuses should have no tolerance for violence." - FIRE President and CEO Greg Lukianoff in a segment for The Hill's "Rising"*

last year believe the following illiberal actions are at least "rarely" acceptable:

- Shouting down a speaker (69%).
- Blocking other students from attending a campus speech (52%).
- Using violence to stop a campus speech (32%).

Unsurprisingly, more than half of students consider the Israeli-Palestinian conflict difficult to discuss on campus. This historically high percentage makes sense amid the rise in deplatforming attempts surrounding this topic: Of the 110 deplatforming attempts we recorded in 2024 at the time of the report, 75 centered around speech regarding the Israeli-Palestinian conflict.

**It's clear that many colleges struggled to uphold free speech principles in 2024. So what sets the top five schools apart?**

First of all, they all have "green light" speech code ratings, meaning their policies do not seriously imperil free speech. Further, speech controversies are rare among them, and when they do happen the administration is more likely to defend than punish expression. Likely as a result, their students tend to report confidence that their administration will defend free speech.

Clear, speech-protective policies, consistent enforcement, and a free speech-friendly culture. To do better next year, poorly ranked schools need to study this winning formula.

## TOP 5 SCHOOLS

1. University of Virginia
2. Michigan Technological University
3. Florida State University
4. Eastern Kentucky University
5. Georgia Institute of Technology





Like many colleges last spring, Columbia was rocked by pro-Palestinian protests, encampments, and arrests. As the school scrambled to respond to unfolding events, it often fumbled the ball on free speech.

## Pushing for reform at Columbia and NYU

It's not lonely at the bottom. Harvard University received the worst score in the College Free Speech Rankings for the second year in a row. Not far behind are Columbia University and New York University, both of which also received an "Abyssmal" speech climate rating.

Why did NYU and Columbia fare so poorly? In short, their responses to campus speech controversies after the October 7 attack on Israel and subsequent campus protests demonstrated a total disregard for expressive rights. Both schools experienced numerous deplatformings and attempted disruptions of events on campus, and both also sanctioned scholars, students, and student groups for their views.

This didn't go unnoticed by students. The "Administrative Support" component of FIRE's College Free

Speech Rankings measures to what degree students think their college administration protects free speech on campus: NYU ranks 245 out of 251 schools on "Administrative Support" and Columbia ranks 247.

**"The lack of administrative support for free speech trickles down into student behavior," said FIRE Vice President of Research Angela C. Erickson. "How many more students will be blocked from attending speeches, and how many more speakers will be shouted down or even attacked?"**

This situation is dire. Returning to normalcy will require a concerted effort from administrators to clearly delineate free speech from unprotected conduct and uphold free speech principles even during controversy. In the meantime, FIRE is taking steps to point them in the right direction.

Our Engagement and Mobilization team whipped up a take-action campaign

to exert public pressure on Columbia to shape up on free speech. Our supporters are telling Columbia's interim president to put free speech front and center so the school can get back to its stated goal — to "advance knowledge and learning at the highest level."

And we filed a complaint with NYU's accreditor after giving it multiple warnings to turn things around. The accreditor requires institutions to demonstrate "a commitment to academic freedom, intellectual freedom, [and] freedom of expression" — something NYU has fallen far short of doing in the past year.

We hope these actions underscore the severity of the problem at Columbia and NYU — and give these schools the motivation to change. If they don't, they can bet FIRE will continue to hold them publicly accountable.

## **BOTTOM 5 SCHOOLS**

- 251. Harvard University
- 250. Columbia University
- 249. New York University
- 248. University of Pennsylvania
- 247. Barnard College

View the full rankings at [rankings.thefire.org](https://rankings.thefire.org)



# THE MAYOR TOLD HER TO ‘STOP TALKING.’ NOW SHE’S SUING.

While one Arizona mom fights for her rights, residents of a Michigan city celebrate the vindication of theirs.



*“I wanted to teach my children the importance of standing up for their rights and doing what is right — now I’m teaching that lesson to the city.” - Rebekah Massie, FIRE plaintiff*

## A mom from Surprise, Arizona, experienced an unpleasant surprise at an August city council meeting.

Rebekah Massie took to the podium during the public comment period of the meeting to criticize the city attorney’s pay raise. The mayor quickly interrupted her, saying that her comments broke a city rule prohibiting “charges or complaints against any employee of the City or members of the body.” Rebekah accurately responded that the policy violates the First Amendment.

When Rebekah chose to remain at the podium, the mayor literally told her to “stop talking.” He then directed a police officer to remove her. In front of her 10-year-old daughter, Rebekah was forcibly escorted out by the officer and arrested. She was then charged with trespassing and taken to a detention center.

Such an egregious violation of First Amendment rights cannot be allowed to

stand. And Rebekah is determined not to let it, teaming up with FIRE to file suit against the city.

**“No American should be told to ‘stop talking’ or go to jail simply for speaking their minds at a city council meeting,” said FIRE attorney Adam Steinbaugh. “Public officials are elected to serve the people — not silence them.”**

The story picked up media attention from all over the country, including The Washington Post, the New York Post, National Review, and Fox News. And in September, the city council unanimously voted to scrap the unconstitutional city rule.

As shocking as what happened to Rebekah is, this is not the first time we’ve seen city council members violate the rights of their own constituents. In 2022, it happened to Mary Hall-Rayford and three other residents of Eastpointe, Michigan, who had the temerity to criticize their mayor, who in

turn shouted them down at a meeting. Like Rebekah, the Eastpointers weren’t silenced so easily.

With FIRE, they fought the city and won a settlement of \$17,910 each — a nod to 1791, the year the First Amendment was ratified. As part of the settlement, Eastpointe also removed an unconstitutional rule that prohibited members of the public from directing comments at elected officials during city council meetings. To top it off, it established First Amendment Day, an annual celebration of free speech on September 6.

At the event, community members enjoyed food trucks, yard games, and goodie bags with educational free speech resources. Most importantly, they were reminded that their rights cannot be violated without consequence: FIRE has their back.

**“The lawsuit against Eastpointe was one of FIRE’s first-ever off-campus lawsuits, so this victory has extra significance to us,” said FIRE Program Officer Isabelle Brito.**

Surprise, take note.



*FIRE staffers celebrate Eastpointe’s inaugural First Amendment day with victorious plaintiff Mary Hall-Rayford.*



# TEXAS' ATTEMPT TO CHILD-PROOF THE INTERNET ENDANGERS EVERYONE'S FIRST AMENDMENT RIGHTS

Determining what kids can read and view has long been the responsibility of parents, who set boundaries appropriate for their kids. But Texas' Securing Children Online through Parental Empowerment Act, or "SCOPE Act," lets the state play parent for everyone, granting it the power to decide what kids can access online. In doing so, it endangers the First Amendment rights of everyone in the state.

In August, FIRE sued state Attorney General Ken Paxton, aiming to halt the enforcement of the act, which took effect in September. Under its provisions, social media platforms must register the age of every new user. And platforms that host a certain percentage of content deemed "harmful" to minors must force users to provide government ID or biometric data to gain access, effectively banning adults who don't trust a third-party website with their driver's license or passport from accessing constitutionally protected speech.

The act also requires digital service providers to prevent minors from being exposed to "harmful material." There's just one problem: The state's definition of "harmful material" is unconstitutionally vague. It encompasses anything that "promotes,

glorifies, or facilitates" a host of behaviors including suicide, drug abuse, bullying, or harassment. Of course, this implicates the rights not only of internet users but also of platforms, who are pressured to censor all discussion of these topics.

Among the FIRE plaintiffs whose rights are threatened by the SCOPE Act are:

- Students Engaged in Advancing Texas, a coalition of Texas students that uses social media to increase youth participation in policymaking.
- The Ampersand Group, an Austin-based company that works with nonprofits, government agencies, and local businesses to run campaigns on issues like gun violence prevention, public health, and sex-trafficking awareness.
- Brandon Closson, a 32-year-old Austin-based software engineer who uses Instagram to talk frankly and humorously about his experiences with bipolar disorder.

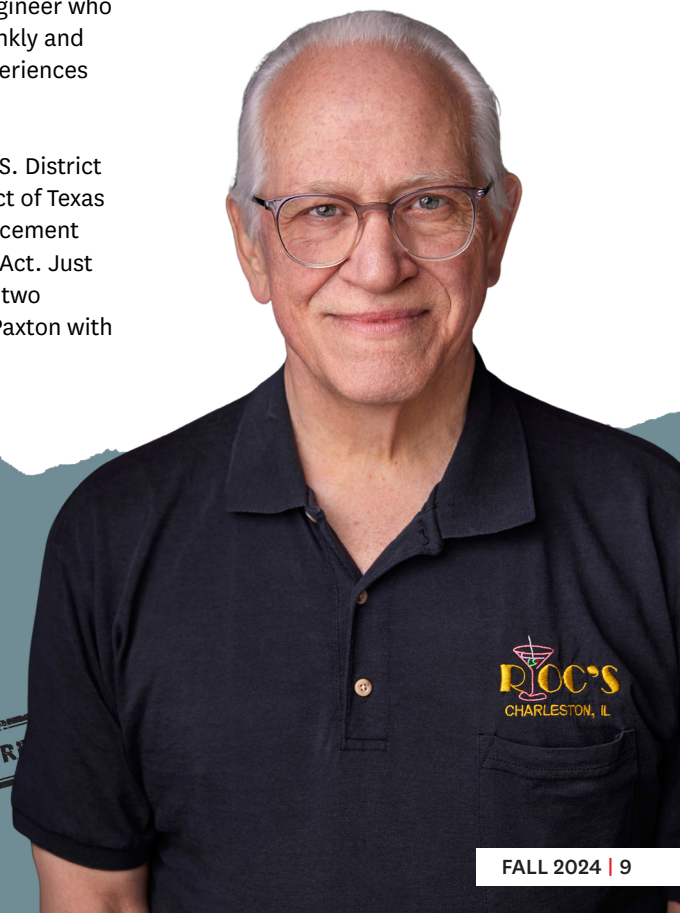
The good news is that the U.S. District Court for the Western District of Texas has already halted the enforcement of a large part of the SCOPE Act. Just before FIRE filed its lawsuit, two industry associations sued Paxton with

objectives similar to FIRE's, and the court rightly recognized that the law unconstitutionally censors expression on the basis of its content. This comes after courts blocked similar bills in California, Arkansas, Mississippi, Indiana, and Ohio.

Today, FIRE is continuing to fight the SCOPE Act in full — as well as a Utah age-verification bill that is similarly unconstitutional. Based on recent precedent, we're optimistic that the cases will go our way, leaving decisions about internet use where they belong: between parents and their kids.

**"Texas has chosen a restrictive and simplistic solution to deal with complex problems. But social media is like any other form of communication — it can be used for good or bad purposes."**

- FIRE Chief Counsel Bob Corn-Revere





# PUTTING GLOBAL CENSORS ON NOTICE

Q&A with FIRE Senior Scholar for Global Expression Sarah McLaughlin



This year, FIRE launched the Free Speech Dispatch, a series from Sarah McLaughlin that covers censorship around the world. Subscribe at [thefre.org/news/free-speech-dispatch](https://thefre.org/news/free-speech-dispatch) to receive FSD right in your inbox.

## What motivated you to start the Free Speech Dispatch?

We live in a deeply interconnected world. So interconnected that we cannot truly understand the censorship challenges we face today by just looking at what happens in our own neighborhoods. Imagine free speech as a global supply chain — a breakdown in one country can have far reaching implications for everyone. In recent years countries including Turkey, Iran, and China have attempted to intimidate, harm, or threaten critics protesting on U.S. soil. And censorship rulings from foreign courts have even affected what Americans can read on the internet.

## Since starting FSD, what are some of the most alarming global censorship trends you've seen?

Some countries have blocked websites or internet access entirely or pushed for new restrictions or firewalls, and courts have handed out long prison sentences for social media posts. In

Thailand, an appeals court extended a clothing vendor's 28-year prison sentence to a shocking 54-and-a-half years for online comments critical of the country's royal family. Brazil banned X, threatening daily \$9,000 fines for those still trying to access it by using a VPN. And in Pakistan, a man was sentenced to death for posting blasphemy on Facebook.

## What can Americans do to ensure free speech protections at home remain strong?

Americans should know their rights here in the U.S., but they should also learn how external censorship may influence their ability to speak freely and obtain information. Do the social media sites we use protect free speech globally? Are the books we buy printed in countries with severe censorship laws? Are the movies and shows we watch rewritten to appease authoritarian governments? These are questions American consumers must ask.

## Censorship down under threatens speech everywhere:

In April, Australia's eSafety commissioner effectively argued that speech restrictions should apply everywhere on Earth, ordering the social media platform X to take down a video of a man stabbing a bishop in a Sydney church. When X only blocked the post in Australia, the commissioner secured a temporary court order requiring the platform to remove posts of the video globally.

FIRE's Public Advocacy team took action, asking the Australian court for permission to intervene. A global takedown would disregard the strong free speech protections of countries like the U.S., we argued. Though some may find the video disturbing, removing it would hand repressive regimes the power to control online content everywhere.

Shortly after FIRE sought to intervene, the court let the temporary order against X expire, but the case continued. In a significant victory, the court then granted our request, and nine days later the commissioner dropped the case.





## DONOR SPOTLIGHT: SEAN P. KELLY



There are two principal reasons why I support FIRE. First, because I believe deeply in its mission to sustain the individual rights of all Americans to free speech and free thought. Having followed the group for years, I trust in its skill and professionalism to carry out that mission better than any other organization that exists today.

In this respect, I am probably not so different from any other FIRE supporters who have been featured here.

But there is a second, very personal reason why I support FIRE and its excellent work. More than 30 years ago, I had the good luck to enroll in FIRE co-founder Alan Charles Kors' course on the history of the Enlightenment. His lectures exemplified what a liberal education should be. They filled me with a sense of awe toward the seismic shift that occurred during the Enlightenment in how human beings understand the world around them: Out with dogma and appeals to authority, in with empiricism and reason. I support FIRE to repay a small part of the gift of knowledge I received from Professor Kors.

Can colleges and universities keep carrying the torch for Enlightenment ideals? I wish I could be more certain. What I am certain of is that an organization that works to hold these institutions and their leaders to their stated objectives has never been more valuable. These are the reasons I support FIRE. I hope you will, too.

*FIRE is grateful to count Sean as a dedicated member of our Ember Club. You can learn more about the Ember Club at [thefire.org/ember-club](https://thefire.org/ember-club). If you would like to discuss membership and benefits, please contact us at [support@thefire.org](mailto:support@thefire.org) or 215-717-3473.*

## Doubling your impact

Sean Kelly increases his impact by participating in his company's matching gift program.

You can too. Many companies offer matching gift programs as a way to show support for the causes their employees — sometimes including retired or part-time workers — care about.

As we head into the holiday season, consider asking your employer if they'll match your donation or include FIRE in their charitable giving campaign. It's a fantastic way to increase your impact, introduce FIRE's work to new audiences, and build a base of support for free speech.







510 Walnut Street, Suite 900  
Philadelphia, PA 19106

T: 215.717.3473

[www.thefire.org](http://www.thefire.org)



@thefireorg



## FREE EXPRESSION ROCKS THE RUNWAY

Fashion designer Elena Velez isn't afraid to stand out. Described in a Washington Post profile as "fashion's problematic fave," Velez pours inspiration from the Rust Belt and Wisconsin shipyards in her designs, creating work that challenges the sensibilities of the fashion world. **"To close off any part of the imaginative landscape as inexpressible is just bad for the soul, it's bad for art,"** she said. In September, FIRE sponsored Velez at New York Fashion Week, championing unconstrained creativity. FIRE's own Creative and Design Manager Khalia Abner (pictured), who designs the FIRE Quarterly, even walked in the show!



## BRINGING BIG IDEAS TO SOLD-OUT CROWDS

Sometimes, people refuse to engage with ideas they dislike, believing they doing so can undermine their own views. But this is exactly backwards. We strengthen our beliefs by exposing them to scrutiny — and can even learn something new in the process.

That's why FIRE has partnered with The Free Press to bring The America Debates to cities across the country. So far, debates have taken place in Texas, Los Angeles, San Francisco, Washington, D.C., and New York. Public figures including Ann Coulter, Cenk Uyger, Louise Perry, Kmele Foster, Jaime Kirchick, and Matt Taibbi hashed out their differences on issues ranging from border security to the sexual revolution to the American dream — and nothing was off the table.