



FIRE QUARTERLY

WINTER 2025



VICTORY AT 13,000 FEET

After a lawsuit from FIRE and the National Press Photographers Association, Congress passes positive changes to filming permit rules in national parks. | 6

NOTCHING WINS NATIONWIDE



As director of FIRE’s Legislative and Policy team, there’s one question I’ve been getting a lot lately: How do things change for us when Washington turns over? Of course, no matter who’s in power, FIRE is there to work with them to protect First Amendment rights — and call them out when they don’t. But the challenges and opportunities evolve as the levers of power change hands.

Last year, we secured some major legislative wins:

- After years of work by FIRE’s legislative team, the House of Representatives passed the most comprehensive campus free speech bill ever. The “Respecting the First Amendment on Campus Act” requires public schools to respect the free speech rights of student groups, prohibit ideological litmus tests in admissions and hiring, and end campus “free speech zones” that unconstitutionally quarantine student expression to tiny areas of campus.
- Utah passed FIRE’s model bill protecting the due process rights of students, and New Hampshire passed a FIRE-supported bill to eliminate free speech zones and protect the speech rights of student groups.
- Kansas and Indiana passed FIRE’s model bill prohibiting public colleges from using ideological litmus tests for admissions, hiring, and promotions.

We also faced some major challenges. Federal lawmakers made relentless efforts to pressure universities to punish students and faculty for their opinions about the Israeli-Palestinian conflict. We worked to beat back a bill in Florida that would have expanded defamation law in ways that would deter criticism of politicians. And we worked across six states to fight bills that would erode Americans’ speech rights online.

We expect these challenges to continue this year, and we’re gearing up to face new ones. Federal officials have promised to continue pressuring schools to suppress student and faculty speech. The Kids Online Safety Act — an alarming federal bill that would censor speech on social media — almost passed in the last Congress, and we expect it to be back in this one. And as more states consider legislation to regulate speech created with the help of AI, we’re building up our AI policy expertise to fight back when those proposals would trample protected speech.

But new opportunities may be emerging as well. We’ll be working to get the “Respecting the First Amendment on Campus Act” and other campus speech legislation over the finish line, and we’re looking for ways to capitalize on congressional interest in stopping government “jawboning,” where government officials coerce private parties to censor protected speech.

In each of these battles, our legislative team has rare credibility because of FIRE’s hard-earned reputation for being principled and nonpartisan. We can work with lawmakers of all stripes because we have only one goal: free speech for all Americans.

Thank you for helping us further that goal for another year.

Carolyn Iodice
FIRE Legislative and Policy director

KICKED OUT FOR WAVING THE FLAG



In a story that had us double-checking we weren't reading an Onion article, a New Jersey township council ejected a resident for nondisruptively holding an American flag and a copy of the U.S. Constitution.

During a November meeting of the Edison Township Municipal Council, the council formally adopted an ordinance which would “establish firm rules of decorum for conduct at Township Council Meetings.” Among these rules is a prohibition on “the use of props while addressing the council,” which apparently include the symbols of our republic.

Edison community members were having none of it.

Joel Bassoff, a lawyer and Edison resident, addressed the council with sharp criticism of the ordinance, including another provision which would shorten the time limits for

public comments. To make his point he ripped up a copy of the time limit ordinance, and then held up a copy of the U.S. Constitution.

“Every member of the council took a solemn oath to uphold the Constitution,” Bassoff said. “I’m holding up a copy of the Constitution to remind you of that oath.”

Bassoff was soon interrupted by council president Nishith Patel, who said, “If you continue to use it as a prop, the Constitution, then we will act — take this as a warning. If you continue, you will forfeit your time.”

“I’m sorry,” Bassoff interjected, “I’m not putting down the U.S. Constitution.”

The exchange became contentious, Patel ordered police officers to remove Bassoff, and Bassoff was forced to sit down.

Later, Bassoff returned to the stand, this time holding an American flag. “By attempting to control decorum,

the council will have adopted an unconstitutional ordinance,” he said before raising the flag.

In response, Patel issued Bassoff another warning, which set off another contentious exchange that led to Edison police showing Bassoff out.

But Bassoff was correct — the prop ban presents several First Amendment issues, which we outlined in detail in a letter to the council.

First, government officials cannot impose vague restrictions on “props” that fail to provide reasonable notice of what is prohibited. Second, even if a prop can in some contexts cause the kind of disruption the council has the authority to prohibit, in many circumstances it can non-disruptively bolster a speaker’s commentary. Bassoff’s display of the flag and Constitution symbolized the values he believed the council was trampling, and it caused no disruption.

For good measure, we sent a mobile billboard to Edison, bringing public awareness to the flagrant First Amendment violation.

From a flurry of negative publicity, free speech emerged victorious. The council passed a resolution to repeal the ordinance, citing FIRE’s letter in their decision-making process.



Police remove Joel Bassoff from the podium after he waves the American flag.

SEEKING GEN Z'S BEST AND BRIGHTEST

Following a successful first event in Philly, we're bringing the Free Speech Forum to our nation's capitol.



In every generation, free speech faces new threats. Defending the timeless principles that underpin the First Amendment depends on young advocates who can explain why the right to express ourselves remains fundamental to discourse, discovery, and democracy. That's why FIRE is proactively seeking high school students with a passion for doing exactly that.

We brought nearly 200 of them together for the first time last year at our Free Speech Leadership Summit at Temple University in Philadelphia. There, they got a crash course in all things free speech, learning directly from activists, scholars, and FIRE staff; digging into hands-on projects related to journalism, social media, and the arts; and learning how to be effective advocates for the right to speak our minds.

The best part? After the program's success, we're bringing it back for another year.

Redubbed FIRE's Free Speech Forum, this summer's seven-day event will be held at American University in Washington, D.C., and bring together more than 200 students. Like last year, students will hear directly from the best in the biz about the issues that matter most to them. FIRE President and CEO Greg Lukianoff will kick it off with a keynote address, and the week's programming will feature debates, guest speeches, and a Social Action Fair where students can share their knowledge. Proving learning about free speech can be as fun as it is challenging, on the docket is also an ice cream social, trivia, and a talent show.

Rising 10th, 11th, and 12th graders curious to get an inside look at free speech law, policy, and culture, and invaluable professional experience, should apply today!

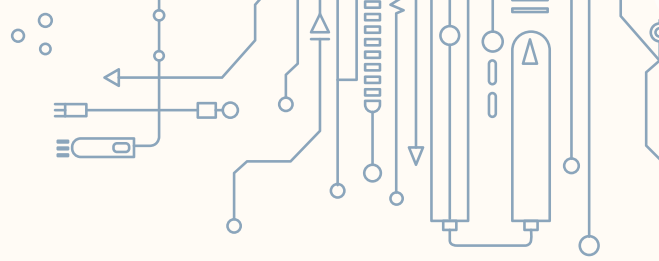
For more details on the program and application instructions, visit:
camp.thefire.org



"I learned an incredible amount from speaking with, asking questions of, and occasionally debating people from vastly different backgrounds that nevertheless soon felt like close friends."

— **Student testimonial**

EYE ON AI



Exploring the next frontier of First Amendment application

Advances in communications technology can pose tricky questions about free speech. Today, as artificial intelligence dominates the discourse, you may be wondering how its use and regulation could intersect with the First Amendment. Fortunately, the First Amendment has stood firm throughout the advent of television, movies, personal computers, the internet, smartphones, and more. In this FAQ, we consider how it may apply to AI.

What is artificial intelligence?

Artificial intelligence, or AI, is a label applied to a range of computer technologies and programs that perform tasks similar to human learning, reasoning, and response generation based on user input. Generative AI uses models trained on vast amounts of text and images to generate unique content based on the user's simple input — “prompts.” Some of these apps, such as OpenAI's ChatGPT and Google Gemini, have now become widely used and well known.

Is AI protected by the First Amendment?

People create and utilize technologies for expressive purposes, and technologies used for expressive purposes, such as to communicate and receive information, implicate the First Amendment. As a result, the use of artificial intelligence to create, disseminate, and receive information should be protected by the First Amendment. Any government restriction on the expressive use of AI needs to be narrowly tailored to serve a compelling governmental purpose, and the regulation must restrict as little expression as is necessary to achieve that purpose.

Do the exceptions to the First Amendment apply to AI?

Yes. These exceptions include incitement to imminent lawless action, true threats, fraud, defamation, and speech integral to criminal conduct.

Can AI developers legally program AI to restrict certain kinds of responses?

Yes. An AI creator can program “guardrails” into their AI models to prevent responses that the creator finds offensive or otherwise objectionable. When these decisions are made by private individuals — not the government — they are editorial choices protected by the First Amendment. However, the fact that they are legally protected does not mean they are immune from criticism.

Can the government legally use AI to censor speech?

No. As artificial intelligence tools become more prevalent, the government may wish to begin using them to police speech, but the First Amendment prohibits the government from doing this, regardless of what tools it uses.

IN THE MEDIA

FIRE Executive Vice President Nico Perrino addressed AI in an op-ed published in the Los Angeles Times:

“The 1st Amendment standards that apply to older communications technologies must also apply to artificial intelligence, particularly as it stands to play an increasingly significant role in human expression and learning.”



Videographers yell ‘cut’ on red tape in National Parks

Picture three people standing next to each other in Yellowstone National Park. One’s a tourist, one’s a news reporter, and the third’s a documentary filmmaker. They’re all filming Old Faithful, using the exact same iPhone, without disturbing anyone around them.

Under federal law, the tourist and the reporter are doing nothing wrong. But the documentarian could face heavy fines — even jail time.

Documentarians Alexander Rienzie and Connor Burkesmith found themselves at odds with this law in September, when they wanted to film an attempt by an athlete to break the record for

the fastest climb up the Grand Teton in Grand Teton National Park. They planned to have only two or three people, using small handheld cameras and tripods, on the 14-mile route for the shoot.

But under the law at the time, whether a filmmaker needed a permit to film in a national park did not depend on their amount of gear or to what degree their filming would be disruptive. The only thing that mattered was whether their purpose is “commercial.” That applied to filming a big blockbuster movie near the Grand Canyon (where the scale of the project might justify a permit requirement), but also the small-time influencer or YouTuber who posts a video of their jog through the National Mall.

Alex and Connor knew they might use the footage to produce a documentary film, so they filed for a permit. But the National Park Service denied the permit on the grounds that it could turn the speedrun into a “competitive event”... and pocketed the non-refundable \$325 application fee. The documentarians were forced to choose between risking prosecution, or letting a potentially historic event go undocumented.

For them, it was an easy choice: They filmed without the permit.

An NPS spokesperson later announced that Alex and Connor’s actions didn’t meet all the criteria for charges, but if their work had been featured “in a commercial or a catalog or something

like that,” it would be “less of a gray area.” Far from settling the issue, the statement signaled that Alex and Connor could still face charges if they ever sell or use their footage.

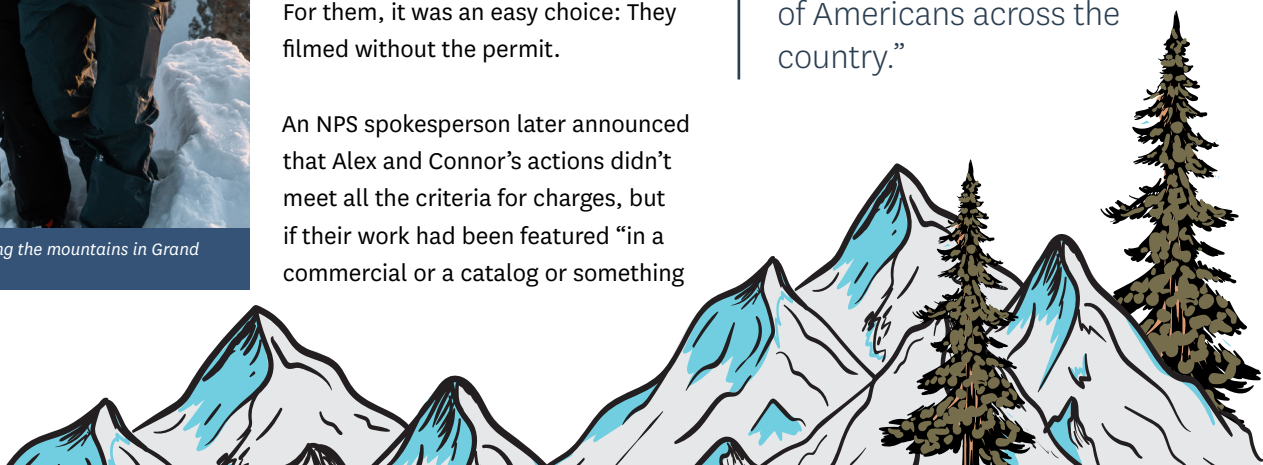
FIRE and the National Press Photographers Association came to Alex and Connor’s defense, filing a lawsuit in the United States District Court for the District of Wyoming to put a permanent end to the arbitrary and unconstitutional permit-and-fee scheme that charges Americans for the right to film in public spaces.

After filing, NPPA and FIRE took the story to the media and to Capitol Hill as part of a final push to break loose legislation that had been in the works. The very next day, Congress leapt into action by passing the FILM Act, a legislative fix for the constitutional issues long flagged by FIRE and NPPA.

“We called on Congress to act, and they listened,” said Alex. “We’re deeply grateful for the legislators on both sides of the aisle that stood up for free speech and the rights of Americans across the country.”



Alex and Connor enjoying the mountains in Grand Teton National Park.



2024 WRAPPED

Your speech is music to our ears

In 2024, when Americans spoke, we listened — even when others tried to silence them. Whether censorship happened at a city council meeting, a public park, or a college classroom, FIRE and our supporters raised our voices in defense of First Amendment-protected speech, righting wrongs by restoring rights.



You helped us turn up the volume on free speech:

Followers across social media platforms:

1M+

News articles about FIRE's work:

12k+

Take Action campaign participants:

6k+

The United States Supreme Court weighed in on one of our cases, throwing out a Fifth Circuit Court decision that dismissed citizen journalist Priscilla Villarreal's lawsuit against state officials who arrested her for routine journalism.

"This marks a significant step toward rectifying the wrongs I have faced," said Priscilla.

On campus, in courtrooms, and in communities across America, we hit "mute" on censorship:

Policy reform victories:

52

Public advocacy victories:

12

Campus rights advocacy victories:

37

Litigation victories:

11

College students impacted by FIRE-supported bills on free speech and due process:

600k+

And we kept our ear to the ground to keep you in the know, conducting groundbreaking research on the state of free expression:

Our College Free Speech Rankings surveyed:

58k+ students at 257 colleges

Our Faculty Survey Report surveyed:

6k+ faculty at 55 colleges



We look forward to playing the hits on repeat in 2025 — and finding new ways to amplify free speech principles together.



AMY WAX: Academic freedom's canary in the coal mine



University of Pennsylvania's crusade against professor Amy Wax over her opinions has concerning implications for academic freedom nationwide.

Primary among FIRE's campus advocacy concerns is protecting and preserving academic freedom. This is the principle that protects professors' freedom to explore challenging ideas in the classroom in the pursuit of teaching and learning and — just as critically — to express their personal views outside the classroom. Sadly, the last few years have seen a collapse of these principles in schools nationwide, and University of Pennsylvania Law professor Amy Wax has been the canary in the coal mine.

In 2022, Wax came under public criticism for saying the U.S. would be “better off with fewer Asians and less Asian immigration” during an interview. At the time, this was the latest in a long line of controversial comments the tenured professor had been known to make, and the uproar had finally reached a fever pitch.

After increasing public pressure, as well as allegations that she violated student confidentiality, Penn Law Dean

Theodore Ruger initiated disciplinary proceedings. That June, he requested that Penn's faculty senate impose a “major sanction” against Wax — up to and including termination — for her extramural speech.

A year later, a faculty committee report concluded that Wax relied “on misleading and partial information” to present “controversial views” in the classroom, resulting in “shoddy” instruction. They claimed that the case against Wax did not implicate freedom of speech, but rather Wax's “professionalism.” However, a great deal of the faculty committee's report singled out Wax's speech and teaching, which were disconnected from the other misconduct claims against her.

The committee recommended major sanctions against Wax, including a one-year suspension from teaching, a dock in pay, and a public reprimand by university leadership.



Penn's failure to separate claims against Wax involving protected speech from other, wholly unrelated allegations about unprotected misconduct raises serious questions: Namely, whether the school has simply found a procedural loophole to sidestep academic freedom and punish a professor for disfavored speech. And it appears Penn has done just that.

After nearly two years, the school announced in September that Wax would indeed be sanctioned for "unprofessionalism." As of this writing, Wax is meant to keep her tenured faculty role upon serving a one-year suspension at half-pay.

Penn's dubious procedural efforts, which stripped Wax of many of the due process protections tenure affords, paid off. And if that's all it takes to sidestep tenure, the rights of even the most protected private college faculty are tenuous at best. What's worse: It creates a playbook for other universities pressured to censor controversial faculty members.

It appears some schools have already gotten the memo. In 2024, FIRE defended professors including Jodi

Dean at Hobart and William Smith Colleges and Maura Finkelstein at Muhlenberg College, who were punished for writing about the Gaza conflict; faculty at the University of Kansas and Bellarmine University in Kentucky, who were disciplined for discussing the election candidates and outcome; and even an instructor investigated for posting about the assassination of United Healthcare CEO Brian Thompson.

In our hyper-polarized moment, faculty increasingly find themselves called "unprofessional" for their views on topics like the Israeli-Palestinian conflict, race and racism, abortion, immigration, or politics in general. Often the only thing standing between the angry college administrator — or the disgruntled donor, or the social media mob, or the local legislator coming for that professor's job — is the time-honored principle of academic freedom.

That's why, regardless of whether you care for Amy Wax's opinions, you should care what happens to her. If our colleges and universities are to achieve their missions as bastions of academic excellence, faculty must remain free to speak their minds.



“FIRE’s working hard to ensure Penn’s dubious tactics won’t become the new playbook for private universities, which, unlike public universities, are not bound by the First Amendment.”

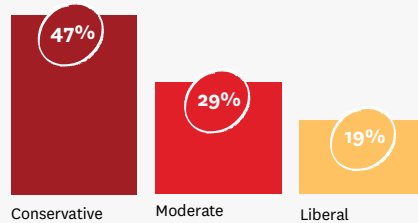
— Alex Morey, FIRE Vice President of Campus Rights Advocacy



SILENCE IN THE CLASSROOM

Faculty survey exposes campus speech climate comparable to McCarthy era

1 in 4 faculty, and nearly half of conservatives, feel unable to voice their opinion on some subject:



A biology professor fired for saying X and Y chromosomes determine sex. A journalism professor's tenure offer yanked because she supports DEI. A lecturer subjected to a year-long investigation for a parody "land acknowledgement."

It's no wonder professors are worried about losing their jobs if they dare voice an unpopular opinion. But America needs faculty who are not afraid to research and teach controversial topics because sometimes the truth lies in the places you're not supposed to look.

That's why FIRE conducted the largest survey ever on faculty free expression and academic freedom. The results are deeply disturbing.

Almost one in four say their own departments are "somewhat" or "very" hostile to people with their political beliefs — and 23% worry about being fired over a misunderstanding.

Certain views are more targeted than others. A staggering 55% of conservative faculty said they hide their political views to keep their jobs, along with almost 1 in 5 liberal faculty. Additionally, only 20% said

conservatives would even be welcome in their department.

Perhaps most disturbing of all, faculty reported self-censoring at rates nearly four times higher than during the McCarthy era!

The threat of censorship is so pervasive on campuses across America that for some faculty not even the cloak of anonymity is enough to put their minds at ease.

While collecting our data, we were surprised to discover that some academics were afraid to take our survey for fear of being found out. As one professor told us, "The fact that I'm worried about even filling out polls where my opinions are anonymous is an indication that we, as institutions and as society, have lost the thread concerning ideas."

Another professor remarked, "I had already decided that this year will be the last one I teach at the university. For what I'm paid to teach the courses that I do, it's just not enough to outweigh the risk of potential public excoriation for wrong-think and its personal and professional impact on myself, my family, and my business."

This isn't the way. As Yale famously declared, colleges should be places where people can "think the unthinkable, discuss the unmentionable, and challenge the unchallengeable." But that can't happen when professors are terrified of losing their jobs for their expression. The open exchange of ideas is the best way we as a society have of discerning what's true. Without the ability to challenge stale ideas, professors lose the power to push the boundaries of knowledge.

No one wins when America's universities become academic echo chambers.



"The McCarthy era is considered a low point in the history of American academic freedom. That today's scholars feel less free to speak their minds than in the 1950s is a blistering indictment of the current state of academic freedom and discourse." — Nathan Honeycutt, FIRE Manager of Polling and Analytics

DONOR SPOTLIGHT:



A thriving democracy relies on freedom of expression, especially within higher education. For over two decades, the F. M. Kirby Foundation has proudly supported FIRE in its vital mission to protect and uphold the principles of free speech and academic freedom.

FIRE's work is critical to ensuring that universities remain platforms for students and faculty to freely explore and express diverse ideas without fear of censorship or retribution. By advocating for policies that uphold students' rights to free expression and defending those impacted by speech restrictions, FIRE fosters a culture of open debate and inquiry in academia. As the landscape of higher education evolves, and divisiveness deepens, we're reminded that protecting freedom of thought is not just an educational priority — it is a foundation for progress, critical thinking, and innovation.

Supporting FIRE means supporting a vision of society in which individuals are empowered to think, question, and engage fully.

We're honored to highlight one of our most dedicated partners, the F. M. Kirby Foundation. Foundations are critical to FIRE's success, and we are always thrilled to welcome new institutional partners. If you would like to discuss making a contribution to FIRE, please contact us at support@thefire.org or 215-717-3473.

Thank goodness for the First Amendment!

The First Amendment protects Americans' right to think, speak, and listen freely, but rising censorship abroad can spell trouble at home. That's why we keep an eye on censorship beyond U.S. borders and record it in our Free Speech Dispatch newsletter. These recent incidents in England, Germany, and China make us grateful for strong speech protections in the U.S.

In England, police are cracking down on social media posts. Officers raided the home of a pro-Palestinian journalist and seized his electronic devices, alleging "encouragement of terrorism." And police visited the home of a columnist, reportedly because she retweeted an image with a caption critical of pro-Palestinian protesters.

In Germany, police raided the home of a 64-year-old man facing prosecution for publicly insulting a political candidate — a crime that can result in prison time — by calling him a "professional idiot."

In China, internet censors are cracking down on memes and puns, often a clever way to get around banned words or phrases, claiming they "form a hidden erosion on the daily communication and ideological values of minors" and "can easily lead to adverse consequences."





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FIRE MINI-DOC SPOTLIGHTS BERKELEY FREE SPEECH MOVEMENT



We released a mini-documentary about the origins of the 1960s Free Speech Movement. Available exclusively on FIRE's YouTube channel, the video is narrated by FIRE Senior Fellow Nadine Strossen, who introduces viewers to Mario Savio, the young civil rights advocate who rallied his University of California, Berkeley, classmates to the cause of free speech when the administration banned political activity.

COLLEGE STUDENTS GATHER FOR STUDENT DEVELOPMENT SUMMIT



In October, 40 college student leaders came together in Orlando, Florida, for FIRE's first-ever Student Development Summit. Over the course of three days, they received professional development training, built advocacy plans, and learned from one another. "The Student Development Summit was both refreshing and eye-opening," said Bruce Jones, a current FIRE intern who attended the summit. "I gained invaluable insights from the FIRE team about navigating the professional world."