

Columbia Free Speech Alliance statement on student protest, hate speech and violence:

Although we fully support free speech and students' right to protest, there are legitimate limits. According to the First Amendment, hate speech is protected with narrow exceptions, as identified by the Supreme Court, "including but not limited to speech that constitutes unlawful incitement, true threats, intimidation, or discriminatory harassment." (TheFire.org: The Foundation for Individual Rights and Expression). There have been reported incidences of threats, intimidation and discriminatory harassment, which we condemn, and which warrant action by both Columbia University and law enforcement.

Although flagrant antisemitic speech has increasingly characterized current protests on campus, these despicable instances are permitted by the First Amendment. However, such hate speech clearly violates Columbia University's "[Statement of Ethical Conduct and the Administrative Code of Conduct](#)," which states: "Respect for others is the central principle that governs interactions between people at Columbia University. Two primary expectations that flow from this principle are to act with civility and to refrain from abuse of power. Respect for others is expected in peer-to-peer relationships, between service providers and people within and outside of the Columbia community" Respect for property is also called for.

Since students agreed to the code once they arrived on campus as freshmen or started online classes, they are subject to consequences for violations of this code, including hate speech on campus or on university-supported social and academic media, as deemed appropriate by the university regardless of First Amendment protections.

Also—and most importantly—banned by the First Amendment is "speech that constitutes unlawful incitement." Accordingly, we condemn slogans and chants by students implying or calling directly for violence against Jews, up to and including genocide, both in Israel and worldwide.

We support appropriate and effective action by Columbia University's administration to restore order and pursue just consequences for student statements and actions that violate the law and the university's code of conduct.

Below is a statement from [FIRE](#) regarding campus violence and arrests, which we full endorse:

FIRE is monitoring outbreaks of violence and arrests on campuses nationwide. Sadly, we must again restate a bedrock principle: Violence is **never** acceptable.

Colleges and universities must ensure the swift arrest of anyone engaging in violence on campus, whether committed by students or visitors. Violence thus far appears to have been isolated, but things can change at any moment, and it must be made clear that *any* violence is unacceptable. Institutions must provide meaningful security and take prompt action to separate groups when tensions flare. For everyone's safety, and to secure expressive rights

for all, no one on campus should have any sense whatsoever that violence will be tolerated or excused.

While the First Amendment protects a great deal of expression, FIRE again emphasizes it is [not without boundaries](#). True threats and incitement to violence, as defined by the Supreme Court, are not protected. Neither is discriminatory harassment: targeted conduct that is so severe, pervasive, and objectively offensive that it denies the targeted student access to an educational opportunity or benefit. And when protesters surround opposing speakers or otherwise prevent students from freely moving around campus, they cross the line separating protected expression and unprotected misconduct.

By acting decisively to defend protected speech while preventing violence, colleges and universities can preserve the safety and stability required for the discussion across differences they are uniquely equipped to facilitate.

Peaceful protest is [generally protected](#), and colleges and universities must ensure students can engage in peaceful protest on campus. But we remind students that engaging in civil disobedience may result in punishment, including arrest. Civil disobedience derives its expressive power from the willingness of participants to accept the consequences of breaking the rules. That willingness illustrates their intensity of feeling. Students occupying campus spaces in violation of reasonable, content-neutral rules risk punishment. When that punishment is viewpoint-neutral, proportional, and in keeping with past practice, it does not violate expressive rights.

We likewise remind administrators and law enforcement that institutional responses must be measured. Peaceful protest must not be met with violence simply because of the viewpoints expressed.

This is an extraordinarily difficult moment for students, faculty, administrators, alumni, and the public. Tensions are high and nerves are raw. The charity and grace necessary for productive dialogue are in vanishingly short supply, and it can be difficult to separate protected expression from its opposite.

Amidst this intense pressure, our nation's institutions of higher education must lead the way. By acting decisively to defend protected speech while preventing violence, colleges and universities can preserve the safety and stability required for the discussion across differences they are uniquely equipped to facilitate.