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**Murray: San Francisco Values Don't Include Conservative Speech**

By: Joe Murray, The Bulletin  
03/13/2007

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Ever since the sit-ins of the '60s, one thing has been painstakingly clear for many a college campus. Universities are the incubators of free speech activity and the soapbox of choice for those cultural revolutionaries lobbying for unpopular, if not controversial, ideas. During the flower power days of academia, Hanoi Jane embodied the counter culture and its cause was a struggle against U.S. cultural imperialism aboard. To the Woodstock warrior, Jim Crowe was public enemy No. 1 and the war in Vietnam was not only a bad decision, but also an immoral one to boot.

To express their outrage, students protested, burnt bras and draft cards, and held marches through the heart of campus. To these wide-eyed idealists, the First Amendment freedom of speech was not only absolute, but a necessary means to end the unjust policies of the establishment. But what happens when the protesters of the past grow up to become the establishment of the present? For the past two decades, conservatives, who have assumed the role of the counter culture on campus, have been raising their voices in an academic forum that is not known for its tolerance towards opposing views. And with conservatives becoming more vocal, those on campus who do not share such views have begun to swat the conservative gnat that is buzzing around the mule. Enter San Francisco State University (SFSU).

SFSU is not a stranger to First Amendment controversy, for in 1968 a student strike organized by the leftist Third World Liberation Front completely overwhelmed the campus. The strike, which was supported by Students for a Democratic Society (SDS) and the Black Panthers, disrupted campus activities, called for an end to the Vietnam War and demanded the creation of a Black Studies Department.

The strike garnished national media attention and tested the university's commitment to an open marketplace of ideas. In the midst of the strike, the university reached a breaking point and S. I. Hayakawa, the university's president, effectively slammed shut the doors of the marketplace when he pulled the plug, literally, on a student rally, severely disrupting it.

Today, the administration at SFSU is facing a free speech crisis of a different nature. It is a crisis in which the children of the SDS have grown up to determine what was good for the goose is not good for the gander. And it is a crisis where a conservative organization on SFSU's campus stands to be sanctioned for nothing more than exercising its First Amendment rights.

The current free speech debacle began last October when SFSU College Republicans held an "Anti-Terrorism Rally." The group set up shop in Malcolm X Plaza and engaged in expressive activity that was geared towards protesting international groups that supported or engaged in terrorist activity.

As part of the protest, students stepped on the makeshift flags of Hezbollah and Hamas, two organizations the College Republicans believe to be terrorist groups. This was done to condemn terrorism and its supporters.

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There was, however, a slight wrinkle. In crafting the flags, the College Republicans fully and accurately reprinted the Arabic print that appears on the two flags and, unbeknownst to the students, part of the Arabic contained the word "Allah."

When students, especially those of the Muslim faith, saw the College Republicans stomping on the flags of Hamas and Hezbollah, thus stomping on the name of Allah, they were not too pleased. Some commotion occurred and tempers flared, but the situation was controlled.

Nonetheless, in the aftermath of the rally, a complaint was filed against the College Republicans. The charges in the complaint stated that the rally violated SFSU's policy against incitement and the creation of a hostile environment, and it also alleged that the conservative group violated the university's policy on incivility. Sensing a hearing was inevitable and sanctions were looming, the group's leadership contacted the Foundation for Individual Rights in Education, a Philadelphia based educational foundation that seeks to protect constitutional rights on college campuses.

FIRE responded by sending two letters to SFSU in hopes of rectifying this matter before the school crossed any constitutional lines. To FIRE, this was a cut and dry case that concerned only speech.

"The College Republicans engaged in unequivocally protected political expression, and it strains all credibility to think the SFSU administration does not know this," stated Greg Lukianoff, president of FIRE. "There is nothing to try or investigate here other than protected expression."

Samantha Harris, FIRE's Legal Director, told The Bulletin that SFSU's actions represented an unmistakable violation of the group's constitutional rights. "This is certainly one of the more extreme cases," Harris said. The civil rights advocate expressed her amazement in regards to seeing "a public university acting in blatant violation of clear Supreme Court precedent."

In a letter written to SFSU, FIRE, citing the flag burning case of Texas v. Johnson, explained, "A public university such as SFSU should not investigate - and cannot lawfully punish - students for engaging in expression that is unquestionably protected by the First Amendment."

"Just as SFSU could not punish students for taking Jesus' name in vain or for driving a car on the Jewish Sabbath," a FIRE representative wrote, "it cannot punish students for stepping on a makeshift flag bearing the word 'Allah.'" SFSU, however, did not see the situation as FIRE saw it. SFSU opted to hold a hearing to determine whether the College Republicans violated the aforementioned policies. That hearing took place last Friday.

Leigh Wolf, president of the College Republicans, was dismayed by the hearing and fears sanctions are inevitable. While there are many issues of contention, Wolf and Harris are concerned that the organization could be punished for incivility. "The prohibition on incivility is clearly unconstitutional," stated Harris. "Much of the speech that is not civil is protected by the constitution and people do not have the right to be free from offense," concluded Harris.

Wolf, however, told The Bulletin that the SFSU board reviewing the matter was not concerned with the Constitution. "I asked them if they could define what being civil is and they did not answer my question," stated Wolf.

Even more shocking, Wolf said that when he tried to raise constitutional arguments, one of the board members quipped, "We are not hear to speak about constitutional law, just about SFSU's speech codes."

According to Wolf, Brian Gallagher, the non-Muslim student who filed the complaint, asked the board, "How can we let the College Republicans have such a rally that was politically motivated and one sided?"

Wolfe also expressed concern over the review board's objectivity, for two of the board members reviewing Gallagher's complaints were also members of SFSU's student government. The problem is that the student government passed a resolution condemning the College Republicans and one of the board members involved in Friday's hearing had voted in favor of that resolution. Presently, Wolf is waiting for the board's decision. Under SFSU policy, the board has 10 days from the day of the hearing to render its opinion. SFSU officials were contacted, but did not respond to The Bulletin's request for an interview.

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