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FIRE QUARTERLY | SPRING 2026

TWO UNIVERSITIES. TWO POSTERS. ONE FIRST AMENDMENT PROBLEM.

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FREE SPEECH INCLUDES THE RIGHT TO OFFEND

Who would you trust with the power to police offensive speech?

That is the question I asked an audience of more than 400 people at the Cambridge Union in February. I was in the historic English university town to debate the proposition: "This House Believes In The Right To Offend."

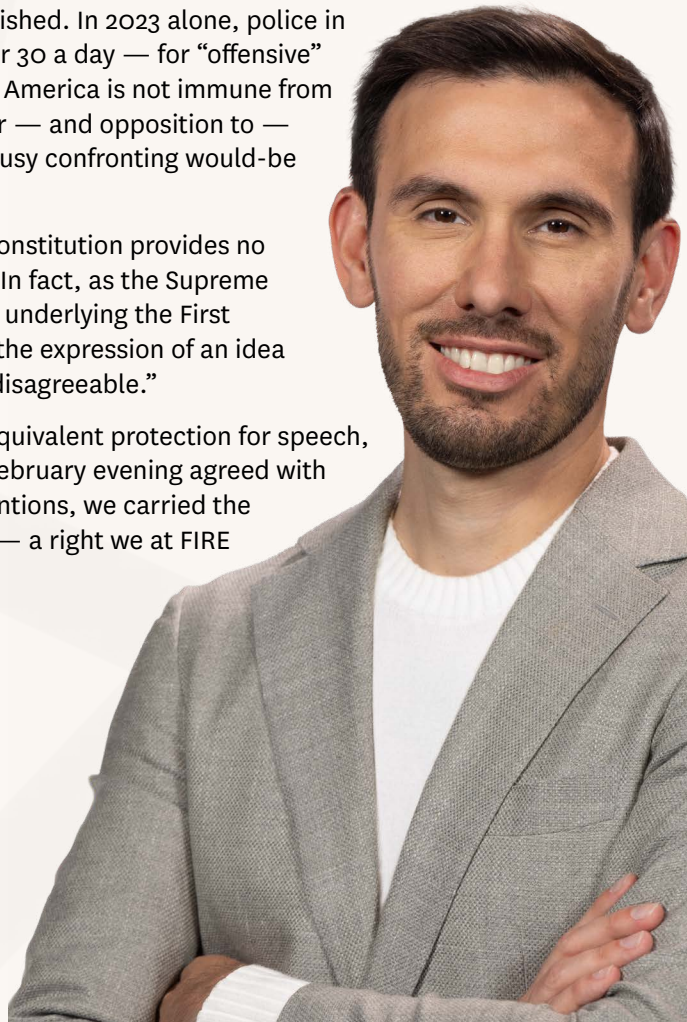
Rising to the lectern, dressed in a tuxedo — as is customary for such debates — I reminded the chamber that prohibiting offense means trusting someone with the power to decide which ideas are offensive enough to ban. This person would not only determine what ideas you could express, but also what ideas you could access: what books you could read, movies you could watch, music you could listen to, and speeches you could hear. "There's not a person in the world with whom I would entrust that power," I said. "Not the president of the United States nor the prime minister of the United Kingdom."

I also reminded the audience that offense is subjective — across cultures, across generations, and even across the individuals sitting in that chamber. As the Supreme Court once correctly observed: "One man's vulgarity is another man's lyric." Nor was the concern hypothetical. Throughout history, those in power have punished those who offended the day's prevailing orthodoxies. The Athenians decided Socrates' teachings were offensive — and sentenced him to drink hemlock. Inquisitors decided Giordano Bruno's cosmology was offensive — and burned him alive. The British Crown long punished criticism of the monarchy with a grisly death sentence. The convicted critic would be hung, drawn, and quartered — their remains displayed publicly as a warning to other would-be critics.

While speech crimes are (fortunately) no longer met with capital punishment in Western liberal democracies, that doesn't mean offense isn't punished. In 2023 alone, police in the United Kingdom made roughly 12,000 arrests — over 30 a day — for "offensive" online communications. As you will read in these pages, America is not immune from trying to punish offensive speech either. Both support for — and opposition to — Immigration and Customs Enforcement have kept FIRE busy confronting would-be censors on and off campus.

Fortunately, the First Amendment to the United States Constitution provides no grounds for the government to punish offensive speech. In fact, as the Supreme Court famously declared, "If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

While England does not have a First Amendment or an equivalent protection for speech, the audience in the Cambridge debating chamber that February evening agreed with its bedrock principle. By a vote of 175–95, with 145 abstentions, we carried the motion: "Yes, this house believes in the right to offend" — a right we at FIRE will continue to defend every day, before any audience.



Nico Perrino
FIRE Executive Vice President

JOIN US AT SOAPBOX!

EARLY BIRD PRICING ENDS JULY 4TH

From Nov 4-6 in Philadelphia, journalists, scholars, comedians, and other leading free speech voices will take the stage for fiery debates, thought-provoking keynotes, and an unforgettable gala. More speakers to be announced!

Still Revolutionary SOAPBOX 26

Scan here to purchase tickets or visit:
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Riona Sheikh

The Quiet Crackdown on Student Journalism

Reframing reporting as rule-breaking. Pulling stories before they reach readers. Students silenced both while reporting and before publication. A familiar pattern has emerged in the way some schools handle student journalism: dress up coverage as a conduct violation and quietly shut it down.

When Riona Sheikh arrived at the University of Maryland, she didn't know anyone. At UMD, which is home to a long tradition of independent student media, she set out to build that same space for others. As a freshman, she founded *Al-Hikmah*, the university's first Muslim student newspaper, determined not to shy away from controversial issues.

That commitment came at a cost. Riona and a colleague covered a protest of a Students Supporting Israel event that turned disruptive. Instead of recognizing routine reporting, the university detained them and later charged them with "interference" and "disruption" for filming and photographing the protest.

FIRE pushed back. In December, we wrote to UMD explaining that documenting a protest is not misconduct. A public advocacy campaign followed, with more than 200 supporters urging the university to drop the charges. The pressure worked. UMD ultimately found Riona and her colleague "not responsible," clearing them of the charges that threatened to punish them for doing their jobs.

At the K–12 level, censorship may look different but lands in the same place. At Pine View School in Sarasota, Florida, student journalists Ava Lenerz and Alex Lieberman saw their stories, which included criticism of the school board, stalled by their principal. Instead of allowing publication, he withheld the articles and justified the decision with a factually flawed report generated by artificial intelligence.

The report claimed Alex's article showed "source selection bias," alleging a lack of meaningful school board perspectives. But the student's reporting included substantial quotes from the very board member at issue. In other words, the justification didn't hold up. The stories' viewpoints, rather, seemed to spur the principal's censorship.

FIRE intervened, reminding the school that disagreement with a student's viewpoint is not a valid reason for censorship under both legal precedent and the district's own policies. Under *Hazelwood v. Kuhlmeier*, administrators have broader authority to regulate school-sponsored student speech for "legitimate pedagogical purposes." But that authority is not limitless.

After receiving FIRE's letter, the students' stories were finally published online.

These victories matter. When student journalism becomes inconvenient, administrators too often treat it as misconduct or attempt to bury it. FIRE's advocacy has helped break that pattern, reaffirming a simple principle: Student reporting is not a violation, and student journalists are not the problem.

-Marie McMullan, FIRE Student Press Counsel

VICTORY! Court vindicates professor who parodied a 'land acknowledgment' on syllabus

In December, the U.S. Court of Appeals for the Ninth Circuit delivered a decisive victory for the First Amendment rights of public university faculty.

During the fall 2021 semester, University of Washington Professor Stuart Reges criticized land acknowledgment statements in an email to faculty. On Jan. 3, 2022, he parodied UW's model statement in his syllabus: "I acknowledge that by the labor theory of property the Coast Salish people can claim historical ownership of almost none of the land currently occupied by the University of Washington." Reges's statement was a nod to John Locke's philosophical theory that property rights are established by labor.

For this, administrators punished Reges by creating a "shadow" section of his class and launching an investigation into him under a broad, vague policy that prohibits "unacceptable" and "inappropriate" speech.

Represented by FIRE, Reges filed a First Amendment lawsuit in July 2022 challenging the university's actions. The Ninth Circuit agreed with what FIRE has said from the beginning: Universities can't force professors to parrot an institution's preferred political views under pain of punishment.

"In my 39 years of teaching, I have always fought for free speech even though it nearly cost me my dream job," said Reges. "I hope my victory will help inspire others to push back against those who have been attempting to limit free speech on college campuses."

Students forced to remove 'Let's Go Brandon' sweatshirts seek Supreme Court review

With FIRE's help, two Tri County Middle School students are hoping to take a case of free speech rights in public schools to the Supreme Court. In February 2022, the students wore sweatshirts to school with the phrase "Let's Go Brandon," a political slogan critical of then-President Joe Biden with origins in a profane chant. Even though the political slogan is widely used — multiple members of Congress used it during floor speeches — an assistant principal and a teacher ordered the boys to remove the sweatshirts.

The school district relied on a policy that prohibits "profane" clothing — but the sweatshirts intentionally avoided using profane language, and asking the students to remove them was a violation of their First Amendment rights.

Represented by FIRE, the students filed a lawsuit in April 2023. The district court and a divided (2-1) federal appeals court held that the phrase "Let's Go Brandon" was close enough to profanity that the school could ban it. FIRE has now filed a petition to the Supreme Court to hear the case, explaining that saying "Let's Go Brandon" is no different than using words "heck" or "shoot" in place of swear words.

"The school district's censorship assumes that students cannot handle seeing even sanitized expressions," said FIRE Supervising Senior Attorney Conor Fitzpatrick. "But America's next generation is not so fragile, and the First Amendment is not so brittle."

FREE SPEECH ON ICE

At public universities, the First Amendment is not a suggestion. It is a binding commitment, and administrators cannot pick and choose which political viewpoints are safe to express. Yet recent incidents at two major institutions — the University of Illinois Urbana-Champaign and Penn State — show how quickly that principle can erode when speech becomes controversial.

At UIUC, administrators responded to a College Republicans' pro-ICE Instagram post by launching a Title VI review, investigating political advocacy as a potential civil rights violation. At Penn State, the university announced a police and public safety investigation after an anti-ICE poster was found affixed to a light pole outside the student center.

These cases sit on different sides of the same political issue, but are constitutionally indistinguishable examples of protected political speech. Many may contend that the other side is so wrong that they do not deserve to be heard. But the principle of free speech is content-neutral, or it is nothing at all.

When universities launch investigations into protected expression — even if they don't result in formal punishment — they send a powerful message: Certain viewpoints will draw scrutiny from authorities, so be careful what you say. That message is enough to chill speech across campus as students learn quickly which ideas are "safe" and which may trigger institutional backlash.

This chilling effect does not discriminate. It threatens all sides.

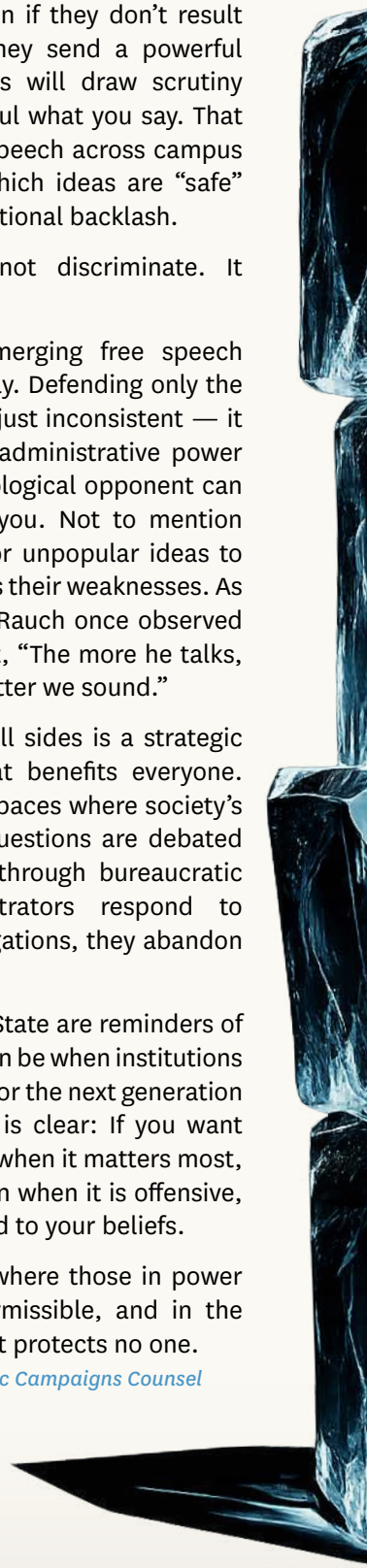
This is the lesson that emerging free speech advocates must take seriously. Defending only the speech we agree with is not just inconsistent — it is self-defeating. The same administrative power used today against your ideological opponent can be used tomorrow against you. Not to mention that allowing controversial or unpopular ideas to be aired openly often exposes their weaknesses. As gay rights activist Jonathan Rauch once observed about a prominent opponent, "The more he talks, and the more we talk, the better we sound."

Embracing free speech for all sides is a strategic and moral commitment that benefits everyone. Public universities must be spaces where society's most difficult and divisive questions are debated vigorously, not suppressed through bureaucratic processes. When administrators respond to political speech with investigations, they abandon that mission.

The cases at UIUC and Penn State are reminders of how fragile free expression can be when institutions lose sight of first principles. For the next generation of advocates, the takeaway is clear: If you want your speech to be protected when it matters most, you must defend speech even when it is offensive, unsettling, or deeply opposed to your beliefs.

The alternative is a system where those in power decide which ideas are permissible, and in the long run, that is a system that protects no one.

-Amanda Nordstrom, FIRE Strategic Campaigns Counsel



ANSWERS TO COMMON CRITICISMS

FIRE is suing federal officials for strong-arming Facebook and Apple to censor groups and apps that use public information to report ICE activity. Some people have raised objections centered on the relationship between free speech and law enforcement, so let's answer some common criticisms we've faced.

Critic: You don't have a First Amendment right to dox.

A: There's no First Amendment exception for "doxxing." First, "doxxing" is not a legal term with a stable, accepted definition. While people generally use it to mean publicly identifying someone, usually online, different people will have different understandings about what does or doesn't count as "doxxing."

Critic: The First Amendment literally says nothing about recording law enforcement, and it explicitly says you're allowed "peaceably to assemble, and to petition the Government for a redress of grievances." That does not mean you're allowed to harass ICE and protect criminals.

A: The government can prosecute people for physically interfering with ICE operations or assaulting an officer. But the government can't ban lawful tools just because someone else could (or did) use that tool to commit a crime. If a person uses Google maps to find an ICE facility and vandalize it, the government couldn't just shut down Google Maps. When we're talking about speech, the First Amendment doesn't bend the knee — even if that makes law enforcement more difficult — because officers have to take constitutional interests into account.

Critic: Did you guys go after the Biden White House for their Covid related jawboning?

A: Yes. FIRE was very critical of the Biden administration's jawboning efforts. Jawboning is just censorship by proxy: If it's illegal for the government to censor certain speech directly, then using a middleman doesn't change a thing. In 2021, officials under President Biden pressured social media companies to take down COVID-related posts in the name of public health — a classic case of jawboning. FIRE filed an *amicus* brief in the ensuing case, *Murthy v. Missouri*, arguing that the Biden administration violated the First Amendment by attempting to interfere with private content moderation. As nonpartisan free speech defenders, we have called out censorship by both sides, and we always will.

QUESTIONS?

Have your questions and comments answered by attending our Monthly Members Webinar or writing us at **questions@fire.org***!*

EVEN CENSORSHIP IS BIGGER IN TEXAS

A reading from Plato seems like the sort of assignment that's a no-brainer for a philosophy course. But under a draconian review of course materials in Texas this semester, not even Plato was spared from aggressive administrative interference in faculty teaching.

This was the case for Texas A&M University professor Martin Peterson, who faced a directive to remove readings from Plato from his contemporary philosophy course. Because the readings, from Plato's "Symposium," discuss homosexuality and gender, they risked violating a new system policy restricting class materials that "advocate race or gender ideology."

If Peterson didn't want to censor his teaching, he could accept a reassignment to another course. Peterson acquiesced and replaced the readings with readings on free speech and academic freedom.

Peterson isn't alone in facing these sorts of Orwellian choices to censor course content or accept a new teaching assignment. Public universities in Texas have undertaken sweeping course reviews under the aegis of recently enacted state laws aimed at rooting out wrongthink in lower-level courses. Texas A&M has been among the worst actors, as a number of courses were canceled and hundreds had their course content changed. But these censorial measures have swept across the Lone Star State in recent months.

At Texas Tech, administrators canceled a psychology professor's course after he refused to compromise his instruction by telling the university exactly when race and gender would come up in his class. At Tarleton State, a professor was effectively ordered to remove two readings on race and the gay rights movement from his American history course to get the course approved. The University of Houston became embroiled in a conflict with faculty over a mandatory self-evaluation checklist it was considering circulating to faculty.

These developments aren't the sign of a healthy university education. They're the sign of authority figures wielding a hammer of state law to remove disfavored topics from the classroom. Because of this, every class material that could conceivably touch on those disfavored topics looks to administrators like a nail.

FIRE's concern is that for every case the public knows about, 10 more lurk under the surface. What makes the censorship here so pernicious is the precedent Texas is setting for other states hoping to achieve similar results. The message being sent to faculty is clear: Be careful what material you use in your courses, or else you could suddenly find yourself without a course to teach.

That doesn't just hurt faculty. It hurts students, too. And it is a severe violation of academic freedom.

-Graham Piro, FIRE Faculty Legal Defense Fund Fellow

The EMBER Club

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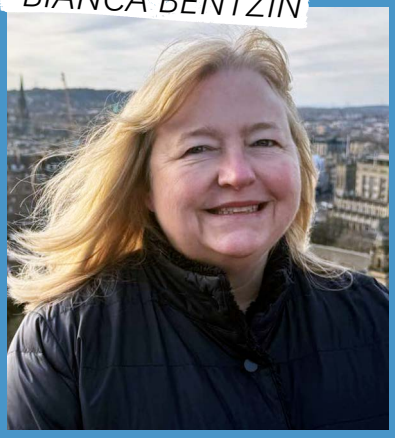


"Supporting FIRE means standing for the principle of free speech — no matter the topic or political viewpoint. It also means backing people we can trust to stay true to that mission and use our time and resources for the greater good. Because I've worked so closely with FIRE, I can confidently say that in no other cause I have supported have I witnessed a team so tirelessly committed to their mission."

SUPREME COURT DENIES REVIEW OF TEXAS CITIZEN JOURNALIST CASE

FIRE is disappointed that the Supreme Court denied our petition to review citizen journalist Priscilla Villarreal's case. After arresting Priscilla for questioning police — something reporters do every day, and something the First Amendment squarely protects — lower courts held that Laredo, Texas officials are immune from a lawsuit.

Dissenting from the denial of the petition, Justice Sonia Sotomayor summed it up well: "Such an arrest is plainly inconsistent with basic First Amendment principles."

We are proud to have fought alongside Priscilla in defense of her First Amendment rights. We are also grateful to the organizations and individuals that filed briefs as "friends of the court" in support of Priscilla. The decision not to take Priscilla's case only shines more light on the need for the Court to revisit how qualified immunity applies in free speech cases, sooner rather than later.

And rest assured — so long as government officials keep trampling fundamental First Amendment rights, FIRE will be there to fight back and defend those rights for all Americans.

The Ember Club at Soapbox 2026: We are so grateful for Bianca's commitment to and enthusiasm for our work. As a valued member of the Ember Club, her support sustains and strengthens our mission to defend free speech for all Americans. We always enjoy spending time with Bianca at our events and are especially thrilled that she has chosen to sponsor Soapbox 2026!

The Ember Club will have a special presence at the Soapbox conference and gala, and we invite you to join us — both at Soapbox and as part of the Ember Club — in celebrating our nation's rich tradition of free expression.

To learn more about how a Soapbox sponsorship can support your charitable goals this year, contact us at **Soapbox@fire.org**.

AI BILLS WE'RE TRYING TO KILL (& WHY).

FIRE's legislative advocacy is grounded in the principle that the First Amendment does not change when technology does. Artificial intelligence is a powerful new expressive tool, and the people who develop and use it retain their constitutional rights. This means that sharing ideas, criticism, satire, and information remains protected expression when AI is involved.

That principle provides a clear guide for evaluating legislative proposals regulating AI in the name of addressing deception, manipulation, or the effects of emerging technologies on minors and democratic institutions. The Constitution requires that any such efforts respect the broad protection afforded to speech. That is why FIRE is working to oppose AI regulation bills across the country that would infringe upon our First Amendment rights.

For example, proposals that prohibit or penalize "deceptive" or "misleading" AI-generated content must account for the fact that even false or misleading speech is often protected. (Not to mention this turns the government into "arbiters of truth" — which invites additional concerns.) Everyday communication includes exaggeration, humor, and honest mistakes. Protecting that expression ensures that people remain free to speak without fear of fines or jail time.

Legislative clarity is equally essential. When laws are clearly defined and narrowly focused, they provide guidance without discouraging lawful speech. By contrast, vague standards for triggering liability, such as whether content is "too realistic," can create uncertainty about what is permitted — particularly in areas like political discourse, where open debate is vital.

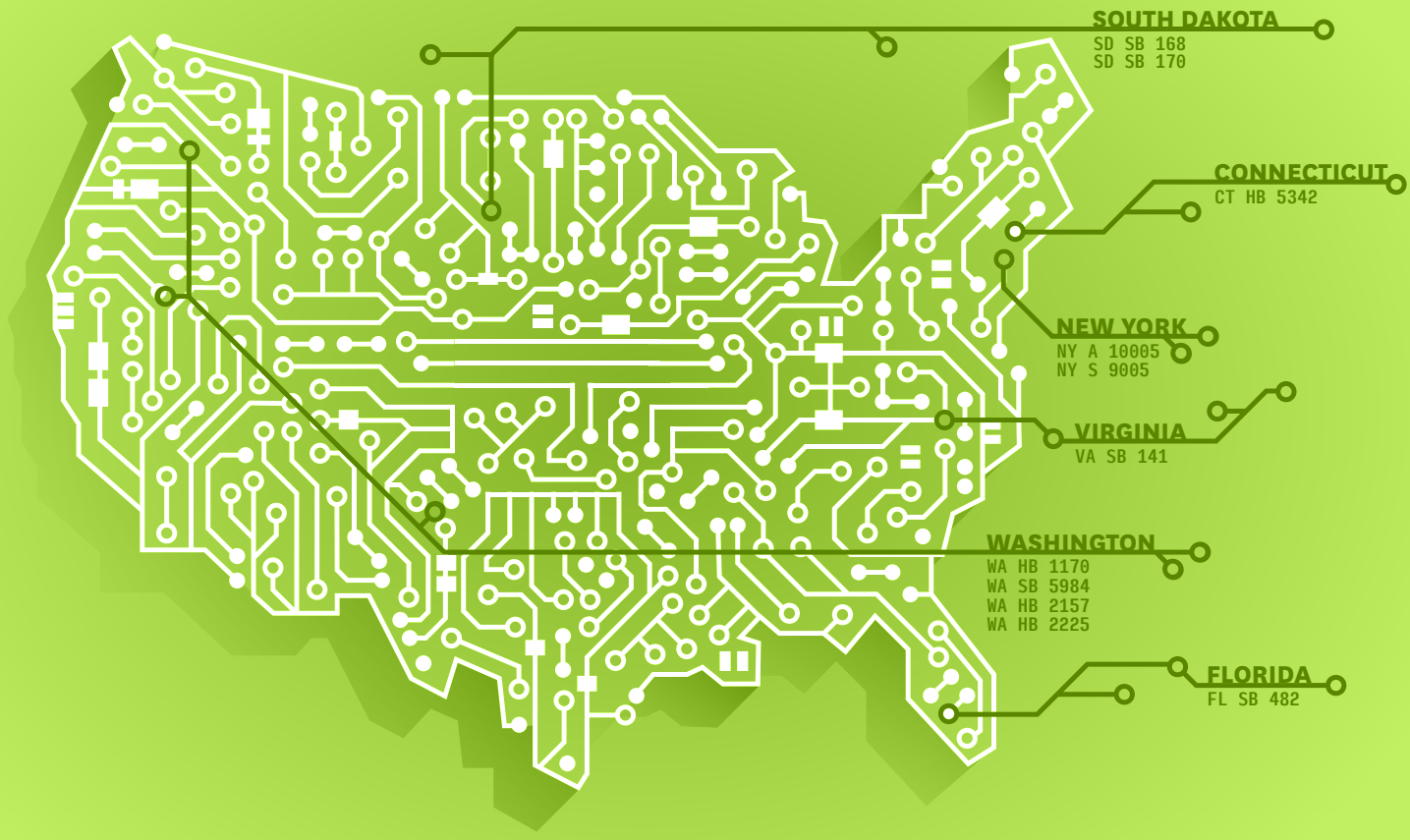
The First Amendment also safeguards a speaker's control over their message. This limits the government's authority to force AI platforms to add disclaimers on the AI's outputs or require identity verification to access information on the platform.

At the same time, existing legal frameworks already address unprotected speech such as fraud, defamation, and true threats, regardless of whether AI is involved. These established, technology-neutral approaches provide a strong foundation for addressing harms while preserving protected expression.

FIRE also supports policies that strengthen individuals' ability to engage with new technologies. Efforts like AI literacy education help people understand and evaluate their use of these tools — without limiting their rights.

The emergence of AI presents an opportunity to reaffirm longstanding free speech principles. By keeping the First Amendment at the center of policymaking, lawmakers can both address new challenges and preserve the open exchange of ideas that underpins a free society.

-John Coleman,
FIRE Legislative Counsel, AI and Free Expression



CONNECTICUT: Connecticut's HB 5342 criminalizes certain forms of "deceptive synthetic media," creating the risk that it could reach protected speech. The First Amendment protects even false or misleading expression outside limited categories such as defamation or fraud.

SOUTH DAKOTA: South Dakota's SB 168 conditions minors' access to chatbots on ID-based age verification, burdening everyone's access to lawful speech and discouraging anonymous use of expressive AI tools.

FLORIDA: Florida's "AI Bill of Rights" legislation conditions minors' access to AI platforms on parental consent and control requirements, effectively requiring platforms to limit access to lawful information and shaping how platforms design and present speech.

VIRGINIA: Virginia's SB 141 requires disclaimers on paid, AI-generated political content near elections, burdening core political speech by imposing government-mandated messages on campaign-related expression.

NEW YORK: A New York budget proposal would ban the sharing of "materially deceptive media" about a candidate close to an election, restricting how people engage in political discourse online and potentially limiting satire, parody, and criticism.

WASHINGTON: Washington's HB 1170 requires embedded disclosures in AI-generated content, forcing government-mandated information into expressive works, including political, journalistic, and artistic content.

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HARVEY SILVERGLATE:

FIRE CO-FOUNDER & FREE SPEECH HERO

After 27 years of service to the organization, FIRE co-founder Harvey Silverglate has decided to step down from our board of directors and phase into a role on our advisory council.

Long before FIRE, Harvey had already built an extraordinary career as a civil liberties and criminal defense lawyer. His public and principled defense of free expression dates back to the late 1960s, when he represented student anti-war protesters on trial. Since then, he taught at the University of Massachusetts Boston and Harvard Law School. He has also served on the board of the ACLU of Massachusetts for over three decades.

In 1999, Harvey co-authored *The Shadow University* with his FIRE co-founder Alan Charles Kors, which helped lay the intellectual groundwork for the organization we now know and love.

We are eternally grateful to Harvey for his stewardship, his service, and his unwavering commitment to free expression.