

**Testimony of J. Richard Cohen  
President, Southern Poverty Law Center  
before the  
Committee on the Judiciary  
United States Senate**

**Free Speech 101: The Assault on the First Amendment on College Campuses  
June 20, 2017**

My name is Richard Cohen. I am an attorney and the president of the Southern Poverty Law Center (SPLC), a civil rights organization founded in 1971. We have studied extremist activity on campus for many years and have frequently advised college administrators and other civic leaders on how to respond to speeches, rallies, or other events held by hate groups or extremist leaders on college campuses and in other public venues. In addition, we recently started a program called SPLC on Campus in which students form campus clubs that are informally affiliated with, but not managed or controlled by, the SPLC. There are currently SPLC on Campus clubs on approximately 30 campuses, including Auburn University, the site of recent controversy over a speech by white nationalist leader Richard Spencer.

I have testified before numerous congressional committees, including this one. I have served on the Department of Homeland Security's Countering Violent Extremism Working Group and am a past recipient of the FBI Director's Community Leadership Award. I am honored to appear before you today.

I'd like to make three points this morning.

First, the First Amendment is a pillar of our democracy that must be protected by institutions of higher learning. But university administrators also have obligations to provide safe environments for their students and to speak out forcefully in defense of the democratic values that define our nation.

Second, the debate over free speech on college campuses is taking place against a backdrop of increased activity by an emboldened white nationalist movement that is making a concerted effort to organize and recruit new members on campus.

Third, what is happening on college campuses reflects the growing political polarization in society, which has been exacerbated by white nationalist activity and the recent presidential campaign. It will take work from all of us—our elected leaders, our schools, our churches, synagogues and mosques, and our other civic institutions—to repair the social norms that are being frayed.

**Colleges and Universities Must Uphold the First Amendment, Provide a Safe Environment  
for Students, and Speak Out Against Hate**

The SPLC has long been a fierce defender of the First Amendment. In 2001, for example, we successfully sued Alabama's chief justice on First Amendment grounds, arguing that the

Alabama Supreme Court’s display of a Ten Commandments monument violated the Establishment Clause.<sup>1</sup> Currently, we are among the civil rights groups arguing in court that the president’s travel ban unconstitutionally discriminates on the basis of religion.<sup>2</sup>

The First Amendment is a bedrock principle of our diverse democracy. It protects the right to an open dialogue, described by the Supreme Court as a “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.”<sup>3</sup> Crucial to that commitment is that the Constitution does not merely protect expression that is beautiful, or moral, or wise. It commits us to protecting speech and acts that may be disagreeable or even downright offensive to some.<sup>4</sup> That commitment safeguards both the rights of students to peacefully protest<sup>5</sup> and the rights of anti-war activists to burn the American flag.<sup>6</sup>

Public colleges and universities are state actors.<sup>7</sup> They can and should take affirmative measures to ensure that their campuses both uphold the First Amendment and are safe, welcoming, and supportive environments for students of all backgrounds.<sup>8</sup> And although private school administrators are not legally bound by the same obligations,<sup>9</sup> most typically assume those duties regardless, rightly understanding their role in building a society in which First Amendment freedoms are paramount.

I want to start by talking not about the right to speak, but about the right to listen. That right is central to the current debate over controversial speakers on college campuses. Many have framed the issue as a question of whether Milo Yiannopoulos, Richard Spencer, or Ann Coulter have a right to speak on a college campus. In most cases, that is the wrong question. None of those people have any special right to be asked to speak to students. But student groups have a right to invite these people to campus,<sup>10</sup> and once they invite them, unless certain rare conditions are met, they have the right to hear what those speakers have to say.

The First Amendment firmly protects the right to receive information from all manner of sources, from controversial speakers to books and pamphlets.<sup>11</sup> It does not require that this

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<sup>1</sup> See *Glassroth v. Moore*, 335 F.3d 1282 (11th Cir. 2003).

<sup>2</sup> See Complaint, *Universal Muslim Ass’n of Am., Inc. v. Trump*, No. 1:17-cv-00537 (D.D.C. Mar. 24, 2017).

<sup>3</sup> *N.Y. Times v. Sullivan*, 376 U.S. 254, 270 (1964).

<sup>4</sup> *Snyder v. Phelps*, 562 U.S. 443, 458 (2011); *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 209–10 (1975).

<sup>5</sup> *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).

<sup>6</sup> *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

<sup>7</sup> *Nat’l Collegiate Athletic Ass’n v. Tarkanian*, 488 U.S. 179, 192 (1988) (“A state university without question is a state actor.”).

<sup>8</sup> *Davis ex rel. LaShonda D. v. Monroe Cty. Bd. of Educ.*, 526 U.S. 629, 633 (1999); see also Letter from Russlynn Ali, Assistant Sec’y for Civil Rights, U.S. Dep’t of Educ., to Colleagues (Oct. 26, 2010), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.

<sup>9</sup> See, e.g., *Rendell-Baker v. Kohn*, 457 U.S. 830, 843 (1982) (holding that a private high school for troubled students need not observe First Amendment rights of a teacher fired for criticizing school officials).

<sup>10</sup> *Widmar v. Vincent*, 454 U.S. 263, 273 (1981) (“The University has opened its facilities for use by student groups, and the question is whether it can now exclude groups because of the content of their speech. . . . [W]e are unpersuaded that the primary effect of the public forum, open to all forms of discourse, would be to advance [a certain form of discourse].”).

<sup>11</sup> *Stanley v. Georgia*, 394 U.S. 557, 564 (1969) (“It is now well established that the Constitution protects the right to receive information and ideas. . . . This right to receive information and ideas, regardless of their social worth is fundamental to our free society.” (internal citations omitted)); see also *Griswold v. Connecticut*, 381 U.S. 479, 482

information be of high ethical or social value—or that it have any value at all.<sup>12</sup> Instead, “[b]y protecting those who wish to enter the marketplace of ideas from government attack, the First Amendment protects the public’s interest in receiving information.”<sup>13</sup> No matter how repugnant one may find a speaker’s views, as long as the college has a policy of allowing student groups to invite people from outside their campus to speak, they cannot pick and choose based on the views the speaker holds.<sup>14</sup> This is why Middlebury’s student chapter of the conservative American Enterprise Institute (AEI) had a right to invite Charles Murray<sup>15</sup> to speak to them on campus.<sup>16</sup> And it is why neither other students nor college administrators can stop someone from speaking merely because they dislike the speaker’s ideas.<sup>17</sup>

Sometimes, controversial speakers come to college campuses without the invitation of a student group. In those circumstances, the speaker does not have any special right to address students—they cannot force anyone to listen to their views.<sup>18</sup> But these speakers have the same right as anyone else to use a public space to promote their message: If a school allows those outside its community to use or rent a space on campus, then any group or speakers have just as much of a right to use that space as anyone else.<sup>19</sup> Often, the most challenging part of the First Amendment is that it protects “freedom for the thought that we hate.”<sup>20</sup>

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(1965) (“The right of freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read and freedom of inquiry, freedom of thought, and freedom to teach . . . .” (internal citations omitted)); *Martin v. City of Struthers*, 319 U.S. 141, 143 (1943) (“[The First Amendment] embraces the right to distribute literature and necessarily protects the right to receive it.” (internal citation omitted)); see also Frederick Douglass, A Plea for Free Speech in Boston (Dec. 9, 1860), [http://www.transcendentalists.com/plea\\_for\\_free\\_speech.htm](http://www.transcendentalists.com/plea_for_free_speech.htm) (“Equally clear is the right to hear. To suppress free speech is a double wrong. It violates the rights of the hearer as well as those of the speaker.”).

<sup>12</sup> See *Winters v. New York*, 333 U.S. 507, 510 (1948) (“Though we can see nothing of any possible value to society in these magazines, they are as much entitled to the protection of free speech as the best of literature.”).

<sup>13</sup> *Pac. Gas & Elec. Co. v. Pub. Utils. Comm’n*, 475 U.S. 1, 8 (1986).

<sup>14</sup> *Widmar*, 454 U.S. at 267–68, 277 (“Having created a forum generally open to student groups, the University seeks to enforce a content-based exclusion of religious speech. Its exclusionary policy violates the fundamental principle that a state regulation of speech should be content-neutral, and the University is unable to justify this violation under applicable constitutional standards.”).

<sup>15</sup> Extremist Files, *Charles Murray*, SPLC, <https://www.splcenter.org/fighting-hate/extremist-files/individual/charles-murray> (last visited June 19, 2017).

<sup>16</sup> See Taylor Gee, *How the Middlebury Riot Really Went Down*, POLITICO (May 28, 2017), <http://www.politico.com/magazine/story/2017/05/28/how-donald-trump-caused-the-middlebury-melee-215195>.

<sup>17</sup> See *Healy v. James*, 408 U.S. 169, 187–88 (1972) (“Whether petitioners did in fact advocate a philosophy of ‘destruction’ thus becomes immaterial. The College, acting here as the instrumentality of the State, may not restrict speech or association simply because it finds the views expressed by any group to be abhorrent.”).

<sup>18</sup> See *Snyder*, 562 U.S. at 459–60 (affirming the captive audience doctrine though declining to extend it to military funerals); *Lee v. Weisman*, 505 U.S. 577, 594–99 (1992) (holding that a public school could not include a “nonsectarian” prayer at graduation because a graduation ceremony is not truly voluntary).

<sup>19</sup> *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 108–09, 112–13 (2001) (“[The school] has opened its limited public forum to activities that serve a variety of purposes . . . . [It] engaged in viewpoint discrimination when it excluded the [religious] Club from the afterschool forum.”).

<sup>20</sup> *United States v. Schwimmer*, 279 U.S. 644, 654–55 (1929) (Holmes, J., dissenting); see also *Communist Party of the U.S. v. Subversive Activities Control Bd.*, 367 U.S. 1, 137 (1961) (Black, J., dissenting) (“I do not believe that it can be too often repeated that the freedoms of speech, press, petition and assembly guaranteed by the First Amendment must be accorded to the ideas we hate or sooner or later they will be denied to the ideas we cherish.”).

Although public colleges and universities can't choose who student groups invite to campus or forbid speakers whose message they abhor from using otherwise publicly available facilities, nothing in the First Amendment requires public colleges to respond *neutrally* to these speakers.<sup>21</sup> As the Supreme Court recently affirmed, “[W]hen the government speaks it is entitled to promote a program, to espouse a policy, or to take a position. In doing so, it represents its citizens and it carries out its duties on their behalf.”<sup>22</sup>

Because of our decades of work monitoring the activities of extremists, student groups and schools have often sought our advice when speakers they consider hateful come to their campus. Just this year, both Auburn University and U.C. Berkeley sought our advice. We told officials there what we have told others throughout the years: People have the right to express their views, even if those views are loathsome. But schools can and should take steps to respond.

We tell them first to act, to do *something*, because apathy is often read as acceptance.<sup>23</sup> We tell them to join forces, reaching out to allies ranging from local faith leaders to law enforcement partners. We tell them to speak up, to draw attention to hope rather than hate. We suggest creating an alternative event, to provide an open and accepting space for those who want to promote unity rather than divisiveness. We tell leaders that it is their obligation to communicate to their community that they stand for the values of inclusion, pluralism, and respect.

This is what we told Auburn administrators and our SPLC on Campus club at Auburn when a supporter of Richard Spencer, a prominent white nationalist leader, rented a public space on Auburn's campus to allow him to come espouse his racist views. We suggested that they take practical steps to ensure the safety and security of students and to provide a forum for student opposition by holding an alternative event. At first, it seemed as if Auburn planned to take our advice. On April 12, the university issued a clear and thoughtful statement:

We strongly deplore [Spencer's] views, which run counter to those of this institution. While his event isn't affiliated with the university, Auburn supports the constitutional right to free speech. We encourage the campus community to respond to speech they find objectionable with their own views in civil discourse and to do so with respect and inclusion.<sup>24</sup>

Unfortunately, four days before Spencer was scheduled to speak, Auburn cancelled the event, citing general concerns that it would jeopardize student safety.<sup>25</sup> The individual who rented the

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<sup>21</sup> *Johanns v. Livestock Mktg. Ass'n*, 544 U.S. 550, 553 (2005) (“[T]he Government’s own speech . . . is exempt from First Amendment scrutiny.”). *But see Pleasant Grove City v. Summum*, 555 U.S. 460, 468 (2009) (“[G]overnment speech must comport with the Establishment Clause.”).

<sup>22</sup> *Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239, 2246 (2015).

<sup>23</sup> The suggestions in this paragraph are available in greater detail in the Southern Poverty Law Center’s *Ten Ways to Fight Hate: A Community Resource Guide* (2017), available at <https://www.splcenter.org/20100216/ten-ways-fight-hate-community-response-guide>.

<sup>24</sup> *Auburn University Statement on Richard Spencer*, AUBURN UNIV. (Apr. 12, 2017), [http://ocm.auburn.edu/newsroom/news\\_articles/2017/04/auburn-university-statement-on-richard-spencer.htm](http://ocm.auburn.edu/newsroom/news_articles/2017/04/auburn-university-statement-on-richard-spencer.htm).

<sup>25</sup> *Updated Information on Spencer Event at Auburn*, AUBURN UNIV. (Apr. 14, 2017), [http://ocm.auburn.edu/newsroom/news\\_articles/2017/04/updated-information-on-spencer-event-at-auburn.htm](http://ocm.auburn.edu/newsroom/news_articles/2017/04/updated-information-on-spencer-event-at-auburn.htm).

public space on campus sued, and on April 18 of this year, the U.S. District Court for the Middle District of Alabama affirmed Spencer’s right to speak.<sup>26</sup>

Judge Watkins’ decision helps us understand how colleges and universities should balance the rights and harms in these circumstances. Schools must make *bona fide* efforts to protect the First Amendment rights of speakers and listeners on their campuses and must do their best to defend against hostility and violence by less restrictive means than cancellation if at all possible.<sup>27</sup> But Judge Watkins also considered the possibility that there are situations meriting the cancellation of an event.<sup>28</sup> As Justice Jackson memorably reminded us, the Bill of Rights is not “a suicide pact.”<sup>29</sup> If the speaker in question planned to incite violence, if the school had put on evidence that it could not, despite its best efforts, provide adequate security for the event, Judge Watkins was willing to consider cancellation as a last resort.<sup>30</sup> No one expects a school to allow an event to go forward if it learns, at the last minute, that busloads of armed extremists are heading to campus or that bombs have been planted that put student lives at risk. But none of those rare and extreme circumstances were present at Auburn. Instead, as Judge Watkins pointed out, controversial or not, “Auburn presented no evidence that Mr. Spencer advocates violence.”<sup>31</sup> The university’s justification for the cancellation—that listeners *might* react by engaging in violence—was not enough.<sup>32</sup> Moreover, Auburn told the court that it, particularly with the financial assistance offered by Mr. Spencer, could provide adequate security for the event.<sup>33</sup> In this case, the danger was simply too speculative to justify cancellation.<sup>34</sup>

Given the recent violence at Middlebury when Charles Murray came to speak, I have sympathy for the educators’ impulse to protect. They recognize that harm does not only come from physical violence, that trauma and terror can hurt as much as guns and fists. But educators err when their response to such potential harm is to cut off its source. The bigot has a right to speak. The educator’s duty is to respond to that speech appropriately, to teach students to

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<sup>26</sup> *Padgett v. Auburn Univ.*, No. 3:17-cv-00231 (Apr. 18, 2017) (ECF No. 9).

<sup>27</sup> *See, e.g., Healy*, 408 U.S. at 188–91 (“[T]he President had determined that . . . prospective campus activities were likely to cause a disruptive influence . . . . If this reason, directed at the organization’s *activities* rather than its *philosophy*, were factually supported by the record, this Court’s prior decisions would provide a basis for [prohibiting on-campus activity]. The critical line . . . is . . . between mere advocacy and advocacy directed to inciting or producing imminent lawless action and . . . likely to incite or produce such action. . . . [T]here was no substantial evidence that these particular individuals . . . constitute a disruptive force on campus. . . . [An] undifferentiated fear or apprehension of disturbance . . . is not enough to overcome the right to freedom of expression.” (emphasis added) (internal quotation marks omitted)); *see also Bible Believers v. Wayne Cty.*, 805 F.3d 228, 255 (6th Cir. 2015) (“[B]efore removing the speaker due to safety concerns, and thereby permanently cutting off his speech, the police must first make bona fide efforts to protect the speaker from the crowd’s hostility by other, less restrictive means.”).

<sup>28</sup> *See Padgett*, No. 3:17-cv-00231, at \*4–5 (citing *Bible Believers*, 805 F.3d at 255); *see also Chaplinsky v. New Hampshire*, 315 U.S. 568, 571–72 (1942) (“There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem . . . includ[ing] . . . ‘fighting’ words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.”).

<sup>29</sup> *Terminiello v. City of Chicago*, 337 U.S. 1, 37 (1949) (Jackson, J., dissenting).

<sup>30</sup> *See Padgett*, No. 3:17-cv-00231, at \*2–3.

<sup>31</sup> *Id.* at \*2.

<sup>32</sup> *Id.* at \*2–3; *see also Healy*, 408 U.S. at 188–91.

<sup>33</sup> *Id.* at \*3.

<sup>34</sup> *Id.*

differentiate between facts and rhetoric, and to build an environment that students understand to be safe and welcoming to all.<sup>35</sup>

Finally, key to the educators' duty here is to teach their students about their own free speech rights. Students who object to hateful rhetoric have options. They can counter speech with speech, holding alternative events to celebrate the values of unity and respect. And if they prefer to respond through peaceful protest, they have that right as well.<sup>36</sup> Our universities should be places where students learn to dissent in thoughtful and constructive ways. To do so is to uphold society's highest ideals.

### **Battle Over Free Speech on Campus is Taking Place Against a Backdrop of Increased White Nationalist Activity**

As part of our work monitoring extremism, we have for many years studied hate and extremism on campus. In a report entitled "Hate Goes to School" in the year 2000, for example, we wrote about a rash of hate crimes and bias incidents on campus. We noted that colleges are places where young people are newly independent and often without parental supervision for the first time. Many are entering far more diverse environments and coming into closer contact with people of different races, ethnicities, cultures, and sexual orientations. And they're experimenting with new ideas, rebelling against societal norms, and forging their own identities.<sup>37</sup>

White supremacists have been active on college campuses for decades. In the 1970s, a young David Duke—now one of the most recognizable figures on the radical right—made a name for himself at Louisiana State University, inveighing against Jews and African Americans and disrupting political debates organized by mainstream campus organizations. Later in the decade, Greg Withrow, considered a founder of the racist skinhead movement in this country, formed an organization called the White Student Union. During the 1980s, it became known as the Aryan Youth Movement and served as the youth recruitment arm of the White Aryan Resistance, a neo-Nazi organization founded by perhaps the most prominent white supremacist of that decade, Tom Metzger. The youth organization was run by Metzger's son, John.

In more recent years, we've witnessed the rise of a new generation of white nationalist leaders involved in the college scene. Matthew Heimbach, for example, gained prominence in the movement by recruiting students at Towson University in Maryland in 2011 and forming a White Student Union there. He has since been heavily involved in recruiting efforts and establishing the Traditionalist Workers Party, the political arm of the Traditionalist Youth Network.<sup>38</sup> In June 2016, members of that group, along with members of a California skinhead

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<sup>35</sup> See *supra* note 8.

<sup>36</sup> See *Cox v. Louisiana*, 379 U.S. 536, 551–52 (1965); see also Joe Cohn, *Second Wisconsin Bill Addressing Free Speech Presents Significant First Amendment Problems*, FOUND. FOR INDIVIDUAL RTS. EDUC. (May 5, 2017), <https://www.thefire.org/second-wisconsin-bill-addressing-free-speech-presents-significant-first-amendment-problems/>.

<sup>37</sup> "Hate Goes to School," *Intelligence Report*, Spring 2000, available at <https://www.splcenter.org/fighting-hate/intelligence-report/2000/colleges-and-universities-see-increase-hate-crimes>.

<sup>38</sup> Matthew Heimbach, Southern Poverty Law Center, available at <https://www.splcenter.org/fighting-hate/extremist-files/individual/matthew-heimbach>

gang, fought counter-protesters outside the state Capitol in Sacramento in a bloody melee that left five people hospitalized.<sup>39</sup>

This white supremacist activity and the hate crimes we've seen are a reaction to changing demographics on campus and the changes that have taken place on campuses as a result. Like the rest of the country, colleges are growing more diverse. In 1965, about 94 percent of college students were white and 61 percent were men. Today, those figures have fallen to 59 percent and 43 percent, respectively. As colleges have grown more diverse, we've seen a growing emphasis on multicultural education as well as a proliferation of ethnic studies and campus groups that revolve around particular identities. These trends have sometimes have been derided as "political correctness."

In the past two years, a period coinciding with the presidential election, we have documented a surge in campus organizing and recruitment by white nationalists. Their movement—rebranded as the alt-right—was energized by rhetoric associated with Mr. Trump's presidential campaign and his selection of Stephen K. Bannon, who once boasted that Breitbart News became "the platform for the alt-right" under his leadership,<sup>40</sup> as his chief strategist. Heimbach, for example, was involved in a scuffle with a protester at a Trump rally.<sup>41</sup>

Since the spring of 2016, we have documented approximately 250 incidents—on more than 150 campuses—in which racist flyers were distributed. Nearly 200 of these incidents occurred after the November election.<sup>42</sup> A group called IdentityEvropa, whose members must be of "European, non-Semitic heritage," has been responsible for a large number of these recruitment efforts. It was founded by a college student named Nathan Damigo, who has said he drew inspiration for his beliefs by reading David Duke's autobiography while in prison for assaulting an Arab cab driver.<sup>43</sup> Another, more militant organization, a neo-Nazi group known as AtomWaffen, has also been distributing flyers on campuses since the middle of 2016.

Several prominent alt-right figures—most notably Richard Spencer and Milo Yiannopoulos—launched campus speaking tours during this period.<sup>44</sup>

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<sup>39</sup> Keegan Hanks, "Violent Clashes Erupt in Sacramento Between White Nationalists and Antifascists," June 27, 2016, Southern Poverty Law Center, available at <https://www.splcenter.org/hatewatch/2016/06/27/violent-clashes-erupt-sacramento-between-white-nationalists-and-antifascists>

<sup>40</sup> Sarah Posner, "How Donald Trump's New Campaign Chief Created an Online Haven for White Nationalists," *Mother Jones*, Aug. 22, 2016, available at <http://www.motherjones.com/politics/2016/08/stephen-bannon-donald-trump-alt-right-breitbart-news/>.

<sup>41</sup> Ryan Lenz, "White Nationalist Filmed Shoving Protesters at Trump Rally Faces Charges," July 21, 2016, available at <https://www.splcenter.org/hatewatch/2016/07/21/white-nationalist-filmed-shoving-protesters-trump-rally-faces-charges>.

<sup>42</sup> A spreadsheet of incidents involving white nationalist flyers being distributed on college is available at <https://www.splcenter.org/file/14826>. Examples of the flyers are attached.

<sup>43</sup> Shane Bauer, "I met the White Nationalist Who 'Falcon Punched' a 95-Pound Female Protester," *Mother Jones*, May 9, 2017, available at <http://www.motherjones.com/politics/2017/05/nathan-damigo-punching-woman-berkeley-white-nationalism/>.

<sup>44</sup> "Richard Spencer's College Tour 2017," *RadixJournal*, available at <http://www.radixjournal.com/college-tour/>.

Spencer is an openly racist, white nationalist leader who heads a small organization called the National Policy Institute and has been credited with coining the term “alt-right.” He has called for “peaceful ethnic cleansing” and the creation of a white ethno-state in North America.<sup>45</sup> During a November 2016 gathering of white nationalists—held just blocks from the White House—Spencer prompted Sieg Heils from audience members after quoting Nazi propaganda in German. He responded by saying, “Hail Trump! Hail our people! Hail victory!”<sup>46</sup>

Propelled by the publicity he received, Spencer launched what he called, in an interview with *The Chronicle of Higher Education*, a “danger tour” of campus speaking engagements. *The Chronicle* described Spencer as a “clean-cut 38-year-old, who attempts to bring an air of respectability to a movement commonly associated with Nazis and the Ku Klux Klan.” Spencer told *The Chronicle* that he hoped to speak at “all the big” universities. He added that it was “really important now to go in with all guns blazing— figuratively speaking, of course—and be really radical and say I fundamentally disagree with you. The Donald Trump phenomenon was, and still is, about identity at some deep level. ... He says ‘I’m going to stick up for you.’”<sup>47</sup> On December 6, 2016, Spencer told a crowd, including protesters, at Texas A&M that “America, at the end of the day, belongs to white men. ... Our bones are in the ground. We own it.”<sup>48</sup>

Milo Yiannopoulos, a deliberately offensive, flamboyant provocateur who calls himself the “Dangerous Faggot,” has spoken at dozens of colleges.<sup>49</sup> He’s the co-author of Breitbart’s “An Establishment Conservative’s Guide to the Alt-Right,” which describes Spencer as one of the intellectuals of the movement. As a former tech editor at Breitbart, Yiannopoulos was a frequent guest on the satellite radio show that Bannon hosted there. Bannon lauded Yiannopoulos as “one of the leading voices of his generation in this whole fight against cultural Marxism, the defense of Western Civilization” and compared his courage to that of Winston Churchill.<sup>50</sup>

Given this volatile climate in the country as a whole and the attempts by racists and alt-right figures to recruit and spread their ideology on college campuses, it comes as little surprise that we have seen a strong backlash among students and that we are seeing a dangerous escalation of violence.

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<sup>45</sup> “Richard Bertrand Spencer,” *Southern Poverty Law Center*, available at <https://www.splcenter.org/fighting-hate/extremist-files/individual/richard-bertrand-spencer-0>.

<sup>46</sup> Joseph Goldstein, “Alt-Right Gathering Exults in Trump Election With Nazi-Era Salute,” *The New York Times*, Nov. 20, 2016, available at [https://www.nytimes.com/2016/11/21/us/alt-right-salutes-donald-trump.html?\\_r=0](https://www.nytimes.com/2016/11/21/us/alt-right-salutes-donald-trump.html?_r=0)

<sup>47</sup> Katherine Mangan, “Richard Spencer, White Supremacist, Describes Goals of His ‘Danger Tour’ to College Campuses,” *The Chronicle of Higher Education*, Nov. 28, 2016, available at <http://www.chronicle.com/article/White-Supremacist-Describes/238515>.

<sup>48</sup> “White Nationalists Work to Make Inroads at U.S. Colleges,” *Intelligence Report*, Feb. 15, 2017, available at <https://www.splcenter.org/fighting-hate/intelligence-report/2017/white-nationalists-work-make-inroads-us-colleges>.

<sup>49</sup> Allum Bokhari, “Suck it up Buttercups: Dangerous Faggot Tour Returns to Colleges in September,” *Breitbart News*, July 6, 2016, available at <http://www.breitbart.com/milo/2016/07/06/milo-yiannopoulos-dangerous-faggot-tour-returns-campus-fall/>.

<sup>50</sup> Keegan Hanks, “How Stephen Bannon Made Milo Dangerous,” *Hatewatch*, Feb. 23, 2017, available at <https://www.splcenter.org/hatewatch/2017/02/23/how-stephen-bannon-made-milo-dangerous>.



Not all of the young people involved in recent demonstrations and confrontations are students, however. We have on multiple occasions seen the involvement of far-left antifa—or antifascist—elements from off-campus. In a recent interview with *Vice News Tonight*, a chapter leader of a new antifa group known as Redneck Revolt said the group was formed as a “response to the rise in politically motivated violence and intimidation against vulnerable communities.”<sup>51</sup>

Antifa have been involved in bloody street fights with white supremacists for decades. Many are organized under a loose, national network known as Anti-Racist Action (ARA), formed by anti-racist skinheads in Minneapolis in 1988 to combat neo-Nazi skinhead gangs. ARA is dedicated, according to its website, to “eliminating racism, sexism, anti-Semitism, Islamophobia, homophobia, transphobia, and discrimination against the disabled, the oldest, the youngest, and the most oppressed people.” Its tenets include “challenging racists and fascists when they attempt to recruit, organize, mobilize, propagandize, and cause harm to people” and “refusing to ignore the violent bigots that comprise racist and fascist groups.”<sup>52</sup>

On the other side, we now are also seeing militaristic youth groups on the far right being formed to defend alt-right speakers and to confront protesters and antifa with violence.

One such group is called Proud Boys. Its founder, Gavin McInness, was a co-founder of *Vice* magazine and more recently has been a frequent guest on Fox News and a contributor to the racist website VDARE. He has called Proud Boys a “pro-West fraternal organization.” Others have described it as the military arm of the alt-right. One of its initiation steps is to brawl with antifa at a public rally.<sup>53</sup> Its members have been involved in violent clashes at Berkeley.

A similar group, called Fraternal Order of Alt Knights, or FOAK, was recently formed by a far-right activist who was among the 21 people arrested after a clash at Berkeley during a “free speech” rally that injured 11 people.<sup>54</sup> Kyle Chapman said his organization would be the “tactical defensive arm” of the Proud Boys. In a social media post, he wrote: “We don’t fear the fight. We are the fight.”<sup>55</sup> Another group involved in recent brawls is a neo-Nazi skinhead club known as the DIY Division. Its members showed up at a large pro-Trump rally in Huntington Beach, California, in March. Four people were arrested there after violence broke out.<sup>56</sup>

Without question, college administrators have their hands full.

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<sup>51</sup> Joshua Hersh, “Extremism Experts are Starting to Worry about the Left,” *Vice News*, June 15, 2017, available at <https://news.vice.com/story/extremism-experts-are-starting-to-worry-about-the-left>.

<sup>52</sup> “About Anti-Racist Action,” available at <https://antiracistaction.org/about/>.

<sup>53</sup> Bill Morlin, “New Alt-Right ‘Fight Club’ Ready for Street Violence,” *Hatewatch*, April 25, 2017, available at <https://www.splcenter.org/hatewatch/2017/04/25/new-alt-right-%E2%80%9Cfight-club%E2%80%9D-ready-street-violence>.

<sup>54</sup> David Neiwert, “Far Right Descends on Berkeley for ‘Free Speech’ and Planned Violence,” *Hatewatch*, April 17, 2017, available at <https://www.splcenter.org/hatewatch/2017/04/17/far-right-descends-berkeley-free-speech-and-planned-violence>.

<sup>55</sup> Bill Morlin, “New Alt-Right ‘Fight Club’ Ready for Street Violence.”

<sup>56</sup> Bill Morlin, “Neo-Nazi Skins Played Role in Pro-Trump Rally,” *Hatewatch*, April 4, 2017, available at <https://www.splcenter.org/hatewatch/2017/04/04/neo-nazi-skins-played-role-pro-trump-rally>.

## We Must Condemn Bigotry and Hate

We are living in precarious times. White supremacists and others on the radical right who have long exploited the divisions in our society are now as energized they've been in decades.

This is the first time in my memory that we have seen white supremacists rally around a major party's presidential nominee and then celebrate his victory. On his radio show last February, for example, David Duke told his listeners that “voting against Donald Trump ... is really treason to your heritage.”<sup>57</sup> On election night, he tweeted that “our people played a HUGE role in electing Trump!” Andrew Anglin, the founder and operator of the neo-Nazi website Daily Stormer, which has hundreds of thousands of readers, rejoiced after the election, writing, “Our Glorious Leader has ascended to God Emperor. Make no mistake about it: we did this.” Richard Spencer, as previously indicated, celebrated at a rally in Washington.

As the radical right gains energy, we're seeing the social norms that stitch our society together—the unwritten rules of common decency and civilized behavior that have been built up over generations—begin to unravel. Regardless of his intention, the president has “unearthed some demons,” as U.S. Rep. Mark Sanford recently put it.<sup>58</sup>

This phenomenon is certainly not limited to college campuses.

We saw it in the days after the election, when there was a flurry of bias incidents across America. We documented nearly 900 bias-related acts of harassment, intimidation or violence within the first 10 days. More than half occurred during the first three days, and many of the perpetrators invoked the president-elect's name or his words.<sup>59</sup>

In recent months, a number of university officials have spoken out forcefully against the bigotry of speakers invited to their campuses. In a letter to his campus community, Berkeley Chancellor Nicholas Dirks minced no words in criticizing Yiannopoulos, just days before he was scheduled to appear on campus in January:

In our view, Mr. Yiannopoulos is a troll and provocateur who uses odious behavior in part to “entertain,” but also to deflect any serious engagement with ideas. He has been widely and rightly condemned for engaging in hate speech directed at a wide range of groups and individuals, as well as for **disparaging and ridiculing individual audience members, particularly members of the LGBTQ community.**

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<sup>57</sup> Hatewatch Staff, “David Duke Says a Vote Against Trump is Treason to White Heritage,” *Hatewatch*, Feb. 26, 2016, available at <https://www.splcenter.org/hatewatch/2016/02/26/david-duke-says-vote-against-trump-treason-white-heritage>.

<sup>58</sup> Karen Tumulty and Robert Costa, “The GOP Inherits what Trump has Wrought,” *Washington Post*, May 26, 2017, available at [https://www.washingtonpost.com/politics/the-gop-inherits-what-trump-has-wrought/2017/05/26/4e1943ea-4177-11e7-adba-394ee67a7582\\_story.html?utm\\_term=.3be5c79dedc7](https://www.washingtonpost.com/politics/the-gop-inherits-what-trump-has-wrought/2017/05/26/4e1943ea-4177-11e7-adba-394ee67a7582_story.html?utm_term=.3be5c79dedc7).

<sup>59</sup> “Ten Days After: Harassment and Intimidation in the Aftermath of the Election,” *Southern Poverty Law Center*, Nov. 29, 2016, available at <https://www.splcenter.org/20161129/ten-days-after-harassment-and-intimidation-aftermath-election>.

Regardless of whether Mr. Dirks was right to cancel Yiannopoulos' scheduled appearance in light of violence on the Berkeley campus,<sup>60</sup> he was surely right to condemn the views of a man who promotes hate and bigotry. Our country needs many more leaders—across the political spectrum—to stand up for decency and speak out powerfully against the corrosive behavior that is ripping apart the fabric of our nation.

It will take hard work from all of us—elected leaders; schools and universities; churches, synagogues and mosques; and many others in civil society—to help heal our nation's wounds and put us back on a path toward realizing the full promise of our democracy.

Thank you.

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<sup>60</sup> Thomas Fuller and Christopher Mele, "Berkeley Cancels Milo Yiannopoulos Speech, and Donald Trump Tweets Outrage," The New York Times, available at [https://www.nytimes.com/2017/02/01/us/uc-berkeley-milo-yiannopoulos-protest.html?\\_r=1](https://www.nytimes.com/2017/02/01/us/uc-berkeley-milo-yiannopoulos-protest.html?_r=1)