

**Testimony of Frederick M. Lawrence
Secretary and CEO, The Phi Beta Kappa Society
On behalf of the
Anti-Defamation League
Before the
House Oversight and Governmental Reform Committee
Hearings on
Challenges to Freedom of Speech on College Campuses
July 27, 2017**

I am Frederick M. Lawrence, Secretary and CEO of The Phi Beta Kappa Society. I am here today representing the Anti-Defamation League. I am an ADL National Commissioner and former Chair of the League's National Legal Affairs Committee. On behalf of ADL, we very much appreciate the opportunity to participate in this hearing on Challenges to Freedom of Speech on College Campuses.¹

The Anti-Defamation League

Since 1913, the mission of ADL has been to "stop the defamation of the Jewish people and to secure justice and fair treatment for all." Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, as well as defending democratic ideals and promoting civil rights, ADL is proud of its leadership role in developing innovative materials, programs, and services that build bridges of communication, understanding, and respect among diverse racial, religious, and ethnic groups.

ADL works with colleges and universities across the country, on both proactive education about hate, bigotry and bias, and in response to specific hate incidents on campus when they occur. ADL's expertise in combatting hate, building inclusive communities, and safeguarding civil rights, perfectly positions the organization to weigh in on this critical issue for institutions of higher education.

Free Speech and the University Campus

ADL, in its work around the country, regularly encounters virulent hate speech. But ADL recognizes that even the most heinous speech is largely protected by our federal and state constitutions. Indeed, ADL staunchly and consistently supports this bedrock principle of American democracy. The ability to express controversial and even offensive ideas is a cornerstone of our nation's democratic ideals – one of the principal ways our nation is exceptional and distinguished from the vast majority of countries around the globe where unpopular viewpoints can be – and are – punished.

This is particularly true on our campuses. Our nation's colleges and universities cover a wide range of models and identities but most if not all schools share a similar mission – to discover and create knowledge, and to transmit that knowledge through teaching and scholarship, for the betterment of our local, national and even international communities. For this mission, free expression and free inquiry are essential.

To say that hate speech is generally protected, however, is not the end of the matter. Whether expression should be protected, although a critically important question, is best seen as a threshold issues, and not the ultimate issue for a higher education institution. There is a moral obligation to respond clearly and forcefully to constitutionally protected hate speech. This is especially true of residential campuses where the very mission of the institution includes building a community and preparing future citizens.

¹ On June 20, representing the Phi Beta Kappa Society, Frederick M. Lawrence testified before the Senate Judiciary Committee for their hearings on "Free Speech 101: The Assault on the First Amendment on College Campuses." His full statement from those hearings is here: <https://www.judiciary.senate.gov/imo/media/doc/06-20-17%20Lawrence%20Testimony.pdf>

The moral response to hateful speech is to describe it as such, and to criticize it directly. Supreme Court Justice Louis D. Brandeis famously wrote in *Whitney v. California* that except in those rare cases in which the harm from speech is real and imminent, the answer to harmful or hateful speech is not “enforced silence,” but is rather “more speech.”

The Integral Role Universities Play When Responding to Hate Speech

In the past six months, ADL has not only seen a spike in anti-Semitic/hateful incidents on campus, but has documented the changing nature of incidents, and an increased impact on communities that coincides with a polarized climate. College and university leaders play a key role in responding to these types of situations: they must ensure that no one is punished for their protected speech just because it discomfited some and, simultaneously, use their bully pulpit to counter hateful speech with timely, specific, and direct responses. We have seen this technique successfully utilized across the country.

For instance, on Valentine’s Day, a Central Michigan University (CMU) Republican student group distributed gift bags to students including a card that read, “my love 4 u burns like 6,000 jews.” The card included a photo of Adolf Hitler. In response to this incident, CMU President George Ross issued a forceful statement that the card’s language, “while protected by the First Amendment, is unacceptable and is not consistent with our values and standards.” He continued by calling upon “each of our students, faculty and staff to be beacons of peace, respect, inclusivity and civility — to be role models of integrity, dignity and leadership.”²

More than 100 faculty members heeded this call when they wrote an Open Letter to the university community. It stated:

“First and foremost, we stand in unflinching solidarity with Jewish communities on our campus and beyond. We uphold you now and always. We will do everything in our power to protect you, to listen to and hear your truths, to affirm and teach your histories and current-day experiences, and to celebrate your people.

Further, we reject acts of hate against any group of fellow humans on our campus and in our communities at home and abroad. Here, too, we vow to uphold the values of a diverse society that treasures the multiplicity of voices, experiences, and identities.

We condemn any rhetoric or any group that provides fertile ground for hate speech. We will not hesitate to name things for what they are. Speaking out against hate and intolerance isn’t a partisan act; it is a moral imperative rooted in the fight for justice, dignity, and human rights.

We won’t make peace with hate on our campus or anywhere else.”³

Even though the creator of the valentine turned out not to be a student, the initial impact of the incident was deeply painful to the campus community. When messages appear on campus that are demeaning to a group of people or demonstrate actions that are contradictory to the values of diversity, equity and inclusion, trust is eroded and communities need to heal. Make no mistake: hate speech on campus, though it may be protected by the First Amendment, has a significant impact. It distracts from the learning community which institutions strive to create, and it increases the perception of division in an already deeply-polarized political climate. A study released in April 2017⁴ by the Cooperative Institutional Research Program at the Higher Education Research Institute at UCLA reports the 2016 cohort of incoming first-year students to be “the most politically polarized” in the more than 50 years of this annual study.

This issue of hate speech creating a distraction from learning is important. When a student’s sense of value and belonging in a place he or she calls home is challenged, it interferes with the ability to learn inside the classroom and out, and it also negatively affects the success of staff and faculty.

² <https://www.cmich.edu/news/article/Pages/card-statement.aspx>

³ <https://docs.google.com/document/d/1j2k-LRpoTknuCdIL9Gsoc2eMh1-1TLmaj-nGsb2qhQY/pub>

⁴ https://www.insidehighered.com/sites/default/server_files/files/TheAmericanFreshman2016PREPUB.pdf

While civility and discourse are critical in general, educational institutions should take special cognizance of the fact that historically-marginalized and minority groups bear a greater burden when speech targets their personal identities and sense of self. Gaps in success rates for students of color are well documented. There are several compounding factors at work for many of these students, including that they are already vulnerable to bias, stereotypes, threats, and, in some cases, financial concerns, and pressures from being the first in their family to attend college.

This is not to argue for prohibiting or excluding hateful expression. It is to say, however, that it is critical that administrators, staff, faculty, students, and all community members speak and act, both against hate, and toward a civil environment that accounts for the complexities of a diverse community. Colleges and universities must build an institution for learning that works toward inclusion and equity while also ensuring open expression and a marketplace for ideas. This requires flexibility and the ability for campus leadership to shift policies and practices for the needs of their community.

Heckler's Veto

Our free speech rights may be the world's broadest, but they are not unlimited. Speech that intentionally intimidates, threatens, or otherwise interferes with the legal rights of others is not protected. While protest, for instance, is a time-honored manifestation of our free speech rights, there are limits to this expressive activity, too. No outside person has a right to be invited to speak on campus, but when they are invited in an authorized manner by a university department, faculty, or an authorized student group, First Amendment free speech rights attach or, in the case of private universities that are not bound by the First Amendment, principles of free expression and free inquiry that are tantamount to the Constitutional protections attach. Preventing authorized speakers from talking is not protected by the First Amendment. Regrettably, we are seeing protesters employ this tactic – sometimes referred to as a “heckler’s veto” – increasingly on campuses. When campus authorities or police allow dissenters to drown out someone’s speech or prevent someone from speaking, they are allowing protesters to silence that speaker, and fail to protect the constitutional rights of both the speaker and the audience.

Sadly, this sequence has become all too familiar. Just this year, we have watched it play out at institutions including Middlebury College, University of California at Berkeley, Claremont McKenna College, New York University, Columbia University, University of Buffalo, University of California at Irvine and Northwestern University.⁵ For example, last April, at San Francisco State University, protesters equipped with sound amplifiers effectively shut down a scheduled presentation by Jerusalem Mayor Nir Barkat. Despite the presence of a university administrator and campus police at the event, Mayor Barkat was forced to retreat with a smaller group while protesters continued using amplified sound in an effort to prevent him and the audience from exercising their First Amendment rights therefore inhibiting any dialogue on the issues.

These intentional interruptions – done under the guise of free expression -- contravene the First Amendment and undermine academic freedom and the open exchange of ideas. Presenters and protestors can both be heard without one infringing upon the rights of the other. Campus policies should reflect this, and administrators must act to prevent speakers from being deprived of their constitutional rights. In academia, not all ideas must be legitimized, but when presented, they should be given the opportunity to be heard. Open expression and academic freedom are guiding principles toward honest inquiry and the shaping of a society where current unpopular ideas have a path to becoming future truths.

Legislation Pertaining to Free Speech on Campus

In an attempt to respond to this ill-conceived, deeply offensive ‘shout-down’ strategy,” legislators in 17 states have introduced legislation purported to protect free speech on campus. These bills are largely based on a model written by the Goldwater Institute⁶ and contain troubling provisions that would shift discretion on how to handle these incidences from the university to the statehouse. Some proposed legislation mandates suspension and/or expulsion as a result of infringing the expressive rights of others, and other proposals allow for similar exclusionary discipline. These legislative proposals would prevent university administrators from making case-specific judgments based on the particular facts of a case,

⁵ <http://www.nationalreview.com/corner/448132/year-shout-down-worse-you-think-campus-free-speech>

⁶ <http://goldwaterinstitute.org/en/work/topics/constitutional-rights/free-speech/campus-free-speech-a-legislative-proposal/>

substituting a one-size-fits-all rule from the statehouse. Decisions about discipline must be left to the judgment of individual university leaders. Moreover, fear of such harsh discipline and consequences will inevitably have a chilling effect on student and faculty speech.

The Institute's model also places an emphasis on the need for individuals to be permitted to assemble spontaneously and distribute literature. The model, however, does not contain a definition of spontaneous. This ambiguousness could lead to unintended consequences such as attempts to circumvent the permit process⁷ or other ways in which colleges and universities authorize speakers for campus events utilizing constitutional "time, place and manner" regulations, designed to ensure both freedom of speech and safety and order on campus.

Perhaps most troubling, one-third of these bills include a condition that universities "(1) shall strive to remain neutral, as an institution, on the public policy controversies of the day, and (2) may not take action, as an institution, on the public policy controversies of the day in such a way as to require students or faculty to publicly express a given view of social policy."⁸ Precluding universities from advocating on behalf of issues that reflect their institutional values violates fundamental academic norms and inhibits their ability to maintain a safe and inclusive campus climate.

For instance, in response to the Executive Orders signaling a crackdown on illegal immigration, 28 universities vowed to offer sanctuary to their undocumented students⁹. For example, University of Pennsylvania President Amy Gutmann announced that, "The University of Pennsylvania will not allow Immigration and Customs Enforcement (ICE) / Customs and Border Protection (CBP) / U.S. Citizenship and Immigration Services (USCIS) on our campus unless required by warrant...Further, the university will not share any information about any undocumented student with these agencies unless presented with valid legal process."¹⁰ University leaders must not be stripped of their policy making discretion and other tools to create a campus where all community members feel welcome.

When the state of Indiana was grappling with whether or not to pass an amendment banning same-sex marriage statewide, the University of Indiana was the state's first college or university to join Freedom Indiana – a bipartisan coalition of organizations and businesses dedicated to thwarting the ban. The university's capacity to speak out in no way undermined the ability of individual students, faculty, or administrators to articulate a contradictory opinion.

A Collective Response: UC Final Report on the Principles Against Intolerance

In 2016, the University of California Regents took an important step forward in outlining university rights and responsibilities on campus when it unanimously passed its *Final Report of the Regents Working Group on Principles Against Intolerance*.¹¹ This approach not only recognized that First Amendment and academic freedom principles must remain paramount, but also established an aspirational tone that reflects an understanding of the many real challenges presented when a college atmosphere becomes the target of anti-Semitic behavior, racism, or discrimination of any kind. Most critically, the report highlighted the vital role of university leadership in addressing tolerance. ADL supported the adoption of the Report and has urged the California State University system to adopt similar principles.¹²

White Supremacists on Campus: Unprecedented Recruitment Efforts Underway

Colleges and universities must have the ability to react appropriately as the needs of the community and the context of American society shift. This past year, issues related to extremism have affected campuses in a disturbing, new way.

⁷ For instance, a bill currently in the Texas Assembly requires that members of the university's community be allowed "to spontaneously and contemporaneously assemble or distribute written materials without a permit or other permission from the institution."

ftp://ftp.legis.state.tx.us/bills/85R/billtext/html/house_bills/HB02500_HB02599/HB025271.htm

⁸ Goldwater institute model

⁹ <http://remezcla.com/lists/culture/sanctuary-campus-daca/>

¹⁰ <https://news.upenn.edu/message-penn-community-concerning-our-daca-and-undocumented-community-members>

¹¹ <http://regents.universityofcalifornia.edu/aar/mare.pdf>

¹² <http://la.adl.org/news/joint-statement-in-support-of-uc-regents-policy-against-intolerance/>

Hate, bias and prejudice are not merely internal issues for colleges and universities to manage. Hate speech often comes from external entities, making students, staff, and faculty targets. The likelihood of being targeted by extremist individuals and groups has risen, presenting another compelling reason for colleges and universities to maintain agency in the creation and amending of policies with regard to open expression.

ADL has documented that white supremacists are engaged in unprecedented outreach efforts on American college campuses¹³ – another sign that these hate groups feel emboldened by the current political climate.¹⁴

There are several notable mechanisms used by white supremacist groups, including, fliers, hacking, online trolling, ‘White Student Union’ websites, as well as in-person speaking engagements and protests. Throughout the 2016-17 school year, students, faculty, and staff on 110 American college campuses in 33 states were confronted by 159 separate incidents of racist fliers and stickers, as well as numerous on-campus appearances by white supremacists and several rounds of anti-Semitic, targeted racist faxes, and emails.

White supremacists are mobilizing in hopes of translating their online activism to “real world” action, and campuses – and young people – are prime recruitment targets, in part because they are still figuring out who they are, and what they believe. Extremists also undoubtedly see value in recruiting a new generation that will carry the movement for years to come.

Longtime white supremacist Jared Taylor recently wrote on his website, American Renaissance, that colleges are of special interest “because they are bastions of anti-white propaganda.” Before he imploded publicly in February, Islamophobic and misogynist gadfly Milo Yiannopoulos told CNN, “I am speaking on college campuses because education ... is really what matters. It’s a crucible where these bad ideas are formed. Bad ideas like ... progressive social justice, feminists, Black Lives Matter...”¹⁵

Yiannopoulos’ appearances (some of which were cancelled) seem to have energized other racists. Nathan Damigo, founder of the white supremacist group Identity Evropa, has called Yiannopoulos “an inspiration,” and showed up at the (ultimately cancelled) Yiannopoulos speech at UC Davis, hoping to poach a few fans for his own cause, which he outlined in a Tweet: “We will not rest until Alt-Right ideas are represented on campuses nationwide.”

While the vast majority of white supremacist campus actions involve hateful fliers (“Imagine a Muslim-Free America,”) and stickers (“Make America White Again”), white supremacists have also sent anti-Semitic faxes and, in the case of white supremacist Richard Spencer, delivered speeches on campus. Many of these incidents are linked to larger coordinated promotional efforts by white supremacist groups, like Identity Evropa’s “Project Siege,” which includes actual campus recruitment visits, and American Vanguard’s “Northern Propaganda Campaign.” These two groups are responsible for the majority of the white supremacist fliers and events tracked over the last several months.

In January, American Renaissance launched a hate-filled campus campaign, which for now seems to be limited to hanging “pro-white” propaganda posters. The academic racist Jared Taylor called on “racial activists” to place the “attractive posters” in “high-traffic areas” around campus on his American Renaissance website. Racist fliers and posters have adorned parking garages, street signs, billboards, utility poles, and along corridors.

Andrew Auernheimer, a white supremacist hacker known as “Weev,” took targeting to the next technological level when he sent out anti-Semitic and racist fliers via many thousands of campus printers across the country. One flier, which was adorned with swastikas, read in part: “I unequivocally support the killing of children. I believe that our enemies need such a level of atrocity inflicted upon them... So the

¹³ <https://www.adl.org/sites/default/files/documents/Campus-Report-Table-2017.pdf> ADL has documented hate group activities on 64 campuses, in 26 states, by 14 different extremist groups,

¹⁴ <https://www.adl.org/blog/white-supremacists-on-campus-unprecedented-recruitment-efforts-underway>

¹⁵ <http://www.cnn.com/2017/02/02/us/milo-yiannopoulos-ivory-tower/index.html>

hordes of our enemies from the blacks to the Jews to the federal agents are deserving of fates of violence so extreme that there is no limit to the acts by which can be done upon them in defense of the white race.” The fliers referenced The Daily Stormer, Andrew Anglin’s neo-Nazi website.

Until recently, on-the-ground white supremacist actions have been relatively infrequent on college campuses – but there have been notable exceptions. In 2013, Matthew Heimbach attempted to start a White Student Union at Towson University in Maryland to “represent the unique cultural heritage, folk customs and strong Christian traditions that define white civilization.” Later that same year, Patrick Sharp established a similar group at Georgia State University.

In 2015, two white supremacist groups, the now-defunct National Youth Front (NYF) and Traditionalist Youth Network (TYN), launched a campaign against two intellectuals whose work focuses on race-related issues. The targets of their online and on-campus protests were Lee Bebout, an associate professor of English at Arizona State University who was teaching a course called “U.S. Race Theory and the Problem of Whiteness,” and Tim Wise, an independent scholar who delivers lectures on racism on campuses across the country.

These days, white supremacists are taking more forceful steps to establish a physical presence on campus. Identity Evropa (founded by Nathan Damigo) was clear in its goals – and used fittingly “academic” language – when describing “Project Siege” plans for the 2016-17 school year: Go talk to actual students. “Project Siege is the beginning of a long-term cultural war of attrition against the academia’s cultural Marxist narrative that is maintained and propagated into society through the indoctrination of the future managerial class. If we are to be successful in combating the current paradigm,” the online message read, “it is imperative that we create space for our ideas at universities across the country. Speaking with students and helping them unpack some of their assumptions while gaining name recognition for our organizations are the ways in which we will create the foundation for that space.”

Sometimes, white supremacists are themselves students. Damigo, for example, is a student at California State University at Stanislaus. At the University of Wisconsin, Daniel Dropik, a 33-year-old student-employee who was convicted in 2006 of setting fire to two black churches, attempted to form the Madison branch of the American Freedom Party, which urges students to “fight anti-white racism.” The American Freedom Party is a white supremacist group founded by William Johnson, and was heavily involved in the 2016 presidential campaign.

White supremacist events on campus face particular scrutiny and, in some cases, speakers are able to circumvent the school altogether, avoiding heated debates over free speech rights. In December, when Richard Spencer spoke on the Texas A&M campus, he was not there as a guest of the University. Instead, he spoke to supporters and onlookers in a room rented for the occasion by local neo-Nazi, Preston Wiginton.

Why now?

White supremacists, emboldened by the rhetoric of the 2016 presidential campaign, are stepping out of the shadows and into the mainstream. In January, Jared Taylor wrote, “It is widely understood that the election of Donald Trump is a sign of rising white consciousness... Now is the time to press our advantage in every way possible.” Richard Spencer has stated that now is the time to “professionalize” white supremacist beliefs, and is currently fundraising to take his message to campuses across the country. “These types of events are tremendous opportunities for us to communicate our message,” he told supporters in December. “They are ways for us to reach millions of people who would otherwise never have heard our ideas.”

Campus responses

Fear and anger are the most common reactions to white supremacist fliers and events, usually followed by a powerful response from students and others who are appalled by the display of hate and divisiveness. Rallies and other gatherings are common. At Purdue University, a group of students replaced American Vanguard’s “pro-white” posters with their own inclusive messages, and loud protests met Richard Spencer when he arrived to speak at Texas A&M.

College administrators are responding more quickly and forcefully to campus hate speech. The chancellor of the University of Texas at Austin immediately called for a town hall meeting after anti-Muslim and anti-immigrant fliers (sponsored by American Vanguard) were found all over the campus. While this town hall did not alone heal tensions, UT and many schools are launching new Diversity, Equity and Inclusion initiatives, with the goal to make campus populations feel safer and more empowered. At the University of Michigan, racist and anti-Semitic emails were sent to students from an outside email address that pretended to use the name and signature of a professor on campus.¹⁶ University of Michigan President Mark Schlissel immediately condemned the incident and the next morning the university provided a status report to students and began working with the FBI to find the source of the hateful emails.

When Hate Speech Crosses the Line

In early May, following the election of Taylor Dumpson, the first African-American female student body president at American University, an unknown perpetrator hung several nooses on the AU campus, some with bananas with the hateful message “AKA Free,” which appeared to target the traditionally African American sorority to which Ms. Dumpson belonged. Protests and demands for action ensued and the AU administration sought to proactively address the situation while the FBI and campus police are currently investigating the incident as a possible hate crime.¹⁷

Ms. Dumpson posted a thoughtful statement, calling for calm and stating her intent to ensure that the campus is safe and welcoming to all.¹⁸ The same day that the nooses were found, American University President, Dr. Neil Kerwin, denounced the incident, calling it a “cowardly, despicable act.” He continued:

Know that American University remains committed to principles of diversity, inclusion, common courtesy, and human dignity, and acts of bigotry only strengthen our resolve. Anyone who does not feel similarly does not belong here.¹⁹

President Kerwin’s timely and firm response is a good example of how campus administrators must respond to incidents of hate and bias on their campuses – and have a plan in place *before* these incidents occur.

Every year, thousands of students are the victims of bias-motivated slurs, vandalism, threats, and physical assaults on college campuses. In 1998, to increase awareness of hate violence on college campuses, Congress enacted an amendment to the Higher Education Act (HEA) requiring all colleges and universities to collect and report hate crime statistics to the Office of Postsecondary Education (OPE) of the Department of Education. Unfortunately, the Department of Education’s current hate crime statistics²⁰ reflect very substantial underreporting. Even worse, the limited available data frequently conflicts with campus hate crime information collected by the Federal Bureau of Investigation under the 1990 Hate Crime Statistics Act (HCSA).²¹ Collecting and reporting this data accurately must become a common practices for all colleges and universities.

¹⁶ <https://publicaffairs.vpcomm.umich.edu/u-m-statement-on-spoofing-attack/>

¹⁷ <https://www.nytimes.com/2017/05/03/us/bananas-hang-from-black-nooses-and-a-campus-erupts-in-protest.html>

¹⁸ Dumpson wrote, “We must use this time to reflect on what we value as a community and we must show those in the community that bigotry, hate, and racism cannot and will not be tolerated.”

http://www.ausg.org/ausg_president_taylor_dumpson_statement_racist_incident

¹⁹ <http://www.american.edu/president/announcements/May-1-2017.cfm>

²⁰ <https://ope.ed.gov/campusafety/#/>

²¹ <https://ucr.fbi.gov/hate-crime/2015> The Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) amended the Clery Act of 1990 (Public Law 101-542) to require campus security and local law enforcement to identify, record, and effectively respond to incidents motivated by gender identity bias and national origin bias – in addition to the longstanding requirements to report hate crime incidents based on race, gender, religion, disability, sexual orientation, or ethnicity bias.

Policy Recommendations

1) Reject legislative attempts to strip university leaders of their discretion or to link federal funding to speech.

In addition to state efforts to shift decision-making regarding academic freedom and free expression from university halls to state houses, there is also a movement advocating for tying eligibility for tax-exempt status or federal student aid under the Higher Education Act to how universities respond in the face of free speech challenges. The prospect of creating a free speech ‘test’ that a college or university must ‘pass’ in order to receive federal financial assistance is disturbing. The business of safeguarding our educational institutions’ free speech should not be legislated by Congress. Rather, it should be left in the hands of the academy. Congress should reject attempts at linking federal funds to a unilateral vision of what speech on campus should look like.

2) Educate faculty and students on the parameters of their First Amendment free speech rights.

The best means of helping people understand and exercise their First Amendment rights is to educate them. The ADL program “Identity, Inclusiveness, and Free Speech on Campus,” which helps administrators, faculty, students and campus security balance the complex interplay of free expression and bias, also offering insights on how best to create an inclusive campus environment. ADL has worked with a number of California, Illinois, Texas, Massachusetts, New York, and Washington, D.C. campuses on this issue.

Another ADL program, “Words to Action,²²” helps students learn how to respond constructively when dialogue becomes heated or even aggressive. ‘Words to Action’ has served over 2500 students in the past year. Additionally, for over 15 years, ADL has been sharing with college administrators our resource guide “Responding to Bigotry and Intergroup Strife on Campus: A Guide for College and University Presidents and Senior Administrators.” This manual provides guidance and techniques to use in response to severe conflicts on campus.

3) Improve training for campus officials and police on responding to bias incidents and hate crime.

In those cases that cross the line from protected speech to unprotected, targeted harassment, intimidation, and bias-motivated violence, the Department of Education and the Department of Justice should work with law enforcement organizations (including campus police) and civil rights and religious groups with interest and expertise in combating hate violence, to do outreach and education – highlighting the recently-added issues of gender-identity and national origin based hate violence, using the updated *Clery Handbook*.²³ Coordination with relevant college and university offices in these efforts is essential.

4) Create and Convene a National Task Force on Inclusive Excellence.²⁴

Colleges and universities operate under the premise that equity, inclusion, and belonging are key factors of a successful learning environment. Without inclusion at every level, excellence is not achieved. Creating a more diverse community brings benefits of varied viewpoints for creative problem solving, and also requires a wider lens with which to view the needs of all members of the diverse community. In a society that faces challenges of inequity, colleges and universities face this as well. There is a growing awareness of unconscious bias, achievement gaps, and overt hate speech. This is the first step toward inclusion, but a national task force is needed to ensure that solving these problems is considered critical to success of higher education institutions and the experience of all students, staff, faculty administrators, and visitors. Systems must be created that consider the ways in which all members experience the environment, curriculum, student services, tenure, and promotion procedure, leadership opportunities, and day-to-day living and learning. A task force specific to equity and inclusion elevates the message that all people must know that their success is valuable. Working toward inclusion is working toward every member of our campuses and our society reaching their full potential without some people feeling the additional burdens of stereotypes, biases, and systems that were not designed to include them.

²² <https://www.adl.org/words-to-action>

²³ <https://www2.ed.gov/admins/lead/safety/handbook.pdf>

²⁴ <https://www.aacu.org/making-excellence-inclusive>

Ultimately, improving campus climate – both for those speaking and for those listening – can only result from a steadfast commitment to civility, dialogue, and education. ADL appreciates this Committee’s willingness to highlight this important issue and looks forward to further discussion and progress towards fulfilling the promise of creating educational institutions that both safeguard free expression from all perspectives *and* ensure that all members of the community feel safe and welcome.

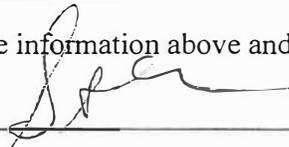
**Committee on Oversight and Government Reform
Witness Disclosure Requirement — “Truth in Testimony”**

Pursuant to House Rule XI, clause 2(g)(5) and Committee Rule 16(a), non-governmental witnesses are required to provide the Committee with the information requested below in advance of testifying before the Committee. You may attach additional sheets if you need more space.

Name: Frederick M. Lawrence

1. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.					
Name of Entity	Your relationship with the entity				
ANTI-DEFAMATION LEAGUE	GENERAL COUNSEL				
2. Please list any federal grants or contracts (including subgrants or subcontracts) you or the entity or entities listed above have received since January 1, 2015, that are related to the subject of the hearing.					
Recipient of the grant or contact (you or entity above)	Grant or Contract Name	Agency	Program	Source	Amount
N/A	N/A	N/A	N/A	N/A	N/A
2. Please list any payments or contracts (including subcontracts) you or the entity or entities listed above have received since January 1, 2015 from a foreign government, that are related to the subject of the hearing.					
Recipient of the grant or contact (you or entity above)	Grant or Contract Name	Agency	Program	Source	Amount
N/A	N/A	N/A	N/A	N/A	N/A

I certify that the information above and attached is true and correct to the best of my knowledge.

Signature 

Date: 7/25/2017

Page 1 of 1

Frederick M. Lawrence

Frederick M. Lawrence is the 10th Secretary and CEO of the Phi Beta Kappa Society, American's first and most prestigious honor society, founded in 1776. Lawrence is Visiting Professor at the Georgetown Law Center and the McCourt School of Public Policy at Georgetown University, and has previously served as president of Brandeis University, Dean of the George Washington University Law School, and Visiting Professor and Senior Research Scholar at Yale Law School.

An accomplished scholar, teacher and attorney, Lawrence is one of the nation's leading experts on civil rights, free expression and bias crimes. Lawrence has published widely and lectured internationally. He is the author of *Punishing Hate: Bias Crimes Under American Law* (Harvard University Press 1999), examining bias-motivated violence and the laws governing how such violence is punished in the United States. He frequently contributes op-eds to various news sources, such as Newsweek, The Boston Globe, the Observer, The Hill, the NY Daily News and The Huffington Post, and has appeared on CNN among other networks.

Lawrence has testified before Congress concerning free expression on campus and on federal hate crime legislation, was the key-note speaker at the meeting of the Organization for Security and Cooperation in Europe (OSCE) on bias-motivated violence, was a Senior Research Fellow at University College London, and the recipient of a Ford Foundation grant to study bias-motivated violence in the United Kingdom. Lawrence is a trustee of Beyond Conflict, serves on the Board of Directors of the National Humanities Alliance, the National Commission of the Anti-Defamation League and the Advisory Board of RANE (Risk Assistance Network + Exchange) and has been a Trustee of Williams College and WGBH.

At Phi Beta Kappa, Lawrence has focused on advocacy for the arts, humanities and sciences, championing free expression, free inquiry and academic freedom, and invigorating the Society's 286 chapters and nearly 50 alumni associations. As president of Brandeis, Lawrence strengthened ties between the university and its alumni and focused on sustaining the university's historical commitment to educational access through financial aid. His accomplishments during his presidency included restoring fiscal stability to the university and overseeing record setting increases in admissions applications, undergraduate financial aid and the university's endowment. An acclaimed teacher, Lawrence taught an undergraduate seminar on punishment and crime that was one of the most popular undergraduate courses offered at Brandeis.

Lawrence was widely regarded as a champion of the fine arts. He revitalized the university's Rose Art Museum, recruited and hired a dynamic new museum director, and commissioned the Light of Reason sculpture, creating a dynamic outdoor space for the Brandeis community.

Prior to Brandeis, Lawrence was dean and Robert Kramer Research Professor of Law at George Washington University Law School from 2005 to 2010. During his time at GW Law, Lawrence recruited the strongest classes in the school's history, and his five years as dean were five of the six highest fund-raising years in the school's history. He was Professor of Law at Boston University School of Law from 1988 to 2005, during which time he served as Associate Dean for Academic Affairs and received the Metcalf Award for Excellence in Teaching, the university's highest teaching honor.

Lawrence's legal career was distinguished by service as an assistant U.S. attorney for the southern district of New York in the 1980s, where he became chief of the Civil Rights Unit. Lawrence received a bachelor's degree in 1977 from Williams College magna cum laude where he was elected to Phi Beta Kappa, and a law degree in 1980 from Yale Law School where he was an editor of the Yale Law Journal.