



Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, Pennsylvania 19106
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

Greg Lukianoff
PRESIDENT

Robert L. Shibley
VICE PRESIDENT OF
OPERATIONS

Samantha K. Harris
DIRECTOR OF LEGAL AND
PUBLIC ADVOCACY

Alan Charles Kors
CO-FOUNDER AND
CHAIRMAN EMERITUS

BOARD OF DIRECTORS

Harvey A. Silverglate
CO-FOUNDER AND
CHAIRMAN

William J. Hume
Joseph M. Maline
Marlene Mieske
Daphne Patai
Virginia Postrel
James E. Wiggins

BOARD OF ADVISORS

Lloyd Buchanan
T. Kenneth Cribb, Jr.
Candace de Russy
William A. Dunn
Benjamin F. Hammond
Nat Hentoff
Roy Innis
Wendy Kaminer
Woody Kaplan
Leonard Liggio
Herbert London
Peter L. Malkin
Milton Rosenberg
John R. Searle
Ricky Silberman
Christina Hoff Sommers

The First Amendment permits a state (and, by extension, a state agency such as UI) to prohibit only “true threats,” which the United States Supreme Court has held are “those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.” *Virginia v. Black*, 538 U.S. 343, 359 (2003). The threat must actually be intended to place the victim in fear of bodily harm or death, rather than simply being “political hyperbole.” For example, the Supreme Court held that a statement by an opponent of the draft that “[i]f they ever make me carry a rifle the first man I want to get in my sights is L.B.J.” was not a true threat on the President’s life, but rather was a constitutionally protected yet “very crude offensive method of stating a political opposition to the President.” *Watts v. United States*, 394 U.S. 705, 707 (1969).

Similarly, it is clear that the students who posted on Facebook.com were merely using vivid language to complain about those who