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**A Resolution –**

**To be entitled “A Resolution Condemning the use of Violence and Fear Mongering to Achieve Political Goals”, addressing the campus political climate and its associated challenges regarding free speech**

**WHEREAS:** Texas State University, as an institution of higher education, is responsible for providing a safe environment where diverse opinions can be discussed and where all perspectives may be introduced into the free market of ideas. Recognizing that this includes political speech, highly controversial statements, and, at times, ideas which may be perceived by some as being offensive. The Student Government of Texas State University understands that protecting free speech is often as challenging as it is important; and

**WHEREAS:** The United States Supreme Court has long considered political and ideological speech to be the cornerstone of the first amendment (*W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943)), and has also held that the first amendment protects speech beyond written or spoken word such as money (*Buckley v. Valeo*, 424 U.S. 1 (1976) (per curiam)), or symbolic acts (Texas v. Johnson, 491 U.S. 397 (1989)); and

**WHEREAS:** Protecting this speech is exceedingly important. However, doing so requires exercising powers in such a way that an environment conducive to the peaceful and free exchange of ideas is prioritized. Maintaining a degree of order sufficient to guarantee nonviolence, coexistence, and rule of law is both appropriate and necessary. Speech that infringes upon the rights of other people, especially those individual’s right to free speech, is destructive to the goal of encouraging a free an open society in which ideas can be discussed rather than fought over using violence; and

**WHEREAS:** It is because of this, among other reasons, that some categories of speech are not protected, such as fighting words (*Chaplinsky v. New Hampshire*, 315 U.S. 568, 574), speech that creates “imminent lawless action” (*Brandenburg v. Ohio*, 395 U.S. 444, 447-48 (1969)), speech “used as an integral part of conduct in violation of a valid criminal statute.” (*Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490, 498 (1949)), and an array of other things such as fraud, intimidation, and defamation; and

**WHEREAS:** There are also some categories of speech that, while not specifically prohibited or limiting the exercise of speech, may provoke violent situations and increase division; and

**WHEREAS:** On May 1st, 2019, a large number of students gathered to exercise their first amendment rights of peaceful assembly and speech. This admirable and Constitutionally-protected demonstration was in opposition to a group whose views are considered to align with the ideas of white supremacy. However, a few people engaged in violence and violence-inciting behavior; and

**WHEREAS:** This is only the latest in a long chain of instances where extreme elements of political ideologies have used violent tactics, in combination with fearmongering and intentionally divisive methods, to push their political agenda. Some of these groups have engaged in speech clearly intended to incite lawless action. White supremacy and racism have been used as weapons to label political opponents rather than being treated as the legitimate and pressing problems that they are; and

**WHEREAS:** As a more general guideline, student government should discourage fear and divisiveness and encourage nonviolent confrontation between opposing ideas to facilitate the debate and discussion necessary to producing impactful solutions to students’ most pressing issues; therefore

**BE IT RESOLVED:** That the Student Government of Texas State University hereby condemns the use of violence to achieve political goals on campus and reaffirms its commitment to the free exchange of ideas necessary for a vigorous and open space on campus for the debate, discussion, and exchange of ideas.

**BE IT RESOLVED:** That Student Government denounces any conduct on part of its own members that has contributed to violence, divisiveness, or fear on campus, and reaffirms its obligation to hold itself and its members to high ethical standards; and

**BE IT RESOLVED:** That student government demands that University administration take tangible steps to ensure that university policies, as well as relevant local, state, and federal statutes, are properly enforced and equally applied without racial, ideological, or other discriminatory bias; and

**BE IT FURTHER RESOLVED:** That upon passage this legislation be sent to the Student body President for further action.