

Chairman remarks

As our first matter of business, I want to address Texas A&M University's cancellation of the events scheduled for September 11th; I have to say that I personally support the university administration's actions. This fall, I will celebrate my 40th year as a lawyer. I have now, and I have had, an abiding respect for the First Amendment and the value of free speech. As the author of law review articles on the First Amendment and as a lawyer who has litigated First Amendment issues, I am comfortable that I understand First amendment jurisprudence as announced by the United States Supreme Court and lower courts.

There is no doubt in my mind that the administration of The Texas A&M System and of Texas A&M University share my commitment to free expression under the First Amendment. This University's response to the public speech by Richard Spencer last December is proof of that proposition.

I believe that the proposed event for September 11 presents a different situation.

I can assure this Board and the people of the state of Texas that when this proposed event was announced, our administration undertook a careful evaluation of the situation. The administration and its advisors consulted with experts on the law and on public safety. As a result of that evaluation, the administration had a firm factual basis to conclude that violence at this event was probable and therefore the safety of our campus was impaired. I know the difference between possible and probable and people who come to events wearing protective headgear, carrying shields and clubs, are not coming to the marketplace of ideas.

The recent violence in Charlottesville shows that events can be calculated to cause violence, not peaceful protest. One of the organizers of the event planned for September 11th made a direct comparison to the recent Charlottesville tragedy. The University has also received actual threats of violence and has carefully considered the appropriate course of action. Most critically, university administration consulted with the university's chief law enforcement and safety personnel, and these officials confirmed the likelihood of violence at the proposed events and that the safety of our students and staff could not be ensured.

When we talk about First Amendment rights, we still discuss those rights in the framework set out by Justice Oliver Wendell Holmes in a series of famous Supreme Court cases. I remind you that Holmes was wounded twice in the Civil War and was left for dead at the Battle of Antietam. There is no doubt that Holmes knew the difference between violence and speech. Violence has no place in a university setting. I support our administration and condemn those who claim a right under the First Amendment to incite violence and those who would put the safety of our campus community at risk.

Board Resolution/Statement

"We, the members of The Texas A&M University System Board of Regents, express our full support for Texas A&M University's recent decision to cancel the events scheduled for September 11, 2017. Across the System, we strongly embrace the First Amendment and believe that a university is a marketplace of ideas. However, we do not believe that the First Amendment requires us to allow violence on our campuses and our obligation to ensure the safety of our students, faculty, and staff is first and foremost.