

March 3, 2025

To Whom It May Concern:

As scholars of civic engagement, protest, and nonviolent mobilization, we are writing to express our **strong opposition to HB 1462** (Solomon, Boaf, Cardin, Ebersole, Edelson, Fair, Foley, Forbes, D. Jones, Kaiser, Kaufman, Lehman, R. Lewis, Spiegel, and Vogel) / **SB 847** (Hettleman).

Speaking as educators and as researchers who study collective action in both democratic and authoritarian contexts, **HB1462** will restrict free speech and assembly on campuses, create dangerous precedent regarding the on-campus use of law enforcement against protected acts of expression, and concretize political pressure points in university systems that could be used to target legitimate forms of campus organizing.

Our chief concerns are as follows:

- HB 1462 duplicates existing Maryland civil and criminal hate crimes laws, which protect individuals and institutions from conduct “motivated by a victim’s race, color, national origin, gender, gender identity, religion, sexual orientation, disability or homeless status” (Maryland Office of the Attorney General).
- HB1462 duplicates existing codes of conduct at Maryland universities that prohibit, for example, harassment, physical and emotional abuse, bullying, and disruption and interference with educational activities.
- HB1462 targets expressive activity based on the broad categories of “threat to public safety” and “disruption of educational activities.” HB 1462 presents no definition or standard for either. Governments and private institutions have long used vague claims of “threats to public safety” as a pretext for stifling unwanted, unpopular, and politically inconvenient expression. Such claims represent a long-used, globally recognizable authoritarian tactic deployed to repress peaceful protests and to demonize opposition civic activity. Because HB 1462 presents no definition or standard of judgement for “disruption of educational activities” or “threat to public safety,” such assessments would at best be top-down, subjective, and vulnerable to bias.
- Safety and disruption concerns must be balanced against the societal goals of preserving university community members’ constitutional right to freedom of expression and facilitating democratic participation. Any restriction of expression requires a high bar of evidence that public safety is truly threatened and/or that educational disruption is actually occurring.
- The “time, place, and manner” policies that HB 1462 require provide opportunities for universities, and those seeking to act through them, to repress competing opinions and forms of expression that they find inconvenient or undesirable. They do not address actions that demonstrably threaten campus communities. Rather, “time, place, and manner” policies undemocratically disincentivize university community members from exercising their civic rights.

- HB 1462 carries long-term negative consequences for the safety and well-being of university communities. University communities have repeatedly voiced opposition to increasing police presence on campuses. However, HB1462 forces universities to engage security and law enforcement in response to the undefined category of “significant disruptions.” Such central use of law enforcement foreshadows rapid, unnecessary escalation between parties and puts campus communities—including individuals who are not involved in targeted actions—at risk.
- Once universities use claims rooted in educational disruption or public safety to address one category of expression, a precedent is set that can later be used to suppress broader categories of civic activism, assembly, and organizing. Such a move lowers the bar for complaints based on the vague categories of “public safety” and “educational disruption” to be made against a wide swath of events—including protests of government policies, anti-war demonstrations, corporate boycotts, or celebrations such as Pride—based on individuals’ or administrations’ dislike of the groups involved or their ideas.
- HB 1462 focuses on formal university administration contact with “approved” student organizations. In doing so, it creates a pressure point within each university system whereby actors can call for the revocation of groups’ approved status as a political strategy. The strict regulation and closure of student organizations on college campuses is a common tactic that authoritarian governments use to stifle critical voices and to “otherize,” that is, to designate as not only different but also dangerous, specific identity groups. Such closures can also presage wider government efforts to marginalize communities off campus.

Hate and discrimination of any kind have no place on our university campuses. As scholars, we have dedicated our careers to educating students about the ways that intolerance poisons political systems and to researching how communities work to enshrine and protect their rights, often in the face of intense repression. HB 1462 does nothing to eliminate hatred, to stop discrimination, or to bolster university communities’ safety. Rather, it represents cumbersome, duplicative, and expensive bureaucracy; the sacrifice of university community members’ civil rights; and the militarization of our campuses in ways that do serious harm to their educational mission and to community members’ well-being.

Submitted respectfully,

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*The opinions expressed in this testimony are our own and do not represent those of Johns Hopkins University*