



Chair Barnes, Vice-Chair Kaiser, and members of the Appropriations Committee,

My name is Michael Hurley. I am government affairs counsel with the Foundation for Individual Rights and Expression, or FIRE, a nonpartisan, free speech nonprofit with a longstanding emphasis on higher education.

FIRE supports HB 1322. This bill would codify constitutionally grounded campus free speech protections that have been adopted in more than 20 states,<sup>1</sup> often with unanimous, bipartisan support.<sup>2</sup> They include: prohibiting public institutions from quarantining student expression to tiny areas of campus, protecting spontaneous expression, and prohibiting content- or viewpoint-discriminatory policies and security fees. At the same time, the bill does not create a complete free for all. Institutions can prevent material and substantial disruptions and impose reasonable time, place, and manner regulations.

These protections would ensure that students can organize, demonstrate, and speak on the issues of the day. A recent misstep at the University of Maryland - College Park shows why this bill is necessary.

In fall 2024, the University announced it would only allow university-sponsored events on October 7th.<sup>3</sup> Among those censored by this policy were Jewish Voice for Peace and Students for Justice in Palestine. They sought to hold an interfaith vigil memorializing lives lost during the conflict, but the university said no. Some students filed suit, and a federal court quickly sided with them, issuing a preliminary injunction allowing their vigil to proceed.<sup>4</sup> The university ultimately paid \$100,000 to settle the case.<sup>5</sup>

HB 1322 clearly prohibits this costly, unconstitutional misstep.

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<sup>1</sup> *Enacted Campus Free Speech Statutes*, FIRE, <https://www.fire.org/defending-your-rights/legislative-policy-reform/enacted-campus-free-speech-statutes>.

<sup>2</sup> *See e.g.*, Colorado SB17-062, <https://leg.colorado.gov/bills/sb17-062>.

<sup>3</sup> Amanda Nordstrom, *University of Maryland tried to suspend the First Amendment on October 7. The Constitution doesn't allow that.*, FIRE (Oct. 7, 2024), <https://www.fire.org/news/university-maryland-tried-suspend-first-amendment-october-7-constitution-doesnt-allow>.

<sup>4</sup> *Univ. of Maryland Students for Just. in Palestine v. Bd. of Regents of Univ. Sys. of Maryland*, No. CV 24-2683 PJM, 2024 WL 4361863, at \*13 (D. Md. Oct. 1, 2024).

<sup>5</sup> Tessa Bentulan, *State board of public works approves \$100K settlement over UMD Gaza vigil lawsuit*, Fox 45 (August 6, 2025), <https://foxbaltimore.com/news/local/tax-dollars-ultimately-paying-for-100k-settlement-for-university-of-maryland>.



And importantly, the bill guards against such missteps by enshrining *preexisting* rights and limitations in statute. Each test in the bill comes from the Supreme Court.<sup>6</sup> But in FIRE’s experience, university adherence to this caselaw tends to ebb and flow. We’ve seen schools limit student speech to tiny fractions of campus — 0.003%, in the case of the LA Community College District — and other instances where they impose exorbitant security fees — \$17,000 in another case involving the University of Washington. The end result in both cases were settlements that cost these public universities hundreds of thousands of dollars in court costs, damages, and attorneys fees.<sup>7</sup>

HB 1322 guards against these expensive mistakes by requiring Maryland’s public colleges and universities to adopt clear, constitutionally-grounded speech policies. And when schools fail to follow the law, the bill gives students a clear path to vindicating their rights.

I would be happy to discuss this bill further. Please don’t hesitate to reach out.

Sincerely,

Michael Hurley

Government Affairs Counsel, FIRE

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<sup>6</sup> See e.g., *Ward v. Rock Against Racism*, 491 U.S. 781, 798 (1989); *Forsyth Cnty., Ga. v. Nationalist Movement*, 505 U.S. 123, 135-136 (1992).

<sup>7</sup> *Speech rights of 150,000 students to be restored as Los Angeles Community College District settles lawsuit, will abandon Pierce College’s tiny free speech zone*, FIRE (Dec. 13, 2018), <https://www.fire.org/news/victory-speech-rights-150000-students-be-restored-los-angeles-community-college-district>; Zach Greenberg, *University of Washington settles security fee censorship lawsuit, agrees to change policy and pay \$122,500 in legal fees*, FIRE (June 20, 2018), <https://www.fire.org/news/university-washington-settles-security-fee-censorship-lawsuit-agrees-change-policy-and-pay>.