

**Hearing before the United States House of Representatives
Committee on Education and the Workforce
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Opening Statement of Frederick M. Lawrence

Thank you for inviting me to speak with you today. My name is Frederick M. Lawrence and I am here in my personal capacity, to share my experience and thoughts as a former law school dean, former university president, and a professor of American higher education law. The past academic year has deeply challenged all stakeholders of our college and university communities and our society at large. Images of campus protest and unrest will long stay in our minds. It is precisely at times like these that we must hold fast to first principles that underlie the mission of American higher education and that form the bedrock of a flourishing democratic society and of a vibrant culture.

Let me first emphasize that the safety of students on campus is critical and it is essential. Students cannot learn if they fear for their safety. No one is permitted to threaten another, and a university is both entitled to and required to respond to violence or threats of violence. Similarly, students do not have a right to disrupt the operations of a university unduly. For example, defacing, occupying, or blocking entry to campus buildings is not protected expression, whereas protests outside a building would be.

So, what should our universities do in these challenging times? When looking at any issues on campus, we always need to keep in mind that the fundamental goal of our colleges is the creation, discovery, and sharing of knowledge. The intellectual challenges of campus life may come from many sources, including protest. That is why colleges should begin by presuming expression, including protest, to be protected forms of academic freedom and of free inquiry. Again, the limits of this expression are reached when actual threats or undue disruption of the university's operations are involved.

Universities must treat all members of a campus community as part of "we" not "they" – there is no "they" where our students are concerned. We must encourage listening to each other, robust debate, and learning. Schools do best when they seek dialogue across ideological and political differences between and among the members of the campus community and when they share a commitment to transparent decision-making. This approach is most successful when it draws on months if not years of conversation and engagement.

I not only believe this to be true, I have seen it. I have had the opportunity to participate in the application of these principles on campus firsthand, including a recent multi-day "free expression residency" that was part of an ongoing campus-wide engagement on issues of expression, community, and dialogue. During this time, I met with Jewish and Muslim student leaders to discuss their views on the Israel-Palestine conflict and how it has affected their lives. I shared personal stories of a former colleague who suffered the tragic loss of his daughter and son-in-law on October 7 and a former student, born in Gaza, whose family confronts the humanitarian crisis there. The ensuing discussion was not easy, but I believe that the students both spoke to and listened to each other. Campus officials have told me that these meetings

continue in a spirit of “cooperation not antagonism,” with the goal of advancing difficult conversations even where there are strong feelings and disagreement about key fundamentals.

Colleges and universities exist to examine complex issues, challenges, and ideas and to provide a forum in which issues and opinions can be explored and can be debated. Freedom of inquiry and expression must include the right to protest. As we seek productive paths forward, it is worth recognizing that this is not just a campus issue. We have seen increased polarization throughout the world so we should not be surprised when this happens as well on our college campuses. When it does, we have the opportunity to build on the critically important work of role modeling and of teaching how to practice free speech – not just with people who share our views but also those with whom we disagree passionately and yet share a community.

Thank you, and I look forward to your questions.