

A CLOSER LOOK

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MAKES A DIFFERENCE

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"There will never be a n***** at SAE..."

LIVE
CNN

Will Quashing Racism Help Jews?

THE UNIVERSITY OF OKLAHOMA'S CONTROVERSIAL RESPONSE TO A CHANT

It was just a few seconds of cellphone video, but it caused an upheaval on campus. The recording showed members of the Sigma Alpha Epsilon fraternity at the University of Oklahoma singing a song.

It went: "There will never be a [n-word] at SAE. You can hang him from a tree, but he'll never sign with me; there will never be a [n-word] at SAE." This brief chant managed to include racial epithets, a lynching reference and a promise to discriminate against black students.

The university's response was rapid. President David Boren issued an angry letter denouncing the fraternity members; within 24 hours, the two students seen singing the song had been expelled, and the university

had closed the local chapter of the fraternity, ordering members out of their dorm. (The national SAE organization also closed its UO chapter, but its actions were independent of the university's.)

THE FIRST AMENDMENT

UO's actions generated immediate questions about free speech. As law expert Eugene Volokh explained in his section of the *Washington Post* website, public universities like the University of Oklahoma are considered part of state government and they cannot punish students for speech protected by the First Amendment of the Constitution—including racist speech. Volokh pointed out that President Boren's statement implied that he was expelling students

because of their speech.

Volokh wasn't alone; many legal experts offered the same opinion.

At first, the local chapter of the American Civil Liberties Union seemed to ratify the actions of the university. They released several statements that applauded the administration's concern about racism, calling on the community and school to continue working against hatred while using "due process." After the students were expelled, the local legal director issued a statement warning that any "disciplinary actions" should not be "viewed as magic bullets to cure" racism. He did not note any free speech issues.

After two more days of media attention (including questions from *Ami* about ambi-