

A message was sent to hundreds of members of the University of Denver community recently. The message was homophobic, racist, and misogynist and was designed to terrorize some of DU's most vulnerable and marginalized communities. It was a message also rooted in inflammatory rhetoric, like many such messages and speeches in the United States today, meant to mock, disregard, and divide us as a community and a nation about the importance of inclusion, diversity, and equity in our society. We know such messages also have consequences and have led to violence, murder and terror in our nation. Last week's murder of two African Americans at a Kroger grocery store, the pipe bomb scare and the attack on the Tree of Life synagogue are merely the latest examples. We condemn such messages and urge the University community to engage in respectful dialogue, even around the most divisive issues we may confront.

Our nation is deeply divided over many issues. It is therefore more important than ever that universities fulfill their traditional role as venues in which respectful dialogue over our toughest and seemingly intractable challenges can be conducted. In order to have a productive dialogue, it is imperative that all be respected. The interchange of ideas, and the resulting debate, cannot be productive if one's sexual orientation, race, gender or other identities are maliciously attacked. Such speech does not fall within the protection of the concept of academic freedom.

The courts have long recognized this fundamental principle. As with all other rights, the right to free speech is appropriately limited in very specific circumstances. The theoretical justification for free speech is that such speech will benefit society by producing a robust debate so that all can determine their views on the issue at hand. Hate-filled messages like the one sent out recently do not assist the public debate; they only harm members of our community. We are in solidarity with those who were harmed by this most recent message. We encourage all members of the University community to recommit to civil dialogue and our shared values of diversity, inclusion, and equity.

On behalf of the staff and faculty of The Rocky Mountain Collective on Race, Place, and Law at the University of Denver Sturm College of Law.