



Written by [Bob Adelman](#) on July 19, 2020

Fordham University Punishes Student for Committing “Bias” Crime With Instagram Posts

On June 3, Austin Tong, a legal immigrant from China and a senior at Fordham University, had the temerity to publish a photograph of David Dorn, the retired black police captain who was fatally shot while defending a friend’s pawn shop during violent protests in St. Louis in the wake of George Floyd’s death at the hands of a white police officer. Beneath it he posted: “Y’all a bunch of hypocrites.”



When asked why he published the photo with the caption, [Tong said](#) he did it to express his “disappointment in people who did not care about the death of a black policeman which never should have happened.”

Fordham investigated the incident, and Tong told the university, “I believe that Black Lives Matter means that all Black Lives Matter, including the lost life of a patriotic police officer who dedicated his life to his family and country.”

He added: “This post was not only expressive of my remorse that a police officer’s life was lost, but also to affirm my belief that the lives of everyone matters.”

The next day, June 4, the 31st anniversary of the Tiananmen Square atrocity, Tong posted a photo of himself holding a semi-automatic rifle and declaring “Don’t tread on me. #198964.” The hashtag is a reference to the massacre.

When asked why, he told Campus Reform, “I wanted to honor the memory of an important Chinese Democracy Movement and the appreciation of the right to bear arms in America. As an immigrant, a big beauty of America, to me, is the right it gives its citizens to bear arms, not only to protect themselves but also to keep the government in check.”

But the posts were just too much for Keith Emerson, Fordham’s Dean of Students. He sent Tong a [letter of reprimand](#), indicating that the posts violated the school’s “code of conduct,” regulations and policies, and meted out draconian punishment:

You shall not represent the University in any extracurricular activity or run for, or hold office in, any student group or organization and/or represent the University in any varsity or club sports.

Violation of any of the terms of [this] disciplinary probation subjects a student to immediate suspension or expulsion from the University.

In addition, Emerson told Tong,

Your access to Fordham University is restricted, and you will complete the academic requirements in academic year 2020-21 via online instruction.

If you have a need to be on campus, you must request permission from this office at least one business day in advance....



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You will be required to complete activities related to learning about implicit bias....

You are required to write an apology letter....

A copy of these sanctions will be sent to your parents.

Tong responded that not only his rights under the First Amendment are under attack by Fordham, but those of America as well:

America is under attack. Americans are being silenced. I hope to use my punishment as a milestone and reflection of the constitutional crisis we are facing today as a society. Coming to this country as an immigrant, one would think that America is a nation of law and free speech. Yet that is no longer the case.... Not simply did Fordham University break its promise and punish me, but it signaled to students nationwide that free speech is a political trap that will destroy you.

Tong's case came to the attention of the Foundation for Individual Rights in Education (FIRE), which has defended free speech rights of students on college campuses since 1999. Its primary focus is on just such draconian "speech codes" implicit at Fordham. Lindsie Rank, FIRE's program officer, fired off a letter to Fordham:

When Tong immigrated to the United States from China at six years old, his family sought to ensure that he would be protected by the rights guaranteed by their new home, including the freedom of speech and the right to bear arms.

Here, however, Fordham has acted more like the Chinese government than an American university, placing severe sanctions on a student solely because of off-campus political speech.

Emerson gave Tong until July 23 to respond to the school's sanctions. Tong has said that if the school doesn't retract its sanctions by that date he will take legal action.

Image: screenshot from [YouTube video](#)

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