



## Talking Points on “Campus Free Speech”

The talking points below can be used for one-on-one conversations with colleagues, students, and legislators. They can also be included in letters to the editor, opinion pieces, social media and blog posts, calls or letters to your legislator, and legislative testimony.

### **1. “Campus free-speech” bills actually seek to suppress speech by creating a litigious environment and imposing minimum penalties on protesters.**

Legislation inspired by the Goldwater Institute allows individuals to sue a public institution if they feel their free-speech rights have been impinged on campus. This creates a litigious atmosphere that could cause administrators to suppress the voices of student protesters out of fear of being sued. Multiple lawsuits have been filed against public institutions that canceled talks by Richard Spencer, citing safety concerns and high security costs. A recent student conference by the right-wing organization Turning Point USA sponsored a breakout session entitled “Suing Your School 101: Knowing and Defending the First Amendment on Campus.”

Goldwater-inspired legislation, including that in Michigan and North Carolina, calls for strict disciplinary penalties, such as expulsion or suspension for up to one year, for students who are found to have interfered with the free expression of others. These penalties have serious repercussions for students, and in some cases would make punishment for interrupting a speaker harsher than for more serious offences.

The legislation’s vagueness about what constitutes interference with free speech could exacerbate these problems and further chill protest activity.

### **2. Colleges and universities should decide their campus policy, not legislators. Allowing legislators to interfere in campus policy sets a dangerous precedent.**

Academic administration should be in the hands of academics. Legislative interference with campus policy is unnecessary, paternalistic, and undermines the institutional autonomy of public colleges and universities. Campus issues are best addressed by campus administration and faculty locally—not by statewide legislative measures.

### **3. This is a solution in search of a problem.**

The fear that the free exchange of ideas no longer occurs on campuses is grossly exaggerated.

The AAUP has long held that freedom of thought and expression is essential to any institution of higher learning. We believe that on a campus that is free and open, no idea can be banned or forbidden. A genuine rise in campus censorship of ideas would be cause for concern. What we are seeing instead are difficult situations in a polarized political environment in which, for the most part, campuses are doing well at protecting the rights of both speakers and protesters.

Many of the most difficult issues surrounding free speech at present are about balancing unobstructed dia-

logue with the need to foster an atmosphere respectful of and welcoming to all persons. This can be a tricky undertaking, at times. But punitive and simplistic measures advocated by proponents of much “campus free-speech” legislation makes finding an adequate solution more, rather than less, difficult.

#### **4. This legislation distracts from critical campus issues of health, safety, and equity.**

Goldwater-inspired legislation creates as a matter of state law a university committee to oversee the handling of free-speech issues and produce an annual report. The time and resources to be spent on these unnecessary activities would be better spent on the many critical health, safety, and equity issues facing campus communities.

Severe cuts to higher education funding in many states, rising tuition costs and student debt loads, predatory for-profit institutions, the adjunctification of the faculty, gun violence, student homelessness and hunger, and sexual harassment are just a few.

Legislators would better serve the people of our state by focusing on real problems, such as restoring full funding for higher education, rather than creating new bureaucracy in the form of a committee to regulate a nonexistent crisis.

#### **5. This legislation is a political agenda masquerading behind “free speech.”**

The measures proscribed in Goldwater-inspired legislation are tailored specifically to respond to the kinds of incidents that have affected conservative speakers. The legislation rarely addresses other constraints on campus free speech, such as the recording of professors in classrooms or professor watchlists. These highly specific measures suggest that its primary goal is not to enhance campus free speech, but to protect conservative voices.

#### **Sources**

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