

Republican Perspective

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by John Littig

Can Freedom of Speech Survive in America?

If you think that freedom of speech is under assault on college campuses, you are correct. But how widespread is that assault? Is it just a tiny minority of students and professors, or is it more serious than that?

A Brookings Institution Senior Fellow, Professor John Villasenor, has studied this issue. He designed and conducted a survey of 1500 undergraduate students at colleges across the country. Only students who were U.S. citizens were included, since foreigners could not be expected to be familiar with the Constitution. Of the 1500 respondents, 46% identified as Democrats, 17% Republicans, 29% Independents, and the remainder didn't know.

Villasenor concluded that “freedom of expression is deeply imperiled on U.S. campuses....including many public campuses that have First Amendment obligations.” Here are the highlights.

“Hate Speech”: As long as it does not involve “fighting words” likely to produce imminent lawless action, even “hate speech” is protected by the First Amendment. Villasenor asked “Does the First Amendment protect hate speech?” Fewer than half of the respondents thought it did. This was true regardless of political affiliation, although Republicans were more likely than Democrats or Independents to think “hate speech” was protected.

Silencing Controversial Speakers: A narrow majority (51%) of students thought it was acceptable to silence a controversial speaker “by loudly and continuously shouting” so that the speaker cannot be heard. Republicans

and Independents disagreed but, taken as a whole, the respondents agreed this was acceptable.

Violence: A very large majority (81%) of all respondents thought it is unacceptable to use violence to silence a speaker with whom they disagreed. This was generally true regardless of political affiliation. Villasenor points out we should not be too comforted by this finding, because the reciprocal is that one student out of five thought violence *is* appropriate: “It’s important to remember that this question is asking about the acceptability of committing *violence* in order to silence speech. Any number significantly above zero is concerning.”

Providing Opposing Viewpoints: A large majority (62%) of respondents erroneously thought that “compliance with the First Amendment requires offering a counterpoint” speaker. Again, this was true of students regardless of political affiliation. Villasenor says: “respondents appear to be confusing good event design...with the completely different issue of what compliance with the First Amendment requires.”

Learning Environment: Respondents were asked to choose whether colleges should provide “a positive learning environment...by prohibiting certain speech” or should provide “an open learning environment where students are exposed to all types of speech and viewpoints.” Majorities of Republicans and Independents chose the second option (allowing all viewpoints), but a large majority (61%) of Democrats chose the first option (prohibiting certain viewpoints). Villasenor writes: “in the aggregate, the majority of students...prefer an environment in which their institution...shelters them from offensive views.”

Villasenor points out that colleges “are places where intellectual debate should flourish. That can only occur if campuses are places where viewpoint diversity is celebrated, and where the First Amendment is honored in practice and not only in theory.” Villasenor concludes that among students “there is a significant divergence between the actual and

perceived scope of First Amendment freedoms” and that “students have an overly narrow view of the extent of freedom of expression.”

Finally, here’s the scary part. As Villasenor points out, “what happens on campuses often foreshadows broader societal trends. Today’s college students are tomorrow’s attorneys, teachers, professors, policymakers, legislators and judges. If...college students believe, however incorrectly, that offensive speech is unprotected by the First Amendment, that view will inform the decisions they make as they move into positions of increasing authority.”

This is how poorly today’s college students (tomorrow’s Constitutional lawyers and professors) understand the meaning and importance of the First Amendment. A dismal prognosis for the future of free speech in America.