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**IST618 – Information Policy**

**HW4 – Free Speech**

**Introduction**

Free speech is something that is vital to having an open and democratic society. It is something that seems so simple but is not guaranteed in many parts of world. Although this right is not given to many around the world, in the United States of America, it is something that has lived on since the inception of the U.S. Constitution. To get the wants and needs out of people, listening and conversing over issues is a positive thing. It is the very first thing listed in the U.S Constitution, which tells you the individuals responsible for writing the constitution felt it to be of the highest importance. It provides some sense of equality and fairness to those individuals who are not in control. In America, the right to free speech has come under some scrutiny regarding malicious and potentially violent speech. In recent years, this has not been so clear due to private companies, colleges, etc. restricting certain types of speech from certain individuals. Many individuals claim that restrictions are only put on those of the opposite political views from that of the CEOs of social media, newspaper, news channels, etc. Social media has allowed for unprecedented free speech that can be viewed and read by millions upon millions of people. This issue of free speech has been a hot topic across America’s college universities as many feels there are too strict restrictions of free speech against individuals.

**Support & Research**

At a young age we are taught that debate and free speech are a good thing and should be welcomed to have healthy discussion of opinions. This is something that allows for different point of views to be heard and listen to different perspectives from various backgrounds. Although sometimes it seems some views are to far to one side or too extreme it is important to have an open mind to broaden our understanding of one another. As political divide has been seeming to get more intense in recent times, one place where there have been restrictions for some individuals from speaking is on college campuses and universities. U.S Universities are commonly known to be leaning more to the left rather than the right and those on the right have typically been the ones who have been shut out from being allowed to voice their opinions to college students.

According to a Time article by Cliff Maloney Jr.,

*“University campuses are now home to a plethora of speech restrictions. From*[*sidewalk-sized “free-speech zones”*](http://www.forbes.com/sites/realspin/2013/09/13/how-one-college-student-fought-his-schools-free-speech-zone-and-won/)*to the criminalization of*[*microaggressions*](http://nymag.com/daily/intelligencer/2016/09/colleges-are-defining-microaggressions-really-broadly.html)*, America’s college campuses look and feel a lot more like an authoritarian dictatorship than they do the academic hubs of the modern free world.”(Maloney Jr. 2016).*

This may seem to be a bit extreme, but this is how many individuals in the U.S. feel that universities have become. There have also been many questions as to the legality if college campuses have the right to determine who can speak.

For example, stated by Holly Epstein Ojalvo in a USA Today article regarding the cancellation of well-known extreme republican advocate,

*“The university temporarily canceled a planned speech on campus by Coulter, a conservative commentator, and then reinvited her for a different date. The cancellation came just one day after a judge overruled Auburn University’s decision to cancel a speech by white nationalist Richard Spencer. He went ahead and spoke.” (Ojalvo. 2017).*

Now both speakers were to speak at public universities, which also legally could be different than being banned from speaking at a private university. Many argue that public universities should be a public speaking forum since they are provided public funds.

While this may be true, Ojalvo states,

*“Circuit courts have ruled that college campuses are – unlike, say, a public park or street – “limited public forums,” according to the First Amendment Center. That’s why universities can create rules and restrictions governing such speakers, like when and where they may speak. However, these rules must be applied fairly and have nothing to do with the speakers or their speech content.” (Ojalvo. 2017).*

This seems to make sense although the gray area that seems to be broken many times by universities is the part where these rules must be applied fairly. This is very tough to determine what is fair treatment or not. While circuit courts have made certain rulings on the legality, the Supreme Court has yet to take on the subject. The Supreme Court has previously affirmed students’ free speech and other First Amendment rights but when it comes to banning certain speakers, they have been silent. It is unclear why the Supreme Court has yet to rule on this, but it seems to be an extremely important topic that effects the very fundamental right stated in the U.S. Constitution.

In my opinion, I believe speakers should not be turned away due to political affiliations or beliefs that do not fall in line with what universities believe. I do, however, think that if the speaker is spewing hate speech, making racist comments or anything that could incite hate or potentially create a dangerous situation for students, they should not be permitted to do so. Again, this goes back to what is exactly inappropriate when it comes to what may be considered hate speech or something of this nature. If I were to create a standard or prerequisite to for who can speak at a university, I would have the speaker provide a transcript of the speech they are going to make. This will be reviewed by a university council and the determination will be made if it is appropriate. If the council finds that it is not appropriate for their university, they can let the speaker know why they are not going to allow the speaker to perform and ask that they omit certain parts that they find inappropriate and potentially damaging to their student body. There will need to be additional steps that need to be taken for some initiative like this to work but to refuse flat out to let an individual speak because of what they may have said in the past or how they have spoken in the past is not right in my opinion.

**Conclusion**

In conclusion, upholding the right to free speech for every American, if it is not intended to incite hate and violence, should be a right given to everyone no matter what. As stated earlier, no matter how far one way some individuals’ opinions may seem, in the end it is beneficial for everyone to listen, or not to if they so choose, provide every individual with the opportunity to voice their opinion and reasoning on topics. We all come from different backgrounds and are of different races and it only improves a broader perspective and openness to what others have to say. If this standard is not upheld on college campuses, it can become a very slippery slope to where it could lead next.

**References**

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