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## Flunking Free Speech

The persistent threat to liberty on college campuses

[Michael C. Moynihan](#) | December 24, 2007

In 1995, the liberal *New York Times* columnist Anthony Lewis [advised](#) his young readers—a constituency he mistakenly assumed existed—that if they felt wounded, were abnormally thin-skinned, or desirous of professorial protection against a delicate sensibility, they might consider enrolling at the University of Massachusetts at Amherst, an institution possessing rigorous safeguards against various forms of "harassment." This was all rather surprising to Lewis because, as he noted, "Speech codes at universities had seemed to be on the decline. Several were held unconstitutional. So it is of more than parochial interest that an extraordinarily sweeping code should be proposed in this supposedly liberal-minded state."

It is distressing then that, 12 years hence, these Stakhanovite commissars of sensitivity are still laboring against nature. The virus of teenage insensitivity has proven stubbornly resistant to social engineering schemes. According to a new report from the [Foundation for Individual Rights in Education](#) (FIRE), an indefatigable organization devoted to protecting free speech on campus, Lewis's decade-old advice has sadly gone unheeded.

FIRE's ["Spotlight on Speech Codes 2007"](#)

(PDF) found that a full 75 percent of the 346 colleges surveyed "continue to explicitly prohibit various forms of expression that are protected by the First Amendment." To qualify as a "red light" violator—the worst of three designated classifications—a school must have "at least one policy that both clearly and substantially restricts freedom of speech." These include overly restrictive anti-harassment policies and broadly worded prohibitions against "degrading comments" and "hostile" learning environments. It found further that only 4 percent—yes, *4 percent*—of schools surveyed had "no policies that seriously imperil speech."

As **reason** contributing editor Cathy Young [observed in](#)

2004, and as both critical observers and wounded veterans of the previous decade's campus culture wars clearly misunderstood, political correctness, despite a concerted campaign to counter it, has proved surprisingly resilient. And it is doubtless true that FIRE's findings will be all too familiar to those currently enrolled in an American university.

After a period of sustained news coverage in the early 1990s, P.C. outrages went from shocking to *de rigueur*, with only the truly bizarre, the shocking and outrageous, escaping from the pages of student newspapers into the national-or even regional-press. Thanks to the intercession of FIRE, a recent case at the University of Delaware is a rare exception.

According to a dossier [compiled by FIRE](#), incoming freshman were required to undergo "treatment" (the university's word) by residence hall apparatchiks, and forced "to adopt highly specific university-approved views on issues ranging from politics to race, sexuality, sociology, moral philosophy, and environmentalism." These young scholar-scamps in Wilmington are told solemnly that they are, according to the precepts of the university, carriers of racist original sin: "[A] racist is one who is both privileged and socialized on the basis of race by a white supremacist (racist) system. The term applies to all white people (i.e., people of European descent) living in the United States, regardless of class, gender, religion, culture or sexuality." After pressure from FIRE, the university dumped the program, reluctantly releasing the little [Ivan Denisovichs](#), still tainted by white skin privilege, into a vulnerable academic community.

That university administrators persist in their attempts to indoctrinate students is mystifying, says University of Massachusetts at Amherst professor and FIRE board member Daphne Patai. "What's amazing is that the universities aren't smart enough—and don't care enough about the liberal American tradition and respect for free speech—to, on their own, wise up and not put students through" these programs, she observes.

It should be noted that FIRE isn't, as some of its partisan critics contend, a conservative organization or a legal cudgel for the political right. Indeed, a look through its recent case load shows that while the attempted silencing of conservative viewpoints

are overrepresented on campus, the group has defended protesters and political activists on both sides of the ideological divide.

When the University of Central Florida (UCF) [prevented members](#) of the (apparently reconstituted) Students for a Democratic Society (SDS) from assembling, FIRE leapt to their defense. [According to](#) the *Daytona Beach News-Journal*, when a group of activists donning Burger King masks and wearing T-shirts emblazoned with the phrase "exploitation king" organized a protest against working conditions at the fast food giant, the campus police intervened. "[I]nstead of bringing awareness to their cause," the *News-Journal*

noted, the students "drew the attention of the university police, who told them they had to move into a free-assembly zone or face arrest." Confining free speech to a particular area on campus requires, one presumes, a verbal waiver, absolving the administration from any hurt feelings sustained during debate. At the SDS's behest, FIRE petitioned the university president, calling the establishment of free speech "zones" not only unconstitutional, but "vague, contradictory, and confusing."

According to FIRE, the University of Massachusetts too has made little progress since Lewis's 1995 column. The school still ranks amongst the worst offenders in the 2007 report. Its "red light" status has provoked few, if any, protests on campus, with speech restrictions having apparently long been internalized and accepted by most students. (Indeed, a recent [editorial](#) in the UMass campus daily warned against "abusing the right" to free speech—a right, the author contended, constrained by the sensitivities of various ethnic groups.)

This is a hangover from the ["speech wars" of the 1990s](#), during which former UMass chancellor David Scott argued that it was the job of the administration to balance two concepts that "the university holds dear: protection of free expression and the creation of a multicultural community free of harassment and intimidation." To many college administrators and activists, ensuring that the "multicultural community" was "free of harassment" requires that the weapon of free expression be curtailed (just what counts as harassment, after all?). During a meeting with faculty members, a participant in the meeting contemporaneously told me that Scott declared that speech codes weren't an abridgement but an *improvement* on First Amendment protections.

When Lewis warned of speech codes and the Zamyatin-like atmosphere on campuses like UMass, my erstwhile comrades harrumphed that fiddling with the Constitution was a necessary evil, one that civil libertarians need accept in favor of a more tolerant society. Alas, both predictions were correct. Lewis's fears proved prescient, as the FIRE report demonstrates. The radical activists have, in the short term, been largely successful, presiding over a deeply unfortunate shift in campus values.

Thankfully there exist organizations such as FIRE who have assumed the role of protector of the First Amendment on campus, forcing universities, however incrementally, to roll back policies that violate student's rights.

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