



Capitol Hill Day – June 13, 2019

Campus Free Speech

Trump's Executive Order

On March 21, President Trump signed an executive order that threatens to withhold federal funds from public universities that regulate speech on their campuses. The executive order doesn't create any new protections for speech on campus. It merely restates the obligations of public universities under current law and policy, such as the First Amendment. The executive order is in response to activism from the group Turning Point USA, which maintains a "Professor Watchlist" of faculty it claims to have a liberal bias.

AAUP Policy and Position on Campus Speech

The AAUP's 1992 statement *On Freedom of Expression and Campus Speech Codes* states, "On a campus that is free and open, no idea can be banned or forbidden. No viewpoint or message may be deemed so hateful or disturbing that it may not be expressed."

However, there is a substantial difference between banning an idea and disallowing a controversial speaker that would cause massive disruption and create crowds that campus police could not control. Public universities long have enjoyed a level of autonomy to operate themselves, and they have done well balancing free speech with the safety and welfare of campus communities.

We have tens of thousands of campuses across the country where there are no incidents regarding free speech issues. Critics focus on a handful of incidents, many at private colleges, which do not represent the healthy and robust exercise of free speech that dominates our college campuses.

Higher education faces many problems, but free speech is not one of them. The First Amendment already protects free speech, and anyone in the campus community can challenge infringements if justified. Furthermore, it is important that government not interfere, because government is a frequent target of criticism from all sides of the political spectrum and should not be in the position to determine what constitutes free speech.

Implications for Academic Freedom

Academic freedom is the ability of professors to teach and research without fear of retribution or political interference. Academic freedom includes the rights of teachers and students to explore and discuss divergent points of view. At its heart is the idea that the pursuit of truth on campuses serves a common good in society.

The president's executive order, and similar efforts at the state level, can have a chilling effect on academic freedom. While the intent may be to promote free speech, it can have the opposite impact.