

## Connecticut Debate Association

February 3, 2018

Daniel Hand High School and New Canaan High School

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**Resolved: Colleges should not invite speakers likely to result in disruption.**

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### UConn Tackling Debate Of Free Speech In Wake Of 'OK To Be White' Event

The Hartford Courant, December 10, 2017

After a guest speech at UConn devolved into a scuffle, broken glass and panic over a tossed smoke bomb, administrators and students were left picking up the pieces of a fractured debate. How can a college campus ensure both freedom of speech and the safety of its community when people perceive opinions as threats and use force to combat words?

The challenge is to address the space between what's welcome and what's allowed, says Glenn Mitoma, a steering committee member of Metanoia, UConn's decades-old tradition of holding days of reflection on race and other issues.

"Things may be allowed by constitutional law, but we in pursuing our academic mission might not welcome them as part of the campus," said Mitoma, an assistant professor of human rights. "It's something that is never settled, and its unsettled nature is more apparent now than it's ever been or has been in recent history."

UConn is just the latest school to grapple with those questions in the wake of a political speech on campus, in this case, a talk titled "It Is OK to Be White," by conservative commentator Lucian Wintrich, who was charged with breach of peace after allegedly grabbing a non-student attendee who walked off with his script.

College-aged students ... don't see any room in society for that kind of hateful speech.

— Dan Klau, UConn adjunct law professor

In New England alone in recent years, a Yale lecturer questioned the university's request that students avoid culturally insensitive costumes; students at Middlebury College shouting down an interview with a right-wing social scientist, causing an altercation that injured the event's liberal moderator; and at Trinity College, a professor's Facebook controversial posts using an obscene hashtag went viral, eliciting death threats and sending him into hiding.

"College-aged students these days, I think, are much less willing to tolerate hateful speech, speech that is oppressive of minorities and persons of color, derogatory speech, defamatory speech. They just don't see any room in society for that kind of hateful speech," said Dan Klau, an adjunct law professor at UConn and First Amendment attorney. "The bad side is college students don't appreciate the fact that the First Amendment protects speech that people hate."

The outcomes have varied widely.

At Yale, lecturer Erika Christakis met students' demands that she resign. At Middlebury, dozens of students were disciplining for disruptive behavior. And at Trinity, administrators eventually upheld professor Johnny Eric Williams' academic freedom to pen the posts with the hashtag "LetThem[Expletive]Die," which he said readers misunderstood as an attack on the victims of the Congressional baseball shootings.

UConn took another tack. Administrators last week announced new rules to gather more information about and improve planning of student-sponsored events.

But some say the guidelines are a step in the wrong direction.

#### Safety And Speech

President Susan Herbst announced new rules for students events, including reviewing the backgrounds of speakers, requesting guest lists and planning for potential disruptions and counter-protests.

The policy, which is being prepared for the spring semester, will not apply to the kind of impromptu protests that are frequent on campus, such as the student-organized March for Action held in reaction to Wintrich's speech and the university's response, says Elly Daugherty, dean of students.

The vetting process would apply only to student groups reserving space, equipment or security resources on campus.

"The idea is not to find a reason to cancel programming," UConn spokeswoman Stephanie Reitz said. "Actually, it's a way to allow programming to go ahead but plan ahead to make sure it is safe. It's about having enough people doing the appropriate jobs to make sure everyone is safe."

And while officials say the policy does not set a precedent for banning community members or students based on

criminal record, they also say they would have banned one attendee, had he appeared on a guest list.

After the event, the university learned that the man who stood near Wintrich, Salvatore Cipolla, attended the Unite the Right rally at the University of Virginia in August and was arrested at a far-right march in Boston in May.

Cipolla was charged with criminal mischief after an altercation with a reporter at New York University in February, according to police. In an interview with *The Courant* last week, he acknowledged that incident — “I shoved a journalist, big deal,” he said — and that his social media posts are fraught with violence, racism, misogyny, homophobia and anti-semitism, though he said his words online should not be taken seriously.

Cipolla is a former member of a pro-West men-only organization, the Proud Boys, and admitted he’s “not a big fan of the gays” and “not bananas about the Jews.” Still, Cipolla said he didn’t understand why he should be banned from attending an event like Wintrich’s, which the sponsoring group, UConn College Republicans, opened to the public.

“What danger did I pose to the community?” Cipolla asked. “I didn’t do anything.”

He would not have been screened under UConn’s new rules because Wintrich did not invite him, both men said. Rather, Cipolla came unannounced and decided to talk with and film Wintrich, with whom he’d attended similar events and appeared on a conservative talk show.

Wintrich said that he disagrees with Cipolla’s ideologies, which he called dubious, but that the university’s response troubled as well.

“What [Herbst] is trying to do, and how she’s trying to frame the situation, is a threat to the First Amendment rights of students and intellectual diversity on campus,” Wintrich said. “Speech has to be open for everybody ... but when you close off that dialogue, I think that’s where the real problems start.”

UConn’s Code of Conduct forbids students from disrupting or obstructing university events, including non-university activities on university premises.

The rule is certainly enforced. In 2016-17, about 11 percent of UConn’s 1,600 reported student violations were for some form of disruptive behavior.

But that’s not what students were doing when they shouted, chanted and heckled throughout Wintrich’s speech, university officials say.

“It was rude on all accounts. There was a contentious kind of back and forth going on, but nothing that is hitting a [Code of Conduct] standard right now,” said Daugherty, the dean of students. “That’s not the direction we’re going in now.”

John Wilson, an editor with the American Association of University Professors’ blog, *Academe*, says it should be. He said Wintrich’s audience was “incredibly obnoxious” and not exercising their own free speech by trying to silence his.

“I think the university does need to deal with issues of how they’re going to try to prevent people from shouting down speakers, although it doesn’t sound like that’s what they’re going to do at all,” Wilson said.

Klau, whose firm represents UConn in other matters, declined to comment on Wintrich’s event. But in general, he said, continuous attempts to disrupt a speakers’ message can be considered breach of peace or unlawful assembly.

“Generally, it is permissible from a First Amendment perspective for a university to remove a member of the audience who is engaging in a pattern of heckling that disrupts the speaker,” he said. “Should a university remove such a person? My answer is, ‘yes.’”

Others, like UConn archivist Graham Stinnett, say they stand by students’ rights to drown out speech. Stinnett, who works with the school’s human rights and alternative press collections, walked in the March for Action with a black band around his arm, stamped with the word “Solidarity” in support of Catherine Gregory, the community college adviser who took Wintrich’s speech from his lectern.

“Shouting down is a necessary form of activism,” Stinnett said. “Throughout the entire Trump campaign we saw those kind of moments, but I see that as a completely necessary role for someone to challenge someone giving their own opinion.”

The tension, destruction and violence at the “It Is OK To Be White” may not be just a product of the times, but of Wintrich’s speech.

On college campuses, the vast majority of talks are either academic lectures or winner-loser style debates.

Since 2015, UConn has been trying to shake up that model with its Humility and Conviction in Public Life project, a \$5.75 million research, education and outreach program aiming to improve public discourse.

“One of the things as a state institution we’re attempting to build is a citizenry, people not only of the state but globally, who are able to do the debate stuff ... but that’s not the only way in which the world needs to work,” said Brendan Kane, the project’s co-principal investigator. “It’s not about winner takes all.”

The project, funded by the John Templeton Foundation and UConn, created the school's Initiative on Campus Dialogues, which held an event "Still Together," in response to Wintrich's speech. It's also launched a series of research projects on topics like "defusing extreme views" and "eliminating the shouting match," and organized summer institutes for high school teachers and public forums.

It's these forums, like a talk held in Hartford last month on the richest 1 percent, that are most interesting to Kane, UConn's Public Humanities assistant director.

The institute provides the topics, parameters and food. And so far, the participants have risen to the challenge of civility. "You've got to break bread. There's a reason that stuff is biblical," Kane said. "Just start by respecting people and they'll respect the process and each other. It's beautiful."

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## **Op-Ed UConn President: Free Speech at UConn and Beyond**

The Hartford Courant, December 2, 2017

Should presidents, legislators, corporate executives, and university leaders squash ugly and divisive speech in order to protect us from it?

In my view, absolutely not.

An inflammatory "alt-right" speaker named Lucian Wintrich was invited by the UConn College Republicans to speak on the Storrs campus last week. Audience members shouted him down for nearly an hour, and then a non-student took Wintrich's notes from the podium. Wintrich physically accosted her to retrieve them and was then arrested. A student was also arrested for breaking a window and an unknown person set off a smoke bomb.

This event was disturbing on a peaceful campus, as it would be anywhere.

Student groups are allowed and encouraged to invite speakers to campus. When necessary, UConn police assign officers to these events in the interest of public safety.

Students should be thoughtful in their invitations and are responsible for them. Having the right to invite a speaker does not necessarily mean it is a good idea.

But we do not and should not hold students responsible for all that a speaker says, and the university does not approve requests based on content.

The physical safety of those in our campus community is our highest priority, and our police and fire departments do this extremely well. But it is never the role of a university to shield our campuses from speech that is disagreeable, purposely provocative, or even outright hateful, such as Wintrich's. These characterizations are in the eye of the beholder, and so it is unwise for us to attempt to draw lines in the sand about what is or is not protected speech.

Our Constitution and courts have already broadly defined free speech. Universities should not attempt to create our own narrower interpretation, which would never withstand a challenge.

We simply cannot believe in or have a free and open society unless we support the First Amendment, as difficult as that can be at times. This is a bedrock principle of the American Constitution and democratic way of life, not an obscure belief held only by law professors.

This can be extraordinarily hard for students and many non-students across the nation. In a divisive political climate, with a 24/7 news cycle and uncensored social media, everyone is subject to a swirl of ideas and opinions. Some are truly awful, but it is not the role of a university to decide what speech is heard and what is not.

It is the opposite: We take seriously our grave responsibility to ensure the free exchange of ideas in a lively but safe environment. Here, our students can learn to listen and understand opposing opinions so they can better challenge them.

We often take our free society for granted, and we should not. We are a new nation, in the larger scheme of world history. In fact, in 2017 we still call this democracy an "experiment."

During some decades, the whole notion of an open society with self-rule by the people seems extraordinarily fragile.

It may seem incongruous that something as majestic and high-minded as the First Amendment allows for the Lucian Wintriches of the world to express themselves, but it is necessary in a truly free society.

Millions of people across the globe must hide their opinions and live in fear daily. This is why the horrors of North Korean society — among other soul-crushing dictatorships — repulse us so profoundly. So many look to America as a model of freedom, and they often risk their lives to fight their way here.

The worries and, indeed, fears of students at today's universities are real. So are my own, in these times. But if we try to close campuses to ideas, and start approving only those we like or approve of, our students will not learn what they are up against when they leave bucolic settings of university campuses.

In fact, if we don't prepare students to live in the rough-and-tumble democracy our founders clearly envisioned, we've failed miserably as educators. As one faculty member mentioned to me last week, we cannot "build a wall" around UConn – a wall that protects us from speech we disdain. That ultimately would undermine all of our freedom of speech in dangerous ways.

In fact, it is censorship that leads down a slippery slope to authoritarianism and crushing of freedom of expression, from campuses to newspapers such as this one.

In my own field of political science, there has been a century-long debate about whether Americans ever can really step up to the ideals of democratic citizenship. Can we open our minds, fight speech with speech, and build a nonviolent culture of argument and freedom?

This remains a hotly contested matter. But at UConn, we are committed to open dialogue, safety and learning. The endless struggle of ideas is essential to that effort.

As I noted to the campus last week, the great American philosopher John Dewey put it best when he said, "Democracy has to be born anew every generation, and education is its midwife."

Susan Herbst is president of the University of Connecticut and a professor of political science. She is the author of the book "Rude Democracy: Civility and Incivility in American Politics."

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## **Lucian Wintrich's UConn Speech Was Designed Only To Inflame**

Editorial, The Hartford Courant, November 30, 2017

A speech by a conservative pundit arranged by the UConn College Republicans resulted in a chaotic scene on the campus Tuesday night.

Free speech is American to the core. Voicing opposition to the mainstream is a guaranteed right.

But when debate devolves into shout-downs, then there are problems all around. And that's what happened at the University of Connecticut on Tuesday night.

The university's College Republicans invited a young man to campus who is more provocateur than pundit, a choice that from the start did nothing to foster robust debate and instead seemed designed to inflame.

Lucian Wintrich, who writes for "The Gateway Pundit" website, seems to specialize in rhetorical bomb-throwing. He gave a speech titled "It's OK To Be White," which was advertised with posters that bore striking similarities to posters from Nazi Germany. Hundreds packed an auditorium on campus Tuesday night to hear it, or to condemn it. Clearly, Mr. Wintrich and the College Republicans wanted to provoke rancor.

Why? No good comes from that. Might there be a more responsible way for conservative youths to make their points?

Mr. Wintrich's schtick is an attempt to divide along the lines of race. In the online transcript of his speech (which he recited mostly intact on Tuesday, extemporizing from time to time), Mr. Wintrich describes an "America run by illegal immigrant tranny communists."

He claims "the left" tells "black people ... that they are oppressed minorities who are subjected to incredible — but unperceivable — human injustices on a daily basis and that they'll never be able to get ahead because of the systematic oppression that looms over this entire nation."

Unperceivable perhaps from Mr. Wintrich's white point of view, but daily human injustices can be rather obvious for African Americans. Not surprisingly, much of the audience responded with howls when he delivered that line.

He continued: "With illegal Mexican immigrants, they say — you have every right to be here! ... So the least we can do is put tens of millions of you on welfare in America! The left claims that the only reason that Americans would not want to support tens of millions of illegal unskilled immigrants with their taxes is racism."

First, there are not "tens of millions" of illegal Mexican immigrants in the U.S. According to the Pew Research Center, "There were 5.6 million Mexican unauthorized immigrants living in the U.S. in 2015 and 2016, down from 6.4 million in 2009." That's less than half the unauthorized immigrants in the nation.

Second, undocumented immigrants can't get "welfare," if Mr. Wintrich is talking about government aid programs such as Medicaid, food stamps and Supplemental Security Income.

Mr. Wintrich was spewing ignorant, and hateful, baloney.

People started walking out soon after that — the correct reaction.

But about a half-hour into the event, someone made the poor decision to grab some papers from Mr. Wintrich's podium. He tried to reclaim them with force. The crowd cheered as police took him away. He was charged with second-degree breach of peace. It's fair to wonder if that was his goal all along. He posted his own mugshot on Twitter later.

"It's really unfortunate that some of the kids at @UConn felt the need to be violent and disruptive during a speech that focused on how the leftist media is turning Americans against each other," Mr. Wintrich wrote on Twitter early Wednesday. "Tonight proved my point."

Wrong. The only person turning Americans against each other at UConn on Tuesday was Mr. Wintrich himself — although the College Republicans share in the responsibility for bringing him to campus.

People like Mr. Wintrich betray their stunted beliefs with their speech, spouting racist nonsense while claiming they're anything but racist in the same breath. It's important to be aware of these attitudes and understand where they're coming from.

But to invite them to campus, as the College Republicans did, was just asking for trouble. A college campus should be open to diverse and unpopular views, but there also needs to be a commitment to open and respectful dialogue, where people can disagree with facts, logic and dignity.

Mr. Wintrich didn't give that a chance.

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## **UConn President Issues New Rules for Speakers and Programs In Wake Of Arrest of Gateway Pundit's Lucian Wintrich**

The Hartford Courant, December 4, 2017

After last week's inflammatory speech and arrest of far-right conservative Lucian Wintrich, UConn President Susan Herbst issued detailed guidelines Monday for speakers and events on campus, including a requirement that all guests or affiliates accompanying the speaker be identified.

"We will not allow events or other programming to take place at UConn if the university determines that an individual involved represents a danger to our community and the safety of our campuses," Herbst wrote in an email to the campus community. "Speech and safety do not conflict with each other, and we do not have to choose between them. Instead, we must do all we can do to ensure that both are able to exist simultaneously on our campuses at all times."

Still, advocates for free speech and civil liberties raised question about the impact of the new guidelines on free expression on campus.

Herbst wrote that while Wintrich had no criminal history or record of disruption, "the university was disturbed to later learn that an individual traveling with him — whose identity was not known in advance by the university — has at least one arrest for a violent offense, in addition to other very troubling aspects of his record."

That individual, who has been identified as Salvatore "Sal" Cipolla, was hovering around Wintrich all night and shooting video.

According to the Huffington Post, Cipolla has marched alongside neo-Nazis, and has been arrested multiple times, including once for punching a 19-year-old woman.

Wintrich, who was delivering a speech that disturbed students on Nov. 28 at UConn, was charged with second-degree breach of peace when he retaliated after a woman in the audience, Quinebaug Valley Community College adviser Catherine Gregory, took the hard copy of his speech from the lectern. Wintrich grabbed her to retrieve it, "pulling her back in a violent manner," according to a police report.

Chants of Black Lives Matter, followed by Wintrich stating the phrase "It is OK to be white" is a moderate, progressive statement. More interruptions. You get the idea

Herbst said that expanding the pre-event review process to affiliates of a potential speaker will allow additional facts to be known beforehand "and acted on accordingly."

She said the protocol for speakers and events will include a mandated review of events that could potentially pose a safety risk to campus, including a meeting of student organizers, UConn Police, the university's student affairs office, and other relevant university officers.

Planning for security and a response plan for disruption will be included as well as outreach to counter-protest interests.

Daniel Byrd, who served as president of the UConn undergraduates last year and is now at UConn School of Law, said he thinks the new guidelines are a "step in the right direction" to ensure that the university is prepared for whoever comes to campus. "I don't think students see this as a measure preventing people from coming," but rather he said, a way of assessing what campus reaction might be and "preventing it from getting out of hand like it did" with Wintrich.

Irma Valverde, the current president of the UConn undergraduates said in an email that Herbst and UConn students "support free speech. The guidelines put in place ensure freedom of speech moving forward while also making safety a priority. Freedom of speech is important, but let's have productive conversations about race not just racist bigotry. "

Civil liberties groups, however, raised questions about whether the guidelines could hamper free expression on campus. Will Creeley, senior vice president for legal and public advocacy with the The Foundation for Individual Rights in Education (FIRE), a nonprofit group that focuses on civil liberties in academia, said that if a public university “conditions the ability of its students to hear ideas” based on what appears to be an “elaborate evaluation of their past” or the possibility that violence or protest might ensue, “then students rights have been eroded.”

“It’s worth noting that in our nearly two decades of defending speech for college students and faculty, we’ve seen the safety rationale used to silence everyone from Bill Ayers to Mumia Abu-Jamal,” he said. Ayers was a professor at the University of Illinois in Chicago and a former leader of the radical antiwar group, the Weather Underground; Abu-Jamal is a convicted murderer, activist and journalist.

“What we always ask is that any determination about student or faculty speech or their invited guests be made as transparent as possible,” he said. “Otherwise invoking safety can become a pretextual excuse for avoiding or simply silencing speakers that the UConn administrators would rather not hear from. The danger here is that this will be employed by partisans on each side of the ideological divide to silence speakers they don’t want to hear.”

“You don’t have to sacrifice free speech for safety but you have to be very clear about the criteria you are using in order to evaluate possible security concerns,” Creeley continued. “And again those determinations really should be made by local law enforcement with recognition of the fact that public universities have to be kept open for dissenting and controversial, even outrageous or offensive ideas.”

Dan Barrett, the legal director of the ACLU of Connecticut said in a statement, “The devil is in the details of how UConn decides to implement the proposed changes to its speaker policy. We will keep a close eye to see what effect, if any, UConn’s proposed speaker policy changes have on free speech.”

Stephanie Reitz, spokeswoman for the university, said in an email that the university won’t accept or reject programming based on content, but on whether the students affairs and public safety departments, identify a program or a component of it that the university feels “poses a physical threat to the community.”

If such a threat is identified, Reitz said the student affairs and public safety departments would consult with others at UConn, including the president’s office.

“What the ‘action’ would be would depend on what the threat is,” she said. “In the Wintrich case, for example we would have told the College Republicans that if they wanted their program to move forward, the man that the Huffington Post later wrote about [Cipolla] couldn’t be part of it because of his violent past.”

She said the university means ‘safety’ as in actual physical safety, not another definition such as “emotional safety.”

“It’s critical to emphasize that these changes are not about finding reasons to cancel programming,” Reitz said. “It is about making sure that student groups and the university are both aware of what a particular speaker or program may entail so we can plan properly, which could include taking steps to mitigate possible risks that fall short of canceling a speaker.”

“It is adapting to the times we are living in – we’ve seen extreme or controversial speakers or groups come to campuses elsewhere in the nation,” Reitz said, “and the outcomes were very problematic.”

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## **Organizer For Ben Shapiro Talk: UConn Restrictions Unfair To Conservatives**

The Hartford Courant, January 23, 2018

The organizer of a lecture series for conservative writer Ben Shapiro says that UConn is treating the event with “a level of stringency” that they haven’t applied to liberal speakers.

Shapiro, who was invited to UConn by a Republican student group and will speak Wednesday night, is editor-in-chief of the conservative news and commentary site, The Daily Wire. His talk, “Say No To Campus Thuggery,” sparked protests at the University of California, Berkeley in the fall.

Spencer Brown, spokesman for the Young America’s Foundation, which is presenting the national lecture series that includes Shapiro, said the university is only allowing UConn students and employees to attend the lecture, along with a pre-set list of guests. He noted that last week a lecture given by Anita Hill was open to the public.

“It just smacks of view-point discriminatory restrictions placed on conservatives,” Brown said.

But UConn spokeswoman Stephanie Reitz said the admission policy grew from the university’s experience almost two months ago when the UConn College Republicans brought conservative commentator Lucian Wintrich to campus for an event titled, “It Is OK To Be White.”

Wintrich’s speech on Nov. 28 ended in an altercation when police say an audience member took Wintrich’s speech from the lectern and Wintrich grabbed the woman to retrieve his notes. Police initially arrested Wintrich but later dropped

charges against him and charged the woman, Catherine Gregory, an adviser at Quinebaug Valley Community College, with misdemeanor larceny and disorderly conduct.

As a result of that experience, UConn has implemented a pre-event review process that has been applied to the Shapiro event. Reitz said that members of the university community were not able to get into Wintrich's lecture because so many outsiders were attending.

She said it is for that reason that the university is restricting attendance. She said the guests on the pre-set list are people the College Republicans have invited to the event. If most of the audience are members of the UConn community, Reitz said, it will be easier for the university to hold accountable anyone who creates a problem.

She said UConn's Democrat club is also planning an event for Wednesday night and has had the same admission rules applied. She said the Democrats will be hosting Nathan Robinson, a Yale Law graduate and public defender from New Orleans, who will deliver a lecture titled, "Ben Shapiro Is Not As Insightful As He Thinks He Is."

She said both events will include a bag search using handheld metal detectors as is done routinely at Gampel Pavilion, but was not done at the Wintrich lecture.

Shapiro is a podcast host and nonfiction author of a New York Times best-seller and several national best-sellers, including "Brainwashed: How Universities Indoctrinate America's Youth."

In September, he was able to peacefully deliver a speech at Cal Berkeley even as a crowd of protesters grew to about 1,000 people. Police shut down portions of the campus and made nine arrests during the event.

Brown also objected to an email sent out by UConn's Chief Diversity Officer Joelle Murchison.

In the email, sent Jan. 13 to students affiliated with the Cultural Centers on campus, Murchison wrote that she wanted to make them aware of a request from the College Republicans to have Shapiro talk on campus.

"We understand that even the thought of an individual coming to campus with the views that Mr. Shapiro expresses can be concerning and even hurtful and that's why we wanted to make you aware as soon as we were informed," Murchison wrote.

"In the meantime, please utilize the many campus resources available to you should you want to talk through your feelings about this issue..."

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## **Colleges Should Protect Speech—or Lose Funds**

By Frederick M. Hess and Grant Addison, *The Wall Street Journal*, Oct. 30, 2017

Withhold federal research dollars from institutions that practice viewpoint discrimination.

Almost every week brings a new campus controversy: a college speech code that goes too far, an invited speaker shouted down by students, a professor investigated for wrongthink. While lamentations abound for the state of free inquiry at American universities, few have suggested substantive proposals for redress.

Here's a straightforward idea that would be easy to put into practice: Require schools to assure free speech and inquiry as a condition of accepting federal research funding. In addition to subsidizing tuition and providing student loans, Washington disburses billions of dollars to colleges and universities for research—nearly \$38 billion in fiscal 2015 alone.

Those funds constitute about 60% of all support for university-based research, according to the American Association for the Advancement of Science. Because universities build in usurious rates of overhead on this money—in some instances, upward of 50% goes to underwrite salaries and facilities—these are some of the most prized funds in academia. It would be easy for Washington to require schools to protect free speech before the cash can be disbursed.

Massive federal investment in higher education dates to World War II, when the U.S. purposely made universities a pillar of the nation's approach to research and development. In a 1945 report, Vannevar Bush, director of the Office of Scientific Research and Development, insisted that "freedom of inquiry must be preserved under any plan for Government support of science."

At the time this meant measures to protect university research from governmental interference. Today the threat to free inquiry on campus comes from within. In a study last December, the Foundation for Individual Rights in Education reviewed 449 higher-education institutions—345 public and 104 private—and found that 92% had policies prohibiting certain categories of constitutionally protected speech.

Cross-referencing FIRE's data with figures from the National Science Foundation illustrates a disheartening reality: Of the 30 higher-education institutions that collected the most federal research funds in fiscal 2015, 26 maintain formal policies restricting constitutionally protected speech. Six of them—Johns Hopkins, the University of Michigan, Harvard, Penn State, the University of Texas at Austin, and New York University—maintain policies FIRE categorizes

as “substantially restricting freedom of speech.” These 26 colleges and universities took more than \$14 billion in federal research funding in fiscal 2015, or nearly 40% of the total disbursed.

Academics used to understand that policies to stymie speech and expression are anathema to free inquiry. Consider the “General Declaration of Principles” issued in 1915 by the American Association of University Professors. The group asserted that the university should be “an inviolable refuge” from the tyranny of public opinion: “It is precisely this function of the university which is most injured by any restriction upon academic freedom.”

Prohibitions on what can be said or written inevitably favor certain questions, points of view, and lines of inquiry while discouraging or barring others. Speech codes, trigger warnings, bias-response teams and the like lead students and professors to self-censor. In a national survey this year by FIRE and YouGov, 54% of students said they “have stopped themselves from sharing an idea or opinion in class at some point since beginning college.” All to the detriment of a good education.

Leveraging federal money is one way to discourage campus speech restrictions. Federal research funds should come with contractual provisions that obligate the recipient schools to guarantee open discourse. Colleges should be required to offer assurances that their policies do not restrict constitutionally protected speech or expression and that they will commit to safeguarding open inquiry to the best of their ability. Violating such assurances would be grounds for loss of funds and render the school ineligible for future research dollars.

Further, colleges that receive research grants should be required to establish formal processes for investigating and appealing allegations of speech suppression or intellectual intimidation. Such machinery already exists to address other forms of research misconduct.

These provisions could be implemented by Congress, by presidential directive, or by individual grant-making agencies. Whatever the case, the move is entirely appropriate and wholly within the purview of the federal government. Taxpayer funds should not subsidize research at institutions where free inquiry is compromised.

Tying research funding to free speech would give a stake to serious scientists in fields like engineering and biology. These scholars traditionally have left the campus culture wars to their more politicized colleagues in the humanities and social sciences. Under this plan, they would suddenly have an incentive to help push higher education back to its intellectual roots. The same goes for college presidents, many of whom have found it easier to placate the radical fringe than to defend free inquiry. With federal research funds on the line, they would suddenly face a new financial and political calculus.

Mr. Hess is director of education policy studies at the American Enterprise Institute, where Mr. Addison is program manager for education policy. They are the authors of a new AEI report, “Free Inquiry and Federally Funded Research.”

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## **How White Supremacists Exploit Public Higher Education**

The Wall Street Journal, Oct. 22, 2017, By Kent Fuchs and Glenn C. Altschuler

The University of Florida had to spend \$600,000 to provide security for Richard Spencer.

White supremacist Richard Spencer’s appearance at the University of Florida last week was the latest flare-up in the debate over free speech that has roiled university campuses nationwide. First Amendment advocates have condemned Mr. Spencer’s views but insisted on his right to speak. Others believe that his hate speech should be suppressed because it is cruel, dangerous and antithetical to the values of diversity, inclusion and reasoned, respectful discussion.

Thankfully, Mr. Spencer came and went with little incident. But while UF and Gainesville are getting back to business, other universities and their communities may not be so fortunate. Mr. Spencer and his group, the National Policy Institute, have pledged to visit numerous campuses nationwide in the coming months, and surely they will not be the last extremists whose voices rise to scorch ivy-covered walls.

That brings to the fore two issues that have long remained in the background, but that the public higher-education community must now reckon with. The first concerns access. Public universities that choose to grant access to speakers who are not invited or affiliated with the institution are legally obligated to accept all such speakers. As a result, they may become hostage to Nazis or other extremists—forced to stand by as these groups capitalize on their university’s visibility and prestige to amplify their vile messages.

Yet restricting university facilities only to invitees or affiliates closes them off to many worthy community groups—which have few alternatives in relatively small cities such as Gainesville.

Universities seeking to be more restrictive may find themselves in court, accused of violating the First Amendment. In the end, these groups may get to speak anyway, as happened at Auburn earlier this year when that university’s administration tried to block Mr. Spencer. Although we are strong advocates of free speech, we believe the complex issue of unfettered access to the campuses of public universities should be re-evaluated.

The second issue for public universities is the enormous security costs associated with extremist hate speakers. It is the legacy of a 1992 Supreme Court decision, *Forsyth County v. Nationalist Movement*, in which the justices held that the government cannot assess a security fee on a speaker to control the reaction of potential hostile onlookers or protesters. At UF, which had nearly 1,000 state and local law-enforcement officers on campus on Thursday, the tab exceeded \$600,000, the equivalent of nearly 100 students' annual tuition. In effect, taxpayers heavily subsidized racist speech rather than education or research.

One partial solution might involve mandating all facilities renters or their sponsors to deposit a sum, based on the honorarium or attendance at the event, into a security escrow account.

Another partial solution could entail a new Federal Extremist Speakers Fund to help universities with their exorbitant security costs. That would shift the financial burden of following the First Amendment to the government that requires universities to do so.

A third idea would be to establish a set of neutral criteria upon which fees for speakers could be based, in addition to those universities already have in place. In the *Forsyth* case, Justice Harry Blackmun pointed out that the fees were arbitrary. While UF and other universities have established objective criteria such as anticipated audience size, venue size and the complexity of venue security, it's time for universities to consider other ways to assess the real costs associated with these events.

We call on every public institution to commit to understanding their current policies and relevant laws, debating alternatives, and coming to fresh decisions about how to move forward.

We further call on universities to expand the discussion beyond their walls into a national conversation about what truly defines free speech in the U. S.—which, clearly is not always free—and who should shoulder the burden that comes with that responsibility. Mr. Spencer and his ilk have been able to dominate the conversation about free speech to date. We can, and we must, take it back.

Meanwhile, when openly racist and virulently anti-Semitic speakers show up on campus, we need to deprive them of attention and confrontation, the oxygen on which they thrive, by shunning them. And we need to seize the opportunity to declare the values of our nation's great public research universities, which are those of inclusion and diversity of people and ideas.

That strategy, we think it important to note, costs nothing.

Mr. Fuchs is president of the University of Florida. Mr. Altschuler is a professor of American studies at Cornell.

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## **Fear of Violent Protests Raises Cost of Free Speech on Campus**

The Wall Street Journal, Oct. 22, 2017, By Douglas Belkin

White nationalist's speech at University of Florida was peaceful but the school spent \$500,000 on security

The appearance of white nationalist Richard Spencer on Thursday at the University of Florida sparked a declaration of a state of emergency by Florida's governor. The event ended up generating little more than shouting and a few arrests. There was no violence.

Still, the massive preparations for potentially violent civil disobedience came with a hefty price tag. The school estimates it will have spent more than \$500,000 on security—more than it pays for football games at a stadium that holds 90,000 people. The cost is part of a growing toll this year as a wave of right-wing speakers faces off against left-wing protesters.

That \$500,000 will cover the hundreds of officers on campus from at least 44 agencies, some from as far away as Miami, command centers, technology, room and board for officers and extra barricades, said University of Florida spokeswoman Janine Sikes.

The Gainesville Police Department, which beefed up security in their jurisdiction, incurred additional costs, she said. Among those arrested were three men, who were charged with attempted homicide after they shot at a group of people protesting the speech. The police said at least two of the three men have shown connections to extremist groups.

Security for speakers at the University of California at Berkeley has cost the school more than \$2 million this calendar year, compared with less than \$200,000 a year for security at special events over the past several years; and Mr. Spencer's appearance at Texas A&M University last December cost the school \$60,000, according to the schools.

"This is not sustainable, this is absolutely not sustainable," said University of Florida's Ms. Sikes. "Public institutions cannot continue to pay this kind of money."

Experts say the recent wave of speakers—beginning with an appearance in February at Berkeley of the former Breitbart News editor Milo Yiannopoulos that prompted a riot—has changed the dynamic of such campus events.

“What happened at Berkeley was really a watershed moment,” said Sue Riseling, executive director of the International Association of Campus Law Enforcement Administrators. “There has been a paradigm shift.”

To be sure, high-profile speakers have always carried some security cost. When then-President Barack Obama spoke at Rutgers University in May 2016, the New Jersey school spent around \$275,000 on security and traffic concerns, according to the school.

Schools have struggled to come up with a consistent answer to requests to speak, pitting their free-speech ideals against security concerns.

This month, Ohio State University rejected a request by Mr. Spencer to speak. The University of Cincinnati accepted his request. Texas A&M allowed Mr. Spencer to speak last year but rejected his request last month. The University of Florida initially rejected an event that Mr. Spencer was supposed to hold on campus, then changed course and allowed him to speak on Thursday after a judge reversed Auburn University’s rejection of Mr. Spencer.

Some schools are limiting the people who can invite speakers to those with an affiliation to the university. For instance, Mr. Spencer was invited to speak at Texas A&M last year by a former student with no active affiliation with the school. The university has since changed policies to limit those who can invite speakers to current students and faculty.

Amy Smith, spokeswoman for Texas A&M, said the school was torn about cancelling Mr. Spencer’s September event. “We feel strongly about freedom of speech here, but at the same time it was clear there was a safety concern,” she said. “This is a national problem for public universities especially, right now we’re developing strategies in real time but there’s nothing conclusive about how to manage our security costs as we go forward.”

At the University of Virginia in Charlottesville, a group tasked with reviewing the school’s response to the “Unite the Right” rally in August that left one counterprotester dead, and a march on campus the night before, found school leaders had missed a “paradigm shift.”

“University officials’ frame of mind was shaped by a decades-long history of non-violent protests on Grounds that led them to approach the march with the assumption that it was constitutionally protected and should be accommodated with minimal police intrusion,” the report said. The result was “misaligned” judgments and an insufficient response, it said.

“What has changed is a recognition that some events may be motivated by a desire to incite a reaction that could turn violent,” said Peter McDonough, vice president and general counsel for the American Council on Education, which represents nearly 1,800 college and university presidents.

The costs to schools for the speakers this year are dramatically higher than the schools’ security expenses for prior high-profile speakers, said Dan Mogulof, a Berkeley spokesman. “It’s apples and oranges,” he said.

When a president speaks at the university, for instance, most of the security is handled by the Secret Service and any costs to the school are minimal. In the past three years, the school’s security costs for demonstrations have totaled less than \$200,000 a year. Its biggest tally in recent years was \$1.6 million in fiscal 2009, when a group of protesters were expelled from a grove of oak trees targeted to be cut down. The costs in fiscal 2012 was \$744,000 and \$619,000 in fiscal 2013.

In February, the school spent about \$200,000 on security for an event for Mr. Yiannopoulos, the conservative commentator, then another \$60,000 cleaning up after protesters ripped down light poles and tossed Molotov cocktails.

In April, when Ann Coulter was scheduled to speak at the school spent in excess of \$600,000 for law enforcement to prevent another riot, said Mr. Mogulof. Of that amount, \$414,000 was slated for outside law enforcement and \$96,000 for equipment, room and board, according to the school.

This fall, the school shelled out another \$600,000 more for security when conservative commentator Ben Shapiro spoke on campus and then more than \$1 million when Mr. Yiannopolous scheduled a free speech week. That series of events fizzled when most of the scheduled speakers didn’t show. Still, the school was stuck with the bill.

Berkeley has convened a commission to determine how the school will balance security costs with free-speech protections going forward.

“We have a non-negotiable commitment to provide safety and security for our guests and the public at large and we have an equally unwavering commitment to free speech,” said Mr. Mogulof. “That puts us between a rock and a hard place; we can’t step back from either one.”

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