



LETTER TO THE HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON THE CONSTITUTION AND CIVIL JUSTICE

**FIRST AMENDMENT PROTECTIONS ON PUBLIC COLLEGE AND
UNIVERSITY CAMPUSES**

Michael Casey Mattox, Senior Counsel
Director, Center for Academic Freedom

Caleb Dalton, Legal Counsel
Center for Academic Freedom

Alliance Defending Freedom

APRIL 4, 2017

Mr. Chairman and Members of the Subcommittee:

The importance of a robust enforcement of First Amendment protections on our nation's campuses is difficult to overstate. The United States Supreme Court has called public universities "peculiarly the marketplace of ideas."¹ Without this marketplace of ideas, "our civilization will stagnate and die."² As the marketplace of ideas, public universities should be places where young adults learn to exercise the First Amendment rights necessary to participate in our system of government and to tolerate others' exercise of those same rights. Indeed, teaching students about our constitutional system and their role in it as citizens is a necessary part of education, and students learn as much or more from universities' policies and practices of protecting or restricting expression and association as they do from the classroom.

We can only protect the First Amendment if we understand it. Congress and the American people have every right to expect that our public universities will advance, not hinder, that understanding. But on this score our public universities are simply failing. Only seventeen percent of Americans can even identify the free exercise of religion as a right protected by the First Amendment.³ Fifty percent of all Americans and twenty-seven percent of college graduates cannot identify *any* of the protections of the First Amendment.⁴

The status quo is unsustainable and Alliance Defending Freedom (ADF) is dedicated to changing it to advance the cause of freedom. By way of introduction, ADF is an alliance-building, non-profit legal organization that advocates for the right of people to live out their faith freely.⁵ ADF's Center for Academic Freedom is committed to protecting freedom of speech and association for students and faculty so that

¹ *Healy v. James*, 408 U.S. 169, 180 (1972).

² *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957) (plurality opinion of C.J. Warren).

³ The Newseum Institute, 2016 State of the First Amendment, *available at* http://www.newseuminstitute.org/wp-content/uploads/2016/06/FAC_SOFA16_report.pdf (last visited March 3, 2017).

⁴ *Id.*

⁵ Alliance Defending Freedom has achieved successful results for its clients before the United States Supreme Court, including five victories before the highest court in the last six years. *See e.g. Zubik v. Burwell*, 136 S. Ct. 1557 (2016) (per curiam) (successful result for religious colleges' free exercise rights); *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218 (2015) (unanimously upholding ADF's client's free-speech rights); *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751, 2759 (2014) (striking down federal burden's on ADF's client's free-exercise rights); *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014) (upholding a legislative prayer policy promulgated by a town represented by ADF); *Arizona Christian Sch. Tuition Org. v. Winn*, 131 S. Ct. 1436 (2011) (upholding a state's tuition tax credit program defended by a faith-based tuition organization represented by ADF).

everyone can freely participate in the marketplace of ideas without fear of censorship.

Unfortunately, a significant majority of public universities are restricting the First Amendment rights of speech and association of their students and faculty through a vast array of onerous policies and restrictions that not only violate students' rights now, but teach them false lessons about how they should think about their own and others' constitutional rights once their college days are done. This letter addresses recent instances where ADFs' clients' First Amendment rights have been violated at public post-secondary institutions, and it identifies four subject-matter areas where these institutions routinely infringe on speech and associational rights.

Most Public Universities' Written Policies and Unwritten Practices Restrict Free Expression and Association on Campus, Teaching Students that Government May Restrict the Expression of Unpopular Viewpoints

Rather than teaching their students about the robust protections of the First Amendment and the value of hearing other opinions in the "marketplace of ideas," the vast majority of public universities maintain policies or regular practices that violate constitutional rights. Universities routinely:

- (1) impose unconstitutional speech codes,
- (2) create restrictive speech zones,
- (3) require advance approval for student expression,
- (4) authorize "bias response teams" to chill student speech through perpetual investigation,
- (5) charge mandatory student activity fees that require students to fund others' ideological expression and discriminate against disfavored views in allocating those funds, and
- (6) impose security fees that authorize heckler's vetoes, raising the price for speakers administrators deem "controversial."

In the last decade, ADF has assisted hundreds of students and student groups of varying religious and political beliefs facing violations of their First Amendment rights on campus. While the Center for Academic Freedom has achieved a 100% success rate in challenging the all-too-common "speech zones" listed below, universities nevertheless persist in applying such unconstitutional policies to our nation's students every day. The following select incidents encountered by ADF clients in 2016 and 2017 alone illustrate the breadth of the constitutional crisis students face on campus.

A Young Americans for Liberty student at Michigan's Kellogg Community College was recently arrested for distributing copies of the Constitution on her campus.⁶ Administrators explained that students could only speak freely by reserving a table in the student union and applying for a permit. The rest of the school's campus was off-limits for student speech. Video of the arrest is publicly available online.⁷

At California State University-Los Angeles, faculty members actually linked arms to prevent students from entering an auditorium to hear a speech from nationally known speaker Ben Shapiro on—ironically—freedom of speech, hosted by a Young Americans for Freedom student group.⁸ The President of the University personally tried to prevent these students from hosting their free speech event, imposing burdensome security fees, trying to cancel the event, and—when protestors attempted to stop the event—ordering the police to stand down, thus permitting faculty members and others to block students from entering. Video of, and commentary regarding, this incident is publicly available online.⁹

At Georgia Gwinnett College in suburban Atlanta, Chike Uzuegbunam sought to peacefully discuss his faith with other students on his campus. The school ordered him not to speak outside of a tiny speech zone, representing .0015% of the campus, and even then only after he applied for permission. But after he had satisfied all of the school's demands and secured the permit to speak in this ludicrously small speech zone, an officer told him that he could no longer speak even there. Because others objected, his discussion of the Gospel was deemed “disorderly conduct” and a “disturb[ance] [of] the peace and/or comfort of persons.”¹⁰

Despite billing itself as America's most diverse campus, Queens College in New York City rejected a Students for Life group's application for registered student organization status, excluding the group from meeting space, the opportunity to

⁶ Press Release, Student Club Supporters Arrested for Handing out US Constitution at Michigan College, ADFMedia, Jan. 18, 2017, <http://www.adfmedia.org/News/PRDetail/10155>.

⁷ Video: Students Arrested for Passing Out US Constitutions on Kellogg Community College Campus, Jan. 18, 2017, <https://www.youtube.com/watch?v=5OnIuRetVb4>.

⁸ Young America's Foundation v. Covino, <http://www.adfmedia.org/News/PRDetail/10117> (last visited March 7, 2017).

⁹ Video: ADF, YAF Ben Shapiro File Free Speech Suit Against CSULA, May 18, 2016, <https://www.youtube.com/watch?v=Hwr5TvGrMiU>.

¹⁰ Press Release, “Georgia college sued for censoring student speech, restricting it to .0015% of campus,” ADFMedia, Dec. 20, 2016, <http://www.adfmedia.org/News/PRDetail/?CID=92219>.

bring in speakers, funding, and all of the benefits that allow the nearly one hundred other student organizations at Queens to participate in the marketplace of ideas.¹¹

These recent cases in Michigan, California, Georgia, and New York, only represent a fraction of speech-restriction incidents on public university campuses. In just the last year, ADF has also represented students in federal lawsuits against universities restricting their rights in North Carolina,¹² Wisconsin,¹³ and Iowa.¹⁴ These violations of the First Amendment are not limited to red or blue states, or to any region of the country. Nor are these isolated events. ADF attorneys regularly advise students who experience similar discrimination but are afraid to publicly challenge the colleges that are supposed to be the protectors of freedom in the marketplace.

College students are learning by example how government officials—university administrators—value the First Amendment. Today’s students are tomorrow’s Members of Congress, judges, teachers, and voters. Our university campuses are where the next generation should be learning how the Constitution works, what rights it protects, and why they are worth defending—even when one does not always agree with the views or the beliefs of those that it protects. But instead students are learning by example from public university administrators that the First Amendment means what government officials want it to mean—and that the full exercise of the First Amendment is too dangerous to permit.

We highlight these examples to underscore the significance of this growing cultural and constitutional crisis facing our university students. This crisis will impact the future of our nation’s commitment to the First Amendment freedoms that ensure the American experiment will continue. These campuses are heavily funded by taxpayer dollars. For example, roughly half of the Department of Education’s budget, allocated by Congress, goes to higher education programs, and this does not even include student loans.¹⁵ Congress has a fiscal responsibility to ensure that these tens

¹¹ Press Release, NYC College Relegates Pro-Life Student Group to Second-Class Status, ADFMedia, Jan 25, 2017, <http://www.adfmedia.org/News/PRDetail/10145>.

¹² Press Release, NC State Revises Speech Policy After Losing Court Battle With Student Group, ADFMedia, July 19, 2016, <http://www.adfmedia.org/News/PRDetail/9975>.

¹³ Press Release, UW-Eau Claire to Religious Students: ‘Your Service Doesn’t Count’, ADFMedia, Nov. 10, 2016, <http://www.adfmedia.org/News/PRDetail/?CID=92002>.

¹⁴ Press Release, Iowa State Requiring Students to Give up Free Speech to Graduate, ADFMedia, Oct. 17, 2016, <http://www.adfmedia.org/News/PRDetail/10096>.

¹⁵ See “Federal and State Funding of Higher Education,” <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/06/federal-and-state-funding-of-higher-education> (last visited March 7, 2017).

of billions of dollars in federal taxpayer funds are being used in a way that advances, not discourages, respect for the First Amendment rights of all Americans.

Four Common Ways University Policies Restrict Free Expression

1. “Speech Zones”

Many universities prohibit “free speech” activities (whether just talking with fellow students, gathering signatures, holding signs, or handing out free copies of the Constitution) except on small designated areas of campus, and often even then require prior approval. This is the case at Georgia Gwinnett College in suburban Atlanta (referenced above) where Mr. Uzuegbunam was told he could only tell others about his Christian faith on .0015% of the campus with prior permission, and at Kellogg Community College where students were arrested for passing out the Constitution outside the “speech zones.”

Often, the speech police do not enforce these restrictions equally against all expression. For example, ADF’s clients at Grand Valley State University in Michigan attempted to hold an informal event celebrating free speech by having students write on a “free speech ball” in a large open area on campus.¹⁶ They were told they would be arrested if they did not move to the small zone that excludes 99.7% of the campus. On the other hand, a large crowd of students were allowed to hold signs and march around campus outside of the two small speech zones (including in buildings) as they protested the election of Donald Trump. The University agreed to change its policies after ADF represented the students in a federal lawsuit challenging the speech zones,¹⁷ but such inequitable application of policies to prohibit some viewpoints and permit others is commonplace on campuses—especially those with restrictive “speech zones.”

2. Vague harassment and other speech policies

Many schools have adopted vague and ambiguous harassment and similar policies that chill student expression. When a policy defines harassment as words which “offend” or warn students that “intolerance will not be tolerated,” many students are reasonably concerned about expressing unpopular opinions for fear of being accused

¹⁶ Press Release, Take Your ‘Free Speech’ Beach Ball and Go Home, Michigan University Tells Students, ADFMedia, Dec. 8, 2016, <http://www.adfmedia.org/News/PRDetail/10124>.

¹⁷ Press Release, Grand Valley State University Revises Expressive Activity Policy, ADFMedia, March 1, 2017, <http://www.adfmedia.org/News/PRDetail/10124>.

of “harassment.” Iowa State University even stated in its policies that “engaging in First Amendment protected speech activities” may be punished as “harassment.”¹⁸ This mentality that administrators’ views of offensive speech can override the First Amendment not only chills students’ speech on these campuses, but it also teaches the nation’s future leaders that the government is the ultimate arbiter of what opinions are acceptable to hold. Thus, the marketplace of ideas turns into the intellectual vacuum of intolerance—breeding fear instead of freedom.

3. Granting unlimited power to administrators

Another way in which the universities engage in viewpoint discrimination is by granting unbridled discretion to an administrator to choose when a burden on speech applies or a permit will be approved. These open doors to discrimination may be found in policies requiring advance review of literature before it may be distributed, imposing security fees on speech where an administrator deems the speaker “controversial,” or authorizing funding for student organizations through a process that permits discrimination in favor of some views and against others. The Supreme Court held in *Forsyth Cty., Ga. v. Nationalist Movement* that “[t]he First Amendment prohibits the vesting of such unbridled discretion” to discriminate between viewpoints “in a government official.”¹⁹ According to the Court, “such discretion has the potential for becoming a means of suppressing a particular point of view.”²⁰ Because the “decision [of] how much to charge for police protection . . . or even whether to charge at all” is “left to the whim of the administrator,” without any consideration of “objective factors” or any requirement for “explanation,” such policies are unconstitutional.²¹

Such policies, however, are commonplace on our nation’s campuses. Just this spring the University of Southern Maine attempted to charge students approximately \$450 (a substantial amount for a student group) in “security fees” when they invited a sitting state legislator to speak on immigration policy.²² The University President called the state legislator, “offensive and repulsive” and “distasteful and nasty” and

¹⁸ Press Release, Iowa State Requiring Students to Give up Free Speech to Graduate, ADFMedia, Oct. 17, 2016, <http://www.adfmedia.org/News/PRDetail/10096>.

¹⁹ *Forsyth Cty., Ga. v. Nationalist Movement*, 505 U.S. 123, 133 (1992).

²⁰ *Id.* (quotation marks and citation omitted); see also *Long Beach Area Peace Network v. City of Long Beach*, 574 F.3d 1011, 1042 (9th Cir. 2009) (noting that unbridled discretion to impose security fees indicated possible content-based discrimination).

²¹ *Forsyth Cnty.*, 505 U.S. at 133.

²² Press Release, U. of Southern Main Agrees Not to Charge Conservative Group \$450 for ‘Free’ Speech, ADFMedia, Feb. 20, 2017, <http://www.adfmedia.org/News/PRDetail/92875?search=1>.

encouraged the student body to “peacefully” protest him. He then told the press that he would charge the student group for security because their speaker’s viewpoints were controversial and could lead to “a highly charged situation.”²³ But the Supreme Court held that “[s]peech cannot be financially burdened, any more than it can be punished or banned, simply because it might offend a hostile mob”²⁴—much less one stirred up by the university president. Such fees literally transform “free speech” into “expensive speech.”

At other schools, such as Queens College, committees are granted similar unbridled discretion to decide what student groups are worthy of even being “recognized” at all. This process grants them the ability to decide what viewpoints may bring speakers to campus, post on the bulletin boards, and use classrooms for meetings. In this case, the Students for Life group was denied recognition, with no ability to appeal, while other groups were able to use campus facilities to spread competing viewpoints.²⁵ And at Queens College and many other universities, student government is authorized to distribute millions in mandatory student activity fees to student groups with few if any limits on the discretion of these decisionmakers. At Queens College, for example, each student pays over \$1200 in student activity fees over a four year period, substantially adding to their debt burden. And this injury is compounded by the university distributing those funds to groups for ideological expression they oppose, excluding *some* groups whose members pay these fees from student activity funding altogether, and allocating these funds to groups in a manner that favors some viewpoints over others.

Granting administrators unbridled discretion to restrict viewpoints at-will not only violates constitutional principles, it educates the next generation with the proposition that government officials are a law unto themselves, making the rules as they go along and favoring those they wish to favor.

4. Limiting equal access and free association

Every university seeks to eliminate invidious discrimination, enacting non-discrimination policies that forbid discrimination based on irrelevant characteristics like race, sex, religion, or political views. But some schools turn these policies on

²³ *Forsyth Cnty.*, 505 U.S. at 133.

²⁴ *Id.* at 134-35.

²⁵ Press Release, NYC College Relegates Pro-Life Student Group to Second-Class Status, ADFMedia, Jan 25, 2017, <http://www.adfmedia.org/News/PRDetail/10145>. After Students for Life filed a federal lawsuit challenging this policy the school agreed to recognize the group. Press Release, NYC College Recognizes Pro-Life Club but Must Make Policy Changes, ADFMedia, Jan. 30, 2017, <http://www.adfmedia.org/News/PRDetail/10160>.

their head, using these rules meant to protect religious students, for example, to actually forbid religious or political student groups from being officially recognized groups precisely because of their ideological distinctives. These policies, and “all comers” policies that take this prohibition on free association one step further by denying it to all groups, can result in absurd consequences for student groups that have unique and defining viewpoints like the College Democrats, Christian Legal Society, or even the Black Law Students Association. These policies are often misused to prohibit student clubs from choosing their leaders based on shared agreement with the very religious or political beliefs the group is formed to foster.

If applied uniformly, these policies do not just ostracize faith-based student organizations. For example, the dean of Hastings Law School agreed that his school’s policy would force an organization like the Black Law Students Association to admit white supremacists as official voting members and leaders. Similar examples abound: a Muslim group must admit an atheist to its leadership ranks, a Democrat organization must allow a Republican to speak for it. And Christian student groups must not only allow an atheist Bible study leader, they would also be required to allow a believer in racial supremacy to do so—under the threat of sanction from their school if they do not relent.

No one supports discrimination against students on the basis of race, sex or other irrelevant reasons. But these policies can be especially harmful when colleges misuse them to prevent religious student groups from being religious. The right to speak means little if a group cannot control who speaks for it. The First Amendment protects everyone’s right to associate around and advocate for shared political, social, or religious views and religious students should have that same right.

Conclusion

The state of the First Amendment on public universities and colleges is not well. The status quo at most institutions substantially restricts free speech and association, and teaches students that government censorship is the norm, not the exception. But, identifying and acknowledging the problems are the first steps in remedying them so that the future of freedom is secured through a well-educated citizenry that appreciates the value of the First Amendment. We commend the Committee for its attention to this vital matter.

Very truly yours,

M. Casey Mattox, Senior Counsel,
Director, Center for Academic Freedom
Alliance Defending Freedom
CMattox@ADFlegal.org
(202) 393-8690

J. Caleb Dalton, Legal Counsel
Center for Academic Freedom
Alliance Defending Freedom
CDalton@ADFlegal.org
(202) 393-8690

Written Testimony of:

Shelby Emmett

Director, Center to Protect Free Speech, American Legislative Exchange Council (ALEC)

First Amendment Protections on Public College and University Campuses

Held by the House Judiciary's Committee's Subcommittee on the Constitution and Civil Justice

Tuesday April 4, 2017

In recent months there has been a push to protect free speech on college campuses through the state legislature. This is a noble effort: state legislatures appropriate millions of dollars each year to public institutions of higher education. University presidents, administrators, and other campus personnel receive six-figure salaries funded by the hard-working tax payer, and parents shell out more and more money for tuition as college expenses continue to rise.

Yet with all the money flowing into higher education, public campuses continue to violate the free speech rights of students. Taxpayers, policymakers, parents, students, and the general public are growing more and more frustrated (and embarrassed) as their public institutions of higher education allow chaos, riots, and contempt for free speech generally to grow like cancer and spread throughout the campus community. It is clear this is much deeper than a law enforcement issue; it is a cultural issue as well.

Unfortunately, there are some bills circulating across the country today whose only solution to this problem is to punish students. Bills like this conveniently ignore two key issues: 1) Due process for the accused is still important. (The Title IX campus sexual assault fiasco has brought the shortcomings of the university disciplinary system to light.) And 2) anyone who has followed the campus free speech issue in the last three years knows very well that campus administrators, police officers, and even university presidents are also in desperate need of education and discipline—maybe even more than students, considering the power and influence these positions have over the campus culture.

However, nothing in these bills would actually hold these tax-payer funded positions accountable for their actions—or inaction (unless of course, a student or Attorney General sues.)

No wonder students have such a negative view of free speech on campus.

Due Process on Campus

The Center to Protect Free Speech fully supports holding students accountable for violating the free speech rights of others. However, until disciplinary systems on college campuses are reformed generally, the Center cannot support legislation that creates yet another system of discipline. If bills like this are passed, students and administrators will have at least three separate disciplinary procedures depending on the alleged offense: a general discipline system, a Title IX system, and a Free Speech system. Although advocates of these current bills may argue another system would not be created and

universities would only have to revamp their current procedures, the campus sexual assault issue has taught us that when lawmakers react to one specific issue, universities react to that specific issue. Meaning, if these bills are passed, it is very likely universities will create a separate system instead of doing the heavy work of reforming their disciplinary systems generally.

Furthermore, even if universities did not create a separate system for discipline, the “protections” afforded in these bills are vague and leave way too much open for interpretation—a problem again brought to light in the campus sexual assault context.

For example, model legislation that has been introduced in about 10 state legislatures’ states that students accused of free speech violations have a right to “advanced written notice of the charges against them.” That sounds great. No one disagrees with the idea that one must know of the charges against them in advance in order to properly prepare and defend themselves. But what exactly is the definition of “advanced written notice”? Is it two days? Two hours? A week? Is it by letter sent to the dorm or can the Director of Student Affairs just send the student a general email a day before final exams? No one knows because the legislation does not define it.

Similar legislation introduced across the country also states that when a student is facing potential penalties (like suspension of more than 30 days or expulsion) they have the right to “active assistance of counsel.” Again, this is not clearly defined. Does “active assistance” mean the attorney can question witnesses, speak on behalf of the student, or file some type of motion to remove members of the panel for bias? It isn’t clear because the language is not defined. I suspect an 18 year-old student has a very different understanding of “active counsel” than the campus administrator tasked with overseeing a disciplinary hearing. In today’s economy and job market, to mandate suspension or expulsion without ensuring fair procedures and protections is wrong and foolish.

The concerns presented may seem insignificant—they are just college students after all—but the growing number of lawsuits against universities for failing to provide adequate due process protections, let alone follow their own procedures, makes clear any bill designed to punish students without addressing the failed disciplinary system is a disaster (and likely a lawsuit) waiting to happen.

Congress should ignore any policy recommendations that punish students until the campus disciplinary system is reformed to ensure fairness and accountability for all involved.

Education Is Lacking for all Members of the Campus Community; Accountability Starts at the Top

Although the Center has major concerns with the discipline included in many of these “free speech” bills, the Center is also very concerned with legislation introduced across the country that conveniently ignores the education (and discipline) so desperately needed of deans, campus presidents, campus police officers, and professors who constantly violate the rights of students and other faculty on campus. Example after example in recent years makes clear that the free speech problem on campus begins long before the freshman attends his first orientation. Legislation that requires administrators to educate students on free speech issues without requiring those same administrators to receive training themselves is misguided.

Congress should require administrators and campus police officers to be educated on free speech issues before congress and state legislatures expect these state actors to educate students and execute the laws.

It makes perfect sense to discipline students who violate the free speech rights of others on campus—they should be punished; however, so should campus police officers who detain students for passing out Constitutions; university presidents who encourage students to tear down flyers with which they disagree with; and professors who literally block student journalists from reporting the news unfolding on their own campuses. The campus speech problem is more than an enforcement problem; it is a cultural problem as well. Simply passing the blame on to students will just make it worse.

The best way to solve the campus speech problem is to 1) ensure all members of the campus community are educated on their rights, duties, and obligations as members of a public institution, this includes everyone from the professor to the university president and the campus police officer; 2) hold these institutions accountable to the public, state legislatures and Congress by requiring universities to report on any free speech violations (including lawsuits) occurring on campus before funds are appropriated; and 3) reform the campus disciplinary system in a separate bill so students accused of violations—whether it be it for marijuana in the dorm, sexual harassment, or free speech violations, have the due process protections necessary to ensure a fair and equitable outcome we can all rally around.

It may be expedient and easy to punish students, but it isn't sound policy and it does not solve the campus speech problem. In fact, the Center believes it could make the problem worse.

Shelby Emmett is an attorney and the director of the Center to Protect Free Speech at the American Legislative Exchange Council.



CHRISTIAN LEGAL SOCIETY

Seeking Justice with the Love of God

April 26, 2017

The Honorable Steve King, Chairman
The Honorable Steve Cohen, Ranking Member
Subcommittee on the Constitution and Civil Justice
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington D.C. 20515

Re: Written Statement for the Hearing Record for the Subcommittee's Hearing, April 4, 2017,
"First Amendment Protections on Public College and University Campuses"

Dear Chairman King and Ranking Member Cohen:

Thank you for holding a hearing on the urgent need to protect college students' First Amendment rights on campus. The Christian Legal Society ("CLS") submits this written statement for the printed hearing record to speak directly about the problems that religious students are experiencing on many university campuses. CLS has student chapters at law schools nationwide that have repeatedly experienced discriminatory exclusion from campuses because they require their leaders to agree with CLS's basic religious beliefs. Numerous other religious student groups have encountered the same problem.

Unfortunately, exclusion of religious student groups has been a recurrent problem nationwide for over four decades. As early as 1975, CLS established the Center for Law and Religious Freedom to defend students' right to meet for religious speech on college campuses.

In recent years, censorship of religious students' speech increasingly has taken the form of university policies that prohibit religious student groups from stating in their governing documents, such as their constitutions, that they require their leaders to agree with the groups' basic religious beliefs. These universities have told religious groups that, if they want to remain on campus as a recognized student group, they may not require their leaders to share the groups' religious beliefs.

Basic religious freedom, however, requires that religious groups be free to choose leaders who agree with their religious beliefs and teachings. Indeed, it should be common ground--particularly for those who advocate a strict separation of church and state -- that government officials, including public university administrators, should not interfere with religious groups' choice of their student leaders.

Of course, leaders matter to any association of people formed for a common purpose -- from campus organizations to congressional committees. The leadership of any organization determines whether it is able to carry out its mission. This is particularly true for religious groups

whose leaders conduct their Bible studies, lead their prayers, and facilitate their worship observances. For a student group to expect the student who teaches its Bible studies to believe that the Bible reflects truth is eminently reasonable. To expect the student leading prayer to believe in the God to whom she is praying is completely logical. Yet too many university administrators woodenly characterize these common sense expectations and basic religious freedom principles as “religious discrimination.”

When university administrators conflate religious organizations’ self-governance with religious discrimination, they *misuse* university nondiscrimination policies to punish the very religious students that nondiscrimination policies are supposed to protect. The problem is not with the policies but with their misuse. In the name of “tolerance,” college administrators institutionalize religious intolerance. In the name of “inclusion,” college administrators exclude religious student groups from campus.

In 2015, this Subcommittee heard testimony about the ongoing exclusion of religious student groups from campus. *First Amendment Protections on Public College and University Campuses: Hearing Before the Subcommittee on the Constitution and Civil Justice of the Committee on the Judiciary House of Representatives*, 114th Cong. 39-58 (June 2, 2015) (statement of Kimberlee Wood Colby, Director, Center for Law & Religious Freedom, Christian Legal Society).

Accompanying that testimony were several letters from former students who documented their personal experiences when their religious organizations were excluded from campus. The students’ letters were included in the supplemental hearing record at <http://docs.house.gov/meetings/JU/JU10/20150602/103548/HHRG-114-JU10-20150602-SD003.pdf> (hereinafter “Supp. Hrg. Rec.”). In their letters, these young people recounted their experiences that are representative of too many religious students’ experiences. Their stories highlight events at several well-known colleges, including:

California State University: With over 430,000 students on 23 campuses, Cal State is the largest 4-year university system in the country. In 2015, Cal State administrators implemented a new policy under which it withdrew recognition for religious organizations that had religious leadership requirements on all its campuses. Numerous religious groups were derecognized, including groups that had been at Cal State since the 1950s. Applying a double standard that is fairly typical in these situations, Cal State allowed fraternities and sororities to discriminate on the basis of sex in selecting both their members and leaders but denied religious groups permission to select solely their leaders on the basis of religion.

In her letter to the Subcommittee, Ms. Cinnamon McCellen, who was student president of Rejoyce in Jesus Campus Fellowship (“RJCF”) at the California State University Northridge campus from 2013-2015, explained that when the university derecognized her group, it “reluctantly” left the campus because it “could not pay the weekly rental fee of \$200 that CSU

said we would have to pay to keep meeting in the room that we had held our weekly meetings in for free.” She concluded, “We feel that CSU is engaging in religious discrimination by excluding religious student groups from campus solely because they exercise their basic religious liberty to choose their leaders according to their religious beliefs.” She objected, “To call this discrimination is ridiculous.” Ltr. from Ms. Cinnamon McCellen to Chairman Trent Franks (June 10, 2015) (Supp. Hrg. Rec. at 48-49).

Another Cal State student, Ms. Bianca Travis, student president of the Chi Alpha group at the California State University Stanislaus campus from 2014-2015, noted, “[F]or the first time in almost 40 years, our student group was kicked off campus by the university’s administrators, all because of our religious identity.” She concluded, “That continued discrimination makes the opportunity you are providing [*i.e.*, receiving their letters] all the more important to us: it helps ensure we won’t be forgotten.” Ltr. from Ms. Bianca Travis to Chairman Trent Franks (June 9, 2015) (Supp. Hrg. Rec. at 50).

Eventually the university retreated from its position by providing a letter stating that, under certain circumstances, religious groups’ leadership selection processes could include questions about a candidate’s religious beliefs. But the policy prohibiting religious leadership requirements continues to be the official policy, and the religious groups remain on campus solely at the discretion of university administrators. Moreover, in the past two years, some religious groups have experienced problems obtaining recognition on individual campuses within the Cal State system. Also on the books is a six year-old Ninth Circuit decision that allowed (but did not require) the university to exclude a religious group that required its members and leaders to be religious. *Alpha Delta Chi v. Reed*, 648 F.3d 790 (9th Cir. 2011). By sanctioning the university’s discriminatory treatment of a religious student group, the Ninth Circuit decision renders 25% of *all* college students in the Nation without sufficient protection for their right to meet for religious speech on campus.

Texas A&M: Dr. Ra’sheedah Richardson credits RJCF with “encourag[ing] me to pursue academic excellence and to develop character traits like integrity, wisdom, composure and faithfulness that have been essential for a successful professional career.” She participated in RJCF during her undergraduate and graduate years at Texas A&M (“TAMU”). In 2011, university administrators pressured RJCF to remove its religious requirements for its leaders and voting members in order to remain a recognized student organization. Dr. Richardson explained:

Without student group recognition, we would not have been able to continue to meet freely on campus to encourage each other in our growth both spiritually and academically. According to TAMU policy, non-recognized student groups are required to pay \$100 per instance for each room reservation. It would have cost our group up to \$7,000 per academic year to continue to operate on campus. This is far too great a hardship for a small student group like RJCF to maintain.

Ltr. from Dr. Ra'sheedah Richardson to Chairman Trent Franks (June 10, 2015) (Supp. Hrg. Rec. at 58-59). Only after legal counsel intervened on RJCF's behalf did the university allow it to remain recognized while maintaining its religious requirements.

The Ohio State University: In 2003-2004, a law student demanded that the OSU Moritz College of Law derecognize the CLS student chapter because it had religious requirements for its leaders and voting members. Mr. Michael Berry, who was then president of the CLS chapter, described the threatened harm to CLS:

The consequences of such action would have been devastating. Without the ability to meet on campus, to receive financial assistance, or to even exist as a recognized organization, I am certain CLS would have ceased to continue its ministry at The Ohio State University. Those of us for whom CLS provided a meaningful and important vehicle through which we could use our legal education for the greater good would be relegated to second-class citizens simply because of our sincerely held beliefs.

Ltr. from Mr. Michael Berry to Chairman Trent Franks, June 5, 2015, at Supp. Hrg. Rec. at 62-64.

Mr. Berry then recounted the personal consequences that he experienced as a result of belonging to a religious organization that required its leaders to be religious. He found himself the subject of a hostile education environment in which he was "often the subject of name-calling, gossip, and rumor-mongering," was "verbally admonished" by classmates for his religious beliefs, and was "warned by upperclassmen not to take courses by certain professors who were not likely to give [him] fair evaluations."

Only after CLS sought court protection did the university revise its policy to state explicitly that religious student organizations could have religious leadership and membership requirements. As a result, CLS met without problems from 2004 to 2010. But in 2010, the university asked the student government whether the university should discard its policy and no longer allow religious student groups to have religious leadership and membership requirements. Sadly, the student government urged the university to drop its protection for religious student groups, urging "that every student, regardless of religious belief, should have the opportunity . . . to apply or run for a leadership position within those organizations." Ultimately, the Ohio Legislature stepped in to prohibit public universities from denying recognition to religious student organizations because of their religious leadership and membership requirements. Ohio Rev. Code § 3345.023.

Vanderbilt University: In 2012, Vanderbilt University denied recognition to fourteen religious groups because they required their leaders to agree with the groups' religious beliefs.

The university told one religious student group that it must delete five words from its constitution's leadership requirements if it wanted to remain on campus: "personal commitment to Jesus Christ." That group left campus rather than recant their central religious belief.

The university told the CLS student chapter that it was "religious discrimination" to state in its constitution that it expected its leaders to lead its Bible study, prayer, and worship. Nor could CLS require that its leaders agree with CLS's basic religious beliefs.

Mr. Justin Gunter, student president of the CLS chapter at the time, described the university's treatment of the fourteen religious groups:

In spring 2012, our chapter, along with thirteen other religious groups, were removed from Vanderbilt. Through this process, Vanderbilt once again redefined its policy as an "all-comers" policy – a policy purporting to require that any student group must allow anyone to be a leader regardless of whether they support (or are even hostile to) the group's basic beliefs. Despite this sweeping policy, Vanderbilt only removed Christian student groups. In fact, Vanderbilt specifically exempted groups that discriminate on the basis of sex from its policy.

As Mr. Gunter observed, Vanderbilt's policy "contradict[s] the American ideal of a pluralistic society – where individuals and associations may express their opinions and beliefs freely without being censored by a university administrator or government executive." Ltr. from Mr. Justin Gunter to Chairman Trent Franks (Supp. Hrg. Rec. at 60-61).

Tish Harrison Warren, a staff member with InterVarsity Christian Fellowship at Vanderbilt in 2011-2012, who self-describes as a progressive evangelical, wrote a powerful essay to convey her disconcerting realization that "the student organization I worked for at Vanderbilt University got kicked off campus for being the wrong kind of Christians." She explained:

In effect, the [university's] new policy privileged certain belief groups and forbade all others. Religious organizations were welcome as long as they were malleable: as long as their leaders didn't need to profess anything in particular; as long as they could be governed by sheer democracy and adjust to popular mores or trends; as long as they didn't prioritize theological stability. Creedal statements were allowed, but as an accessory, a historic document, or a suggested guideline. They could not have binding authority to shape or govern the teaching and practices of a campus religious community.

In an attempt to find a compromise, Ms. Warren met several times with university administrators but to no avail, as she records:

The word *discrimination* began to be used—a lot—specifically in regard to creedal requirements. It was lobbed like a grenade to end all argument. Administrators compared Christian students to 1960s segregationists. I once mustered courage to ask them if they truly thought it was fair to equate racial prejudice with asking Bible study leaders to affirm the Resurrection. The vice chancellor replied, "Creedal discrimination is still discrimination."

It didn't matter to them if we were politically or racially diverse, if we cared about the environment or built Habitat homes. It didn't matter if our students were top in their fields and some of the kindest, most thoughtful, most compassionate leaders on campus. There was a line in the sand, and we fell on the wrong side of it.

Tish Harrison Warren, *The Wrong Kind of Christian*, Christianity Today 54, Vol. 58, No. 7 (Sept. 2014), <http://www.christianitytoday.com/ct/2014/september/wrong-kind-of-christian-vanderbilt-university.html?start=2>.

Temple University School of Medicine: Ryan Finigan, a Second Lieutenant in the United States Air Force, was a third-year medical student and a leader in the Christian Medical and Dental Association ("CMDA") chapter. CMDA required its leaders to contract to live according to biblical morality. University administrators informed the CMDA leaders that their group "would very likely have its official status revoked because" CMDA was "discriminating in our selection of leader by having our leader contract to lead a life according to biblical morality."

In his letter to this Subcommittee, Mr. Finigan implored the Subcommittee to defend students' religious freedom "not only because we should be allowed to practice our faith on our school campus, but also because the CMDA has played a critical role in the training of American physicians." Ltr. from Mr. Ryan Finigan to Chairman Trent Franks (Supp. Hrg. Rec. 65).

University of Montana College of Law: From 2007-2011, the student government at the law school denied recognition to the CLS student chapter because it required its leaders and voting members to agree with its religious beliefs. CLS dismissed its appeal when the law school agreed to adopt over 20 new rules "to ensure that student fees were allocated among student groups in a viewpoint-neutral manner" as required by the First Amendment. Ltr. from Ms. Emily Jones to Chairman Trent Franks (June 10, 2015) (Supp. Hrg. Rec. 68-69).

Boise State University: In 2008, the Boise State University ("BSU") student government derecognized several religious groups because they had religious leadership requirements. For example, the student government informed one religious group that its requirement that its leaders "be in good moral standing, exhibiting a lifestyle that is worthy of a Christian as outlined

in the Bible” violated student government policy. The group’s constitution cited Matthew 18:15-17 (where Jesus instructs His disciples on internal dispute resolution), which the student government said also violated its policy.

In a letter to the Subcommittee, the student president of Cornerstone Ministry at BSU at the time, Mr. Justin Ranger, explained:

Cornerstone Ministry could not withhold the statement of belief from our constitution since it is what determines our identity and the purpose of the club. Although, we were assured that it was unlikely that anyone who did not agree with our beliefs or the purposes of the club would attempt to run for an office in our club, it was a matter of honesty, integrity, and transparency to be upfront with the criteria by which officers would be considered. Since BSU would not accept our criteria for officers before the settlement agreement, we were forced to be de-recognized.

Ltr. from Mr. Justin Ranger to Chairman Trent Franks (June 11, 2015) (Supp. Hrg. Rec. 70-71).

Another student member of Cornerstone Ministry, Mr. Jesse Barnum attempted to secure recognition for another religious student group, the Veritas Forum, which would invite speakers to “explore life’s hardest questions . . . like what is morality, and why is there suffering and pain in our lives and in the world” from a Christian perspective at events open to the entire campus. Despite the fact that the Veritas Forum’s first event drew 240 students and faculty, the university denied it recognition because it required its leaders to agree with its religious beliefs. He wrote:

Religious student organizations have a vital role in university life. Not only do they support those students who are part of a particular religion, they increase the cross-section of ideas present on campus. Without the presence and articulate expression of these ideas on campus, the quality and success of a university education diminishes.

Ltr. from Mr. Jesse Barnum to Chairman Trent Franks (June 11, 2015) (Supp. Hrg. Rec. 72-73). In order to settle a court challenge brought by several religious student groups, the university agreed to allow religious organizations to maintain religious criteria for leaders.

But in 2012, the university informed the religious organizations that it intended to adopt a new policy, which would have the effect of excluding religious organizations with religious leadership requirements from campus. In response, the Idaho Legislature enacted legislation to protect religious student groups at public universities. Idaho Code § 33-107D.

University of South Carolina School of Law: In 2008, the CLS student chapter was denied access to student activity fee funding that was available to other student groups solely

because it was religious. As the CLS student president at the time, Mr. Robert S. “Trey” Ingram III, explained to the Subcommittee, after the group challenged the policy in court, the university adopted a new policy that allowed all student groups to be funded on the same terms. Ltr. from Mr. Robert S. “Trey” Ingram III to Chairman Trent Franks (June 11, 2015) (Supp. Hrg. Rec. 74-75).

Indiana University: In August 2015, the university announced that it would change its policy so that religious student groups could no longer require their leaders to agree with the groups’ religious beliefs. In an FAQ explaining its new policy, the university forthrightly admitted that “a chapter of a religious student alliance would not be permitted to forbid someone of a different religion, or someone non-religious, from running for a leadership position within the SGSO.” (“SGSO” is the acronym for “self-governed student organization,” which is the university’s term for recognized student organizations.) The FAQ asked, “May SGSOs require students seeking to serve in leadership positions to be members of a particular religion?” The FAQ answered, “No.” But, predictably, the university allowed fraternities and sororities to discriminate on the basis of gender in their selection of members and leaders. “Frequently Asked Questions about SGSOs and Indiana University’s Non-Discrimination Policy, <http://policies.iu.edu/docs/academic-policy-docs/student-orgs-faqs.pdf>.”

Nineteen religious student groups, including Catholic, Muslim, Jewish, and Christian student groups, sent a letter to the administration expressing their concerns about the new policy and its impact on religious groups’ ability to choose their leaders according to their religious beliefs. After seven months of constant communication from students, alumni, donors, and political leaders, the university announced that it would return to its original policy that allowed religious student groups to have religious leadership requirements.

Southeast Missouri State University: In the 2015-2016 academic year, the university denied a religious student group recognition because it required its leaders to agree with its religious beliefs. The group worked hard to persuade the administration and the student government to adopt a policy that would respect religious groups’ ability to choose their leaders. But in April 2016, the student government voted *against* adopting such a policy. Several more religious groups then sent a letter to the university stating that they would not be able to remain on campus if they could not require their leaders to agree with their religious beliefs. In October 2016, the university and student government agreed that religious student groups could keep their religious requirements for leaders.

Conclusion

With our nation’s colleges at a crossroads, the Subcommittee can influence the road that our Nation’s colleges choose to travel. American universities and colleges can increase campus diversity by respecting religious students’ freedoms of speech and religious exercise. Or they can misuse policies to exclude religious student groups from campus. The road colleges choose is important not only to protect religious students and to preserve a diversity of ideas on

Letter to Chairman King and Ranking Member Cohen

April 26, 2017

Page 9 of 9

college campuses, but also to prevent religious intolerance from infecting our broader civil society.

The genius of the First Amendment is that it protects everyone's speech, no matter how unpopular, and everyone's religious beliefs, no matter how unfashionable. When that is no longer true — and we are dangerously close to the tipping point — when universities misuse their policies to suppress traditional religious speech and belief, then the pluralism so vital to sustaining our political and religious freedoms will soon cease to exist.

Respectfully submitted,

/s/ Kimberlee Wood Colby

Kimberlee Wood Colby
Director, Center for Law & Religious Freedom
Christian Legal Society

SITE MENU

The Middlebury Campus

Student Protests Prevent Charles Murray From Delivering Lecture

by [Will DiGravio](#) / [charles murray \(0\)](#) in [News](#) / [March 2, 2017](#)



Student-led protests prevented Dr. Charles Murray, a W.H. Brady Scholar at the American Enterprise Institute (AEI), from delivering a lecture scheduled to take place at 4:30 PM in Wilson Hall at the McCullough Student Center. The College's AEI Club invited Murray to speak about his 2012 book "Coming Apart," and to engage in a conversation with Russell J. Leng '60 Professor of International Politics and Economics Allison Stanger.

Opening remarks were delivered by the College's Vice President for Communications and Chief Marketing Officer Bill Burger, AEI Executive Board Member Ivan Valladares '17

and Middlebury President Laurie L. Patton. AEI Co-President Alexander Khan '17 introduced Murray. After Murray arrived at the podium, students began to protest.

Approximately twenty minutes after the protest began, the College canceled the live event in Wilson Hall and decided to live stream a private conversation between Murray and Stanger. That live event will be made available through the College's News Room.

UPDATE – March 3, 2017

In the time that that has passed since this article went live, new developments have emerged. As reported by the Addison County Independent, protestors injured Professor Allison Stanger as she escorted Charles Murray off campus following the conclusion of their live streamed conversation.

“During this confrontation outside McCullough, one of the demonstrators pulled Prof. Stanger’s hair and twisted her neck,” the College’s Vice President for Communications and Chief Marketing Officer Bill Burger said.

“The protestors then violently set upon the car, rocking it, pounding on it, jumping on and try to prevent it from leaving campus,” he said. “At one point a large traffic sign was thrown in front of the car. Public Safety officers were able, finally, to clear the way to allow the vehicle to leave campus.

According to Burger, “She was attended to at Porter Hospital later and (on Friday) is wearing a neck brace.”

More information will be provided in next week’s issue of The Campus.

For videos and pictures of the event, please see below:

Video of Opening Remarks and Student Protest:



View this video on Periscope

here: <https://www.periscope.tv/w/1djGXvXoLkexZ#>

Line of Students Waiting Outside Wilson Hall to Attend Murray’s Lecture:

Middlebury Students Wait Outside Wilson Hall to Enter Ch...



This video was shot 15 minutes before the lecture began. Nearly all of these students were unable to attend the lecture after Wilson Hall reached maximum capacity.

After the Lecture Was Canceled:



Middlebury Campus

@middcampus

Protests continue as the conversation between Murray and Stranger are streamed into Wilson Hall.



5:30 PM - 2 Mar 2017



Middlebury Campus
@middcampus

Students continue to protest live stream by marching in place and holding signs.

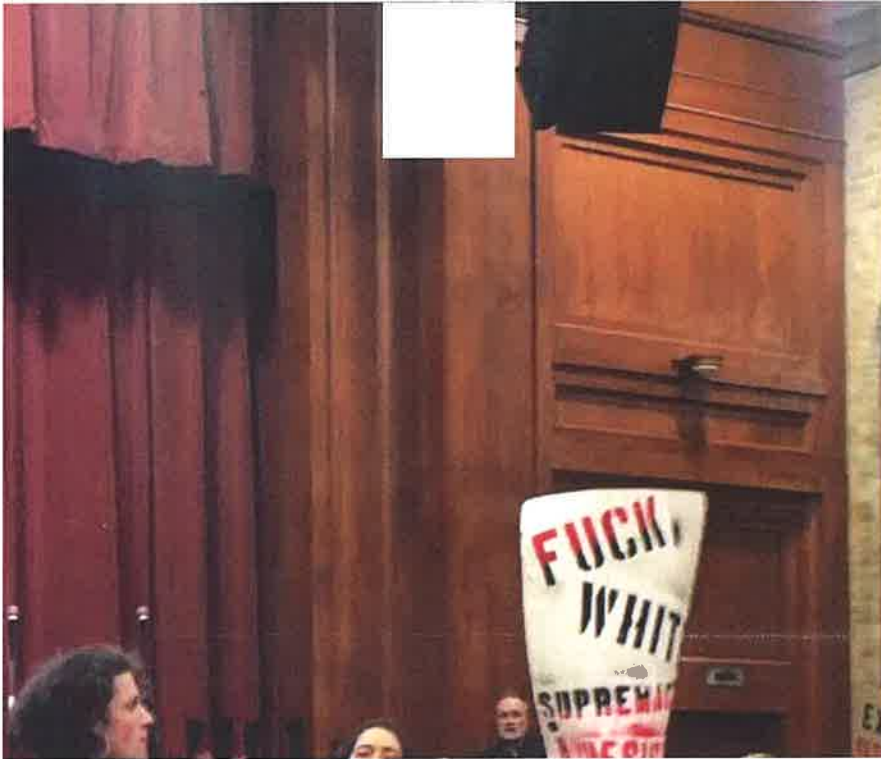


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2



5:35 PM - 2 Mar 2017



Middlebury Campus

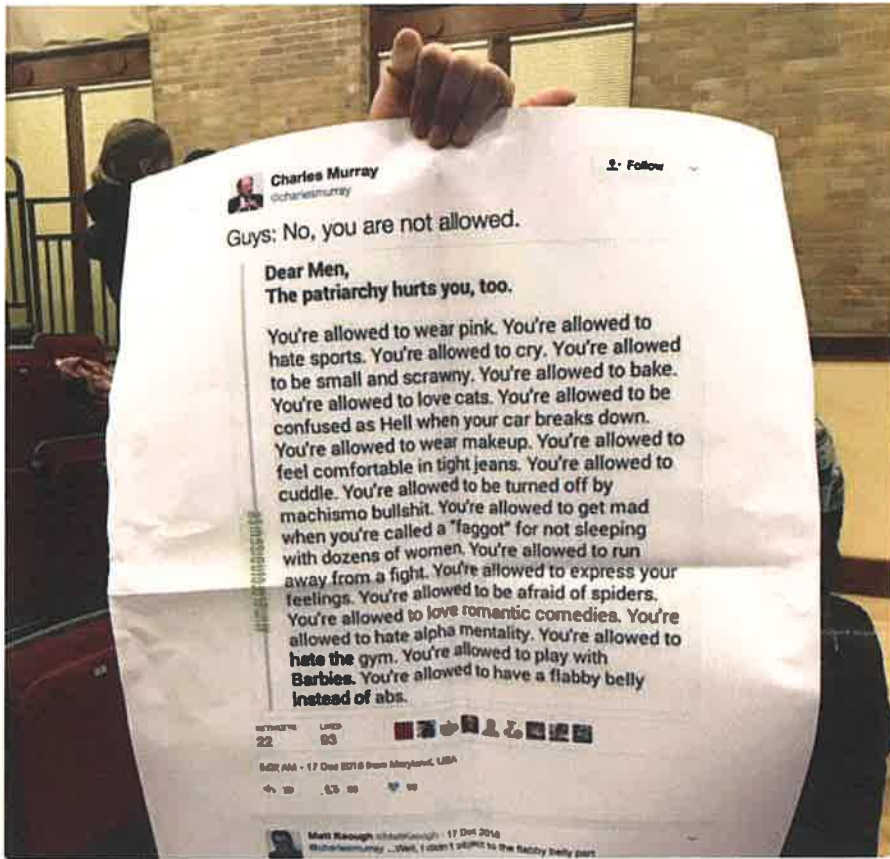
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Protests continue:

5:37 PM - 2 Mar 2017

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5:49 PM - 2 Mar 2017



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Doors to McCullough Student Center are locked.
Student protests continue outside:



RETWEETS

4

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5:56 PM - 2 Mar 2017

Look for more detailed coverage of the event in next week's issue of The Campus. For more information and opinion pieces written about the event, please see below.

February 22, 2017:

“AEI Invites You to Argue” By AEI Club Members

March 2, 2017:

“An Open Letter to the Middlebury Community” By Charles Murray



Charles Murray shouted down on campus: 'Liberal tolerance' is an assault on self-governance itself

BY RACHEL MACKEY, OPINION CONTRIBUTOR - 03/05/17 07:00 AM EST

Just In...

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STATE WATCH — 12M 37S AGO

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On Friday, Charles Murray, author of [“Coming Apart”](#) and [“The Bell Curve,”](#) was driven out of the McCullough Student Center at Middlebury College by a mob of angry students. He gave his talk via live stream from an [“undisclosed location”](#) on campus. The live stream was chanted over, the fire alarm [pulled](#) to cut power, and at the end of the talk Charles Murray’s car was surrounded and Professor Allison Stanger, his interlocutor, was assaulted, her hair pulled and her neck injured.

The protesters were successful. They drowned out freedom of speech, silenced those with whom they disagree, and attacked the defenders of democracy.

The words that carried the night were not Murray’s. And they were not the reasoned arguments of those who disagree with Murray. They were the chants of an angry mob who believed that disagreeing with Murray necessitated silencing both him and those who had asked him to speak: [“Charles Murray go away,”](#) the students chanted, [“Racist, Sexist, Anti-Gay.”](#)

Left unanswered is the pleading question of Middlebury's Dean of Students, Baishakhi Taylor, who asked, "[How do we engage in civil discourse?](#)" In light of events like these, we may ask ourselves — worryingly — how are we to engage in democracy?

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Democracy is based upon the principle that citizens can think for themselves, choose for themselves, and vote their conscience. The tradition of free speech, freedom of the press, and freedom of assembly that we are so lucky to enjoy in America is meant to provide all Americans with the capacity to promote their views. These liberties help to protect us from tyranny no matter its form — whether the despotic rule of one or the vulgar justice of a mob.



Charles Murray
@charlesmurray

Follow

Report from the front: The Middlebury administration was exemplary. The students were seriously scary.

11:47 PM - 2 Mar 2017 · Vermont, USA

324 858

Alexis de Tocqueville, one of the most astute commentators on American democracy, was no devotee of freedom of expression. "If anyone could point out an intermediate and yet tenable position between the complete independence and the entire servitude of opinion," he [writes](#), "I should perhaps be induced to adopt it."

Yet, he admits, "When the right of every citizen to a share in the government of society is acknowledged, everyone must be presumed to be able to choose between the various opinions of his contemporaries and to appreciate the different facts from which these inferences to be drawn."

Protesters who silence others by angry chants presume their fellow citizens not capable of choice — unfit for self-government. The protesters believe they should choose for their fellow students — and for their fellow citizens. They believe that affording individuals like Murray — with whom they obviously disagree — a forum in which to speak implies agreement with the individual's views. Even those who support free speech without necessarily supporting the proffered opinions are met with derision and violence.



Charles Murray
@charlesmurray

Follow

This is how WaPo reports on an out-of-control mob that physically assaults a speaker and a professor?

[washingtonpost.com/national/higher...](http://www.washingtonpost.com/national/higher-education/2017/03/03/middlebury-protesters-physically-assault-speaker-professor/)

9:45 AM - 3 Mar 2017 · Vermont, USA

1,657 1,922

Charles Murray was [invited](#) to Middlebury by its American Enterprise Institute student club, and the event was cosponsored by the Department of Political Science. Middlebury President Laurie Patten introduced the event, [saying](#), "I will state here that I profoundly disagree with many of Mr. Murray's views." She also remarked, "Middlebury students have the right to assert their views publicly and privately."

Her position was clear. However much she disagreed with Dr. Murray's work, she believed he had the right to speak. The students applauded her comments, but seemed to ignore her toleration of those with whom she disagreed. Cutting off Murray's first sentence, they asserted, "These are not ideas that can be fairly debated ... there is not a potential for equal exchange of ideas," and with that they filled the halls, swarmed the stage, and shut down the discussion.

Students Protest Lecture By Dr. Charles Murray at Middlebury Col...



Middlebury College, home to roughly 2,500 students, is obviously just a small snapshot of American life, and the protesters represent but a fraction of Middlebury's student body. Middlebury is renowned for providing matriculants a rich, liberal arts education. But that education is under threat — not only at Middlebury, but at colleges and universities around the country.

The riot that silenced Dr. Murray is not the only of its kind. Similar events have taken by storm [UC Berkeley](#), [NYU](#), and the [University of Washington](#). Higher education is supposed to provide students with the skills to become working professionals, knowledge to help govern our nation, and wisdom to be good citizens.

Freedom of speech under attack should cause great alarm. Whether its defenders will speak up will tell us much about the state of American democracy.

Rachel Mackey is a research fellow at Hudson Institute. She graduated from Middlebury College in 2011.

The views of contributors are their own and not the views of The Hill.

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