



Where free speech goes to die

By Charles Mitchell

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Truth in advertising is a valuable ethical concept. There is even a body of law that deals with fraud, false advertising, and breach of contract. You cannot sell a Cadillac with the engine of a Ford Pinto and claim it is a Cadillac.

In the abstract, America's colleges and universities offer students a variety of high-end products: an education in freedom, intellectual diversity, the broadening of the mind, critical inquiry, and pluralistic social experiences. In practice, students are given quite the opposite. The majority of our colleges and universities have fundamentally redefined their missions - without telling anyone. No longer is their goal to prepare students for the outside world, or to teach young people how to think. Instead, they seek to tell us what to think - to inculcate students with partisan ways of perceiving the world and an official vision of how society should work.

Theoretically, students will learn to harness the power of the human mind and to draw conclusions about the world for themselves. Instead, college life today is characterized by a ruthless insistence on allegiance to a mandated orthodoxy. This insistence finds its clearest expression in restrictions on what students may and may not say - speech codes. But don't expect any college administrator to admit his institution has a speech code. Instead he'll bury it in the "verbal harassment" code.

Instead of allowing competing ideas to duke it out in the hallowed halls of academia, universities simply outlaw certain types of speech. At their best, these codes criminalize the stupid; at their worst, they penalize legitimate discourse on the grounds of some person or, more likely, some group's perceived "offense."

Speech codes dramatically shift the college or university's mission from facilitation of debate to sheltering from hurt - from preparation to patronization. They are blatantly unconstitutional at public universities, and at private institutions they frequently represent breach of contract, as most colleges still advertise themselves as protectors of free expression.

Take, for instance, the University of New Hampshire's "Residential Life Prejudice Intervention Protocol." That code claims to "address acts of prejudice" and deems them "unacceptable." Sounds reasonable enough. But what this code calls unacceptable prejudice is simply mind-blowing - it's what the rest of us call free speech. Have a look:

- "Cultural Conflicts: includes confrontations, disagreements, and arguments between individuals or groups from different ethnic, racial, religious, cultural backgrounds and/or lifestyles ... due to any of the following: race, religion, ethnicity, gender, sexual orientation, and/or cultural background. Types of residential incidents include ongoing and unproductive culturally based arguments between roommates, disagreements between floor members over 'political' material posted on their room doors, etc."
- "Use of Inappropriate Language: use of words or phrases [written or verbal] by the perpetrator[s] that may be racist, sexist, heterosexist [homophobic], etc. in origin, but have been incorporated into his/her commonly used vocabulary. The perpetrator may or may not have specific or general intent to harm by using the statements. Types of incidents previously reported include alleged 'joking' comments between friends, roommates, floormates"

This outrage is by no means confined to UNH. A student at my own university, Bucknell, was sanctioned in 2002 for an incident

precisely along the lines of what UNH calls "use of inappropriate language." Yes, Bucknell's "Guide About Bias-Related Incidents" bans "disparaging and condescending remarks about a person's nationality, religious beliefs, or sexual orientation" and "verbal abuse, including anti-gay jokes and disparaging remarks about one's race or language." Bucknell's campus court has a record of convicting students for violating a student's "right to feel comfortable." That policy makes me feel very uncomfortable but, because of my political views, my sensitivities are given no standing whatsoever at Bucknell. Further, I have been the target of "disparaging" and "offensive" remarks on hundreds of occasions. Some of the things said about me, my family, my ethnic background, and my religious views have deeply offended me. Yet I am a second-class citizen at Bucknell.

No college student has a "right to feel comfortable" - in fact, quite the opposite. College should be a place where one's most closely held beliefs are called into question. Instead, it has become a place where administrators profess to protect students - who are, in fact, adults - from any perceived "offense," "condescension," or "disparagement."

However, they do this with a wicked double standard. Whereas in hundreds of documented cases, students are convicted for offending the sensibilities of so-called minority students, you will never find a case of a student convicted of offending a conservative student.

The Bucknell administration repeatedly denies the existence of a speech code - even though I know at least one student convicted of violating the speech code.

Policies like those at UNH and Bucknell, unfortunately, are not the exception. Florida Tech outlaws "the use of threatening words or actions that are likely to, or do in fact, cause emotional distress." The University of Louisville [Ky.] prohibits "persisting in requests for dates after being told they are unwelcome." The University of Michigan bans "sexual innuendoes and comments," "rating a person's sexuality," and "sexually suggestive sounds or gestures such as sucking noises, winks, or pelvic thrusts." Elvis would not have been welcome at the U of M, and not just because he was a white male.

After three years of research, the Foundation for Individual Rights in Education [FIRE] will put all these egregious codes where they belong: in plain sight. This September, FIRE will launch speechcodes.org, a ground-breaking Web site that will catalog the speech codes at hundreds of American colleges and universities.

But what does it say that our colleges and universities, run in large part by the children of the "progressive" '60s, have to be sued en masse in order to prevent them from trampling the First Amendment? A recent example of the mentality of the "progressive" administrators is the case of Steve Hinkle, a student at Cal Poly, who was convicted of "disruption" for posting a flyer advertising a speech by black conservative Mason Weaver. The reason? Some black students were offended by the title of Mr. Weaver's speech - "It's OK to Leave the Plantation." FIRE's on the case.

Unfortunately, when students enter college they check their constitutional rights at the door and are labeled "insensitive," "racist" or worse if they protest. In my case, I have been persecuted, prosecuted, and even publicly accused of wanting to "hurt" minorities because the student publication I edited at Bucknell, the *Counterweight*, criticized the university's speech code.

Free speech gulags must be put where they belong - where Ronald Reagan put the Soviet Union - on the ash heap of history. And the only way to do it is to expose them for what they really are. Sunlight truly is the best disinfectant.

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