

## Free Speech and its Limits

We have to balance the right to free speech with a conflict to citizens' safety. In the context of college campuses allowing or forbidding visitors from speaking, that means letting speakers of different viewpoints visit, but banning ones who pose a clear and present danger to students due to their inflammatory viewpoints.

It's certainly in vogue to write articles ridiculing college students for their seemingly ridiculous overreactions to speakers they disagree with. A popular example is Milo Yiannopolous' visit to the University of Wisconsin- Milwaukee, during which students protested and forced him to leave. The students who protested were condemned by people on both sides of the aisle for their inability to deal with viewpoints that are dissimilar to theirs. Briefly after the protests, Wisconsin lawmakers put forth a bill to suspend or expel students that protest speakers. In the eyes of these lawmakers and the many other people that disagreed with the protestors, their complaints were without substance. Proponents of free speech maintain that it is important to keep college campuses free from any restrictions. Although we shouldn't allow campuses to be places in which only one viewpoint is permitted, their accusations that the protestors' objections were baseless aren't entirely true. When Milo Yiannopolous spoke at Milwaukee, a transgender student was forced to leave the school because of the

massive amount of harassment she faced after Milo Yiannopolous singled her out and called her transphobic slurs in front of fellow students.

In an article from the New York Times titled “What College Students Really Think About Free Speech”, the author states that only a small majority of students surveyed believe that protecting a diverse and inclusive society is more important than free speech. It goes on to say that “a majority of students in every demographic drew a line for hate speech, saying that it does not deserve First Amendment protection.” However, the idea that hate speech is not protected under the First Amendment is actually a popular misconception. There is no exception for hate speech. Any argument posing that speech should be restricted because it is hate speech is unconstitutional and inherently flawed. There is one exception that does apply in this instance: “Fighting words”. In *Chaplinsky v. New Hampshire*, the Supreme Court established “Fighting words” as words which “by their very utterance, inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality”, and thus are unprotected by the First Amendment. They clarified this point further in *Terminiello v. City of Chicago*, which defined “Fighting words” as words which produce a clear and present danger. The ruling went on to state

“If we maintain a general policy of free speaking, we must recognize that its inevitable consequence will be sporadic local outbreaks of violence, for it is the nature of men to be intolerant of attacks upon institutions, personalities and ideas for which they really care. In the long run, maintenance of free speech will be more endangered if the population can have no protection from the abuses which lead to violence. No liberty is made more secure by holding that its abuses are inseparable from its enjoyment. We must not forget that it is the free democratic communities that ask us to trust them to maintain peace with liberty, and that the factions engaged in this battle are not interested permanently in either.”

R.A.V. v. St. Paul is not the final word on the topic of free speech, because the limits to the First Amendment have been debated in the Supreme Court for centuries. Their stance on the topic has changed with the times, and every case brings up a new perspective and a new definition of what speech is protected and what is not.

If a speaker incites violence onto students at a campus, they should not be permitted to speak on the campus. The reasoning behind this is not that students might possibly disagree with the speaker, but instead that they face a very real threat of violence caused directly by the rhetoric endorsed by the speaker. The Supreme Court has established in many cases relating to free speech that although hate speech is protected, speech that poses a clear and present danger to others is not. Therefore, we should allow speakers of many different viewpoints to come to college campuses and

give them a chance to share their thoughts, but it is important for the safety of students to restrict the speakers whose views will incite violence.

Word Count: 801

## Bibliography:

Chokshi, Niraj. "What College Students Really Think About Free Speech." The New York Times, The New York Times, 12 Mar. 2018, [www.nytimes.com/2018/03/12/us/college-students-free-speech.html](http://www.nytimes.com/2018/03/12/us/college-students-free-speech.html).

Hashmall, Joe. "Fighting Words." LII / Legal Information Institute, 30 Sept. 2009, [www.law.cornell.edu/wex/fighting\\_words](http://www.law.cornell.edu/wex/fighting_words).

Hawkins, Derek. "Wisconsin Lawmakers Advance Bill to Suspend or Expel Students Who Disrupt Campus Speakers." The Washington Post, WP Company, 22 June 2017, [www.washingtonpost.com/news/morning-mix/wp/2017/06/22/wisconsin-assembly-advances-bill-to-suspend-or-expel-students-who-disrupt-campus-speakers/?utm\\_term=.aba365fc93a4](http://www.washingtonpost.com/news/morning-mix/wp/2017/06/22/wisconsin-assembly-advances-bill-to-suspend-or-expel-students-who-disrupt-campus-speakers/?utm_term=.aba365fc93a4).

"Terminiello v. Chicago, 337 U.S. 1 (1949)." Justia Law, [supreme.justia.com/cases/federal/us/337/1/case.html](http://supreme.justia.com/cases/federal/us/337/1/case.html).