



## The bipartisan war on free speech is self-destructive

Brad Polumbo

November 2, 2017

If you live on a college campus like I do, you might think the biggest threats to free speech are liberal protesters or left-wing professors who crack down on conservative thought. But a new study from the Cato Institute rubbishes the notion that First Amendment heresy is exclusive to any party.

The results make it clear that the ongoing assault on free speech is a bipartisan effort. Yet what both parties forget is that in a democratic society, any effort to constrain the free expression of your political opponents will come back to bite you.

Right-wing media has long decried college campuses for cracking down on free speech and conservative thought—and not without good reason. Just in the last year, a professor was hospitalized after Charles Murray’s speech was shut down by protesters at Middlebury College in Vermont, and pundit Ann Coulter saw her speech at the University of California, Berkeley canceled after threats of violence meant that the university couldn’t guarantee her safety. But this new study from Cato shows that liberal hostility toward the First Amendment isn’t limited to college campuses.

It found that many on the Left no longer support the same free expression that was once the foundation of classical liberalism. A majority of Democrats now support banning hate speech, and almost 60 percent said that “offensive” Facebook posts should get an employee in trouble at work.

But liberals aren’t just keen on prohibiting speech—they’ve also gotten behind the idea of compelling it.

Cato’s study found that a law forcing people to use transgender people’s preferred pronouns would garner support from 59 percent of liberals. California just passed a law making it a crime for nursing homes to misgender transgender people, and New York enacted civil penalties for landlords and businesses that do so. About 53 percent of Democrats think that supporting a racist’s right to free speech is just as bad as holding hateful views yourself.

Clearly, many so-called liberals have decided that fighting hate is more important than freedom of expression.

Some liberals take the idea of fighting hate literally. About 51 percent of people who identify as “strong liberals” see nothing immoral about punching a Nazi. Only 56 percent of Democrats, a slim majority, think that this kind of violence is morally unacceptable.

If only conservatives could claim the moral high ground. Burning the flag is a form of constitutionally-protected free expression, but 53 percent of Republicans still think that anyone who does so should have their citizenship revoked—an outrageous sentiment echoed by President Trump in a tweet right after his election. Like Democrats, conservatives believe in workplace retribution for offensive ideas. About 65 percent of Republicans think NFL players who kneel for the national anthem should be fired, while 54 percent say that burning the flag should be a fireable offense for business executives. For all their talk about freedom of religion and gay wedding cakes, 47 percent of Republicans still don't think we should allow new mosques to be built.

Across the board, Americans are turning their back on the First Amendment. What people don't realize, is that they're doing this at their own peril. Regardless of your political affiliation, "free speech for me, but not for thee" isn't a sustainable strategy because political power comes and goes with elections. Constitutional rights shouldn't.

About 40 percent of Americans think that the government should prevent hate speech in public. But who gets to decide what "hate" is? Who's to define what "public" means? Cato's study found widespread disagreement on what exactly constitutes hate speech. In part, this vagueness is why the Supreme Court ruled that hate speech can't be a free speech exception. Any characterization of "hate speech" is inherently subjective, and that kind of gray area will inevitably be used as a political weapon.

If conservatives are willing to compromise free speech over protests at a football game, they won't be able to complain when a future President Warren or Sanders passes laws criminalizing the misgendering of transgender people, or religious aversion to homosexuality. At the same time, if liberals crack down on hate speech, they'll have little recourse when authoritarian conservatives such as President Trump extend that to include flag burning or other forms of political dissent.

Voters on both sides should realize that when First Amendment rights are eroded, it will come back to haunt them, regardless of party.