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Jacques: Trump is not the fix for free speech on the quad

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Popular conservative brand Ben Shapiro made an appearance at the University of Michigan Tuesday. The sold-out event was hosted by Young America's Foundation.

And in typical fashion, campus liberals freaked out.

A handful of protesters greeted Shapiro, and the UM history department and history club hosted a counter event — dubbed, “When Provocateurs Dabble in History: Ben Shapiro and the Enwhitenment” — to offer troubled students a safe space from conservative thought.

These folks were apparently offended by Shapiro's latest book, “The Right Side of History: How Reason and Moral Purpose Made the West Great.”

Scary.

This is emblematic of the rampant intolerance on college campuses that led President Donald Trump to announce he would be issuing “very soon” an executive order requiring universities to support free speech.

His promise, made at the annual Conservative Political Action Conference earlier this month, was met with cheers.

Since no one has yet seen this presidential decree, it's hard to know how far it may go.

Some groups, such as YAF, have voiced initial support for Trump's promise. Others — including free speech advocates — aren't so sure and are awaiting more information.

Prior to mentioning the executive order, Trump brought up conservative activist Hayden Williams, who got walloped last month while recruiting students to his Leadership Institute on the University of California-Berkeley campus.

Trump said Williams had taken “a hard punch in the face for all of us.”

For many college conservatives, that's what it feels like to hold contrary ideas at liberal institutions that claim to embrace all kinds of diversity — except for diversity of thought. And that's led to numerous policies and campus handbooks that hamper free speech rights.

The Foundation for Individual Rights in Education, which monitors free speech and due process on campus, released a December report that looked at speech policies at 466 top colleges, and found nearly 90 percent restrict student and faculty expression — or could easily do so.

“Colleges should be a place for open debate and intellectual inquiry, but today, almost all colleges silence expression through policies that are often illiberal and, at public institutions, unconstitutional,” stated senior program officer Laura Beltz, lead author of the study.

A few of Michigan’s schools, including UM, have been called out by FIRE as some of the worst violators of free speech.

UM got slapped with a federal lawsuit last May by the organization Speech First, in part for its overly broad attempts to monitor student conduct. Its “bias response team” is a focus of the suit because it encourages students to spy on each other and report any offensive behavior to administrators — this could easily have a chilling effect on speech.

Nicole Neily, the founder of Speech First, says she brought a similar case against the University of Texas in December and another suit is forthcoming.

“Sadly, there are many problems,” she says.

So credit the president for shining a light on a very real problem. But that’s where his involvement should end.

“There are terrible environments at many schools, but there are huge dangers that go with any federal effort to police expression,” says Neal McCluskey, director of the Cato Institute's Center for Educational Freedom.

Trump indicated the order would apply to institutions that accept roughly \$30 billion in annual federal research dollars — a more narrow impact.

Yet if Trump were to broaden his order to include any college that accepts federal funds, including the \$150 billion in annual student aid, that would expand its reach to nearly every campus, public and private. Only Michigan’s Hillsdale College and a handful of others nationwide refuse any form of government money.

Last June, the Justice Department filed an official "statement of interest" in the UM case, arguing the university was in effect censoring constitutionally protected free speech.

Even those who are frustrated with the slow pace of free speech court battles acknowledge the First Amendment offers adequate protection. A presidential hammer isn’t needed.

“To have the president dictate what policy will be is an extremely dangerous way to do anything,” McCluskey says.