



Not Absolute

'Free speech may not be absolute, but absolutely it is close'

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Free speech is not absolute.

Famously, Oliver Wendell Holmes wrote nearly 100 years ago, “the most stringent protection of free speech would not protect a man falsely shouting fire in a theater and causing a panic.”

But if there is an exception, it might be the University of California at Berkeley, the epicenter of the 1960s’ Free Speech Movement. The campus often attracts — and gives credence to — controversial speakers in the twin interests of academic freedom and freedom of speech.

Last week, conservative provocateur Ann Coulter withdrew from a speaking engagement at the school when it became clear Berkeley could not guarantee her safety or the safety of the audience. In so doing, she became an unlikely martyr.

“This is the third time this year protesters and rioters have denied conservatives an equal chance to speak at Berkeley, which is, as we said, a taxpayer funded school nominally subject to the First Amendment,” Tucker Carlson crowed to Fox News viewers Thursday as he introduced Coulter on a segment of his show. “You’d think so anyway. Apparently, though, hecklers and rioters get a veto there, as long as they are left of center.”

Cal earned its free-speech chops with nonviolent protests in 1964. Yet last year, when alt-right protagonist Milo Yiannopoulos spoke at the university, non-student anarchists rioted and left more than \$100,000 in damage to the campus.

Coulter said she was going to deliver a “searingly brilliant speech on immigration” but complained university officials kept changing their minds about when and where she would speak. Ultimately, the organizations inviting her, BridgeUSA and College Republicans, disinvited her. As such, Coulter was able to declare victory, claim Bernie Sanders and Elizabeth Warren as allies and expose liberals as hypocritical doofuses.

But Coulter has no interest in an open dialogue. She craves attention, and attracts it by making intentionally incendiary remarks, often denigrating anyone who disagrees with her.

In mocking liberals, her supporters overlook how they ravaged NFL quarterback Colin Kaepernick for the way he exercised his First Amendment rights to kneel during the national anthem in a protest for the way people of color are treated in the United States. Coulter’s friends at Fox howl on cue after Halloween each year at a nonexistent retail campaign to change “Merry Christmas” to “Happy Holidays.”

Alex Nowrasteh of the libertarian Cato Institute noted Coulter and her supporters exercise “patriotic correctness.”

“It’s a full-throated, un-nuanced, uncompromising defense of American nationalism, history and cherry-picked ideals,” he wrote in the Washington Post in December. “Central to its thesis is the belief nothing in America can’t be fixed by more patriotism enforced by public shaming, boycotts and policies to cut out foreign and non-American influences.”

Should Coulter have been allowed to speak? Yes. Whatever the contents of her \$20,000 address, instead of the thin veneer of hatred it likely contained, it gained bulletproof status when it was denied. Repressing ideas often gives them that unnecessary currency.

Holmes, it is said, later reconsidered his decision in the 1919 case, *Schenck v. United States*, which denied Americans the right to protest the wartime draft. If the case were heard today, even the panel’s most conservative judges would have difficulty ruling the way Holmes and his peers did. Americans have learned if free speech is to be of any worth, it must be given wide berth. Free speech may not be absolute, but absolutely it is close.