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House of Representatives

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Opening Statement “Challenges to Freedom of Speech on College Campuses” Rep. Raja Krishnamoorthi, Ranking Member

Joint Hearing on “Challenges to Freedom of Speech on College Campuses” Subcommittees on Healthcare, Benefits, and Administrative Rules and Intergovernmental Affairs

July 27, 2017

Thank you, Mr. Chairman. And thank you Chairman Palmer and Ranking Member Demings.

Free speech is a cornerstone of this nation’s commitment to ensuring that we are able to have the most robust and wide-open discussion on issues that affect the public. Our First Amendment protections are among our most cherished rights. While certain restrictions on the time, place and manner of speech can exist, any law that seeks to limit the *substance* of speech should be approached with great caution. Restrictions may exist on *how, when, and where* people say things, but the government fundamentally should not restrict *what people say*.

The Supreme Court has rightly held that practically any peaceably-expressed idea cannot be suppressed by law, no matter how unpopular, repugnant, crude, or ill-informed it may be. However, free speech does not mean the right to be free from criticism. As I have a right to state my view, you have a right to disagree vocally, passionately, and peaceably. No idea should be free from criticism.

This is why I am particularly concerned about a Wisconsin bill that would allow for the suspension or expulsion of any University of Wisconsin student who engages in “indecent, profane, boisterous, obscene, unreasonably loud, or other disorderly conduct that interferes with the free expression of others.” This law does not merely seek to restrict the time, manner, or place of speech, but threatens students with disciplinary action for exercising their first amendment rights.

While nobody should interfere with anyone else’s free expression, the bill as drafted opens the door for the State government to quash any form of student protest its officials do not agree with whenever officials deem the conduct to be “indecent,” “boisterous,” or “profane.” Regardless of the intentions behind this bill, I am very concerned about the chilling effect on the rights of students to speak out against the ideas of others with whom they disagree. Ironically, while proponents of the Wisconsin bill claim that it is to protect free speech

at the University, the bill's threat of harsh discipline against students who express their opinions would have the precise opposite effect.

The Anti-Defamation League, which has worked for over a century to protect Americans' civil rights, and is represented here today, has raised legitimate concerns with legislative efforts that would inhibit the free speech rights of students. As the Anti-Defamation League points out, protecting free speech on college campuses should not be partisan, and most importantly, "should not be legislated by Congress. Rather, it should be left in the hands of the academy."

To that effect, it is critical that in looking to address the challenges of free speech, we do not do the very thing that some here today have criticized colleges in doing: suppressing certain forms of speech that may not be popular or is offensive to others.

As we examine the issue of free speech at our nation's colleges, we are fortunate to be joined today by Mr. Fred Lawrence, a former President of Brandeis University, and who can speak from first-hand experience the challenges university administrators face in balancing free speech on campuses. Mr. Lawrence understands the complexities of running a university in a way that legislatures do not, and can explain for us the difficulties campuses face when addressing free speech challenges.

Ironically, we have a situation here where we see some of my colleagues advocating for more government intrusion in an effort to quell the rights of students to challenge the ideas of speakers they may have profound disagreement with. But just as important as it is for us to stand up for the rights of others to engage in speech that may be deeply offensive to some, it is just as critical that we stand up for the rights of students to protest and speak out against speech they disagree with.

That isn't going to happen because of greater, more restrictive legislation such as the Wisconsin bill. It will happen because colleges and universities are allowed the freedom and flexibility to encourage open expression among students and faculty.

Thank you, Mr. Chairman.

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