# Right to Speech and University Students

On 20 April, 2017, the management of the University of California, Berkeley, temporarily canceled a planned speech on its campus grounds by Ann Coulter, who was a conservative commentator, but later re-invited has to speech to the campus’ students. The move by the university came just after a day a judge had overruled Auburn University’s move to cancel a speech that was to be held on their university grounds by Richard Spencer, who is a while nationalist. Nonetheless, he went ahead and spoke (Villasenor, 2017). The begging question is that do members such as Spencer and Coulter have the right to hold speeches in such institutions especially considering the fact that they are public universities? Whereas free speech and other First Amendment rights of students were affirmed by the American Supreme Court, the issue of whether anyone has the right to hold a speech in universities and campuses is still not clear. This paper will discuss whether anyone has the right to hold a speech in campuses or whether the students have the right to decline the speaker.

In order to answer the question above, it is important to understand whether universities are public forums under the United States’ law. This is because some might argue that since public universities receive public funding, then they are public forums, and thus anyone has the right to hold a speech within a university. Nonetheless, in different court rulings colleges and campuses cannot be put in the same position as public parks or streets, but are rather limited public forums. This is why universities are allowed to come up with rules and restrictions that govern its users and everyone alike (Villasenor, 2017). Nonetheless, these rules also have to be applied fairly, which should have nothing to do with, for instance, public speakers and the content they share. This tenet was affirmed in a 1983 ruling wherein the Supreme Court settled that the First Amendment does not assure access to public property only because the United States government owns and controls the property, which allowed people running such properties to set rules and restrictions (Ojalvo, 2017).

This also meant that universities can limit public speakers, but not in each and every case. According to Herbst (2017), campuses have a degree of latitude when it comes to whether or not they can approve guest speakers. For instance, campuses are allowed to establish regulations that will deny requests in case they deem the speaker can advocate for violent rebellion against certain elements such as the government or cause disruptive or destruction action against the campus. Otherwise, if everything else is deemed to be okay, courts have ruled that when speakers are invited to a campus to give out a talk, the campus itself bears the constitutional right not to interfere with the speaker. In the case of Ann Coulter, she was invited to the campus to hold talks. If she was going to give a speech without being invited, then the university would be in a position to request for the necessary permit, plus they would have had every right to issue other restrictions including what she wanted to talk about; this is provided if these restrictions are reasonable and applied fairly.

Another way to look at this issue is the ability of safety concerns arising. In the explanation, the University of California, Berkeley claimed that they had decided to cancel Ann Coulter’s talks due to safety concerns. This was due to the recent riots that had been experienced in different universities due to students not being in agreement with their speakers. Nonetheless, according to Herbst (2017), in most cases, this argument might not hold water in a court of law since the speaker might argue that the school is objectively denying them the right to speak. It can only hold water during the speech if speaker uses fighting words that might agitate the listeners, and then cause a public rampage. Nonetheless, there is also the issue of heckler’s veto, which goes back to when civil rights movement marches were interrupted by white Americans. The courts have cautioned in many occasions that allowing interrupting those peacefully holding demonstrations to be a violation of their freedom of speech (Ojalvo, 2017).

In conclusion, it was important to look at this issue from a law point of view. Is blocking a speaker from holding a speech in a campus a violation of their freedom of speech right granted in the First Amendment? All arguments seem to be pointing towards this view provided that the speaker has not presented any case of harm to the university. This puts campuses in a vulnerable place due to the number of speakers that are invited to speak to university students of a day to day basis. It is important to carefully vet these speakers before deciding to block them from giving speeches at their universities because in case they inappropriately vet a speaker who can prove his or her case in a court of law, the school will be forced to compensate the speaker.

## References

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