

O'NEILL UNDERGRADUATE HONORS THESIS

# The Value of Free Speech on a College Campus

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A Review of Indiana University-Bloomington

**Josiah Randall Parr**

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Mr. John R. Gregg, M.P.A., J.D.

Speaker, IN House of Representatives 1996-2002

Interim President, Vincennes University 2003, 2004

Nominee for Governor of IN 2012, 2016

## Table of Contents

Abstract.....	3
History.....	4
Court Cases.....	7
Re-Liberalizing the Liberal Arts by Mitch Daniels.....	11
Chicago Principles of Free Expression.....	11
Campus Intellectual Diversity.....	12
Free Speech on Other Campuses.....	14
Survey.....	16
Results of Survey.....	17
Legal Issues.....	21
How IU Measures Up—Is IU Allowing Discourse on Campus and in Classes.....	23
The Benton Murals.....	27
Conclusion.....	30

**Abstract**

One of the most important reasons for the United States government's existence is to protect foundational freedoms: The First Amendment to the Constitution, written to guarantee the freedom of expression. Freedom of expression includes freedom of speech, of the press, of assembly, and of petition. The Founders of the United States believed in the importance of citizens expressing their personal opinions, a necessary component to free government of, for, and by the *people*. The Founders knew from personal experience that *government* should not interfere with speaking, writing, or publishing opinions. United States citizens are the government, and civic virtue can only exist when those citizens participate in government.

While free speech has intrinsic value, many prominent political commentators, students, and politicians claim that college campuses have recently ignored free speech in favor of personal feelings, safe spaces, and hate speech reprimands. With words and phrases such as hate speech, safe spaces, and trigger warnings, how can students be challenged in their beliefs if other students and instructors cannot properly express ideas and let the marketplace of ideas determine the value of arguments? Is there an agreed upon definition of these phrases? If not, can anyone communicate effectively to challenge one's own thoughts or the thoughts of colleagues? Is there a difference in what these terms mean between and among conservatives, liberals, or extremists on either side? Is there a difference in the availability of free speech based on the opinions expressed by an individual? By looking at historical facts, general knowledge of the freedom of expression alongside various current opinions, student opinions, and legal principles, this paper will make the case that free speech must thrive on college campuses, specifically at Indiana University Bloomington.

## History

During the summer of 1787, fifty-five delegates assembled to write the United States Constitution. One of the first acts of the Constitutional Convention was to establish rules providing for civil discourse, allowing each member to speak freely, eliminating member outbursts that might drown out the opinions of others. The Founders understood the importance of listening as well as speaking. They not only tolerated differing opinions, they embraced them through communications and compromise, to create the blueprint of our nation which still governs the United States today. Any discussion of a constitutional right must be drawn from the underlying purposes for these rights, where the rights originate, and why these rights were put on paper. The Founding Fathers believed that Great Britain repeatedly answered any redresses of the American colonies with further injury.<sup>1</sup> The First Amendment enshrines what the Founding Fathers' experience taught them about the ability and power of the freedom to freely communicate one's ideas in order to redress grievances involving the government's power, especially its legislative power, without the fear of facing silencing, censorship, or condemnation from government entities.

The Founders trusted in the value of various factors that help students and researchers determine what the Founders valued and why they valued such beliefs. Within the "long train of abuses and usurpations" contained within the Declaration of Independence, the Founders wrote that King George abolished "the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies."<sup>2</sup>

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<sup>1</sup> "Declaration of Independence." *National Archives and Records Administration*, National Archives and Records Administration, [www.archives.gov/founding-docs/declaration-transcript](http://www.archives.gov/founding-docs/declaration-transcript).

<sup>2</sup> *Ibid.*

For the Founders, written rights established permanency and put all on notice of the fundamental value of the free exchange of ideas.

The reason for the difficulty in changing constitutional rights, as well as the importance of these rights, can be found by consulting the familiar language from the Declaration of Independence that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights.”<sup>3</sup> The Founders did not believe that rights were given by a government; rather, humans were endowed or received these rights inherently from a higher power, not from man. Whether a person believes in a God, nature, or some other higher power, they are endowed with rights that should not be infringed by a government.

In regards to the First Amendment, these rights apply even if someone disagrees with another. Rights cannot be infringed simply because someone feels uncomfortable with someone’s statements. Often persons who disagree will be unable to endure hearing or reading opposing views. Threats to freedom of speech often occur from these differing opinions and from the government as well. The Founders strove to curtail this issue by limiting the powers of Congress through the first five words of the First Amendment stating, “Congress shall make no law...abridging the freedom of speech.”<sup>4</sup> Unfortunately, situations sometimes occur that attempt to suppress this freedom. However, free speech must be protected for many reasons.

First, it is imperative that persons be allowed to discern their own opinion regarding government, moral, and social issues, and then be allowed to speak and write, testing others and comparing views. Free speech encourages individual thinking and advances knowledge.

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<sup>3</sup> *Ibid.*

<sup>4</sup> “The Bill of Rights: A Transcription.” *National Archives and Records Administration*, National Archives and Records Administration, <http://www.archives.gov/founding-docs/bill-of-rights-transcript>.

Colleges and universities—rich in diversity and learning—are perfect communities for free speech to occur so that many ideas may be explored in order to determine objective truth.

Second, free speech, essential to a democratic, self-governing nation, assumes that citizens will receive communications regarding governmental acts of public policy. Benjamin Franklin recognized that an informed democracy was a “principal pillar of a free government.”<sup>5</sup> Additionally, citizens must be free to speak to their government representatives so government can properly represent various diverse views. The concept that “freedom of speech [as] a core American belief...an article of constitutional faith” seems to cross party lines, a stalwart of our country’s love of democracy and self-government, finding a home in political platforms, on the legislative floor, and within the Supreme Court.<sup>6</sup> The opportunity for the free exchange of information—the “freedom to think as [one] will and to speech as [one] will”—helps citizens assimilate facts “indispensable to the discovery and [spreading] of political truth.”<sup>7</sup> Citizens, educated through the civil exchange of ideas, can be involved in the government policy-making actions, not just by casting a vote in a ballot box every two to four years.

Third, violence, both verbal and physical, is never an answer. Allowing a community to voice and be heard on differing issues, provides a more stable nation. Even if an argument is lost, at least the supporting evidence has been heard. Platforms must exist for shaping and peacefully resolving social issues. Our court system is a good example where freedom of speech is utilized, and remains essential to the very existence of a civilized community and society.

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<sup>5</sup> “On Freedom of Speech and the Press, 17 November 1737,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Franklin/01-02-02-0031>. [Original source: *The Papers of Benjamin Franklin*, vol. 2, January 1, 1735, through December 31, 1744, ed. Leonard W. Labaree. New Haven: Yale University Press, 1961, p. 184.]

<sup>6</sup> Smolla, Rodney A. “Speech Overview.” *Freedom Forum Institute*, <http://www.freedomforuminstitute.org/first-amendment-center/topics/freedom-of-speech-2/speech-overview/>.

<sup>7</sup> “*Whitney v. California*.” *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supremecourt/text/274/357](http://www.law.cornell.edu/supremecourt/text/274/357).

Finally, a better society evolves from articulated and deliberated, free and open communications. Government's control of ideas and censorship has always had a negative effect on a society. Some feel that restricting speech against our more vulnerable citizens somehow protects them, when in fact, censorship promotes conformity and the status quo which limits the discussion of options that could help the very class sought to be *protected*. Such restrictions also are fundamental to an authoritarian model of government, devoid of any necessity to receive and consider the ideas and opinions of the people. Those who advocate for free speech yearn for a more diverse, tolerant, educated, and democratic society that is open to new ideas and knowledge.

### **Court Cases**

There are many legal tenets discussed by the US Supreme Court that define how speech can be silenced. Many different Supreme Court decisions have molded and refined the freedom of speech. *Gertz v. Robert Welch Inc.* determined that “there is no constitutional value in false statements of fact.”<sup>8</sup> In layman's terms, this means that libel and slander are not protected speech. Another form of unprotected speech is obscene speech defined in *Miller v. California* as “works which depict or describe sexual conduct. That conduct must be specifically defined by the applicable state law... limited to works which, taken as a whole, appeal to the prurient interest in sex... and which, taken as a whole, do not have serious literary, artistic, political, or scientific value.”<sup>9</sup> Within *Miller*, the problem was unsolicited lewd mail, which was deemed unprotected speech. For expression to be protected, it must have some value to society. Another common example of unprotected speech is if the speech “create[s] a clear and present danger that

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<sup>8</sup> “*Gertz v. Robert Welch, Inc.*” *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supremecourt/text/418/323](http://www.law.cornell.edu/supremecourt/text/418/323).

<sup>9</sup> “*Miller v. California.*” *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supremecourt/text/413/15](http://www.law.cornell.edu/supremecourt/text/413/15)

will bring about the substantive evils which Congress has a right to prevent.”<sup>10</sup> *Schenck v. United States* is the classic case that defines “the most stringent protection of free speech which would not protect a man in falsely shouting fire in a theatre and causing a panic” and also that the First Amendment would not protect a person who uttered words that have the same effect as physical force.<sup>11</sup> By looking at *Schenck*, it is clear that causing actual physical harm with one’s words is not protected. Similarly to *Schenck*, *Chaplinsky v. New Hampshire* held that the First Amendment is not absolute, namely “the lewd and obscene, the profane, the libelous, and the insulting or ‘fighting’ words—those which, by their very utterance, inflict injury or tend to incite an immediate breach of the peace.”<sup>12</sup> In short, *Chaplinsky v. New Hampshire* gives an outline of all the speech that can be restricted through the litany of cases that has been discussed. Another important court case comes from *Tinker v. Des Moines* which discusses protest in schools. The Supreme Court decided that the student’s protest, which was wearing black armbands to protest the Vietnam War, was protected by the First Amendment. This decision built upon *Burnside v. Byars*, which found that speech could not be prohibited so long as it did not “materially and substantially interfered with the requirements of appropriate discipline in the operation of the school.”<sup>13</sup> Further, in *Tinker*, the Court explained its reasoning because the speech in question was not disruptive nor potentially disruptive conduct, despite the fact that the armbands would be worn in all classrooms. The Court described this as “pure speech” and not speech that is “aggressive, disruptive action or even group demonstrations.”<sup>14</sup> Along the same lines, the speech

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<sup>10</sup> “*Schenck v. United States*.” *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supremecourt/text/249/47](http://www.law.cornell.edu/supremecourt/text/249/47).

<sup>11</sup> *Ibid.*

<sup>12</sup> “*Chaplinsky v. New Hampshire*.” *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supremecourt/text/315/568](http://www.law.cornell.edu/supremecourt/text/315/568).

<sup>13</sup> “*Tinker v. Des Moines Independent Community School Dist.*” *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supremecourt/text/393/503](http://www.law.cornell.edu/supremecourt/text/393/503).

<sup>14</sup> *Ibid.*

that the Court focuses on in *Tinker* “does not concern speech or action that intrudes upon the work of the schools or the rights of other students.”<sup>15</sup> The Supreme Court also stated that the school’s action banning speech based on the fear of a disturbance “is not enough to overcome the right to freedom of expression...any word spoken, in class, in the lunchroom, or on the campus, that deviates from the views of another person may start an argument or cause a disturbance. But our Constitution says we must take this risk.”<sup>16</sup>

The Supreme Court makes this point abundantly clear: schools cannot restrict their student’s right to free speech simply because the administration places a higher value on preventing a potential disturbance over the benefit of free speech and an open marketplace of ideas. For a college campus, another important case to consider is *Healy v. James*. In this case, the Students for a Democratic Society (SDS) attempted to create a campus organization at their state-funded school, Central Connecticut State College (CCSC). The school president denied them, stating the National SDS chapter had a philosophy of violent disruption and that the organization’s mission statement was antithetical to school policies. This denial effectively prevented the group from school resources that would have aided the group to spread their message to like-minded students.<sup>17</sup> Justice Powell wrote the majority opinion stating that it was in violation of the First Amendment to prevent this organization from being created. Powell mentioned a number of reasons, the first from *Tinker* and explained that schools are not immune from the First Amendment.<sup>18</sup> In effect, the *Healy* decision applied *Tinker* to colleges and universities, not just K-12 education. Next, Powell tackled the argument that “First Amendment

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<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> “*Healy v. James*.” Legal Information Institute, Cornell Law School, [www.law.cornell.edu/supremecourt/text/408/169](http://www.law.cornell.edu/supremecourt/text/408/169).

<sup>18</sup> *Ibid.*

protections should apply with less force on college campuses than in the community at large” by referencing *Shelton v. Tucker* which stated that “[t]he vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.”<sup>19</sup> The Court also mentions that while CCSC does not actively suppress free speech, it does do so subtly, which is still infringement according to *Bates v. City of Little Rock*.<sup>20</sup> Finally, the Court noted that the school improperly wanted the SDS to prove they were sufficiently unaffiliated with the National SDS. Rather, the burden should have been placed on CCSC to justify the rejection, not the other way around. In the end, the case was remanded, and the Court states there could be grounds to reject the SDS, but none were brought to them. The court then admitted they believed that the President of CCSC truly denied the SDS based almost solely on his apprehension of the group, which fundamentally violates their rights. State schools must apply this case and *Tinker*, even if they fear something may happen. They should promote an open marketplace of ideas and trust that their student body can make up their minds on their own about which ideas are valid, and which are to be ignored, not silenced.<sup>21</sup> Justice Black put it best when he stated that “the First Amendment must be accorded to the ideas we hate or sooner or later they will be denied to the ideas we cherish.”<sup>22</sup> And with this statement, Black is exactly correct; the moment government begins to determine what rights are more important, or who has these rights at what time or place, a dangerous game has begun where over time, no one will have rights except what is dictated by some ruling government entity, even if the ruling government entity is a student controlled organization or university administrator.

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<sup>19</sup> “*Shelton v. Tucker*.” *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supremecourt/text/364/479](http://www.law.cornell.edu/supremecourt/text/364/479).

<sup>20</sup> “*Bates v. City of Little Rock*.” *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supremecourt/text/361/516](http://www.law.cornell.edu/supremecourt/text/361/516).

<sup>21</sup> *Shelton v. Tucker*.

<sup>22</sup> “*Communist Party of the United States v. Subversive Activities Control Bd. No. 12*.” *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supremecourt/text/367/1](http://www.law.cornell.edu/supremecourt/text/367/1).

## **Re-liberalizing the Liberal Arts by Mitch Daniels**

In October of 2018, Mitch Daniels gave an acceptance speech at the American Council of Trustees and Alumni (ACTA) to accept an award. Within this speech, he discusses that the liberal arts must be restored, citing colleges are more often “conformity of thought, intolerance of dissent and sometimes an authoritarian tendency to quash it, a rejection of the finest of the Western and Enlightenment traditions in favor of unscholarly revisionism and pseudo-disciplines.”<sup>23</sup> By only teaching one side, students are deprived of weighing the information and thinking critically on different ideas. Knowledge advancement relies on competing ideas, otherwise we would have no growth. Daniels mentions the irony that the term “liberal” has been abandoned for the term “progressive” on campus, and yet those same people tend to be the most reactionary voices, utilizing “speech codes, forbidden words, compulsory ‘thought crime’ reeducation, and other repressive policies have replaced the lively clash of ideas”.<sup>24</sup> Daniels encourages the ACTA and other universities across the nation to continue to ask questions like “What is our free speech policy? If we have not adopted the Chicago Principles or something closely akin, why not? I know about our commitment to racial and social diversity. How diverse are we intellectually?”<sup>25</sup>

## **Chicago Principles of Free Expression**

Specifically, Daniels mentions the Chicago Principles, a mindset born out of a protest of the Communist Party who spoke on the University of Chicago’s campus. The President of the University of Chicago stated that the “‘cure’ for ideas we oppose ‘lies through open discussion

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<sup>23</sup> Mitch, Daniels. “Re-Liberalizing the Liberal Arts.” *Re-Liberalizing the Liberal Arts*, Nov. 2018, <http://www.goacta.org/publications/re-liberalizing-the-liberal-arts>. at 3.

<sup>24</sup> *Ibid.* at 5

<sup>25</sup> *Ibid.* at 8

rather than through inhibition.”<sup>26</sup> According to The Foundation for Individual Rights in Education (FIRE), a non-profit organization that works to defend and sustain the rights of individuals at institutions of higher learning in the United States, seventy-one schools have adopted the Chicago Principles, three of which are Indiana schools: Purdue University, University of Southern Indiana, and Ball State University.<sup>27</sup> Indiana University has not done so. Adopting these principles is a key concept to ensuring free speech on a general level, as well as protecting students at a smaller level within the classroom. While simply adopting the principles does not always ensure compliance, like the value of writing down the Bill of Rights, it is a way to ensure the values of Indiana University are public and kept in check.

### **Campus Intellectual Diversity**

To make the statement that college campuses are routinely biased towards a particular political persuasion is not an earth-stopping surprise. Despite Gallup polls stating that 36% of Americans identify as conservative, 34% as moderates, and 25% identify as liberal, that number nearly flips when it comes to higher academia.<sup>28</sup> According to Mitchell Langbert at the National Association of Scholars, by looking at 8,688 Ph.D. holding professors who are on a tenure track from fifty-one of the top sixty-six liberal arts colleges, 5,197 of that 8,688 are registered as Republican or Democrat.<sup>29</sup> Langbert determined these colleges by a *U.S. News* report from 2017. Along those lines, the Democrat to Republican ratio is 10.4:1, however, those numbers include two military colleges, West Point and Annapolis, which may not be considered liberal

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<sup>26</sup> *Report of the Committee on Freedom of Expression*. University of Chicago, Committee on Freedom of Expression, 2015, *Chicago Principles of Free Expression*.

<sup>27</sup> “Chicago Statement: University and Faculty Body Support.” *FIRE*, Foundation for Individual Rights in Education, 27 Feb. 2020, [www.thefire.org/chicago-statement-university-and-faculty-body-support/](http://www.thefire.org/chicago-statement-university-and-faculty-body-support/).

<sup>28</sup> Saad, Lydia. “U.S. Conservatives Outnumber Liberals by Narrowing Margin.” *Gallup.com*, Gallup, 3 Jan. 2017, [news.gallup.com/poll/201152/conservative-liberal-gap-continues-narrow-tuesday.aspx](https://news.gallup.com/poll/201152/conservative-liberal-gap-continues-narrow-tuesday.aspx).

<sup>29</sup> Langbert, Mitchell. “National Association of Scholars - Homogenous: The Political Affiliations of Elite Liberal Arts College Faculty by Mitchell Langbert.” *NAS*, National Association of Scholars, [www.nas.org/academic-questions/31/2/homogenous\\_the\\_political\\_affiliations\\_of\\_elite\\_liberal\\_arts\\_college\\_faculty](http://www.nas.org/academic-questions/31/2/homogenous_the_political_affiliations_of_elite_liberal_arts_college_faculty).

arts colleges.<sup>30</sup> Absent those two schools, the ratio rises to 12.7:1. Within that sample size of colleges, thirty-nine percent of colleges have zero Republicans in their faculty. Langbert states that 78.2% of academic departments in his study have either few to zero Republicans at all.<sup>31</sup>

These numbers are extremely disturbing to any researcher attempting to gather unbiased data. Langbert reports that according to *The Politics of Social Psychology* by Jarret Crawford, Lee Jussim, Mark Brandt, and Anna Spalti, psychologists with a left-wing bias are far more likely to study right-wing individuals than left-wing, as well as “prefer[ing] not to work with fundamentalists, evangelicals, National Rifle Association members, and Republicans.”<sup>32</sup> Despite the fact that more Americans are conservative, such psychologists believe that conservatism is deviant behavior, hence the increased research into right-wing individuals. This severe disparity in intellectual diversity has been evident since the 1980’s when Stanley Rothman showed that thirty-nine percent of professors described themselves as “Left” and in 1999, that number jumped to seventy-two percent with a national average of 4.5:1 Democrats to Republicans.<sup>33</sup>

At IU, from a report in 2011-2012, there are 359 on tenure track professors.<sup>34</sup> By applying these numbers from Langbert, that would put roughly twenty-eight Republican tenure track professors at IU—a far cry from a majority of conservative people in the United States. If the findings of *The Politics of Social Psychology* are applied to IU’s group of professors, IU’s research and class discourse would share a left-of-center bias, which according to *The Politics of Social Psychology*, ignores much of the population of the United States.

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<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> Reschke, Michael. “Tenured Faculty: Still a Man's World at IU, Other Big Ten Schools.” *Indiana Economic Digest*, [indianaeconomicdigest.com/Content/Most-Recent/Census-Demographics/Article/Tenured-faculty-Still-a-man-s-world-at-IU-other-Big-Ten-schools/31/146/83915](http://indianaeconomicdigest.com/Content/Most-Recent/Census-Demographics/Article/Tenured-faculty-Still-a-man-s-world-at-IU-other-Big-Ten-schools/31/146/83915).

## Free Speech on Other Campuses

FIRE classifies Harvard University's speech code as encroaching on the First Amendment rights of students, believing that Harvard's vague policy violates free speech and "defines racial harassment as actions...that demean or abuse another individual or group because of racial or ethnic background... [by] using racial epithets, making racially derogatory remarks, and using racial stereotypes."<sup>35</sup> Since Harvard is a private institution, it is not *legally* bound by the First Amendment, but its students should be allowed to pursue truth. With such a vague policy, Harvard is limiting its students' opportunity for free speech, even if it is controversial to some select groups of people. Unless the speech is "so severe, pervasive, and objectively offensive...that victims are effectively denied equal access to an institution's resources and opportunities" as dictated by *Davis v. Monroe County Board of Education* to not be protected.<sup>36</sup>

Interestingly, college campuses that are considered Christian in nature do not have speech codes but may limit the types of verbal expression that students might say or hear. For instance, at Bob Jones University in Greenville, North Carolina, students are prohibited from listening to music that "elevates or celebrates unethical, immoral or sinful behavior."<sup>37</sup> The handbook states that these boundaries apply to all facets of student life, limiting language that "[violates] scriptural commands regarding...complaining, disrespectful, profane,...or tale-bearing speech."<sup>38</sup> Because Bob Jones receives federally funding, it would seem that they are limiting students' First Amendment rights. However, when students agree and pay tuition to attend Bob Jones, they also agree to follow the rules as explained in the Bob Jones Student Handbook.

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<sup>35</sup> "Harvard University." *FIRE*, The Foundation for Individual Rights in Education, [www.thefire.org/schools/harvard-university/](http://www.thefire.org/schools/harvard-university/).

<sup>36</sup> "*Davis v. Monroe County Bd. of Ed.*" *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supct/html/97-843.ZS.html](http://www.law.cornell.edu/supct/html/97-843.ZS.html).

<sup>37</sup> *Bob Jones University Student Handbook 2019-2020*. Bob Jones University Student Handbook 2019-2020, Bob Jones Publications, 2019. at 29.

<sup>38</sup> *Ibid.* at 30.

In Indiana, Huntington University states on its website that students' speech should avoid, lies, profanity,...gossip, and obscenity...whether on-campus or off-campus."<sup>39</sup> One Huntington University student interviewed felt that he is allowed the expression of free speech since the administration encourages "open dialogue about anything."<sup>40</sup> But, he also feels that "cultural silencing" takes place, because he has been "ridiculed and attacked" for his beliefs and speaking his views.<sup>41</sup> He also at times does not feel comfortable verbalizing his thoughts in the classroom.

However, there does seem to be hope for free speech at some private schools of higher learning. In 1990, Mrs. Barbara Bush was invited to deliver the commencement address at Wellesley College. Several students protested her attendance because they felt that she was invited to speak, not because of her own accomplishment, but rather those of her husband, the President of the United States. Mrs. Bush did speak, and news stations covered the commencement live. And, the young lady who was the student commencement speaker wrote about the experience fifteen years later. She stated gratefulness for the experience of having the first lady speak, but also for the lesson of "camaraderie...with my classmates as we came together to defend each other's right to speak our truth—even when we disagreed with one another."<sup>42</sup>

Historically, Ted Kennedy spoke at Liberty University, a private, conservative, and Christian university in 1985. Kennedy spoke without an attempt to convince anyone, pleased that dissenters were allowed to be heard, stating that no one has a monopoly on truth. Thirty-two

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<sup>39</sup> *Huntington University Student Handbook*. Huntington University Student Handbook, Huntington University, 2019.

<sup>40</sup> "Free Speech at a Private University." Interview. *Free Speech at a Private University*, 8 Feb. 2020.

<sup>41</sup> *Ibid.*

<sup>42</sup> Marden, Christine Bicknell. "Wellesley Magazine." *When Mrs. Bush Came to Wellesley*, Wellesley Magazine, 2015, [magazine.wellesley.edu/spring-2015/when-mrs-bush-came-to-wellesley](http://magazine.wellesley.edu/spring-2015/when-mrs-bush-came-to-wellesley).

years later, Bernie Sanders spoke to over 12,000 at Liberty, giving a stump speech appealing to the inequalities in America, hoping evangelicals would enlist in that mindset.<sup>43</sup> The willingness to allow dissenting opinions to be heard offers a perfect example of how the marketplace of ideas should work. While Sanders certainly had some supporters in the audience, based on the stances Liberty has made publicly, it stands to reason that the Senator's ideas represented the minority. However, it is promising that a private institution saw the benefit of bringing dissenting opinions to their students.<sup>44</sup>

Here at Indiana University, the campus has certainly seen its share of controversial speakers. There have been more mainstream speakers like John Kerry speaking at the IU Auditorium, as well as more controversial speakers like Brother Jeb, who is a staple at the Woodburn Clock Tower. IU also hosted Bernie Sanders during the 2016 primary elections and 2018 midterm elections, and Charles Murray in 2017. Liberty University is the perfect example of how such gatherings should take place. Students who disagreed with Sanders were respectful, listened to his ideas, and did not create a disruption.<sup>45</sup>

## Survey

A survey of current and recent attendees (within past five years) of IU was utilized to gauge free speech here on campus. Out of seventy-eight respondents, seventy were deemed eligible to take the survey. Throughout the survey, respondents did not answer all questions. Certain questions like whether someone has seen a speaker on campus directly relate to a specific, write-in answer asked for later on in the survey, which would not apply if they have not

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<sup>43</sup> Berman, Russell. "Bernie and Teddy Speak at Liberty, 32 Years Apart." *The Atlantic*, Atlantic Media Company, 15 Sept. 2015, [www.theatlantic.com/politics/archive/2015/09/bernie-sanders-ted-kennedy-liberty-university/405469/](http://www.theatlantic.com/politics/archive/2015/09/bernie-sanders-ted-kennedy-liberty-university/405469/).

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

seen a speaker on IU's campus. For that reason, some questions have varying numbers of respondents. Fifty-four people have in some way interacted with a speaker on campus, whether attending, attempting to attend, or hosting, with twenty-eight of those being potentially controversial speakers. Respondents also included specific names for those speakers. Responses include Brittany Piper, Bernie Sanders, Vice President Mike Pence, Ben Shapiro, Eric Rasmussen, Charles Murray, Congressman Trey Hollingsworth, Mark Cuban, and Senator Todd Young. Students were also asked if they have had opinions disregarded by professors, by students, or felt pressure to change their opinion by a professor. Students were also asked to define hate speech and what role it should play in silencing expression.

### **Results of Survey**

Out of fifty-five respondents, twenty-one have had their opinion disregarded by a professor. A few write-in responses were offered from respondents. Eight of those twenty-one who had their opinion disregarded also believed that their professor was pressuring them to change their opinion. Fifteen of the fifty-five respondents have been silenced by fellow students. Twenty-one students were afraid to voice their opinions based on certain consequences. Respondents could select any, all, or none of the options available: Grades at 53%, ending of a friendship or relationship at 53%, ridicule at 84%, censorship from IU at 21%, and personal safety at 63%. Personal safety was defined within the survey as "personal threats at protests, or people attempting to destroy signs or property at protests and demonstrations." Two write-in responses were also shared. One response cited a fear of blowback from IU and the power the university holds on personal future. The other student stated a fear of losing a TA position and being denied admittance to the MSIS program because of differing political opinions with the student's overseeing professor. The student felt silenced because if the professor revoked the

letter of recommendation based on political beliefs, or spoke negatively about the student to employers, professional goals could be crippled based on the student's viewpoints.

In regards to hate speech, twenty-two out of thirty-one respondents believe someone should be silenced if words spoken include hate speech, however only seven believe hate speech is too tolerated at the IU campus. Thirty-eight students were asked if IU allowing hate speech on campus is bad for the university. 47% said yes, and IU should limit those who espouse hate speech; 16% said yes, but speech should be protected, and 37% said no, everyone's ideas should be heard. The results are incredibly disturbing, as there is no legal definition of hate speech, IU has a very loose statement as to what hate speech is, and as will be discussed later on, there is no consensus on a definition of hate speech or that it even exists. Rather, students should pursue more knowledge. People's ideas should be heard, even if they make people uncomfortable. Restricting speech is a dangerous game, as it could just as easily apply to someone's own opinion as it would to someone else's differing opinion.

Some questions allowed a written response. Below are just a few highlights of these responses from students who have felt silenced on the IU campus.

One student was told by protesters at the Charles Murray speech that he/she was a racist who hated African Americans and immigrants for simply attending a speaker who had a dissenting viewpoint. This student was also in a discussion in a class at the Kelley School of Business regarding microaggressions. The student asked the professor and another student whether microaggressions were truly dangerous or insulting, or instead, a tool for censorship. The professor refused to answer and ended the discussion. The student then attempted to contact the professor privately, but had no success in getting the question answered.

Another student told the survey about a successful attempt at procuring then-Congressman Mike Pence to speak at IU. This student also was enrolled in a foreign policy class in which the professor refused to entertain any opposing viewpoints. This story is key because another respondent experienced something vastly different just a few years later regarding the current Vice President.

A different student stated an attempt to secure Mike Pence, having recently been elected to Vice President, to speak on campus. The upper echelons of the IU administration told this student that *Pence is too political of a character* to have on campus despite the positive initial response from organizers. Subsequently, the higher administration was brought in to facilitate the large gathering, and the process stopped. This same student also expressed an opinion in a public policy class against an estate tax. The professor stopped the discussion, and after class, requested to speak privately with the student. The professor told the student that, as an instructor, she will not have someone disagreeing with her expert opinion and does not want it to happen again. Similarly, this same student was booed in a different class by saying President Trump reduced minority unemployment, and the professor made no attempt to stop the disruption.

There are a couple of reasons for presenting these stories. The first is that of the twenty-seven different stories between treatment by professors and students, only three of them were not right-of-center opinions. Another is to understand the specifics of how students were silenced. For the most part, it was a more subtle censorship, similar to *Healy v. James*, where students were simply disregarded by a professor, or told in private to no longer discuss certain matters in a class. The story regarding Vice President Pence was arguably the most blatant disregard of free speech in the stories that the survey provided. The last reason was an attempt to gauge the

responses to how students define hate speech, which will be discussed in-depth shortly. Out of the respondents who offered their political leanings, twenty were right-of-center, five were moderate, and fourteen were left-of-center. A recent President of the College Democrats was contacted in order to share the survey, but offered no response to the request to disseminate the survey.

In regards to the survey, very few common threads existed out of thirty-eight responses between people's definition of hate speech. Mostly, they were similar in that they mentioned speech against protected classes, but the type of speech used would range from people lying, defaming, threatening, "fighting words," encourages violence, or generally "offensive speech" or "hateful speech" towards a protected class. Or, they were similar in that those who do not believe hate speech is a legitimate argument, rather a tool used to silence opinions. With this variation, and the fact that there are no legal definitions of hate speech according to Black's Law Dictionary, can anyone, even a public University's administration, define and restrict an arbitrary term?<sup>46</sup> Would legitimizing hate speech not lead to arbitrary claims since hate speech fluctuates so subjectively from people, even to the point of disagreeing on whether hate speech is even real? Would not open discussion be a far better solution, as those who feel targeted could simply leave the discussion or speaker? Open discussion would allow for students to understand why someone thinks the way they do, and then they themselves can determine if such an argument is valid. If the argument is valid, then the student has learned something new about how someone could hold some certain opinion. If one does not think the argument is valid, then the student has still gained knowledge on how someone thinks on a certain issue, and gains insight to how others think.

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<sup>46</sup> "The Legalities of Hate Speech." *The Law Dictionary*, Black's Law Dictionary, [thelawdictionary.org/article/the-legalities-of-hate-speech/](http://thelawdictionary.org/article/the-legalities-of-hate-speech/).

## Legal Issues

Here at Indiana University, hate speech is defined as “hateful, offensive, or inconsistent with the university’s values is nonetheless protected speech under the First Amendment,”<sup>47</sup> but only provides general goals of what the university’s values are, namely diversity and inclusion in higher education.<sup>48</sup> IU then states that such speech should be countered with civil speech, and not through interference with the speaker’s right to speak as well as the audience’s right to listen. However, during the speech that Charles Murray provided at Franklin Hall, protestors clearly tried to stop Murray from speaking, both beforehand with a survey of students and faculty that reached two hundred names that stated IU should rescind Murray’s invitation, and during the speech by yelling and banging of a tire iron on a cooking pot. All the while, IU made no attempt to encourage the protestors to civilly challenge Murray’s viewpoint at his Q & A session, or to hold their own event to challenge Murray’s arguments.

Other universities have come up with ways to combat free speech. Certain university officials enact speech codes because of the belief that punishing based on verbal and non-verbal statements, controlling speech, will calm controversial interactions. Schools often feel that creating a more fair and equal playing field protects those who might feel attacked physically, emotionally, or psychologically. These codes, supported by the Supreme Court decision in *Chaplinsky v. New Hampshire*, often limit words that do not possess value when searching for truth. In this case, the Court upheld the conviction of Mr. Chaplinsky for his offensive and derisive words spoken in public, name-calling. A two-tier method applied the “fighting word” exception, limited “the lewd and obscene, the profane, has removed itself from this definition,

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<sup>47</sup> “Free Speech.” *Free Speech Indiana University*, Indiana University, [freespeech.iu.edu/qa/index.html](https://freespeech.iu.edu/qa/index.html).

<sup>48</sup> “Indiana University Code of Student's Rights.” *E. Right to Freedom of Association, Expression, Advocacy, and Publication: I: Rights: Code of Student Rights, Responsibilities, & Conduct: Indiana University*, Indiana University, [studentcode.iu.edu/rights/association.html](https://studentcode.iu.edu/rights/association.html).

but many state courts still use it as precedence.<sup>49</sup> Universities look to the vagueness of the ruling as support for the intent behind words spoken, often assuming that a speaker wishes to harm another person or group. The University of Michigan incorporates speech codes in its policies, connecting them to non-discrimination and equal opportunity policies having been in place for many years. The University of Connecticut included a speech code disallowing “inappropriately directed laughter: and “conspicuous exclusion from conversations and/or classroom discussions.”<sup>50</sup> Thankfully, these codes were struck down by a federal court.

This pattern at the federal level is more common as courts more closely examine the substance of beliefs including the manner, place, and time that the words were delivered. Speech codes were deemed unconstitutional in the case of *UWM Post v. Board of Regents* at the University of Wisconsin. These codes specifically excluded certain kinds of content, preventing a speaker from convincing a listener of divergent positions.<sup>51</sup> Finally, in the case of *R.A.V. v. City of St. Paul*, the Supreme Court unanimously found a St. Paul, Minnesota ordinance unconstitutional because it sought to ban speech based on content. The ordinance made it a crime to erect “on public or private property a ...burning cross or Nazi swastika, which one knows or has reasonable grounds to know arouses anger, alarm or resentment in others on the basis of race, color, creed, religion, or gender.”<sup>52</sup> Speech code bans have decreased due to federal courts constraining their use, but even as late as the 1990s, universities have implemented more policies, despite intervention by federal courts.<sup>53</sup> Following general guidelines, universities

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<sup>49</sup> *Chaplinsky v. New Hampshire*.

<sup>50</sup> Smolla, Rodney A. “Speech Overview.”

<sup>51</sup> “*UWM Post v. Board of Regents of U. of Wis.*, 774 F. Supp. 1163 (E.D. Wis. 1991).” *Justia Law*, [law.justia.com/cases/federal/district-courts/FSupp/774/1163/1425792/](http://law.justia.com/cases/federal/district-courts/FSupp/774/1163/1425792/).

<sup>52</sup> “*R.A.V. v. City of St. Paul*.” *Legal Information Institute*, Cornell Law School, [www.law.cornell.edu/supremecourt/text/505/377](http://www.law.cornell.edu/supremecourt/text/505/377).

<sup>53</sup> Gould, Jon B. “The Precedent That Wasn’t: College Hate Speech Codes and the Two Faces of Legal Compliance.” *Law & Society Review*, vol. 35, no. 2, 2001, p. 1., doi:10.2307/3185406.

should only restrict certain free speech conduct such as: fighting words and libel, cheating and plagiarism, and false research. Another area of consideration includes the federal courts agreeing with the ACLU's opinion that speech which creates only an uncomfortable environment should not be regulated.

Similar to speech codes, free speech zones create areas where certain speech is consigned to limited boundaries. Often campuses use these sectors to control or restrict controversial speakers to that they desire to censure. Some people believe that entire campuses should be free-speech zones. However, the courts do understand that some invited speakers may become disruptive and could negatively impact learning environments; therefore, limiting where speakers can speak allows for better crowd control if speakers or protestors become loud and unruly. Other alternatives to free speech zones include safe spaces, which essentially is providing a location or refuge where students can go if they feel uncomfortable or discontent with certain speech. Trigger warnings are also possible alternatives. These mandated warnings inform others that possible volatile words, discussions, or pictures may be present. However, both of these alternatives violate the freedom surrounding learning and suppresses the pursuit for dissenting and thought-provoking discourse.<sup>54</sup> Ensuring the safety of a speaker is certainly an important aspect of protecting free speech, something IU has done well with, namely with Senator Sanders, former Secretary of State John Kerry, and Charles Murray. However, moving a speaker to an obscure location simply to make it more difficult to attend should not be allowed.

### **How IU Measures Up – Is IU Allowing Discourse on Campus and in Classes?**

Considering the specific stories within the survey and intellectual diversity on campus, it seems fair to state that Indiana University could stand to improve both in discourse in the

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<sup>54</sup> Chemerinsky, Erwin, and Howard Gillman. *Free Speech on Campus*. Yale University Press, 2018.

classroom, as well as the intellectual diversity in its faculty. In fairness, there is open debate and discussions between the two biggest political groups on campus, the College Democrats and the College Republicans. These two groups typically hold two public discussions or debates each school year, allowing large groups of students to watch and occasionally participate. They also hold private events between members of the groups in order to maintain civility and to share ideas.

Historically, Indiana University has done quite well with free speech. With its small hometown, southern centralized roots, Indiana Seminary began on January 20, 1820, as a humble “State University” as deemed by the Indiana State Constitution.<sup>55</sup> The institution steadily grew thorough the years and was renamed Indiana College in 1828. In 1839, it became Indiana University and a few years after the Civil War, the state legislature appropriated funds to the university. Indiana University continued to grow. By 1867, educational programs were added including science literature, history and languages. During this time, speakers of all types were welcomed to campus. These included, Theodore Roosevelt, Henry George, Susan B. Anthony, and Fredrick Douglass.<sup>56</sup>

By the early 20<sup>th</sup> century, under President William Lowe Bryan, the university grew intellectually with the addition of graduate and professional schools. The campus expanded from twenty to 135 acres. In 1938, Herman B Wells became president, the most pivotal figure in IU’s history. With a love for the school and Bloomington itself, he immersed himself in transforming the school into an epicenter for higher education. He capably moved the school into national and international recognition with his support for the arts, sciences, languages, and music.

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<sup>55</sup> Wynkoop, Mary Ann. *Dissent in the Heartland: the Sixties at Indiana University*. Indiana University Press, 2002. at 3

<sup>56</sup> *Ibid.*

Wells was known to support the open sharing of education and research on the Indiana University campus. He even defended Alfred C. Kinsey when the United States government refused to allow Kinsey to receive an erotica collection from Europe, securing lawyers when IU was forced to sue in order to receive the collection for research. Also, Wells defended faculty against attacks by Senator Joseph McCarthy. However, Wells was not supportive of student protests regarding a book ban that promoted the cause of academic freedom. Wells stated, “The University should not take a position pro or con on controversial issues.”<sup>57</sup> He felt it was his place to protect members of the school who queried academic freedom. But he did not feel it was his place to defend “those who criticized political adversaries from whitening the walls of the university.”<sup>58</sup> And on Founders Day in 1961, he even stated that he was “[surprised] that students would elect to substitute demonstration for discussion and debate...[as] it hardly seems compatible with the campus atmosphere.”<sup>59</sup>

Little did many people know that upon Herman B Wells announcing in 1960 that he would be retiring in two years, his influence on raising IU’s educational bar would usher in the 1960’s movements of dissent and activism, changing the entire culture of Indiana University, offering opportunities for freedom of expression, and bringing to light exactly what Wells was hoping to accomplish by advocating the open sharing of education.

One such event occurred in the early 1960’s when a club with Communist ties had registered and been approved to participate in the annual fall Activities Fair. Unfortunately, the national chapter of the W.E.B Du Bois Club came under investigation by the U.S. Attorney’s office as subversive organization; thus, the trustees deemed that the group could not use

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<sup>57</sup> *Ibid.* at 6.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

university facilities. Undaunted, two individuals went ahead and set up in Alumni Hall. They were subsequently asked to leave, but instead found another table to use. IU deans then informed these students that they would need to leave or suffer suspension or dismissal from the school and would be arrested if they returned to the Union Building.

That evening, various student leaders contacted the IU leaders of the Du Bois Club and discussed the free speech issues at stake because of the club's exclusion from the Union. When the Du Bois Club members entered the Union the next morning, they were arrested. Media and school support for the club caused almost every student organization on campus to endorse the club's right to exist, if only for the right of an open exchange of ideas and free speech. The student senate passed a resolution asking the trustees to support freedom of expression. Picketing and demonstrations took place. As a result of the outrage and continued pressure from interest groups, the *Indiana Daily Student* articles and editorials, and a benefit concert, eventually in February 1967, a bill was signed allowing for more precise wording of policies involving "freedom of speech, publication and distribution of information."<sup>60</sup> Even one of the trustees, Robert Mencke, remarking on the entire Du Bois Club situation, stated that "academic freedom has opened up."<sup>61</sup> This situation surrounding the Du Bois Club carries a shocking resemblance to *Healy v. James*, which took place in the early 1970's. The Du Bois Club at IU was treated as the same entity as their national chapter, which led to the group to be nearly removed from campus by the university.

The 1960's were fraught with demonstrations, expressions of opinion, opportunities to learn from others through demonstration and discourse. Indiana University became a place that

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<sup>60</sup> *Ibid.* at 36.

<sup>61</sup> *Ibid.* at 37.

threw aside the idea of *in locos parentis* and allowed students to start thinking and making decisions for themselves.

Much of university life today is because of civil rights movements, gay liberation movements, feminist movements, demonstrations surrounding being able to live as adults where one wants to live, either on campus in co-ed dorms, or off campus with roommates of the same or different sex, in sororities and fraternities. Day-to-day life at Indiana University would be much different if the free and open expression of speech had been squelched. But do students at Indiana University today have these same opportunities for free and open expression of speech?

### **The Benton Murals**

One example of the most recent blatant free speech regulations enacted by Indiana University includes the Benton Murals. These murals were commissioned to depict “social, economic and cultural history of the Hoosier state from mound building to the 1930s” at the Chicago “Century of Progress” World’s Exposition.<sup>62</sup> In 1938, Herman B Wells, IU President, in his quest to develop and enhance the campus as an international center of learning, secured the placement of panels in buildings on campus making them great artistic assets for both the state and the university. However, two murals depicting ‘business’ themes, placed in Woodburn Hall, have also served as the center of contentious exchanges among university personnel. In fact, these murals, have been defaced primarily due to the KKK image in the background of one of the murals.

In the fall of 2017, a petition circulated to remove or destroy “A Social History of Indiana,” one of the Benton mural panels containing an image of the Ku Klux Klan. The petition

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<sup>62</sup> “The Benton Murals.” *IU News Room*, [newsinfo.iu.edu/web/page/normal/16047.html](http://newsinfo.iu.edu/web/page/normal/16047.html).

stated that the mural violated IU's diversity statement and that all hate and intolerance should be denounced.

What many people do not know is that the artist, Thomas Hart Benton often denounced racism and in 1940 declared, "'We in this country put no stock in racial genius. We do not believe that because a man comes from one strain rather than another, he starts with superior equipment.'" <sup>63</sup> He also befriended African-Americans, using them as models for his paintings and invited them to dinner in his home. <sup>64</sup> Benton, in his murals, chose to emphasize the both the good and bad of Indiana history. In fact, during the 1920's, the Klu Klux Klan was an integral part of Indiana politics, using its power to denounce blacks, immigrants, and even religious groups, Catholics and Jews. Through investigative reporting, the state's KKK leader was brought down and convicted of rape and murder. The political tide turned away from any KKK influence with the character destruction of several of Indiana's political leaders. Within five years, Benton was commissioned to paint the murals for the Exposition in Chicago. He wanted to depict Indiana history accurately.

As can be seen in the panel, a photographer, printer, and a reporter are depicted in the foreground. These were the instrumental professions who brought down the KKK's power. In the middle of the panel, a scene from City Hospital (now Eskenazi Hospital) portrays a white nurse taking care of both black and white children. Only in the panel's background can the depiction of the evil KKK figures be seen. As with any literary or artistic analysis, true facts must be presented up front for all to clearly see, but the ones that have laid the groundwork for progress are muted, or staged smaller and further away from the goodness that has come from

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<sup>63</sup> Adams, Henry. "In Defense of Keeping the Indiana University Mural That Depicts (But Doesn't Glorify) the KKK." *Smithsonian Magazine*, 3 Nov. 2017.

<sup>64</sup> *Ibid.*

malicious history. The images affecting change are in the forefront of the mural, taking center stage for what remains right and just. What is closer in a picture is more current, more alive today. Is the fairly represented depiction of “before” and “after” no longer tolerated, and if not, why?

In September of 2017, in response to the petition and other contentious uprisings opposing the murals, Provost Lauren Robel announced that classes would no longer be held in the room where “A Social History of Indiana” hangs, effectively making the murals off limits to the general public. In her complete statement, she offers that, “[every] society that has gone through divisive trauma of any kind has learned the bitter lesson of suppressing memories and discussion of its past; Benton’s murals are intended to provoke thought.”<sup>65</sup> Robel feels that education is the answer to true understanding of the Benton Murals, but that educating every student who attends class in Woodburn 100 would be a monumental task. Additionally, professors are not willing to teach and students are not willing to listen to subject matter that does not surround the class currently taking place in the room.

It is sad that these beautiful, full of history art pieces that Herman B Wells so desired must be locked up for their own protection. Provost Robel’s statements and her actions give two separate messages. If the murals are to provoke thought, why lock them up? Are we trying to lock up our past? Lock up our willingness to learn? Lock up our ability to express the truth as a First Amendment right? Limit the free expression of shared education? What better place to learn about the historical significance of the murals and what they depict, even if we are not proud of everything that is depicted? Are such works of art not also a way to teach students about not only the history of Indiana, but also what has driven society to how it behaves today?

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<sup>65</sup> Robel, Lauren. “Benton Murals.” *Office of the Provost & Executive Vice President*, Indiana University, 29 Sept. 2017, [provost.indiana.edu/statements/archive/benton-murals.html](http://provost.indiana.edu/statements/archive/benton-murals.html).

These actions by the university are impermissible intrusions into the free expression of ideas. By *protecting* one class of observers, another class of observers is denied their right to freely inquire into the rich reservoir of historical values and evolution of ideas. This action is singularly violative of a basic tenet of the very existence and purpose of a university, something Herman B Wells supported throughout his time at IU, but has fallen on the wayside in recent years.

### **Conclusion**

The question is how does IU improve? First, adopt the Chicago Principles of Free Expression. This will ensure an even-handed treatment of differing opinions both inside and outside the classroom. Second, reopen Woodburn 100. Research ways to protect the works of art and institute the use of resources readily available to students, teaching the purpose and benefits of the murals. Third, promote intellectual diversity on campus. Students should not feel pressure by the university, or have to worry about the power the university has over their future simply for the way they think. Professors, even those who may disagree with a student, should promote differing opinions in classrooms and denounce students who are trying to silence productive speech. Perhaps the professors may learn something new as well. Finally, cease citing fear as a reason to potentially cancel a controversial speaker. College is a time to learn and open the mind to ideas, even if controversial issues are shared. Perhaps students should stop and listen and think critically on people's ideas. Perhaps they will learn something new and would change their mindset, or become more understanding of another worldview.

Free speech is crucial to the intellectual growth of a society. More speech, not less, gives students and the American people the highest likelihood to make more informed, educated, and learned decisions in the marketplace of ideas and society in general. IU, while historically has done well with free speech, has recently regressed. However, steps can be taken to rectify this

regression and maintain the educational standards of IU both inside and outside the classroom.

As Congresswoman Donna Shalala said: “The First Amendment is not something that we can honor when we choose and disregard when we do not like what we hear... A great university is not a place to play with constitutional rights. University administrators cannot abandon those principles to satisfy the will of a few, or even of many, at the expense of civil rights guaranteed to us all.”<sup>66</sup> The freedom of speech is an extremely powerful tool that colleges and universities have at their disposal. Schools should not be in the business of restricting speech, but rather to provide students with the ability to hear competing ideas and decide what information is valuable to retain. If the precedent is set to restrict one type of speech, who is to say that another type of speech would not soon follow? There is incredible value in learning from differing points of views. Indiana University espouses a belief in diversity of a number of social aspects, but they seem to have forgot about intellectual diversity. By focusing their attention on improving intellectual diversity and free speech, IU can achieve an even higher level of educational standards that are above and beyond what the university has been able to achieve.

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<sup>66</sup> Siegel, Barry. “Fighting Words: It Seemed like a Noble Idea--Regulating Hateful Language. But When the University of Wisconsin Tried, Its Good Intentions Collided with the First Amendment.” *The Los Angeles Times*, <https://www.latimes.com/archives/la-xpm-1993-03-28-tm-15949-story.html>.

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