

A call for responsible reporting of irresponsible speech

For generations, American journalists have been fooling themselves – and their audience. Unwittingly perhaps, but still fooling themselves.

On the one hand reporters – whether print, broadcast, cable, or social media – have trumpeted their U.S. Constitutional, First Amendment “right” to have the personal, individual freedom to report on and publish virtually any and every thing they like. To this end they are cheered on by living attorneys and, from the grave, by John Locke and Rosseau, practitioners of the European Enlightenment advocating a “marketplace of ideas” for all readers, listeners and viewers.

On the other hand these same journalists maintain they are gathering and reporting news and information designed to be of the greatest good to the greatest number of their audience. Such a Utilitarian approach, advocated by Jeremy Bentham and John Stuart Mill and popularized by J.K. Rowling’s Albus Dumbledore character in her Harry Potter books, justifies sacrificing individual freedom so society might be safeguarded and better served. Ethicists applaud this approach.

Exercising the freedom to produce whatever information the journalist deems important can lead to censure as it harms the greater good. Journalists focusing only on the greater good can in turn justify censorship.

And nowhere has the freedom v. harmony conflict been more noticeable than higher education, where instances of racially insensitive speech and political correctness increasingly are coming to the fore. As a result, the vigor of intellectual freedom is threatened by actions on campus and in society that

stifle intellectual freedom in the name of racial and ethnic sensibilities.

Recently, the University of California system considered a proposed statement on intolerance including anti-Zionism as a "form of discrimination." According to the Los Angeles Times, 130 faculty members signed a letter that supported naming anti-Zionism an expression of anti-Semitism, and saying students needed guidance "When healthy political debate crosses the line into anti-Jewish hatred, bigotry and discrimination, and when legitimate criticism of Israel devolves into denying Israel's right to exist."

Nearly twice as many faculty members, the Times reported, "expressed fear the proposed statement would restrict free speech and the academic freedom to teach, debate and research about the complex and tumultuous history of Israel and the Zionist movement."

U.C. Berkeley Professor Judith Butler told the Times, "To include anti-Zionism as an instance of intolerance and bigotry is actually to suppress a set of political beliefs that we actually need to hear. It saddens me and strikes at the heart of the task of the university."

In contrast to Berkeley, where the university is trying to restrict speech critical of Zionism – speech that is defensible – Oberlin College's president recently defended academic freedom after a professor, whose speech was not only anti-Jewish but false and venomous, posted comments on social media claiming Jews and Israelis control much of the world and were responsible for the 9/11 attacks and the Islamic State.

A Los Angeles Times editorial from June, 2015 began,

"It's troubling when any institution tries to squelch debate or discourage controversial ideas, but it's downright alarming when this occurs at a university – and even worse when it is the University of California, whose Berkeley campus was at the

center of the Free Speech Movement in the 1960s. Yet that's exactly what's happening thanks to heavy-handed sensitivity training about so-called microaggressions."

Nor is this something new. Nadine Strossen in 1996 discussed these issues in *Speaking of Race, Speaking of Sex: Hate Speech, Civil Rights, and Civil Liberties*. Strossen, former president of the American Civil Liberties Union, deals with hate speech codes, which attempt to restrict bigoted or offensive speech, punishing those engaging in it. Strossen and others in this anthology argue that speech regulation designed to protect minorities is, in the final analysis, destined to be used against them. In this 20-year-old book the author maintains "it is difficult, if not impossible, to draw the line between unprotected insults and protected ideas."

At Princeton University, for example, U.S. President Woodrow Wilson helped the university expand into a full-scale institution of higher learning. To honor him the university subsequently created The Woodrow Wilson School of Public and International Affairs. Last fall, however, posters appeared on campus quoting some of the former president's racist quotes, including one where he said "segregation is not humiliating, but a benefit."

The posters, put up by a newly formed student group called the [Black Justice League](#), led to a walkout by some 200 students, and the presentation by members of that group of a [list of demands](#), the top of which called for the university to "publicly acknowledge the racist legacy of Woodrow Wilson" and to rename its public policy school.

As Atlantic magazine recently reported, "A movement is arising, undirected and driven largely by students, to scrub campuses clean of words, ideas, and subjects that might cause discomfort or give offense."

Last fall University of Louisville President James Ramsey felt

obliged to apologize for a photo of him and his staff wearing ponchos, sombreros and fake facial hair at a Halloween-themed party that turned “cultural stereotypes into costumes.”

In a November Yale Daily News article, early childhood education researcher Erika Christakis emailed why “offensive” costumes might be permissible: “Free speech and the ability to tolerate offence are the hallmarks of a free and open society.” She recalled that her sociologist husband Nicholas had said, “If you don’t like a costume someone is wearing, look away, or tell them you are offended. Talk to each other.”

This language-, costume- and racially fueled controversy at Yale University was heightened with news in March of the firing of Melissa Click from the University of Missouri. Click, who taught in the university’s Department of Communication, was caught on video calling for “muscle” to help her eject a student journalist from a protest site on campus last November. At the time, the university faced protests over the administration’s handling of racial protests

The Click episode can be seen from two First Amendment points of view. From one perspective, the professor was blocking student journalists exercising their First Amendment rights. From another perspective, the University of Missouri was firing her without due process because her support of protesters had angered university donors and state legislators.

In either case, this episode brings the free-speech debate issue on college campuses back to the very industry most benefitting from First Amendment’s protections – journalists. While it’s true the First Amendment was ultimately penned for the protection of Americans, the most direct beneficiaries of the Amendment’s press and speech freedoms are journalists.

So how best might the media report on the apparent rash of instances of free-speech abuses on university campuses –

locations where one would expect free speech to not only be tolerated, but revered? Aren't campuses, after all, places where preconceived notions and societies' mores are supposed to be challenged, debated and revised?

Such university free-speech issues should encourage journalists to neither blindly advocate for freedom-of-speech nor for students seeking to censure that very same speech. Instead, journalists might strive to report more on how universities are attempting to encourage and promote respectful, responsible discussions on race and other hot-button issues.

No matter how distasteful, such constitutionally protected speech deserves a constant, contextualized airing at all colleges and universities. A perfect solution? Of course not. But encouraging ethical reporting of such divisive issues, rather than sweeping them under a politically correct rug, isn't a bad place to begin.