

[House Hearing, 115 Congress]  
[From the U.S. Government Publishing Office]

CHALLENGES TO THE FREEDOM OF SPEECH  
ON COLLEGE CAMPUSES: PART II

=====

JOINT HEARING  
BEFORE THE  
SUBCOMMITTEE ON HEALTHCARE,  
BENEFITS, AND ADMINISTRATIVE RULES  
AND THE  
SUBCOMMITTEE ON  
INTERGOVERNMENTAL AFFAIRS  
OF THE  
COMMITTEE ON OVERSIGHT  
AND GOVERNMENT REFORM  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FIFTEENTH CONGRESS  
SECOND SESSION

\_\_\_\_\_  
MAY 22, 2018

\_\_\_\_\_  
Serial No. 115-105

Printed for the use of the Committee on Oversight and Government Reform

[GRAPHIC NOT AVAILABLE IN TIFF FORMAT]

Available via the World Wide Web: <http://www.Govinfo.gov>  
<http://oversight.house.gov>

\_\_\_\_\_  
U.S. GOVERNMENT PUBLISHING OFFICE  
32-667 PDF WASHINGTON : 2018

-----  
For sale by the Superintendent of Documents, U.S. Government Publishing Office,  
<http://bookstore.gpo.gov>. For more information, contact the GPO Customer Contact Center,  
U.S. Government Publishing Office. Phone 202-512-1800, or 866-512-1800 (toll-free).  
E-mail, [gpo@custhelp.com](mailto:gpo@custhelp.com).

Committee on Oversight and Government Reform

Trey Gowdy, South Carolina, Chairman	
John J. Duncan, Jr., Tennessee	Elijah E. Cummings, Maryland,
Darrell E. Issa, California	Ranking Minority Member
Jim Jordan, Ohio	Carolyn B. Maloney, New York
Mark Sanford, South Carolina	Eleanor Holmes Norton, District of
Justin Amash, Michigan	Columbia
Paul A. Gosar, Arizona	Wm. Lacy Clay, Missouri
Scott DesJarlais, Tennessee	Stephen F. Lynch, Massachusetts
Virginia Foxx, North Carolina	Jim Cooper, Tennessee
Thomas Massie, Kentucky	Gerald E. Connolly, Virginia
Mark Meadows, North Carolina	Robin L. Kelly, Illinois
Ron DeSantis, Florida	Brenda L. Lawrence, Michigan
Dennis A. Ross, Florida	Bonnie Watson Coleman, New Jersey
Mark Walker, North Carolina	Raja Krishnamoorthi, Illinois
Rod Blum, Iowa	Jamie Raskin, Maryland
Jody B. Hice, Georgia	Jimmy Gomez, Maryland
Steve Russell, Oklahoma	Peter Welch, Vermont
Glenn Grothman, Wisconsin	Matt Cartwright, Pennsylvania
Will Hurd, Texas	Mark DeSaulnier, California
Gary J. Palmer, Alabama	Stacey E. Plaskett, Virgin Islands
James Comer, Kentucky	John P. Sarbanes, Maryland
Paul Mitchell, Michigan	
Greg Gianforte, Montana	
Vacancy	

Sheria Clarke, Staff Director  
 William McKenna, General Counsel  
 Michael Koren, Professional Staff Member  
 Sarah Vance, Healthcare, Benefits, and Administrative Rules  
     Subcommittee Staff Director  
 Anudeep Buddharaju, Counsel  
 Sharon Casey, Deputy Chief Clerk  
 David Rapallo, Minority Staff Director  
 Subcommittee on Healthcare, Benefits, and Administrative Rules

Jim Jordan, Ohio, Chairman	
Mark Walker, North Carolina, Vice	Raja Krishnamoorthi, Illinois,
Chair	Ranking Minority Member
Darrell E. Issa, California	Jim Cooper, Tennessee
Mark Sanford, South Carolina	Eleanor Holmes Norton, District of
Scott DesJarlais, Tennessee	Columbia
Mark Meadows, North Carolina	Robin L. Kelly, Illinois
Glenn Grothman, Wisconsin	Bonnie Watson Coleman, New Jersey
Paul Mitchell, Michigan	Stacey E. Plaskett, Virgin Islands

-----

Subcommittee on Intergovernmental Affairs

Gary Palmer, Alabama, Chairman	
Glenn Grothman, Wisconsin, Vice	Jamie Raskin, Maryland, Ranking
Chair	Minority Member
John J. Duncan, Jr., Tennessee	Mark DeSaulnier, California
Virginia Foxx, North Carolina	Matt Cartwright, Pennsylvania
Thomas Massie, Kentucky	Wm. Lacy Clay, Missouri
Mark Walker, North Carolina	Vacancy
Mark Sanford, South Carolina	

C O N T E N T S

-----

Hearing held on May 22, 2018..... 1

WITNESSES

Dr. Allison Stanger, Russell J. Leng '60 Professor of International Politics and Economics, Middlebury College, Vermont

    Oral Statement..... 7

    Written Statement..... 9

Mr. Tyson Langhofer, Senior Counsel and Director, Center for Academic Freedom, Alliance Defending Freedom

    Oral Statement..... 13

    Written Statement..... 15

Dr. Bret Weinstein, Professor In-Exile, Evergreen State College, Washington

    Oral Statement..... 25

Dr. Shaun Harper, Provost Professor of Education and Business, Allen Chair in Urban Leadership, University of Southern California

    Oral Statement..... 27

    Written Statement..... 29

Dr. Robert P. George, McCormick Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions, Princeton University, New Jersey

    Oral Statement..... 33

    Written Statement..... 36

APPENDIX

Response from Mr. Langhofer to Questions for the Record..... 94

Response from Dr. George to Questions for the Record..... 98

Response from Dr. Stanger to Questions for the Record..... 100

CHALLENGES TO THE FREEDOM OF SPEECH ON COLLEGE CAMPUSES: PART II

-----

Tuesday, May 22, 2018

House of Representatives,  
 Subcommittee on Health Care, Benefits and  
 Administrative Rules, joint with Subcommittee on  
 Intergovernmental Affairs  
 Committee on Oversight and Government Reform,  
 Washington, D.C.

The subcommittees met, pursuant to call, at 2:05 p.m., in Room 2154, Rayburn House Office Building, Hon. Jim Jordan [chairman of the Subcommittee on Healthcare, Benefits, and Administrative Rules] presiding.

Present from the Subcommittee on Healthcare, Benefits, and Administrative Rules: Representatives Jordan, Meadows, Mitchell, Krishnamoorthi, and Plaskett.

Present from the Subcommittee on Intergovernmental Affairs: Representatives Palmer, Duncan, Foxx, Massie, Raskin, and DeSaulnier.

Also Present: Representatives Stefanik, Handel, Brat, and Perry.

Mr. Jordan. The subcommittees will come to order.

We want to welcome our guests. We'll introduce you here in just a few minutes. You guys have done this, many of you have done this before. You know how this works. We'll have a few

opening statements from some members, and then we'll get right to your individual testimony and then into questions.

And so, I want to recognize first the subcommittee chairman from the great State of Alabama, Mr. Palmer, is recognized for an opening statement.

Mr. Palmer. Thank you, Mr. Chairman. Thank you all for sharing your experiences on this critical topic.

Ensuring our future of generations achieve a comprehensive well-rounded education is one of our most important pursuits that we can ever hope to achieve. Parents encourage their children to attend college in hopes that they are given the tools to thrive in society and in their lives.

I would hope that all colleges, universities, would want their students to mature into adults who are well-prepared in every aspect of integration into our culture, into our society. Adults who can understand that their classmates may not agree 100 percent with them. Adults that can find commonality with those who grew up different from themselves. But the mission of an intolerant group of students who are complacent, and sometimes not so complacent, support of universities has been to ensure that only one point of view gets expressed.

When did they get into business of not challenging students' world views? It is well-established that States have legislative authority in setting education policy. It is no surprise that they have taken on the mantle of defending free speech on public campuses. States like North Carolina have banned what some of colleges refer to as free speech zones.

These are small areas that some universities have confined their students to allow them to exercise their freedom of speech. Other States like Missouri and Utah have implemented small monetary awards, if a court finds violations of free speech on a college campus.

The Wisconsin School System President, Ray Cross, noted perhaps the most important thing we can do as a university is to teach students how to engage and listen to those with whom they differ. If we don't show students how to do this, who will?

In order to prevent substantially disruptive students from derailing events, the school system has adopted disciplinary measures on students who seek to usurp a speaker's First Amendment rights.

The Federal Department of Justice stated they will not stand by idly while public universities violate students' constitutional rights. The Department of Justice has filed three statements of interest involving alleged First Amendment violations to students by universities.

America's founding and our Constitution was premised on the exchange of ideas. Imagine where we would be right now if our country's forefathers were muted by their opponents.

I want to thank the witnesses, again, for joining us to discuss how we can better improve our students' most fundamental protection, the freedom to express their views, and I would add, the freedom to associate and assemble.

With that, Mr. Chairman, I yield back.

Mr. Jordan. I thank the gentleman for his opening statement. I now recognize the gentleman from Maryland, Professor Raskin.

Mr. Raskin. Mr. Chairman, thank you very much. I'm delighted to be with everybody today. As a professor of constitutional law and the First Amendment and someone who has been a volunteer attorney with the ACLU, and I served on the board of FIRE, these issues are of great interest and importance to me. And we need our colleges and universities to be modeling the best policies of freedom and toleration today, because we know we're getting all the wrong instructions from

the highest levels of government today. Over the weekend, we learned that the President, who is unhappy with the coverage he gets in The Washington Post, and blames it on its owner, Jeff Bezos, has repeatedly pushed Postmaster General Megan Brennan to double the rates that the Postal Service charges Amazon.com for delivering its products.

This silly effort to retaliate against Mr. Bezos, an American businessman, because of unwanted news coverage, is an outrageous violation of the First Amendment, more characteristic of the political ethics of a dictator in a banana republic than it is of the President of the United States.

Nonetheless, it is always true to form for this President, who has selectively excluded media entities from White House press conferences, leveled angry threats against NBC, whose license he said should be challenged and revoked, and has issued frequent broadsides against the media, which he describes as the enemy of the people.

Here in Congress, we have a colleague who was a candidate actually violently assaulted a reporter who asked him an unwanted question. According to the Fox News crew which reported it, he grabbed the reporter by the neck with both hands, and slammed him into the ground behind him, then began punching the reporter.

These kinds of attacks on other people's free speech reflect not just profound personal insecurity, but an intentional ignorance of constitutional values. An ignorance which is especially dangerous in people who wield State power. So we do need an aggressive defense on campus about the enlightenment principle articulated by Voltaire, ``I disagree with everything you say, but I will defend with my life your right to say it.''

The problem these days, of course, is that on campus and in the media, everyone defends only the free speech that they actually support or find useful. When racist misogynists and outright provocateurs like Milo Yiannopoulos or Richard Pierce get drowned out by hecklers, or driven off of a liberal campus like Berkeley, conservatives blow the whistle on left wing political correctness and vigilante censorship, and well they should.

When a group of students menaced and assaulted Professor Stanger who was with Charles Murray, this was outrageous, and conservatives denounced it. The liberals should be denouncing it, too.

When Liberty University, this past April, banned from campus and threatened to have arrested Shane Claiborne, a Christian social activist who advocates for nonviolence and wanted to conduct a peaceful vigil against gun violence and for gun safety reforms, liberals were up in arms about right wing political correctness and censorship on campus, but conservatives were completely silent.

When Georgetown refused to recognize Hoyas for Choice, a pro-choice student group, and discriminates against them in their ability to preserve rooms, post notices for meetings and so on, liberals cry foul and denounce right wing censorship on campus, but conservatives stay mum.

And when we learned a couple weeks ago that George Mason, which reportedly granted faculty hiring and firing authority to Charles Koch, a billionaire oil executive who made a \$50 million gift to the school, progressives erupted in protest over this violation of academic freedom and independence. But we heard nothing from the people who were agitated about the heckling and juvenile interruptions of Milo Yiannopoulos or other provocateurs on campus.

Now, there are complex issues in this field, which I hope

when can address, like the whole subject of disinvitation, someone who makes an invitation presumably has a right to disinvite, too. After all, the invitation goes to a guest who appears at the grace of the host. On the other hand, I don't think it's the most polite thing to do. I'm not sure it's unconstitutional, but that's something I think is worthy of some discussion.

The most vexing issue, I think, is the problem of serious hate speech interlaced with weapons. We saw that the alt-right movement is capable of deadly violence.

In August of 2017, in Charlottesville, when 2 days of racial and religious incitement, some of it on the UVA campus, led to the murder of Heather Heyer, the deaths of several officers in a helicopter, and the injury of more than a dozen other people.

Given this kind of climate and the serious fear the college presidents and deans have, and the heavy legal liability they possess, what reasonable steps and precautions may they take to preserve peace on campus while still respecting the freedom of expression? That is a serious issue that deserves some serious analysis.

I am opposed to free speech zones, because I have always believed that America itself is the free speech zone, and it cannot be cordoned off and quarantined at the far edges of campus. But what can administrators reasonably do? This is something that we need real advice and direction on.

I hope we can revive a robust free speech culture on campus today, Mr. Chairman, one which respects the rights and freedoms of all.

Thank you very much.

Mr. Jordan. I thank the gentleman. Let me just, again, thank our witnesses for being here and for my colleagues for being here this afternoon to discuss the First Amendment, one of the great freedoms the American people enjoy. And we're doing so at a time where in the not too distant past, we have seen the Federal Government, specifically the IRS, target people for exercising their First Amendment free speech political rights.

We do so at a time where over the past academic year, there have been several troubling incidents at colleges across the country. And today, we hear firsthand from our witnesses who are at the forefront of the debate over free speech on America's campuses.

There's been a trend of intolerance against those voicing unpopular ideas or speech deemed disagreeable or offensive by some students and faculty at colleges and universities.

This is occurring across the ideological spectrum, and even at law schools, even at law schools, where students should be taught to engage in a civil way with each other's viewpoints. This past March, at Lewis & Clark Law School and at The City University of New York Law School, protests disrupted. Speakers who were invited to speak at Lewis & Clark, a member of the school's administration was present, reportedly the Dean for diversity, but they stood by and did nothing, allowing a heckler's veto to silence an invited speaker instead of encourage students to debate ideas that they disagreed with.

In another instance, administrators at a community college forced an 8-year Navy veteran to stop distributing--and get this--pocket-sized U.S. Constitutions.

Professor Raskin, we wouldn't want students reading the Constitution, would we? Because he hadn't received a permit to distribute preapproved material. So the very document that allows us to enjoy this great Nation wasn't deemed preapproved material, this individual took an oath to defend this document and the ideals he embodies, but he wasn't allowed to hand out

free copies of the United States Constitution. Because his students stood up for the most basic rights, the school, thankfully, changed their unconstitutional policy.

At our first hearing on this subject, we heard from civil rights experts, administrators, and speakers who had been shouted down and threatened, disinvited because of their beliefs. We even heard from a comedian. Mr. Krishnamoorthi, I think he made a little joke about the length of the letters in your name.

Today, our panel consists of witnesses who were not only shouted down, but physically assaulted, in the case of Dr. Stanger, and ousted from their teaching jobs, in the case of Dr. Weinstein. Let's be clear. College is a place for young minds to be intellectually stimulated and challenged with new ideas and ways of thinking. Unfortunately, at many institutions, students and faculty are forced into self-censorship out of fear of triggering, violating a safe space, creating a microaggression or being targeted by a biased-response team.

At one university when reporting bias, and I quote, ``the most important indication of bias is your own feelings. Real objective standard there, Mr. Raskin, right?

To borrow a phrase from--facts don't care about your feelings. And as Justice Brandeistold us, ``the answer to bad speech is more speech.'' Restricting speech that does not conform to popular opinion, imperils the politically weakest among us from speaking at all, which is exactly what the First Amendment is designed to prevent.

When students go back to school in the fall, are these institutions going to be more open to civil debate? We certainly hope so. And that is the focus of our hearing today. And so, again, thank you to our witnesses for appearing with us today, and I look forward to hearing your testimony in just a few minutes, but first we have the gentleman, the right fine gentleman with the long name, who is the ranking member who gets his opening statement. And then we'll get to our witnesses.

Mr. Krishnamoorthi. I welcome comedic speech at this hearing. And I hope there will be some to lighten things up. I should just tell you, in that hearing I introduced myself as had Raja Krishnamoorthi and somebody said Roger Christian Murphy, very nice to meet you. I didn't know the Irish made it to India.

Well, thank you, Mr. Chairman, and thank you, ranking members, for allowing me just a couple minutes of time to address this very important topic.

Our First Amendment protections are among our most cherished rights, and I think everybody in this room knows that. Free speech is a cornerstone of the Nation's commitment to ensuring that we are able to have a robust and wide-open discussion.

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. 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. 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. And humorously. There is a clear and present danger facing colleges and universities across the Nation making peaceful disagreement

difficult; namely, an increase in white supremacist hate groups on campuses and the targeting and harassing of students because of their religion, race, and sexual identity.

This is not about culture wars or liberal versus conservative. This is about our values as a society making our children safe to engage in civil discourse, to use their First Amendment rights free from coercion. Today, white supremacists groups and other hate groups are a significant challenge for the exercise of First Amendment rights on college campuses.

According to the Anti-Defamation League, white supremacists are engaged in an unprecedented set of outreach efforts on American college campuses. They are pursuing a deliberate strategy of recruiting college students. They are also increasing the incidents of hate speech on campuses, targeting and threatening students for their race, religion, and sexual identity.

From the fall of 2016 to the fall of 2017, the ADL reported that there was a 258 percent increase in white supremacists propaganda efforts, such as the dissemination of racist flyers and stickers on college campuses.

Along with this rise came an increased number of incidents of Anti-Semitic, racist, and other hateful expressions that target and harass students on college campuses.

The Southern Poverty Law Center reported that in the first 10 days, the first 10 days after the 2016 presidential election, there were 140 incidents of hate-biased attacks on university campuses.

Coinciding with these unprecedented increases in hateful expression, a significant decrease in free speech suppression on college campuses is also happening. The Foundation For Individual Rights and Education reports that in 2017, there were just 35 disinvitation attempts, of which 19 were successful.

This number is down from 43 in 2016. This organization also reported that the number of universities having official quote, unquote, ``speech codes'' has been dropping each year and is currently at an all-time low.

As we examine the issue of free speech today on college campuses, let's keep the focus on addressing the real source of danger to the expression of freedom of speech, namely, an alarming increase in white supremacist and hate group activity.

Thank you, Mr. Chairman.

Mr. Jordan. I thank the gentleman. I would ask unanimous consent that Ms. Stefanik, Ms. Handel, Mr. Estes, Mr. Brat, and Mr. Perry be able to participate in today's hearing.

Without objection, so ordered.

We now turn to our distinguished witnesses.

Mr. Langhofer, Mr. Tyson Langhofer is Senior Counsel and Director for Center for Academic Freedom at the Alliance Defense Fund. Mr. Langhofer, we appreciate you being here.

Dr. Bret Weinstein, Professor In-exile, and I believe that's an actual title you have. Is that right, Mr.----

Mr. Weinstein. Yes.

Mr. Jordan. Yeah. Professor In-exile, Evergreen State College from Washington is with us. We appreciate you being here.

Dr. Allison Stanger, Professor of International Politics and Economics at Middlebury College in Vermont is with us. And Dr. Shaun Harper, Professor of Education and Business at the University of Southern California. And, of course, Dr. Robert George McCormick, Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions at Princeton University, of course, in New Jersey, is with us.

Welcome to all. And pursuant to committee rules, I ask that you all stand. We swear everyone in here. So if you would



please stand and raise your right.

Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record show that everyone, each witness answered in the affirmative.

Mr. Langhofer, we're going to go right down the list.

Actually, we're going to start with Dr. Stanger, then we're going to go right down the list. And we'll start with Dr. Stanger first, and then move right down there.

So, Ms. Stanger, you're recognized.

#### WITNESS STATEMENTS

##### STATEMENT OF ALLISON STANGER

Ms. Stanger. Well, thank you very much. You've invited me to testify about my own personal experiences with free speech issues on college campuses and what I have learned from them.

It is an honor and privilege to share some thoughts with you here today, and I look forward to answering your questions.

Many see a leftward ideological tilt among university professors and programs as compared with the general population. What is undeniably true that most American professors do not identify as conservative, I would argue that the academy is not tilting leftward. Rather, it is defining college community in opposition to the life of the mind.

This is no trivial reorientation. Nothing less than free inquiry and the civil discourse upon which American constitutional democracy depends is at stake.

I think this is a situation that can be righted and it should be up to universities to do that, but we can talk about that.

So what can be done? I think calls for viewpoint diversity will not entirely address the problem, because they simply further politicize a realm that should make every effort to transcend politics and give every scholarly argument its proper due, regardless of its origins and regardless of what majority opinion might be.

Balancing left and right that is a political agenda is of lesser importance than allowing reason, logic, and above all, empathy to reign supreme.

The university must therefore stand against group think and campus illiberalism. It must take the lead in educating our students and the public on the dangerous consequences of believing you can build a better world through the dehumanization of other human beings.

The voices of the marginalized must be amplified and heard, while remembering always that extremism, in all its permutations, is ultimately the denial of empathy's importance for human flourishing.

Perhaps most importantly, there is also a role for every American citizen to play, especially distinguished Members of Congress. Each and every one of us can model the behavior we would like to see from others. Our political discourse in this country would improve immeasurably if all of us would simply renounce lies and ad hominem attacks masquerading as arguments. And instead, call them out for what they actually are: threats to the civil discourse on which free inquiry, democracy, and the rule of law depend.

Much is at stake in defending freedom of expression. Because democracy cannot function when loyalty trumps truth. In a 1974 interview, Hannah Arendt explained, ``If everybody always lies to you, the consequence is not that you believe the lies, but rather that nobody believes anything any longer. And

a people that no longer can believe anything cannot make up its mind. It is deprived not only of its capacity to act, but also of its capacity to think and to judge. And with such a people, you can then do what you please.''

While breaking with our own tribe for the sake of the truth may be uncomfortable, we as Americans are indisputably free to do it. We owe it to ourselves and to our children who are watching us, to avoid taking the path of least resistance and instead, do what is right, both to defend truth and to defend the republic.

Thank you. And I welcome your questions.

[Prepared statement of Ms. Stanger follows:]

[GRAPHICS NOT AVAILABLE IN TIFF FORMAT]

Mr. Jordan. Thank you, Doctor. Mr. Langhofer, you're recognized.

#### STATEMENT OF TYSON LANGHOFER

Mr. Langhofer. Good afternoon, Mr. Chairman, and members of the committee. Thank you for the opportunity to testify before you today. My name is Tyson Langhofer, and I'm senior counsel with Alliance Defending Freedom, and the director of the Center for Academic Freedom, which is dedicated to protecting freedom of speech and association for students and faculty at public universities, so that everyone can freely participate in the marketplace of ideas without fear of government censorship.

Over the last 12 years, ADF has secured almost 400 victories for free speech on America's college campuses. While these victories show that the law is on the side of free speech, the fact that there are this many infringements taking place raises grave concerns.

In the United States, the only permit a student should need to speak freely on public university campus is the First Amendment. But unfortunately, many taxpayer-funded public universities enforce policies that suppress and stifle the marketplace of ideas that campuses were intended to be, and it created a college culture that fears rather than respects differences of opinion.

Ironically, colleges are some of the most diverse places in the entire country, spending millions of dollars every year on all kinds of diversity initiatives. Yet, public universities are some of the most ideologically intolerant places in the entire country.

Why is that? There exists a lack of intellectual diversity, respect for diversity of thought. Uniformity of thought breeds intolerance, especially when enforced by government mandate.

Unfortunately, most of today's colleges have chosen to regulate rather than to respect freedom and authentic diversity. They do so by enacting an array of policies that infringe upon students' First Amendment rights.

I will briefly discuss three of the most prevalent. The first categories of speech zone policy. A speech zone is a policy that prohibits students from speaking or distributing literature anywhere in the open outdoor areas of campus, except for a very small speech zone.

For example, we recently represented Michelle Gregory, a student at Kellogg Community College in Michigan.

Michele was in the process of forming a Young Americans for Liberty Student Group. Michelle and three other YAL supporters were on a large open walkway on campus handing out pocket-sized copies of the U.S. Constitution. They were not blocking access to buildings or pedestrian traffic, and were not interfering with any activities. Yet college administrators and campus

security arrested, jailed, and charged them with criminal trespass, simply for speaking outside the speech zones.

Thankfully, after ADF filed a lawsuit, the charges were dropped, and the school eventually changed its policy. But students literally spent the evening in jail for asking their fellow students if they would like to learn more about freedom and the U.S. Constitution.

The second category of unconstitutional policy is speech codes. A speech code is a policy or regulation that prohibits or punishes a certain types of speech that colleges view as demeaning, uncivil, derogatory, or discriminatory.

For example, ADF represents Chike Uzuegbunam, a student at Georgia Gwinnett College. Chike was in an outdoor area of campus talking with other students about his faith. School officials ordered him to leave because they said he had violated the college's speech code, which forbids any expression that, quote, ``disturbs the peace and/or comfort of persons.''

After ADF filed a lawsuit, the school modified this portion of its policy, but this case is still ongoing.

The third category of policies involve how schools allocate student activity fees. A student activity fee is a mandatory fee that most colleges charge in addition to tuition to fund the expressive activities of student organizations.

Unfortunately, many universities' student activity fee policies are allocated in an unconstitutional viewpoint discriminatory manner. For example, last month, we filed a lawsuit against Kennesaw State University on behalf of Young Americans For Freedom. The college gives university officials sole discretion to rank student organizations subjectively into one of four classifications that function as a sort of caste system for preferential treatment, including which areas of campus that they can use, and the amount of funding for activities.

These are just a few examples demonstrating that today's colleges are failing to educate their students about rights afforded by the First Amendment and about their duties as citizens of this great country.

Our First Amendment demands better. Our colleges can do better. Our students deserve better. In an essay on the purpose of education, Dr. Martin Luther King said, to save man from the morass of propaganda, in my opinion, is one of the chief aims of education. Education must enable one to sift and weigh evidence, to discern the true from the false, the real from the unreal, and the facts from the fiction.

Dr. King closed with this warning: ``If we are not careful, our colleges will produce a group of close-minded unscientific, illogical propagandists consumed with immoral acts. Be careful, brethren. Be careful, teachers.''

I commend the members of the committee for recognizing the importance of protecting college students' First Amendment rights on campus. And I am happy to answer any questions.

[Prepared statement of Mr. Langhofer follows:]

[GRAPHICS NOT AVAILABLE IN TIFF FORMAT]

Mr. Jordan. Thank you, Mr. Langhofer, for that.

I notice we have some young people with--lots of young people in the audience. Some have t-shirts on. We want to welcome the students who are here supporting First Amendment rights. And I also notice we have a nice young lady who happens to be the wife of our colleague, Mr. Meadows, who is in the audience, along with their son Blake. So welcome to Ms. Meadows, and Blake as well.

We now go to Dr. Weinstein, Professor In-exile. We're waiting for what that all means. Doctor, you've got 5 minutes.

## STATEMENT OF BRET WEINSTEIN

Mr. Weinstein. Mr. Chairman, distinguished members of the committee, thank you for the invitation to address you.

Tomorrow is the 1-year anniversary of the day 50 Evergreen students, students that I had never met, disrupted my class, accusing me of racism and demanding my resignation. I tried to reason with them. I felt no fear because I knew that whatever my failings might be, bigotry was not among them. At that moment, I felt sure I could reach them. I also felt a moral obligation to try. That racism squanders human potential and erodes human dignity offends me.

I am also well-versed in the evolutionary logic that makes racism durable. I should have had no trouble establishing common ground. Their response surprised me. It would take months for me to fully understand what had happened. The protesters had no apparent interest in the very dialogue they seemed to invite.

I was even more surprised by the protesters fervor in shouting down my actual students, some of whom had known me for years. The cruelty and the derision reserved for students of color who spoke in my defense was particularly troubling.

If not discussion, what did they want? I was one of Evergreen's most popular professors, I had Evergreen's version of tenure. Did they really think they could force my resignation based on a meritless accusation? They did think that. And they were right.

What I had not counted on was their alliance with Evergreen's new president. Though the protesters openly humiliated him, the president of the college partnered with the mob in private, handing them concession after concession. We know this because the rioters filmed everything and proudly uploaded it.

In one particularly telling video, the president calmly discusses with the leaders of the protest a demand to target stem faculty based on the empty assertion that scientists are particularly prone to bias.

In that same video, the president speaks of his plan for those who resist the new order. Bring them in, train them, and if it doesn't take, sanction them. He invites his partners to hold him to it.

On the second day of unrest, the police chief called me. Rioters were stopping traffic and searching for someone car-to-car. The chief believed they were searching for me. She was worried for my safety and helpless to protect me as the president had ordered her force to stand down. What would have transpired if the rioters had found me? I still don't know, and I strongly suspect they don't either.

The protest in my class did not emerge out of the blue in May of 2017. One year earlier, I stood up and spoke in opposition to a dangerous proposal, one that threatened to establish a racial hierarchy amongst faculty.

To those who have not faced something similar, this likely sounds hyperbolic, but one can now advance such policies and almost certainly succeed in passing them if they are properly draped in weaponized terminology.

Equity, for example, has taken on special properties. If a person opposes an equity proposal, those advancing the proposal are secure in asserting that the person is motivated by opposition to racial equity itself. In other words, they are racist.

My opposition to that first equity proposal was voiced to my colleagues with no students present. Demands for my

resignation 1 year later in May of 2017 were not the result of organic student confusion, they were payback for violating a de facto code of faculty conduct, in which one's right to speak is now dictated by adherence to an ascendent orthodoxy in which one's race, gender, and sexual orientation are paramount. The students were on a mission. They were unwitting tools of a witting movement.

This committee should take my tale as cautionary. Is there a free speech crisis on college campuses? One can certainly make that argument. But that portrayal is at least as misleading as it is informative.

What is occurring on college campuses is about power and control. Speech is impeded as a last resort, used when people or groups fail to self-censor in response to a threat of crippling stigma and the destruction of their capacity to earn.

These tools are being used to unhook the values that bind us together as a Nation. Equal protection under the law, the presumption of innocence, a free marketplace of ideas, the concept that people should be judged by the content of their character rather than the color of their skin. Yes, even that core tenet of the civil rights movement is being dismantled.

Am I alleging a conspiracy? No. What I have seen functions much more like a cult in which the purpose is only understood by the leaders and the rest have been seduced into a carefully architected fiction.

Most of the people involved in this movement earnestly believe that they were acting nobly to end oppression. Only the leaders understand that the true goal is to turn the tables of oppression.

Something is seriously and dangerously amiss. At this moment in history, the center does not hold. Partisan polarization and political corruption have rendered government ineffective, predatory, and often cruelly indifferent to the suffering of American citizens. Tribalism is the natural result.

Evergreen's public meltdown placed me in the eye of the storm and cast me into the spotlight. As a member of the intellectual dark web, I find myself at the vanguard of an emerging nonideological, nonpartisan movement.

Along the Heterodox Academy and the Foundation for Individual Rights in Education, we are fighting to restore civility and respect for competing perspectives. The electra is starved for honest debate and for the good governance that follows from it.

My advice to this body is to put the Nation and its core values ahead of partisanship, and join us in the center to end this cultish power grab and return us to a forward path as a Nation. And I look forward to your questions.

Mr. Jordan. Thank you, Doctor. Dr. Harper.

#### STATEMENT OF SHAUN HARPER

Mr. Harper. Mr. Chairman and distinguished members, thank you for inviting me to contribute to this important conversation.

In my prior role as a tenured professor at the University of Pennsylvania, I founded an Interdisciplinary Research Center focused on race and education, workplace settings in our larger society. I relocated that Center with me to the University of Southern California last summer.

I've spoken about the Center's studies and my independent research at hundreds of colleges and universities across the United States. Surely, not every person on campuses at which I've spoken found my ideas and research findings agreeable.

Notwithstanding, I've never had a speaking invitation withdrawn or had any group publicly protest a speech I delivered. It is important to acknowledge, however, that university administrators absolutely reserve the right to rescind speaking invitations they extend to me or anyone else. As a matter of fact, they typically make this clear in contractual agreements. These contracts are between institutions and their invited guests. I see no need for congressional intervention.

For at least three reasons, tuition-paying college students have the right to protest people who bring hateful and poisonous messages to their communities.

First, it is their campus. They pay to be there. Students have to learn, and in many cases, live there long after controversial speakers have come and gone.

Second, student activity fee money is often used to fund expensive speakers, including those whom conservative student groups invite. Most people feel they have a say in something their money helps to finance.

College students who pay tuition and fees are entitled to oppose spending thousands of their dollars on inflammatory divisive guest speakers.

Third, and most importantly, college students have the constitutional right to protest. Their freedom of speech is just as valuable as the First Amendment rights of controversial speakers and people who support them.

My Ph.D is in higher education. This has been my primary academic field of study for two decades. Having been elected by my peers to serve as national president of the Association for the Study of Higher Education, I feel a serious sense of responsibility to help preserve colleges and universities as marketplaces for contested ideas and sites of serious intellectual debate.

I wholeheartedly agree that more speech, not less, advances the democratic purposes of American higher education.

Sending millions of college-educated citizens into the workforce with little experience talking with people who disagree with them politically, is a significant failure of our Nation's post-secondary institutions.

Many campus complex pertaining to speech are inescapably racialized. Race is almost always at the center. Yet in conversations about free speech, rarely is race and racism ever named. My research shows that we send far too many college graduates into the workforce without a proper course of study on race, racism, and racial inequity.

Leaders in most sectors of our economy have college degrees. And a disproportionately high number of them are white. White Americans comprise 94 percent of governors. 87 percent of the U.S. Senate, 76 percent of the U.S. House of Representatives, 80 percent of K-12 teachers, 73 percent of college faculty members, and 83 percent of college and university presidents.

Given these demographics, post secondary institutions act irresponsibly when we fail to create conditions that bring together whites and students of color to talk and learn across racial and political lines. This, as I see it, is a matter of institutional responsibility.

According to the U.S. Department of Education, our country has 4,724 degree-granting post secondary institutions. Shouting down and rescinding invitations from highly compensated guest speakers is an issue plaguing only a tiny fraction of that 4,724 colleges and universities.

College student activists are often accused of attempting to suppress their professor's speech. In 2016, there were more than 1.4 million faculty members at U.S. colleges and

universities.

Even if 10,000 professors, which is a hypothetically high number, experienced aggressive encounters with speech suppressors on campus, that would be just 0.7 percent of the total faculty members nationwide.

Most colleges and universities, including my own, host dozens, sometimes hundreds, of speakers each year who bring a wide range of perspectives to campus. The overwhelming majority of these speakers do not experience protests.

But unlike the few who do, many of whom, by the way, are entertainers, not academicians. Unlike those, I would invite student protesters into a conversation with me about our ideological and factual disagreements.

I would insist that those who support my viewpoints make space to respectfully listen to and talk with others who do not. It is not an entertainer's financial or celebrity interest to patiently engage disagreeable students in productive conversations across partisan and racial lines.

Again, I believe that this a challenge for college and university leaders. It is certainly not a matter for the Congress and the courts, in my opinion.

I look forward to your questions.

[Prepared statement of Mr. Harper follows:]

[GRAPHICS NOT AVAILABLE IN TIFF FORMAT]

Mr. Jordan. Dr. Harper, are you suggesting entertainers don't have First Amendment rights?

Mr. Harper. I am absolutely respecting that entertainers have First Amendment rights. What I am suggesting, though, is that they are not there to advance educational purposes.

Mr. Jordan. They're not?

Mr. Harper. And these are educational institutions.

Mr. Jordan. They were invited by a university to come, and they have First Amendment rights, but they're not there to advance education? I don't get that. But we'll get to questions. I just want to be clear that entertainers, just because you're an entertainer doesn't mean you forfeit your personal liberties on the college campus, is that right?

Mr. Harper. Absolutely. Everyone.

Mr. Jordan. Okay. Dr. George, you're recognized for your 5 minutes.

#### STATEMENT OF ROBERT P. GEORGE

Mr. George. Thank you. I wish to thank the chairman, the ranking member, Mr. Raskin, Mr. Palmer and members of this committee for holding this important hearing and inviting me to give testimony.

It's a particular honor to appear alongside Professor Stanger and Professor Weinstein whose courage, integrity, and commitment to freedom of thought and expression and robust civil discourse are inspiring.

I've provided the committee staff with my formal written testimony. This afternoon, I wish to share some thoughts drawn largely from a statement I issued some months back with my dear friend and teaching partner, Professor Cornell West.

Professor West and I, though representing different political perspectives, shared concerns about the state of American higher education and the condition of American democracy.

We worry that too narrow a range of perspectives is represented in a great many colleges and universities, especially among faculty, and that this tends to create an echo chamber in which education degenerates into indoctrination. Dissent is stigmatized, marginalized, and sometimes even

punished or driven off the campus.

We also worry that the American people are becoming polarized in ways that foment a level of distrust and hostility to each other and an unwillingness to listen to and engage each other that undermines the foundations of our democratic civic life. And Mr. Raskin is correct that at the highest levels, this is being exacerbated. It's also alas bipartisan.

By hard experience, mankind has learned that the pursuit of knowledge and the maintenance of a free and democratic society require the cultivation and practice of certain virtues, including intellectual humility, openness of mind, and above all, love of truth.

These virtues will manifest themselves and be strengthened by one's willingness to listen attentively and respectfully to intelligent people who challenge one's beliefs, and who represent causes one disagrees with and points of view one does not share.

That's why all of us should seek respectfully to engage with people who challenge our views. And we should oppose efforts to silence those with whom we disagree, especially on college and university campuses.

As the great 19th Century English liberal philosopher John Stuart Mill thought, a recognition of the possibility that we may be in error is a good reason to listen and honestly consider and not merely tolerate grudgingly to other points of view that we do not share, and even perspectives that we find shocking, and even scandalous.

What's more, as Mill noted, even if one happens to be right about this or that disputed matter, seriously and respectfully engaging people who disagree will deepen one's understanding of the truth and sharpen one's ability to defend it.

Now, none of us is infallible. That should be the starting point of any discussion of intellectual life. None of us is infallible. Whether you're a person of the right, the left, the center or wherever, there are reasonable people of goodwill who do not share your fundamental convictions, and yet, too often we refuse to acknowledge that.

Now this doesn't mean that all opinions are equally valid or that all speakers are equally worth listening to. It certainly does not mean that there's no truth to be discovered, nor does it mean that you are necessarily wrong. But they are not necessarily wrong either.

So someone who is not fallen into the idolatry of worshipping his or her own opinions and loving them above truth itself will want to listen to people who see things differently.

In order to learn what considerations, evidence, reasons, arguments, led them to a place different from where one happens, at least for now, to find oneself.

All of us should be willing, even eager to engage with anyone who is willing to do business in the currency of truth-seeking discourse by offering reasons, marshaling evidence, and making arguments.

The more important the subject under discussion, the more willing we should be to listen to and engage, especially if the person with whom we are in conversation will challenge our deeply-held, even our most cherished and identity-forming beliefs.

It's all too common these days for people to try to immunize from criticism opinions that happen to be dominant in their particular community, wherever they are. Sometimes this is done by questioning the motives, and thus, stigmatizing dissent from prevailing opinions, or by disrupting their presentations, or by demanding that they be excluded from campus, or if they've been invited, disinvited.



Sometimes students and faculty members turn their backs on speakers whose opinions they don't like, or simply walk out or refuse to listen to those whose convictions offend their values.

Of course, the right to peacefully protest, including on campuses, is sacrosanct. Absolutely. But before exercising that right, I encourage my students to ask themselves, Might it not be better to listen respectfully and try to learn from a speaker with whom one disagrees.

Might it better serve the cause of truth seeking to engage in a frank, civil discussion.

Our willingness to listen to and respectfully engage those with whom we disagree contributes vitally to maintenance of a milieu in which people feel free to speak their minds, consider unpopular opinions, explore the lines of argument that may undercut established ways of thinking.

Such an ethos protects us against dogmatism and group think, both of which are toxic to the health of academic communities and to the functioning of democracies.

When universities are permitted to degenerate into ideological echo chambers, which is what tends to happen when we lack viewpoint diversity, especially among faculty, freedom of thought and expression quickly come under attack and are sooner or later lost. Dissent from campus orthodoxy comes to be perceived, and even experienced as attacks on our communities' values and even personal assaults.

People begin defining what they call hate speech way too broadly in saying such things as, Free speech is violence. Some may even begin defending actual violence, violence against dissenters from campus orthodoxies as a form of free speech.

[Prepared statement of Mr. George follows:]

[GRAPHICS NOT AVAILABLE IN TIFF FORMAT]

Mr. Jordan. Thank you so much, Doctor. I want to thank all our witnesses for outstanding testimony and for the experiences you had and what you bring to the committees today.

I'm going to start with the gentleman from Alabama for his 5 minutes of questions.

Mr. Palmer. Thank you, Mr. Chairman. Mr. Harper, some of what you said is very troubling.

You made the statement that ``student activity fee money is often used to fund speakers, including those whom College Republicans and other conservative students groups invite.'' And I'm reading from your written testimony. ``Most people feel they have a say in something their money helps finance; college students who pay tuition and fees are entitled to opposed giving thousands of their dollars to an inflammatory, divisive speaker.''

First of all, I would hate to have one of my children at a college that charges them thousands of dollars in university fees. I have some serious issues with that.

What I want to ask you, do conservative students who pay those same fees have a right to demand that their activity fee not be used to fund speakers or programs with which they disagree? Do they have that same right?

Mr. Harper. Absolutely.

Mr. Palmer. So they could take action? They could go to the university and demand, and the university would be required to comply with that demand not to invite somebody that these students disagreed with?

Mr. Harper. Require, no. As is the case with the disinvitations of the conservative speakers----

Mr. Palmer. Well, let me ask you this: If there were somebody they disagreed with from a liberal perspective, would those students be able to disrupt that speech, shout them down,

do whatever they wanted to? I don't know where you're going with that, but----

Mr. Harper. To be----

Mr. Palmer. --and then let me add this: You also pointed out--and I'll come to you, Dr. Stanger. And I do appreciate you and Dr. Weinstein being here--you said that these activities where literally, these conservative students or newspapers have been confiscated. That's speech, isn't it? You agree that's written speech? Would you agree with that?

Mr. Harper. Absolutely.

Mr. Palmer. Thank you very much. Because University of Oregon, Oregon State actually paid \$101,000 to settle a suit over trash in conservative newspaper, student newspaper, where they confiscated those papers. And the interesting thing about it is, Mr. Chairman, the U.S. 9th Federal Circuit upheld that decision. So that was pretty egregious.

You say it's rare. Does that mean that you accept the denial of free speech, if it's rare? Is that acceptable?

Mr. Harper. As I stated----

Mr. Palmer. That's a yes or no. I mean, we're not going to filibuster. It's a yes or a no. I've got 2 minutes and a half left

Mr. Harper. I'm a person who speaks in context. I can't offer you----

Mr. Palmer. That is in context. It's a simple question. You can answer either answer it yes or no. Do you support anyone, 6 percent of professors denying any student their right to free speech to publish a conservative paper, to publish a liberal paper, if it disagrees with their position? Do you support even .6 percent denial of free speech?

Mr. Harper. I refuse to answer your question without the opportunity for context.

Mr. Palmer. That's because you don't have an answer.

Mr. Harper. I do have an answer.

Mr. Palmer. No, you don't have an answer.

Mr. Harper. But you're not willing to allow me to patiently----

Ms. Stanger. May I?

Mr. Palmer. I'm doing--this is what happens on college campuses. I'm not allowing you to speak. Dr. Stanger.

Ms. Stanger. Let me try to explain what I think Dr. Harper was saying. He made a really important point.

He made a distinction between entertainers and scholars. And I think that's precisely the distinction we need to be making. Because the most disruptive speakers have been non-scholars. They've been entertainers. They've been people that invite themselves. I'm talking about Milo. I'm talking about Richard Sander.

And if we would just allow, you could solve this very simply by saying that if a faculty has invited a speaker to campus, or they've cosponsored, a department has cosponsored it, it is probably worth their students engaging.

So I think we can really solve this by just letting faculty decide. If you look at all the cases that really upset you, I think you'll find that there was no faculty involvement. And often, no student group involvement.

So in some sense, that creates the sense that there's this wildly crazy thing going on on our campuses. That simply isn't so. So I just wanted to amplify an important point Dr. Harper made.

Mr. Palmer. Well, I just point out----

Ms. Stanger. But I think you are asking good questions.

Mr. Palmer. At Smith College, ``crazy'' is a banned word.

And you've brought up the fact that colleges, it is the invitations to entertainers and non-scholars, okay?

Ms. Stanger. Yeah.

Mr. Palmer. What about for college commencement speeches where they invite non-scholars to give a commencement address? And particularly lately, some of the ones that we've heard that are very offensive to conservative students and their parents who, by the way, pay thousands and thousands of dollars for their kids to attend a university.

I mean, if you're going to make a distinction about who can be invited to campus, and it can only be scholars, I think that would apply to commencement address as well. Mr. Chairman, I yield

Ms. Stanger. If I may?

Mr. Harper. May I respond to that?

As Mr. Raskin noted in his eloquent opening remarks, there were only 19 successful disinvitations nationally last year. There were more than 4,000 commencements. And hundreds, perhaps thousands more, speeches and lectures and entertainment activities on college and university campuses.

Mr. Palmer. So is that acceptable, that 19 people were denied their opportunity to speak?

Mr. Harper. As I said in both my written and oral testimony----

Mr. Palmer. This whole thing about distinguishing between scholars and entertainers speaking on college campuses apparently doesn't apply to commencement speeches.

Ms. Stanger. No, listen. If I may, as a peacemaker here, I think my rule of saying that if the faculty or the administrator has invited the speaker to campus, it is an absolute disgrace to cave into protesters and disinvite them.

So, again, I think the context really matters. If you go back and look at the cases that are bothering you, it's usually an instance where an institution extended an invitation, an official invitation, and somebody caves into that pressure. And I think that's wrong, and I agree with you.

Mr. Palmer. Do you understand----

Ms. Stanger. But that's why context matters. You----

Mr. Jordan. Wait, hang on.

Mr. Palmer. The question was--let me finish, Mr. Chairman. My question was not about whether or not it's appropriate to invite any of these people.

The question is, is it appropriate to deny anybody speech? Is there a quota that says, Well, you know, only 19?

Ms. Stanger. As a faculty member, I would like to say that faculty should be able to decide what sort of speech is worth their students engaging.

Mr. Jordan. Dr. Stanger, was the incident on your campus where you were physically assaulted, was that a faculty-sanctioned event?

Ms. Stanger. Absolutely. It was co-sponsored by the Department of Political Science, and a student group on campus invited Charles Murray in.

Mr. Jordan. Yep, that's what I thought.

Ms. Stanger. So my reasoning is consistent.

Mr. Jordan. No, no, I thought that was the case.

Ms. Stanger. No, I'm not saying you thought it wasn't.

Mr. Jordan. I thought I knew the answer to that question before I asked it. That's why I asked it.

The professor is recognized for 5 minutes.

Mr. Raskin. Mr. Chairman, thank you very much. Well, let me start with this:

Dr. Stanger, I'm a little puzzled about the distinction between a faculty invitation and invitation from a student group. At least, I never thought of that before. And I just wanted to give you the chance to take a second to illuminate that.

I mean, certainly, and I think a lot about the great student movements of American history that have been the subject of a lots of censorship and suspension and expulsion: the civil rights movement, the antiwar movement on campuses.

Student groups were inviting people to campus that weren't sanctioned by the university or by professors. Shouldn't the students, if they are a recognized student group, at the very least, have the opportunity to invite people to campus? And shouldn't they be invited to full First Amendment rights?

Ms. Stanger. Absolutely. I would agree with you entirely. So if I wasn't clear about that. I think that any officially recognized student group or faculty member who wants to bring a speaker to campus should be respected.

Mr. Raskin. Okay. Cool. So we've talked today about both the heckler's veto. And we saw that, for example, in the case where you and Charles Murray got accosted by the student group that assaulted you. But there's also a bureaucrats veto. And it's maybe not as sexy or electrifying in public, but Georgetown University, which is one of our great universities a few miles away from here, refuses to recognize the pro-choice student group.

And I just wondered, does everybody on this panel agree that the hecklers veto is wrong, that Dr. Stanger faced, but the bureaucrats' veto is also wrong of, for example, the pro-choice student group at Georgetown. And maybe if I could follow yes and no as much as possible, just go down the line.

Dr. George, do you agree?

Mr. George. I don't. I think that there is a difference between religiously affiliated organizations, especially seminaries and non-sectarian universities----

Mr. Raskin. I'll come back to you. I'm very interested in that, but let me just go down the line.

Dr. Harper.

Mr. Harper. Yes.

Mr. Raskin. You agree. Okay.

Dr. Stanger?

Ms. Stanger. Yes.

Mr. Raskin. Dr. Weinstein?

Mr. Weinstein. I agree. It is problematic.

Mr. Raskin. Yeah. And Mr. Langhofer?

Mr. Langhofer. I agree a bureaucratic veto is problematic, but I agree with Dr. George that a private university, the First Amendment protects the private universities' rights to associate----

Mr. Raskin. Okay. So let me, let me----

Mr. Langhofer. --just like it protects the individuals' rights.

Mr. Raskin. Okay. So let's come to that because that's a critical point here. If I understand Weinstein, Stanger, Harper, you guys uphold the right of freedom of expression on all campuses, public and private. Is that right?

Okay. Now on the two ends, we have the gentleman who say--

--

Ms. Stanger. No, no.

Mr. Raskin. No? I'm sorry.

Ms. Stanger. I think it's different for private--you know, by law, it is different for private institutions.

Mr. Raskin. Okay. I'll come back to you then, too

Ms. Stanger. The First Amendment protects religious freedom.

Mr. Raskin. Dr. George and Mr. Langhofer, you would agree that if the University of Virginia said, we are going to not allow a pro-life student group to organize on campus, even if they have the requisite number of students, and so on, that would be unconstitutional?

Mr. George. Correct.

Mr. Raskin. Okay. But you're saying it should be matter of indifference to the public, to academics, and certainly to Congress, if a private university, like Liberty College in Virginia or Yale University, discriminates against a pro-choice group or a pro-life group; is that right?

Mr. Langhofer. I'm not saying it's a matter of indifference to the public or to any of its constituents. I'm saying----

Mr. Raskin. As a matter of public policy.

Mr. Langhofer. No, the First Amendment does not require private universities to----

Mr. Raskin. Yes. That's the State acting requirement. Okay.

Mr. Langhofer. --association, correct.

Mr. Raskin. Okay.

Mr. Langhofer. And so it is not a First Amendment thing. Can the university itself, can the public or its constituents put pressure on it to change those? Sure, but----

Mr. Raskin. Okay. Dr. George, where are you on that?

Do you care if Yale University, which is religiously affiliated, or Liberty University, discriminates against groups based on their political viewpoint? Or do you think that's something, that what matters is the right of the institution as the speaker, as opposed to the students who go there?

Mr. George. Well, I think we're on the same wavelength as far as what the Constitution requires because of the State action requirements?

Mr. Raskin. Yes.

Mr. George. I also strongly believe in truth in advertising.

Yale was once a religiously affiliated university. It had a position on fundamental moral and religious----

Mr. Raskin. Oh, so Yale was covered by the free speech dictum, but Liberty University is not? Is that what you're saying?

Mr. George. Yale advertises itself as nonsectarian.

If Yale said we are a sectarian liberal university, we do not tolerate people at this university who do not share our convictions on marriage----

Mr. Raskin. But certainly, all of their preambles and forewords talks about balancing liberty of speech with inclusion and diversity.

Mr. George. That's right.

Mr. Raskin. So it's going to be up to them to decide. But this is something that really baffles me, which is why people can get so exorcised about what happens at Yale or Wesleyan or another private college or university, but not at Liberty University, not at Bob Jones University.

Lots of private universities discriminate based on people belonging to the wrong political party, wanting to set up a pro-choice group, wanting to set up a gay rights group. And I think there's a real problem in your position you need to consider.

Mr. George. I actually think the problem is with your position. I think you need to respect the right of religious people or people of other sectarian views even if they're not--  
--

Mr. Raskin. Why just religious? Under the First Amendment, whether it's religious or secular, they've got a right to develop whatever public philosophy they want about education, don't they?

Mr. George. I thought that we were on the same wavelength as far as the applicability of the First Amendment to any private university, religiously affiliated or otherwise.

Mr. Raskin. Yes, but your position----

Mr. George. So we're outside the realm of the First

Amendment. We need to be talking about what makes for good education.

So if I'm speaking to people at Notre Dame or at Liberty University, I'm going to say, Don't allow your university, even though it is religiously affiliated, to generate into catechism class. You need to make sure that competing points of view are heard.

Mr. Raskin. Well, that's essentially what you're saying to Yale and Wesleyan, too, right?

Mr. George. --by your students. What's that?

Mr. Raskin. How is it different from what you say to Yale or Wesleyan or Oberlin?

Mr. George. Yeah, the difference is truth in advertising. So if you want to say we as----

Mr. Raskin. But they all claim--the religious schools also claim to be supporting the pursuit of truth and diversity. They all say the exact same thing when you read---

Mr. George. They say something that Yale doesn't say.

Mr. Raskin. Yeah.

Mr. George. We are a Christian university, and the evangelical or Catholic or eastern Orthodox tradition, we guide our policies by the Biblical precepts.

Mr. Raskin. Yes, and Yale says it's a school that's interested in the liberal arts and the pursuit of liberal education. So they all----

Mr. George. Don't you see the difference between the two?

Mr. Raskin. Both of them are expressing their First Amendment right to develop their own academic mission.

Mr. Chairman, thank you for your indulgence.

Mr. Jordan. But now we're going to move to the fine gentleman from Tennessee, Mr. Duncan.

Mr. Duncan. Well, thank you, Mr. Chairman. Thank you for calling this important hearing.

In the fall of or--I will tell you that this is a controversy that's been going on for a very long time. In the fall of 1968, late September of 1968, I returned to the campus of the University of Tennessee after working here in Washington in the Nixon for President campaign. I had served the year before. I had written a weekly column. I was the token conservative columnist for the UT Daily Beacon. When I got back to campus, someone sent anonymously to me the minutes of the Issues Committee meeting. The Issues Committee was the committee that controlled a huge amount of student activity fee money to invite speakers into the campus. They had a list of all the speakers they had invited that year. They had invited Angela Davis; Tom Hayden, Jane Fonda's husband; Max Lerner; Julian Bond. About the most conservative speaker they invited was Hubert Humphrey.

What really upset me, they had a section there that said ``possible conservative speakers,' ' and they put a John Birch Society member and a Ku Klux Klan member. That was their idea of a conservative.

So I wrote a column blasting that and listing 15 very respectable conservative speakers that they could have invited. I gave that to the editor of the Beacon, and he refused to print the column because he said my column was on national issues and that was a campus issue.

So I went down to the morning daily newspaper in Knoxville, and I told the editor about that. And he said, well, he thought that was a column more for the campus, but he said he would take a look at it.

I took it back up there the next day. He ran it on the front page of the Knoxville Journal, which was a football Saturday, and their circulation went up from about 80,000 to about 85,000 that day. The editor of the Beacon got so mad that

I had done that, that he told me he was taking me off the SGA beat. I was majoring in journalism, and that was considered the best beat. He was removing me as news editor, and he was cutting my column down to once every other week.

I told him, No, you're not, I said, because I quit. I was working for free anyway, so it didn't hurt me to quit.

I go down--I went down and told the editor of the morning paper what they had done. And they hired me to teach--or to-- they hired me as a full-time reporter on the daily newspaper. So what the editor meant for bad turned out for me to be a good thing.

But I tell that you because I have a column here by Dennis Prager which says, ``Fear of the left, the most powerful positive force in America today. Conservatives are keeping quiet about their beliefs.'' And he says the dominant force in America and many other western countries today is fear of the left.

And so I sometimes--when I'm with conservative students, I hear conservative students say all the time that they really don't feel they can express their true views because they will be--they will receive lower grades from most--from many of their professors who are unquestionably liberal. And then I hear liberals deny that that's going on in the campuses. But when I think back to what happened to me because of that column I wrote, I can certainly understand the feeling of many of these students.

But I'd like to hear your opinions, Mr. Langhofer. For instance, do you think that Dennis Prager is correct in this column that he wrote, that the dominant force in America and many other western communities today is fear of the left, or that that is a--that conservatives students do feel that they have to remain silent sometimes about their views?

Mr. Langhofer. Well, we definitely have represented a number of students and student groups throughout the country, you know, West Coast, East Coast, Midwest, that--where students have been silenced because of their conservative viewpoints or because of their pro-life viewpoints. And I think a great example is we represent Young Americans for Freedom in Cal State LA when they tried to bring Ben Shapiro to speak at campus. And the university threw up all kinds of roadblocks. First they canceled the speech and then tried to charge security fees and then they basically allowed the professors and the students to block access simply because they disagreed with the views.

And that's a--this was a new group. There was only several students in the group, and they were trying to bring a different viewpoint. And I think that type of reaction where you have hundreds of students and faculty blocking the door saying that your views aren't welcome, I definitely would say that that demonstrates to those conservative students that their views aren't welcome there and that they're second-class citizens at a university where they're paying their tuition, just like everybody else.

Mr. Duncan. I'm just about out of time, and I have to go preside over at the House, but I would be interested.

Dr. Weinstein, what has been the reaction to what happened to you both on campus and off campus? Have any changes been made?

Mr. Weinstein. The campus has doubled down on every foolish idea it was pursuing and has gotten itself into very serious financial trouble for lack of students, which I should tell you I warned my colleagues that if they pursued this false equity proposal, that that would be the result. So a rather predictable disaster is occurring on campus.

I do want to push back a little bit, though, on the

assessment that it is the left, because really, it isn't one left. There is an ascendant orthodoxy on the left that is very troubling. It is quite broad, but I think not very deep. And there's a concentrated mirror image of that on the far right. And both of these things are to be feared.

The problem, though, is when you speak out on a college campus from a perspective on the left that does not fit this orthodoxy, you are immediately categorized as on the right, which makes it look that the left is monolithic and all shares this opinion, but it's not the case.

Mr. Duncan. All right.

Thank you very much, Mr. Chairman.

Mr. Jordan. I thank the gentleman.

The gentleman from North Carolina, Mr. Meadows, is recognized.

Mr. Meadows. Thank you, Mr. Chairman, and thank each one of you for your testimony here today. And probably the most powerful witness for free speech is not you, the witnesses. It's the audience, the young people that are here. And I applaud you for truly being here to stand for free speech on college campuses. Truly.

Mr. Langhofer, can you, very shortly and succinctly, define what hate speech is?

Mr. Langhofer. There is no definition. That's the problem. It's subjective. It's in the eyes of the beholder.

Mr. Meadows. Because we've had some of our colleagues talk about hate speech.

So, Dr. George, can you define hate speech? What is hate speech?

Mr. George. It's meant to be speech that dehumanizes another person. In other words, attacks the person for some aspect of the person that's irrelevant to the conversation rather than attacking ideas. Justice Scalia once put it, I think, very well. He said, "I don't attack people. I attack ideas."

Mr. Meadows. Okay. So if we--so, Dr. Harper, you acted like you wanted to jump in there. Go ahead.

Mr. Harper. Sure.

As I indicated in my written testimony, the USC Race and Equity Center does campus climate studies all across the country. At every place we've been but one, black students there have been called "niggers." That would be hate speech.

Mr. Meadows. All right. So it's going after the individual.

So having a difference of opinion is not hate speech?

Mr. Harper. No.

Mr. Meadows. All right. So when groups are defined as hate speech groups for having a difference of opinion, you would say, Dr. Harper, that that's--that wouldn't be accurate.

Mr. Harper. It depends on what the opinion is and the language that is used to----

Mr. Meadows. Well, if you and I have difference of opinion----

Mr. Harper. That would not be hate speech?

Mr. Meadows. For example, I do have a difference of opinion. I don't think your students own the campus on which they go to school, because I think that the vast majority of them have taxpayer dollars that fund that, that, quite frankly, either are borrowed or granted or paid back at some point, so I don't think that they own it. But we have a difference of opinion, and I will respect your opinion there.

So do you believe that it's okay on a public campus to limit where free speech can take place?

Mr. Harper. I do not. To be sure, as I said in both my oral and written testimony, I am a proponent of free speech and----

Mr. Meadows. I got 5 minutes. So I'm going to let you be



free with your speech, but limited on your speech. How about that?

All right. So as we look at that--so you would say, Dr. Harper, it is not okay to have free speech zones?

Mr. Harper. I am not a proponent of free speech zones.

Mr. Meadows. Okay. So one of the interesting--you know, this--this particular--demonstrates the problem that we have on some college campuses. So here we have a free speech zone that's about the size of a parking space.

Mr. Harper. I think that's ridiculous.

Mr. Meadows. Okay. So what size would be okay?

Mr. Harper. I actually think that the entire campus ought to be a place that is a marketplace for the contestation of ideas. And for----

Mr. Meadows. God bless you. I agree. I fully agree.

And so if we can go there, and we know that we have this issue, how do you reconcile some of the limitations on free speech that we've seen on college campuses, and maybe even your college campus, as it relates to those that have a different opinion on what they should value?

Now, I'm not talking about the kind of controversial speech that you and I both find abhorrent. I mean, it just--truly, the example you gave is certainly something that we can all condemn. But let's take it into a different situation.

Is it okay, in the United States of America, to espouse communism?

Mr. Harper. At a university, it is the responsibility of the educators, the faculty members who work there, to complicate students' ideas and to make space for students to espouse communism----

Mr. Meadows. But I'm taking it out of a racial context, because I think the answer would be yes.

I mean--Dr. George.

Mr. George. Yes, Representative Meadows. I want to say that I am not favorable to communism, to say the least.

Mr. Meadows. Just for the record.

Mr. George. But I teach the works of Marx. I teach the works of Gramsci. And when I present my students with Marxist writers, I try to present them in their most powerful, positive, attractive sense, because I want students not to be able to shoot down a straw man. I want them to understand why these theories, which I find reprehensible, have real appeal to serious, intelligent people, and, in some places, still do.

I think it's our job--I agree with Dr. Harper. It's our job to make sure that students hear the message to be said for all points of view, including those that we find reprehensible and, even in the case of Marxism, deadly.

Mr. Meadows. Okay. And I'll close--the chairman's been gracious allowing me to go over.

Here's what I would ask each one of you to give this committee. I need, on a spectrum, when does speech become hate speech and should be limited? You know, we need to have a definition, because you know what, Mr. Langhofer? I happen to know that the Southern Poverty Law Center would say that you espouse hate speech. And I disagree with that. I fundamentally disagree with that. And yet, at the same time, what we have to do is we have to understand that free speech must be protected, even at times when it is speech that we do not agree with, like communism.

I'll yield back.

Mr. Jordan. I appreciate the gentleman's question and the ask of the witnesses.

The gentelady--sticking with North Carolina, the gentelady from North Carolina is recognized for 5 minutes.

Ms. Foxx. Thank you, Mr. Chairman. And I want to thank our

witnesses for being here today. And I've invited some students in from Appalachian State University to hear the comments today.

Dr. George, in your testimony, you call our attention to the threat posed to the integrity of our colleges and universities by those who refuse to entertain or listen to arguments that challenge their opinions. But you also share the good news that the situation at Princeton is not all bad.

Could you elaborate on why that is? What particular policies are in place or actions has Princeton taken that encourage intellectual diversity on campus? And could other institutions of higher education replicate this approach?

Mr. George. Well, thank you very much, Congresswoman.

Let me just mention four things very quickly: First, we have a university administration at Princeton led by Christopher Eisgruber, who is, himself, a First Amendment scholar that is very sensitive to issues of free speech, supportive of issues of--supportive of free speech, and also concerned about the problem of a lack of viewpoint diversity. Our administration wants there to be, on the faculty, as well as in the student body, a range of perspectives representing--represented so people will hear ideas from people who actually espouse those ideas.

Secondly, we were the second university in the country, after the University of Chicago, to adopt of University of Chicago's excellent free speech principles. These were the report of the Jeffrey Stone committee, which Mr. Raskin, I'm sure, will be familiar with.

Third, the university was completely behind Cornel West and myself. And enthusiastically, when we proposed to teach together, they celebrated--they celebrated, and promoted the idea of two outspoken people representing competing points of view getting into the classroom and teaching together. And I know Cornel and I both really appreciated the support the university gave.

And then fourth, in the year 2000, we found that the James Madison program in American Ideals and Institutions, of which I have the honor to be the director, and it's part of the mission of the--of the program to ensure that there is a wide variety of viewpoints represented.

A fundamental problem we haven't talked about today is the lack of voices on campus, especially in the faculty ranks or visiting speakers who represent views that are contrary to campus orthodoxies. Liberty University should be doing this. Notre Dame and Georgetown should be doing it too. But all universities should be doing it. Princeton needs to do more of it. Certainly Yale needs to do it.

We talk about there were 5,000--I think that was the right figure, roughly--5,000 commencement speakers. How many of them were conservatives? How many conservatives were given honorary degrees, which is a way that universities hold up achievement to be modelled for their students? It's one thing to not disinvite people, that's great. But if people representing competing views against the dominant views are not being invited in the first place, I'm not going to celebrate too heavily that we're not disinviting people.

Ms. Foxx. Thank you, Dr. George.

Mr. Langhofer, in your testimony, you describe how public universities across the country inappropriately limit student speech on campus. And my colleague from North Carolina showed that chart about constricting speech zones that limit free speech activities to a small area of campus.

As you pointed out, there have been numerous incidents where students have been wrongfully prevented from sharing their viewpoints.

Can you expand on why this type of policy is detrimental to the free exchange of ideas on campus? Can you give us some examples that--of universities that have remedied their unconstitutional speech zones and how they did so?

Mr. Langhofer. Sure.

I think, you know, all the speakers today have demonstrated why this is so harmful to tell students that they only have to speak in one area. First of all, it tells them that their public areas, the areas where they live, their views--they cannot speak without the government giving them permission. That's the wrong message that we should be sending to our students. Our students should know that we live in a free society, and that they're free to share their views, and that others are free to refute those views if they disagree with it. So that's a bad message.

But it's also a wrong message because the government almost always uses that with discretion to say your view shouldn't be allowed. And so at Kennesaw State, where we--we also have another lawsuit against Kennesaw State regarding speech zones because they allowed certain people to speak outside the speech zone, and they put other people inside the speech zone. That's what happens when you give unbridled discretion to university administrators. So I think it's a problem because students are being taught that if they want to exercise their rights, they have to get permission first. And that's the wrong message that we should be sending to our students.

Ms. Foxx. Thank you, Mr. Chairman.

I yield back.

Mr. Jordan. I thank the gentlelady.

The gentleman from Michigan is recognized for 5 minutes.

Mr. Mitchell. Thank you, Mr. Chair.

Dr. George, I'll start with you, please. And you quoted Justice Scalia about hate speech, and I remember the section. But he also talks about the fact that hate speech is not unconstitutional; that, in fact, it is protected.

Mr. George. Yes. Yeah. That is right.

One of the things I find as I go around the country as a common law person, I share that with Mr. Raskin, is that many students, very well-educated students, high-achieving students, believe that there is an exception to the First Amendment guarantee of free speech for hate speech. And, of course, that's not true.

Mr. Mitchell. Well, and I'm not an advocate of hate speech. Don't get me wrong. The reality is is that--and, Dr. Harper, join us here, because what ultimately addressed some of the hate speech you referenced--I'll leave out the word, but what ultimately addressed the fact that some terminology wasn't acceptable? It was society, was it not? It wasn't a bureaucrat, it wasn't a college administrator. What addressed that wrong?

Mr. Harper. Absolutely.

It was society and conversation, right, which is why I'm a proponent of conversation about these things on campus.

Mr. Mitchell. Okay. But hang in here with me.

So the reality is, is rather than have institutions or groups of students yell down something they disagree with, even if they're saying things that are vile, should it not be society as a whole, not segments of society that say You don't get to speak here? Or, in fact, cause significant disruption and potential violence at the cost of having a speaker superseded--they stop speech? Is that not wrong?

Mr. Harper. I mean, if we waited for society, I'm afraid that we will not get the kind of justice and humanity that students deserve on campus.

Mr. Mitchell. So it's not society. We've got some group of higher people that are determining what's right for everybody.

Is that what you're suggesting?

Mr. Harper. I'm suggesting that it is the responsibility of college presidents and university faculty members to create the conditions that allow students to understand why what is being said is problematic, and to complicate those ideas.

Mr. Mitchell. Let me share with you a story about college professors and administrators. Your patience, Mr. Chair.

1976, I was a student at Michigan State University. A college professor that disagreed with me, I disagreed with her position on pro-life versus pro-choice. Catholic. All of a sudden, my essay grades were considerably poorer, significantly poorer. In fact, I tutored for the college because my grades were so good. I appealed the grade.

She was wrong by over 2 1/2 grades. They changed my grade, and my tests subsequent to that were subject to review for the college after that.

She left that position. She became the dean of the honors college. You know what happened to me? I was called for review of whether or not I was entitled to honor status. And they withdrew my honors status. Why? Because I wouldn't take anthropology of speech.

Now, that was 1978. So when you say college administrators should make a determination, they are just as biased as society is. What? Because they have more education, somehow they are theoretically better people?

Mr. Harper. Mr. Mitchell, what you described in 1978 is a version of what I hear in 2018. The difference is, I hear it most often from students of color who suggest that there is not sufficient ideological diversity in the courses that they take. The overwhelming majority of the authors that are assigned to them----

Mr. Mitchell. I have so much time. I have so much time.

The reality is we're not talking about diversity. We're talking about punitive action. We're not talking about--we're talking about--Dr. Stanger, let me go to you real quickly, because you said, Well, if scholars are inviting guests, then they should have protection, and if they're--who--and if they're not scholars, they shouldn't?

Ms. Stanger. Just a correction. I said members of the faculty or a recognized student group, which covers just about everybody on campus.

Mr. Mitchell. I'm sorry. I took it as scholars, but maybe I misunderstood what you were saying.

Ms. Stanger. Yeah.

I think we have a little more weight than the students, but that's okay if we----

Mr. Mitchell. Dr. George, real quickly, in the few seconds I have left here.

You made reference in talking about protests and people protesting someone else's speech. You said something important there. You said ``respectful.'' Respectful disagreement.

Is heckling down a speaker, is threatening violence, does that meet your definition of respectful?

Mr. George. No, that's not. It's disrespectful. And it's an unwillingness to engage. And that mean it's an unwillingness to learn.

Mr. Mitchell. One more quick question for you, Dr. Harper.

You made a comment that somehow you minimized 19 disinvitations of speakers last academic year.

Is it acceptable to you to have 19 decisions on academic campuses that they won't house a minority student with a nonminority student? Would that be acceptable to you? Would that be an acceptable standard?

Mr. Harper. As I suggested in my written and oral testimony, university administrators reserve the right to

withdraw invitations to any speaker, including me.

Mr. Mitchell. That's not answering my question.

If a university administrator decides that they won't house a student of color, they decide they're not going to house them with Caucasian students. The University of Michigan makes the decision.

Is that acceptable 19 times at a university?

Mr. Harper. It's not a question pertaining to freedom of speech on college campuses.

Mr. Mitchell. It's a decision by university campuses. A violation of constitutional rights, right?

Mr. Harper. I don't see how that is relevant to this particular conversation.

Mr. Mitchell. I'm sure you don't. But it is relevant when 19 decisions to violate someone's constitutional rights for free speech----

Mr. Harper. It is not a constitutional violation when you are a guest who has entered into a contractual agreement with an institution that makes clear in the contract that they reserve the right to rescind or withdraw the invitation.

Mr. Mitchell. One more comment, Mr. Chair.

The university is not the final arbiter, because it's the taxpayers. It's the people that are paying to have that university there in contrast to the comments you made earlier about it being their university, it's the public's university, or it's the private university, the endowment of people paying for it. With all due respect, they aren't the decision maker of that.

Mr. Harper. I did not suggest in my testimony that they get the final decision. But they absolutely get a say. And they get to say that they don't want this person on their campus. They do get to protest. They, too, have freedom of speech.

Mr. Mitchell. Well, there's a line in the protest, I think we can agree, that's been crossed more than once.

Thank you. I yield back.

Mr. Jordan. I thank the gentleman.

Mr. Langhofer, how close can a safe space be to a free speech zone on a college campus?

Mr. Langhofer. I think--I don't know that I've ever answered that question.

Mr. Jordan. Can they be the same exact location? So could you take what Mr.--Congressman Meadows had up there, I think it was a free speech zone. Could you overlay a safe space on that? Could that actually work?

Mr. Langhofer. I think you could.

Mr. Jordan. Or is it like--I remember--I think they're called Venn diagrams. You know what I'm talking about? Like some--like a circle here and a circle there, but there's a little bit of overlap. Venn diagram.

Okay. So could it be a Venn diagram, Mr. Langhofer? Can that happen on a college campus?

Mr. Langhofer. I think that you could overlap a safe space with a speech zone. But, unfortunately, you know, speech zones--obviously, we believe that they're unconstitutional everywhere, and public universities.

Mr. Jordan. Dr. George, can you exercise free speech in a safe space?

Mr. George. I don't even know what those things mean.

Mr. Jordan. And isn't that the point? Isn't that the point?

Mr. George. Yeah. I mean, what we need to get the focus on is learning, learning, learning.

Mr. Jordan. Yes.

Mr. George. What--the reason we need free speech on campus is that--so the mission of the college or university can be prosecuted. Students can learn. Scholars can advance the cause

of truth-seeking. And when we shut each other down, when we restrict speech, when we don't listen to a particular point of view, when all the speakers are on one side or the other, it doesn't matter whether it's the left or the right, you know what is lost is learning, knowledge, truth-seeking. That's what it's all about. That's what we keep our focus on.

Mr. Jordan. Exactly.

Dr. Weinstein, what happened in your classroom, which I've seen videos of, was that--was your classroom that day a safe space or a free speech zone or neither?

Mr. Weinstein. Thank you for asking me that question.

Free--a safe space----

Mr. Jordan. It didn't look like it was safe to me.

Mr. Weinstein. Well, I believe in something that could be called a safe space. But what ``safe space'' means to me as an educator is a space enough to take risks, which is roughly the opposite meaning of what is being invoked on college campuses.

The answer to your question is that a free speech zone cannot coexist with a safe space, because a safe space, by definition, according to this orthodoxy, is a place where you are free from being offended. So it cannot--it is mutually exclusive.

But if you'd allow me to, I feel that there's----

Mr. Jordan. In a safe space, could you say this sentence? Could you say ``Donald Trump is President of the United States''?

Could you say that in a safe space on college campuses today?

Mr. Weinstein. Well, it depends which version of safe space you mean. If you mean a safe space the way it is used in common parlance on college campuses today, then the question of whether or not you can say it is contingent on whether or not somebody will be offended by that observation.

Mr. Jordan. Now, think about that. You can't even state a fact, a fact. Provable, right? I saw his tweet this morning. It's provable. He's the President, right?

Mr. Weinstein. Mr. Chairman----

Mr. Jordan. You cannot do that. This shows the absurdity of what is going on on campuses, and you have lived it in a physical way. Dr. Stanger has lived it in a physical way. This is what is scary.

Dr. Stanger is raising her hand. Mr. Weinstein, you have the floor, so you'd have to yield time to her.

Ms. Stanger. You don't have to.

Mr. Weinstein. Okay. I think this is important enough to warrant a minute or two.

We are continuing in this hearing to run up against the bluntness of the tool that we have at our disposal for discussing the issue at hand. So there is an importance to what takes place on a college campus. Free expression is a key feature of what takes place on college campuses that makes civilization function.

But the application of the First Amendment to that free expression is almost arbitrary. Does it matter more that something takes place at Evergreen, which happens to be public, than if it takes place at Harvard, which happens to be private? Do those distinctions even make any sense when, fully, 80 percent of the funding that drives Evergreen is private tuition money and--I don't know what fraction, but a very large fraction of what drives Harvard is NIH and NSF money?

So these distinctions are arbitrary. And what we should be protecting is the ability to exchange ideas in a way that actually allows education.

It is also true that when people self-censor because they're afraid of stigma, they may never get around to the

place where somebody blocks their speech. And so, there may be no technical violation, but, nonetheless, the effect is exactly the same.

There is also a problem in the sense that the conflict is really between members of the audience. One section of the audience is deciding what other members of the audience can listen to. The person's speech who is inhibited is almost beside the point. It's a question of whether you can choose what you want to entertain as a concept. And then when this jumps the fence and leaves the college campuses and moves into the outer world, we're going to run into an even bigger problem where the tech sector is now the de facto governance apparatus for the new public square. And it's private. The First Amendment doesn't apply.

Mr. Jordan. Dr. Harper, are bias response team members identifiable on campus?

Mr. Harper. They are. Their names are usually made public.

Mr. Jordan. Well, no. Do they have a badge? Do they have a special hat they wear, or what?

Mr. Harper. No, they don't wear badges or hats, but they are publicly----

Mr. Jordan. Bias response team members on a university campus, are they experts in the First Amendment?

Mr. Harper. They usually are not. They are citizens of the community who----

Mr. Jordan. Does that concern you?

Mr. Harper. --very much exercise and look into and carry out due process.

Mr. Jordan. The people who are policing free speech on college campuses may not be identifiable and they're not experts on the First Amendment, but they're allowed to police free speech on--they're allowed to police speech on a college campus?

Mr. Harper. That's not the role of a bias response team. I made clear in my written testimony that bias response teams ensure due process instead of administrators relying on anecdotes or very little information to punish people who have been accused of wrongdoing. They, instead, empower a team of investigators to collect evidence.

It's no different than a corporation having a group of people look into claims of sexual harassment or racial----

Mr. Jordan. Oh, it's a lot different. It's a lot different. Corporations aren't government institutions. We're talking about a lot of government--it's a lot different.

But let me ask one another question, because I'm over time, and I know the gentlelady from New York is itching to go here.

So, Dr. Harper, is Ben Shapiro a scholar or entertainer?

Mr. Harper. I've never met Ben Shapiro.

Mr. Jordan. No. I'm asking. Is he a scholar or entertainer?

You made a distinction in your opening statement about entertainers shouldn't necessarily have the same kind of privileges on college campuses----

Mr. Harper. I did not say that.

Mr. Jordan. And I'm asking.

Mr. Harper. You heard that, but I never said that.

Mr. Jordan. Okay. Well, then, just go to my question, then. I think you did, but we won't don't debate that now.

Answer the question. Is Ben Shapiro a scholar or entertainer?

Mr. Harper. I don't know Ben Shapiro.

Mr. Jordan. You don't know Ben Shapiro, the guy that's had the heckler's veto used against him----

Mr. Harper. I don't know him personally.

Mr. Jordan. --more campuses last year than any other speaker, and you don't know him?

Mr. Harper. I don't know him personally.

Mr. Jordan. Really?

Mr. Harper. I do not know him personally.

Mr. Jordan. Really?

Mr. Harper. I've never met Ben Shapiro.

Mr. Jordan. Mr. Langhofer, let--I've--whether you met him or not, I understand you know of Ben Shapiro.

Mr. Langhofer. Do you know who Ben Shapiro is?

Mr. Langhofer. I do.

Mr. Jordan. Yeah.

Dr. Weinstein, do you know?

Mr. Weinstein. He's a friend.

Mr. Jordan. Yeah.

Dr. Stanger, do you know?

Ms. Stanger. I know the name, but I've never read him.

Mr. Jordan. Okay.

Ms. Stanger. So I couldn't pass judgement.

Mr. Jordan. Okay. Dr. George, do you know who Ben Shapiro is?

Mr. George. I know the name, and I've read some of his writings, but I don't know him personally.

Mr. Harper. Yeah. That's what I said.

Mr. Jordan. Okay. Well, it wasn't quite what you said, but we'll let it go.

The gentlelady from New York is recognized.

Ms. Stefanik. Thank you, Mr. Chairman. Thank you to all of our panelists who are here today discussing this important topic.

I'm the first person in my immediate family to graduate from college, and I can personally speak to the importance of being exposed to diverse viewpoints on campus. Intellectual rigor, challenging and respectful discourse, and the experience of grappling with complex issues was integral to my personal college experience. Higher ed institutions not only open students up to new ideas, but also play a pivotal role in informing the national discourse and protecting the exercise of free thought, speech, and assembly. And I believe that measures that deprive students of their ability to disagree erodes the quality of the many important debates that should be happening on our college campuses right now. And there are many examples of these restrictive policies on campuses across the country.

Many of you have mentioned the example at the University of Michigan regarding perceived bias. Another problematic policy that I'm familiar with, because it's happening at my alma mater, at Harvard University, they recently decided to penalize students who join single sex organizations.

I'm a graduate of an all-girls school K-12, and that was formative in me feeling the confidence of running for office. So I do see the value of single sex organizations.

I believe both of these examples, the University of Michigan and Harvard, illustrate poor administrative decision-making that has ultimately harmed students and established an environment that discourages debate, the free exchange of ideas, and the freedom of assembly.

We are working on higher ed reauthorization. And I think it's important to keep in mind that both public and private institutions rely significantly on Federal funds.

How can we ensure that our constitutional liberties of young students attending these higher ed institutions are protected, because it's the Federal dollar that is underpinning the support, whether it's a Harvard, a private institution, or whether it's a SUNY, a public institution in my State.

I'll start with you.

Mr. Langhofer. I appreciate that. That's an important topic. As we talked about a little bit earlier, the First



Amendment--we've been talking primarily about students and how it protects the students' right to speak. But the fact is, the First Amendment also protects private universities and their right to carry out the education in the way that they choose to carry it out.

And I think Professor George pointed it out most importantly. The problem we have is, in universities, when they advertise themselves as some--as an institution seeking truth, but they're actually promoting social justice over the truth-seeking. And so, when we're talking about Congress allocating dollars, it absolutely has the right to say, public universities, if you're taking our tax dollars, you are bound by the First Amendment. You must have policies which are consistent with the First Amendment.

But when we're talking about private universities, they also have the right to carry out their education, maybe if--as it's dictated by their religious beliefs. As long as they advertise themselves as that and they hold themselves out as that, then they're not violating the First Amendment. And I don't think Congress has same duty to oversee that because, it's not--it's not a public institution.

Ms. Stefanik. But they're still relying on significant Federal funds.

Take the example of Harvard, which you talked about, Dr. Longhofer, whether it's DOD funds, whether it's NIH funds, or whether it's program funding. There are so many Federal dollars that underpin the way Harvard functions and their budget on an annual basis.

Mr. Langhofer. And I think I--the example that you pointed out earlier about single sex institutions, there are some people who would believe that that's a violation of law, that we shouldn't be doing that. And so, they might say that the single sex institutions shouldn't be getting a--any Federal dollars. But there are----

Ms. Stefanik. So those single sex institutions are actually not affiliated with Harvard. They are completely outside organizations. And the fact that the university can penalize students because they join an outside organization, zero affiliation with Harvard, they're not allowed to be sports captains, they're not allowed to be considered for fellowships. And I think that is a significant overstep of the university's role.

I wanted to give other panelists an opportunity to respond.  
Dr. Weinstein.

Mr. Weinstein. Well, the first thing to say is I'm not a legal expert, but I would certainly support the idea that leverage generated by the funding that is given by the Federal Government would--morally--it would morally be justified to use that to make sure that college campuses protect the free expression.

But I would also point out that this is not just a matter of abstract ideas presented by speakers on campus. This is now extending into the classroom, and it's a question of what one can properly teach in a biology class, for example, which may well not be politically correct, but is, nonetheless, necessary for students to understand the organism that they're studying.

So ultimately, this is going to manifest in our competitiveness as a Nation. If we decide that there are certain things that are true in science that can't be stated in a college classroom, then our students will be undereducated relative to any Nation that can solve that problem. So this is really a critical issue, and the use of those funds to keep the campus square open is entirely valid, in my opinion.

Ms. Stefanik. Dr. Stanger.

I hope I get some flexibility on the time.

Thank you.

Ms. Stanger. Just very quickly.

I'd like to take us back to learning, and perhaps paint a rosier picture than what's emerging here, because in my classroom, nobody is self-censoring, because I make it absolutely clear that it's of the utmost importance for learning that people be able to speak freely and make mistakes and maybe even offend someone.

So I have the ground rule of, I just say it to them at the beginning. We're going to--I don't want you to self-censor. Please speak. If you offend someone, I'm going to ask you to apologize. If you don't understand why, the person's going to explain to you. And then we're going to shake hands and move on.

So there is zero daylight between my view of what you allow in a classroom and Professor George's. So maybe that's a barometer one could use. You can ask students. You can ask faculty. Are you self-censoring because of outside bodies? And if there's a lot of self-censorship, I think that's saying something very negative about the learning environment.

Ms. Stefanik. Dr. Harper.

Mr. Harper. This sounds just like my classroom. It might surprise some people here that I actually invite ideological diversity, the contestation of ideas, because I am a firm believer that that is what a university should be. It should not be a place where everyone is comfortable.

What I think is the necessary complication here, though, is that when people of color say that we want our voices also included in the curriculum, and that we have a high expectation that you are going to engage perspectives beyond those that you were taught through your Eurocentric prism of the curriculum, that that's where professors push back and don't want to create inclusive environments, right? Like I think that we--I think there's an opportunity and a responsibility for both things to occur.

Ms. Stefanik. Dr. George.

Mr. George. Yes. I was very glad when Professor In-Exile Weinstein raised the issue of self-censorship, because it's a very, very serious problem on our college campuses. And kudos to those professors like Allison Stanger and Dr. Harper who make it a point of encouraging students to express what's really on their mind and to explore lines of argument, whether or not they themselves happen to agree with it, that push back against whatever the orthodoxy is in the room. It's really critical to the learning process.

So I think Congress and State legislatures can do a service by keeping a spotlight on the problem. Have students come in to talk about their experiences, experiences that are too often like what Mr. Mitchell experienced back in 1978. Put university presidents on the spot. Ask them what they're doing about the problem of self-censorship on campus.

And if they deny that there is self-censorship, or there is a problem, give them the kind of grilling that I've seen going on here today, or even more intense a grilling. Make them fess up to the problems so that we can all acknowledge it and start to do something about it. It is a very serious problem.

And I'll just conclude by saying let's also take note that the problem is even more intense when it comes to women and people of color who dissent from views that people think they are supposed to hold because of their sex or because of their race or because of their ethnicity. We should never accept that. You are not required to be progressive because you're black, or female, or conservative because you're of European ancestry. We need to banish those ideas. The--we need to encourage, especially our female students and our students of

color, to speak their minds, even when they're going to surprise people, because, Gee, we didn't think people of your sex or people of your race thought like that.

Ms. Stefanik. I understand that. I mean, I am a millennial woman, New Yorker, who is a Republican, so I understand that very much.

I want to point out one positive example. I do think we should praise institutions that are handling this correctly. The University of Chicago, the letter from the dean of students to the class of 2020 I think highlights what our higher ed institutions should be doing when it comes to respecting intellectual diversity, and really encouraging young people to challenge their viewpoints and pursue lifelong learning.

Thank you for the flexibility.

Mr. Jordan. Let the record show that the gentlelady from New York got 5 additional minutes. And she's not on the committee, but we appreciate that. And it was a good exchange.

Thank you.

Now, the professor, the second professor, the gentleman from Virginia is recognized for 5, give or take a minute or two, minutes.

Mr. Brat. I'm going to take two. Good.

Thank you all. Students, you got your pencils ready to roll here? Get ready to take a little note here.

I--first of all, I applaud--I love the comments here, and it's all great, and these professors are great. And me and Jamie up there, the Democrat on the other side, we had an exchange at American University. We go back and forth. And you're all charming and it's all great.

But you haven't discussed the empirics of the faculty as a matter--and the basic volume of the ideas we're talking about. It would great if we pursued truth. But I think, as all of you know, truth has been under attack in every brown bag philosophy lunch at Yale, Harvard, Princeton, whatever, for about 20, 30 years, right? Logical positivism, blah, blah, blah.

So I'll just give the students a little mini course here, right? So I taught religion and ethics and justice and economics for 20 years. And we had a scholar at Virginia, Pat Werhane. She wrote a book on business ethics, so this would get Dr. Harper in here in the business section here.

Business ethics, and in that book, and this has to do flyover country right now. You got the coastal elites, right? Then you got all the normal people in the middle, or something like that. That's a joke. I'm on tape.

And so in that ethics book, which is fairly representative of every business ethics book across the country, they have ethics. And the three schools of thought you will guaranteed learn in ethics is Aristotle. I heard a little flourishing language out of Stanger here, so she's probably in that camp. I shouldn't have led my witness.

And then--so that virtue theories, Aristotle and all that kind of stuff, right? And then you got Conti in ethics, the great German ethicist. And you're all Contians whether you know it or not. And then you got the utilitarians, et cetera, Mill and Bentham and all this kind of thing, right?

So I go around to all my rotary clubs. And everybody--I give boring ethics talks and ask everybody. I say, How many of you live out the Aristotelian virtue ethics? Nobody. How many of you young people are Contians? No.

So you all must be Utilitarians. You all follow Mill, Bentham. No.

So these are the three schools of thought we teach in ethics. We don't teach religion anymore at all. Philosophy as a system of thought is gone. And the ethics is kind of--is all we got left hanging. So now raise your hand if you can answer this

question. How many of you are either Christian or Jewish or Muslim or Confucius or Buddhist or--et cetera, whatever I didn't--raise your hand if you're one of them.

Oh. How many of you base your life and ethics on a little of that. Yeah, that's what I thought.

So that's what you call in another setting a monopoly or something, right? I mean, so what I'm getting at is the bias on faculties, and the little hidden secret that I--members of this panel don't know, is guess who hires faculty? Faculty in the department.

So if you already have a bunch of '60s liberals, who I like, right, they used to be classical liberals. I'm a classical liberal, right? You know, James Madison, Adam Smith, all these radical thinkers. These are considered radicals these days, right?

So I'm a classic--but now the left is in full charge, and they're hiring, guess--what could go wrong if you have the left hiring the left, and that's what's going on.

And so, Dr. Stanger, I appreciate your aspiration that we move--I don't think it is right either, theoretically, to go 50/50. Our goal shouldn't be, like, well, let's have 50 percent conservative thoughts, and 50 percent liberal, right?

Ms. Stanger. Right.

Mr. Brat. But what's missing--and, you know, Dr. Harper is kind of getting at this is the diversity and all this kind of thing. Well, I mean, you had the Greeks and the Romans and Augustine of Hippo from Northern Africa. I mean, it's not like the liberal arts canon was a bunch of Europeans altogether, right?

And so my challenge for the panel here is, you all talked about truth. But what is truth, right? You all talk about rationality. Whose rationality, right?

And, students, you might want to take a note on that. Alasdair MacIntyre. You got a brief history of that? You all know this guy? Good. I see some nods. Very good.

Right? He's got books. Whose justice? Which rationality? That is the question, right? And so I'm entirely--Dr. Stanger, I'm glad you want to get optimistic. I'm more like Calvin and Hobbes here.

But we need to get out of this monopoly. And if you've got any ideas, that's what we're struggling with. And if you look at political donations and all this kind--the evidence is clearly. I can make the case. I'm not going to go there, because it'll just get all the tempers up.

But we got to get back to truth. What is truth, what is justice. And it should be embedded in a body of knowledge, right? Not just faculty people who are charming fellows and women who can dazzle students who are 18 years old, but there should be a body of knowledge.

And so I'll just--Dr. Stanger and then Dr. George, I'll go to.

Ms. Stanger. I completely agree with you. And I'm going to give you an Aristotelian answer.

Mr. Brat. Oh, I figured. That's good. And I'm with you on that. That's good.

Ms. Stanger. You left out one word, excellence. I have a brighter story for you from Middlebury College political science department. It may surprise you----

Mr. Brat. Good.

Ms. Stanger. --that by using the standard of excellence in hiring the smartest people, regardless of what they look like, what their religion might be, we wound up with one of the most diverse departments on the faculty. And I think it's unfair to--and I understand why you have that perception. I just don't think hiring is taking place in those ways, at least in my

department.

Now, we may hear of some other horror stories, but that's my perspective. But excellence. Keep that in mind.

Mr. Brat. Well, I'm a conservative Calvinist economist. And I grant you, as I traveled around the country and gave papers and whatever, I wasn't in the majority. So it might be shocking.

Dr. George, any color commentary?

Mr. George. Yes. Again, we have to acknowledge the problem before we can do anything about the problem. And, frankly, the imbalance--ideological imbalance in the academy when you take the whole country--now, there are some exceptions. There are conservative religious schools like the handful that Jamie Raskin talked about. But if you take the country as a whole, there is an unbelievable imbalance in the professoriate ideologically. And that does create a problem. And we're going to have to do something about it.

Now, there are two bases for that. The less important, or less significant one, is self-conscious discrimination. I think most faculty members who participate in hiring other faculty could pass a lie detector test or swear on the Bible, or Darwin, or whatever they want to swear on, that they were being fair. They were just seeking excellence.

What that shows is, that in a lot of cases, human nature being what it is, and it's not a progressive or left problem. It's a human nature problem. There's a--they don't see that they're being bias. They have trouble, we all do, recognizing excellence in work that reaches conclusions we don't like.

So we have to eliminate the open bias. And there's too much of that, no question about it. But even more fundamentally, we have to deal with the subconscious bias.

Just one more quick point.

I have always prided myself on being the kind of professor who can advocate a view that I don't share for my students very effectively so that they can feel the force I of it. I always prided myself on that. And I was reinforced by my students on student evaluations who commended me for doing that.

It was only when I began teaching with Cornel West. We're in the classroom together that I realized I wasn't nearly as good at it as I needed to be. And that's because on occasion upon occasion, when we would talk about a controversial issue, Cornel, defending the progressive point of view, would come up with an argument or a thought that simply would not have occurred to me. A really challenging argument or thought, better than I could have come up.

And Cornel says he's had the same experience working with me. He too, in his classroom, tries to really make his students confront powerful conservative positions from Burke, or Adam Smith or any of the great conservative thinkers. But in his experience with me, he's noticed that, sometimes, I will say things that didn't occur to him in defense of the conservative view, and the students actually get a better representation of the conservative view.

So there is an advantage in having true viewpoint diversity, people who actually believe what they're saying on campus advocating different points of view.

Mr. Brat. Great.

Thank you, Mr. Chairman.

Mr. Palmer. [Presiding.] The chair now recognizes Mr. Raskin for a second round.

Mr. Jordan. Mr. Chairman, just for one second.

Mr. Palmer. Oh, I apologize.

The chair recognizes Chairman Jordan.

Mr. Jordan. I got--Mr. Meadows and I have to run to a meeting. I want to thank our witnesses. Great panel, a great

discussion. I wish we could do this all day, but, unfortunately, Mr. Meadows and I have to get to another meeting. And Mr. Palmer will close our hearing after a few more questions.

Thank you all very much.

Mr. Palmer. I now recognize--the chairman now recognizes the ranking member, Mr. Raskin.

Mr. Raskin. Thank you, Chairman Jordan and thank you Chairman Palmer. And--so I wanted to try to clean up some loose ends here to see if we really could find some good consensus going forward.

First, Dr. George, I want to start with you. One little point that occurs to me after you just spoke. I'm not quite sure why you would describe Adam Smith as a conservative as opposed to a liberal. He, of course, was a great liberal economist and philosopher. But you can take a shot at that in the course of answering this.

Those people who consider themselves on the left, as Dr. Weinstein puts it, who are going to meetings and just shouting people down are not only portraying the great principle of the freedom of speech and discourse and debate that liberalism has thrived on. But they're also, I think, mutilating the great old-fashioned art of American heckling.

Now, I just reread the Lincoln-Douglas debates. And if you read, at least I think it's the Hofstadter version, you'll see the interlineated, lots of heckles that come from the audience, but they're not meant to drown out Stephen Douglas or Abe Lincoln. They're meant to really advance the dialectics of the discussion. And you that the Presidential candidates respond to them, and they integrated, and nobody's trying to suspend the people or expel them for having done that.

So is there some way of reviving the delicate and subtle art of heckling where people can actually yell something out? I mean, somebody did it on the floor of the House. I wasn't a member then. They yelled at President Obama ``You lie,' ' which was not particularly artful or subtle. But he wasn't expelled for it. He wasn't kicked out of the institution or censured for it. Now, if he had continued, I think he probably should have been.

I'm sorry?

So just--if you have any quick thoughts on that.

Mr. George. Well, my favorite episode during the Lincoln-Douglas debates was when someone called out to the audience, ``Lincoln, give us something other than Dred Scott,' ' because Lincoln had been going on and on and on about the Dred Scott case. And Lincoln fired back quick as a cat, ``Yeah. You want something else? Because Dred Scott hurts too much.' '

And that's, I think, exactly the kind of thing that you want----

Mr. Raskin. That's the doctrine.

Mr. George. --that you had in mind.

Mr. Raskin. Well, you guys should teach about heckling when you do your rhetoric classes, because there's a good way to do it and there's a stupid, infantile, juvenile way to do it.

Mr. George. Very quickly on Adam Smith. I think you raise an important point, and I think Congressman Brat was pushing up this alley.

Mr. Raskin. Please make it fast, because I'm running out of time.

Mr. George. Oh, yeah. Very quickly.

So American conservatives are not the blood and soil and throne and altar conservatives of old Europe. American conservatives are actually old-fashioned liberals. They're classical liberals in the tradition of Smith, Madison.

Mr. Raskin. Okay. So we're together on that. Smith was a

liberal.

Okay. So, now, look, we--I think everybody here is agreeing that the First Amendment should apply in full force in a robust way on public campuses. Everybody seems to agree.

Dr. Harper, do you have to go? I'm going to ask you this one, and then you've got to go, I understand, to the airport, so let me start with you.

Some of you seem to agree that either, as a matter of law, or more likely, as public policy or politics or common sense that it should apply to private colleges and universities as well.

Now, a couple of people have said, well, except for ones that want to identify religiously or to a certain percentage of religiosity. It shouldn't apply to them. And there, any manner of political correctness goes, bans on interracial dating, bans on profanity, bans on pro-choice groups, bans on groups that are politically incorrect from a right wing perspective. I'm not sure I get the logic of that especially after what Congressman Brat just said. He's from Virginia. It reminded me, Thomas Jefferson thought that the whole point of education was to break from religion in the church. He said explicitly, when they created the University of Virginia, there could be no school of divinity. And he thought at least at that point in our history, that theology and religious dogma were at war with reason and science. Okay. But do you agree that we shouldn't care about freedom of speech on self-defined religious campuses?

Mr. Harper. I think we should care about freedom of speech on every campus, including the religiously affiliated ones that you've named, because they will produce college graduates who will go into the world. And my perspective is that we ought not graduate racists, sexists, homophobes, and so on. And when we don't create space for the meaningful exchange of ideas, despite our religious differences, that is the outcome.

Mr. Raskin. So if Georgetown disallows the pro-choice group to organize, if Catholic University said no pro-choice speakers on campus, that's something that should be a matter of public concern because those are great universities?

Mr. Harper. Absolutely.

Mr. Raskin. Okay. Let me just ask this, finally. A lot of people have converged around the University of Chicago principles, which really is a pretty excellent and exquisite statement of speech and toleration on campus.

Is there a way to get people together across lines of public, private, religious, secular, to come together on principles that would bind us all together in terms of the some of the tougher issues?

Dr. Weinstein, what do you think?

Mr. Palmer. If the gentleman would yield?

Mr. Raskin. Yeah.

Mr. Palmer. Out of respect for Dr. Harper. I understand that Dr. Harper has a flight to catch. And so without objection, we will allow you to leave the panel. If you get to the airport and it is delayed 2 hours, call us and we'll have you back.

Mr. Harper. Thank you.

Mr. Mitchell. Mr. Chair?

Mr. Palmer. Thank you for your testimony.

Mr. Mitchell. Dr. Harper, before you--if I can?

Mr. Palmer. Well, the ranking member has----

Mr. Mitchell. Would Mr. Raskin yield for one question of Dr. Harper?

Mr. Raskin. Sure. Question within a question.

Mr. Mitchell. It is short. And I'm going to ask all of the panels to get to it.

I agree the First Amendment is an incredibly blunt

instrument. This was my preference to deal with this issue to get to diversity of thought. It is unfortunately, legally, the only one we have, but the question I have for you is, how do we get to that standard of diversity thought and expression?

And I know you have to leave, so I'll stop. I'm going to ask everybody else later, but I just wanted to catch you before you left, sir.

Mr. Harper. I think we have to do a better job of preparing college faculty members and administrators to facilitate that, and to create the conditions that allow for the thoughtful exchange of ideas. The truth is, and it's higher education's dirty little secret, that very few faculty members in their Ph.D programs learn how to teach well, period, right, or at all.

It does not surprise me, then, that so few of us know how to responsibly create conditions in classrooms that allow for the contestation of ideas. I think that in that way, regents and trustees and others have to do a better job of equipping faculty members and administrators with the things that we never really got anywhere else in our educational upbringing around these issues.

Mr. Mitchell. Thank you, Dr. Harper. Thank you.

Mr. Palmer. Dr. Harper, thank you for your testimony.

You may be dismissed.

Mr. Harper. Okay.

Mr. Palmer. And Mr. Raskin controls the time.

Mr. Raskin. Mr. Chairman, thank you. I'm just going to reformulate my final question. And I'm going to make it focus on this sticky and interesting question of disinvitation. There's an article in The Weekly Standard I found written by a conservative Republican student at UCLA named Mariela Muro called, ``I Helped Get Milo Yiannopoulos Disinvited From UCLA, and Here is Why.''

And I guess there are different voices, some saying because of racism, some say because of sexism, some says because he had advocated sex between men and boys, he had advocated child molestation. But he had certainly been invited, and there was a disinvitation. And I think that the ethics of that, the politics of that, the legality of it is complicated. And you know, the Chicago statement is great from the standpoint of general principles.

But in terms of dealing with these really sticky problems, what happens if a hate group says they want to come March on your campus the way they did at UVA on that Friday night in August of 2017. What do you do?

So I'm just wondering, is there some effort within academia to tackle the hard problems and come up with an agreed-upon way of dealing with them so this isn't always the cause for polarization and division?

Mr. Langhofer. I would like to just address that very quickly. I think there's a distinction that we need to make between when a college invites a speaker and when a student group invites a speaker. And most of the things that we're talking, the disinvitations relate to when a student group invites a speaker. When they invite a speaker, that's their speech, and they cannot be denied that speaker.

Mr. Raskin. I got you. My question is, now, at this point, late in the game is about the process. What can we do so we're not having these ridiculous PC controversies for the rest of our lives so we can really try to work out some good ground rules? Yes, Dr. Weinstein.

Mr. Weinstein. There's a natural tension between the duty of a college or university to curate the content so that the students are encountering things that enrich them and its duty to guard freedom of expression. And I think we just should be



honest about the fact that that tension exists.

I mean, peer review does shut down viewpoints that aren't deemed of a high quality and that we don't commonly take that to be an infringement of free speech.

As to your question about the effect of something like the University of Chicago letter, I must say that there's a paradox here for those who espouse a libertarian economic perspective, which is, the Chicago letter would seem to protect freedom of expression better than any other campus in the Nation that I'm aware of. That, presumably, will give students who go there a competitive edge, because they will have been exposed to challenging ideas and will have sharpened their toolkit in response.

And so, why is that letter not spreading? Why are college campuses not falling all over themselves to embrace this in order to collect those students who are looking for a college campus that will expose them to the highest quality material available?

So I don't know the answer to that question, but I do find it interesting that Chicago was able to articulate these things and survive it, and other colleges have not embraced the same principles.

Mr. Raskin. And Dr. Stanger?

Ms. Stanger. Yeah, in my particular instance, I think I would not have been injured as I was if students had not invited in an outside menacing and hateful group the AntiFa group from--I don't know what their name is, but it was an AntiFa group from Burlington.

So we could say that students have the right to invite speakers, but if they're going to invite menacing and hateful groups like the AntiFa extreme left, or like people with torches on the UVA campus, then they should be seriously disciplined. That would be my solution.

Mr. Raskin. All right. Mr. Chairman, thank you very much.

Mr. Palmer. I thank the gentleman. The chair recognizes the gentleman from Michigan, Mr. Mitchell.

Mr. Mitchell. Just one quick question. And I appreciate everyone. This is one of the best hearings that I think I've been involved in in a year and-a-half in Congress. It truly has. It's been a great discussion.

I would ask you the same question I asked Dr. Harper before he had to leave for his flight.

I agree the First Amendment is an incredibly blunt tool to assess what you're trying to achieve at the college campus. The question is how we get to a tool that we can, as you look at it. Is it government entities? Is it funding entities? Are we achieving a diversity of thought and expression that is broad and inclusive enough to accept conflict and things we don't like to hear beyond the First Amendment?

How do we do that or evaluate that or assess that as we look at these things? Otherwise, we end up in a very blunt PC discussion, or we end up in a First Amendment and hope there's some value, something from Scalia, right? How do we do that?

Dr. Langhofer. I'm sorry.

Mr. Langhofer. I think it starts with the leadership down. Many of these colleges that we've seen where there have been riots happen, where there's been violence, they have policies which outlaw that type of activity. And if the universities would simply enforce the policies that are on the books and say, Look, you can't block access to these doors, you can't violently stop somebody from attending and actually enforce those, I think that would set the precedent and it would show that they really mean what they say.

They say they're seeking truth and they want ideological diversity, but they're not enforcing the policies across the

board.

So just like the Congress is doing here, it's been great to hear members from both sides say, look, free speech is important. And I think setting this bar as Congress saying it is important and you have to hear diverse views, it then trickles down to the administrators to say, We mean what we say, and if somebody comes that you disagree with, you can't violently oppose that. And I think you would see a lot fewer shout-downs if they started enforcing the policies on the books.

Mr. Mitchell. Thank you. I also--Dr. Harper's point, which I hope we can make on a broader basis is, it didn't strike me until he said that, that we really don't prepare most college faculty to be good instructors in that sense. It hadn't dawned on me until I had the good fortune, for the most part, of having that. It hadn't dawned on me until he said that that, sure, absolutely.

Dr. Weinstein, what can you suggest?

Mr. Weinstein. Well, let me add something to that. He's quite right, that we don't train people to teach. And we also never spell out that the job of an educator is to teach you how to think, not what to think.

So the fact that somebody at the front of the room happens to have a perspective that they hold dear, shouldn't mean that they are attempting to transmit it to students wholesale. They should give them the tools to evaluate for themselves.

Unfortunately, what we are seeing is the result of the politicization of the commons, effectively. And I suspect that that's the result of two things, which is that people do not feel well-represented by the governance apparatus, and of the fact that they feel a threat of austerity which is causing them to be tribal.

So if you really want to address this problem, people have to understand that they have more to gain by being patriotic together than by fighting each other for scraps. And I can't see a way around this.

The First Amendment is simply not sufficient to protect the free exchange of ideas in the private sector. It is not sufficient to protect it on college campuses that don't happen to be public. And it's actually not especially useful on public campuses where it doesn't deal with issues like censorship, or self-censorship.

Mr. Mitchell. Dr. Stanger, do you have anything else before we wrap up?

Ms. Stanger. Just very quickly. We need to teach students how to think, not what to think. And that's our main objective.

Mr. Mitchell. Dr. George?

Mr. George. I'll just conclude by saying that the first thing I would like to see are more faculty members exemplifying the courage of Allison Stanger and Bret Weinstein.

We teach more effectively by example than we do by precept. And seeing professors who are willing to stand up to threatening mobs, seeing professors who are willing to question orthodoxies, whether they're on the left or the right, is the greater encouragement to students that we could have.

As far as Congress and the State legislators are concerned, I think it is very important that Congress not try to run universities. The State legislators not try to run universities. But I go back to my point about keeping a spotlight. Sunlight really is the best disinfectant. And one of the things that you and your colleagues and the State legislators can do is keep the spotlight on by having hearings of this sort. So people in the universities know that others are watching and that others care about this, and that they're not going to just let this go on without comment.

Mr. Mitchell. There are days I'm not certain Congress can run itself, so your advice is well-warranted.

Mr. Chair, I yield back. Thank you for the patience.

Mr. Palmer. I thank the gentleman.

In closing, first of all, I want to thank the students who stuck it out through this rather lengthy hearing.

Once a month, I host a breakfast for young people. It is mostly millennials. And the whole point of it is to prepare them for the day when they're going to lead. And I hope that this is one of those days where this has been instructive to each one of you who are here today in preparation for when that time comes, because it will come.

Dr. Stanger, Dr. Weinstein, Mr. Langhofer, Dr. George, Dr. Harper, members up here, one day will not be here and it will be left to you.

And I take it as a tremendous responsibility and obligation to do all that I can to prepare you for when that day comes. So I encourage you to hear what your professors say, but dig into it yourselves.

You know, I asked that they put up the First Amendment. And the thing that I want to get across to you, particularly students, I'm speaking to you now, is be prepared to defend what you believe, in particular, the Constitution. We're a Constitutional republic. That means that you get to choose who come to Congress. You get to choose whether or not you participate in that process as a representative at whatever level.

One day that day will come. I want you to be prepared for that. You look at what the First Amendment says. I would argue that every aspect of that is under threat today: your right to free speech, your right to assembly, your right to associate, the freedom of the press, and the right to petition the government.

Thankfully, we haven't lost that. And also freedom of religion. Your religion is not confined to the church house or the Mosque or the synagogue. It is who you are. So exercise that.

And then I believe there's a formula, and I like formulas. Prior to running the think tank, Dr. George, I worked in engineering. And you know what they say about engineers. They are people who are good at math but don't enough personality to be an accountant. I resemble that remark. But I believe there is a formula for gaining wisdom which leads to tolerance, and it is this. It is education plus experience.

Education comes early, but it never ends. And experience becomes education magnified. Education experience properly gained and properly applied contemplated and serious coupled with critical self-reflection, Dr. George, and humility heals a sum that should reflect wisdom and tolerance.

And denying students the opportunity to hear views different from their own undermines their education and limits their experience, and seriously limits the growth of wisdom and tolerance. It makes that sum that you're trying to attain much more difficult.

And in my years running a think tank, it might shock you if I told you some of the publications that I read regularly from the left, and some of the people that I engaged in in conversations. So I was telling Ranking Member Raskin that, you know, he and I don't agree on a lot of things, but I learn from listening to people who have a different opinion than mine. And it is made me immeasurably better. And being able to intelligently address issues and to gain a more respectful understanding of other people's views.

So that's my little closing comment to each of you as students. Thank you for being here.

I thank our witnesses for appearing before us today. The hearing record will remain open for 2 weeks for any member to submit written opening statements or questions for the record. If there's no further business, without objection, the subcommittee stand adjourned.

[Whereupon, at 4:15 p.m., the subcommittees were adjourned.]

APPENDIX

-----

Material Submitted for the Hearing Record  
[GRAPHICS NOT AVAILABLE IN TIFF FORMAT]

[all]