



OUT

What are the rights and rules for free speech these days?

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This is a charged moment for the First Amendment.

President Trump has called news media an “enemy of the American people.” A congressional candidate assaulted a reporter who asked him a question. Social media provide a vast, influential platform to share information and opinions—but also to harass and slander. On campuses across the country, debates are raging about free speech and political correctness.

From the “Shades of Gray” forums and honors courses that began over a decade ago to this spring’s “It’s On Us” campaign led by student-athletes, Skidmore devotes substantial resources to modeling civil discourse, examining freedoms and responsibilities in community life, putting politics into perspective, and building students’ critical thinking skills for participation in a diverse democracy. Last winter, for example, the president’s office helped bring to campus Frederick Lawrence, secretary of the national Phi Beta Kappa Society, a standard-bearer for freedom of inquiry and high standards of scholarship. Lawrence, former Brandeis University president and a civil-rights scholar at Yale and other top law schools, led a forum with Skidmore students, faculty, staff, and trustees titled “The Contours of Free Speech on Campus.”

Throughout 2016 the Tang Museum partnered with several departments and programs to engage the on-campus and Saratoga-area communities in election-related events held in the museum’s *A More Perfect Union* exhibition, which offered a contemplation of patriotism and democracy as well as a venue for civic gatherings. In that gallery space, two congressmen from upstate New York, a Democrat and a Republican, discussed “What Happened to Compromise?” with a PBS host as moderator; faculty from psychology to history held forums on campaigns, elections, and the presidency; and a TV-news-watching party on election night offered faculty-led context and conversation.

Other dialogues and debates engaged faculty and students of every stripe in talking openly about the work of talking openly. Now *Scope* has asked a panel of Skidmore professors, alumni, and others to discuss freedom of speech from their perspectives as social and political scholars, professionals from law to journalism, and shapers of the campus climate. Here are their insights and arguments. >>

SPEAKERS ON SPEECH

Introducing the scholars and practitioners on *Scope*’s panel:



Robert Boyers, professor of English, is the long-time editor of the thought and culture quarterly *Salmagundi*, now in its 52nd year. His most recent book is *The Fate of Ideas: Seductions, Betrayals, Appraisals*.



Jennifer Delton, professor of history, teaches foreign policy, the Progressive era, the Cold War, conservatism, and African American history. Among her books is *Rethinking the 1950s: How Anticomunism and the Cold War Made America Liberal*.



Deborah Jacobs '90, MALS '95, executive director of the New Jersey ACLU for 13 years, now directs King County’s independent Office of Law Enforcement Oversight in Seattle. She is particularly dedicated to just policing, women’s safety, and First Amendment rights.



Jay Jochowitz '78, a career journalist, has managed several desks for the *Times Union* in Albany, N.Y. For the past nine years he’s been editor of the *TU*’s editorial page. He also serves as an advisor to the student-run *Skidmore News*.



Juleyka Lantigua-Williams '96 has been lead editor and producer for NPR’s *Code Switch* and a staff writer for *The Atlantic* magazine. Recently she launched an audio and video production company, Lantigua Williams & Co.



Andrew Lindner '03 is a Skidmore sociology professor who teaches courses on mass media, politics, and sport. His research centers on the impacts of the state, the market, and society on journalism.



Pat Oles is a professor of social work and former dean of student affairs. His courses include “Purple Nation: Welfare and Politics” and “Social Justice and Social Policy.” He has written on economic change, tax reform, and restorative justice.



Themba Shongwe '18 is a business major originally from Swaziland. He has served as the Student Government Association’s vice president for inclusion and outreach and also the African Heritage Awareness Club’s vice president.



Rights at risk?



With the demonization of political opponents and the delegitimization of the press, the left and the right both feel aggrieved, and at the extremes there is little interest in evidence or reflection. Right now, institutional protections of speech seem to be holding up, but working toward evidence-based politics, accommodation, and compromise feels a little like bringing a knife to a gunfight. —**PAT OLES**



It feels as though we—whether we are on the left, the right, or somewhere in between—cannot speak freely without being shouted down, fired, ostracized, disciplined, misunderstood, disapproved of, called a racist, or called a communist. We no longer have even a veneer of common ground on which we can have a reasonable discussion or disagreement. And this is a threat to democratic discourse. —**JENNIFER DELTON**



I don't believe that First Amendment rights are being impinged upon today more than at any other point in recent history. But I think

Americans have had to quickly reckon with the fact that these freedoms are not passive: we have to use them or risk losing them. —**JULEYKA LANTIGUA-WILLIAMS**



Trump's lies are routinely rebutted and corrected by journalists and by other politicians. Though a great many Americans live within a reality constructed for them by Fox News and other such media outlets, we have reason to believe that our First Amendment freedoms will be vigorously defended—by people like ourselves — in the event that they come under further assault. —**ROBERT BOYERS**



I see at least three realms to evaluate: 1) Are people exercising their rights to free speech? Yes, and in new and creative ways. The Black Lives Matter protests, for example, focused on disruptive actions like holding die-ins in malls or shutting down highways. 2) Has the law changed with respect to speech or press rights? Not yet. We can anticipate legal challenges, but I think the courts will stand strong on this issue. 3) Has

the culture changed with respect to speech or press rights? Yes. One example is the Trump crowd's demonization of the press (which is simply demonization of truth and information). Another example is the portion of the public that considers social pressure in the direction of political correctness to be censorship. —**DEBORAH JACOBS**

to individual and corporate profit motives. But campuses have to be careful not to overpolice speech with “trigger warnings,” public declarations on microaggressions, and the self-censorship that curtails young professors as they seek to secure their place in the academic ranks. Obviously, hate speech and anything that endangers anyone physically is always out of line. —**LANTIGUA-WILLIAMS**

Campus discourse



Campuses are once again battlegrounds over freedom of speech, which I think is good news. If the next generation of leaders and active citizens learn to engage in creative conflicts in the microcosm of a college campus, there's a good chance the training will pay off when they reach the workforce, where freedom of speech is often conspicuously absent thanks



Most of us understand that our defense of free speech need not (and should not) extend to speech that is flagrantly abusive or deliberately intimidating—that is, intended to silence others and make genuine debate impossible. When free speech is cast in absolutist terms, as a defense of all speech no matter the circumstances or consequences, then we are dealing with an attempt to dismiss and reduce to absurdity an issue that

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is by no means absurd or trivial.

The political right has lately embraced the free speech issue in ways that are opportunistic and dishonest, and recent widely publicized developments on American campuses have played into the hands of right-wing demagogues, from Donald Trump to Ann Coulter. For campus partisans to call attention to the unsavory views or shoddy scholarship of a speaker who is about to appear on campus is not an assault on free speech but in fact the *exercise* of free speech and an invitation to debate. —**BOYERS**



I have often struggled with activism surrounding campus speakers. From a student's point of view, there is a certain perceived level of endorsement when a school allows a person to come and speak. And there is a pattern of disdain for the concept of "safe spaces," particularly among the older generations. Safe spaces are seen as a protective shield that supposedly hinders academic freedom and creates a false bubble within a college, but that view fails to recognize the various shapes and forms of the marginalized within the academic realm. Young men and women who demand a space conducive for learning are brave souls. I have often been guilty of the opposite: finding myself sitting in a class silently as a teacher espouses grossly outdated stereotypes about Africa. —**THEMBA SHONGWE**



Colleges are the safest intellectual places on the planet. But the risks involved in talking about politics, race, class, or religion can discourage speaking freely. The manufactured outrage at "liberal faculty," administrative concerns about publicity and funding, students' desires to avoid conflict, and faculty fear of student evaluations and a tight labor market also conspire against robust discourse on campuses. There is freedom of speech, but also an inclination toward playing it safe. —**OLES**



The controlling of speech via peer pressure is nothing new on campuses—all communities have unspoken rules about what one can and cannot say. But as the social fabric weakens, strictures become more explicit, and some people feel more constrained by rules that don't make sense to them from their perspectives and histories. This goes for a first-generation student of color who might feel constrained by old social rules, or for a middle-aged white professor who may feel constrained by new social rules. And so they speak up, only to be accused of threatening the other person's freedom of speech.

On the one hand, this is a sign of progress in diversity, because it is an almost inevitable consequence of bringing together people from very different backgrounds. On

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the other hand, it can have a dampening effect on academic freedom as distinct from constitutionally protected freedom of speech (which is not being violated). The bread and butter of intellectual progress is argument, but fewer and fewer students, professors, or administrators want to engage in argument connected to diversity and identity, for fear of making a gaffe, being misunderstood, or being confronted with passion and anger. —**DELTON**



Yes, campuses need to be bastions of free speech, but they also need to be bastions of intelligent, honest, civil dialogue. Sorry, but someone like Ann Coulter offers none of the above, so when Berkeley students objected to her—I'm not talking about violence, but vocal objections—I did not find that an affront to the First Amendment.

We are living at a time when the force of speech is being redefined. Once, it came from either numbers or the power of a platform, but now the Supreme Court has added money: you are entitled to as much speech and influence as money can buy. Coulter and other rich pundits like her are emblematic of that, and they shut down speech themselves by hanging up on callers, not letting them past the call screener, or shouting them down on the air. Against this, all students have, really, is the power of their numbers to say, "We don't want people coming to our campus bearing a message of hate." —**JAY JOCHNOWITZ**

Online "analysis vacuum"



Social media is in part responsible for the breakdown of elite control over the country's discourse. Voices that were once marginalized, confined to mimeographed or xeroxed handbills, now have a platform that reaches millions. So radical black feminists have more of a voice, but so too do radical white nationalists. And the elite moderate center has lost its ability to manage public discourse. —**DELTON**



Some Twitter or Facebook posts have a profound impact on U.S. politics and policy; most have zero. The true benefit of social media is to

surface the hate: it's much better to know about it than not to. Many Americans were reeling after the 2016 election, not realizing just how much racism, sexism, homophobia, and hate in general still thrive in the U.S. But social media revealed it long before Trump's rise.

Each public figure must make his or her own decisions about how to respond to negativity or threats—that's as true today as for the activists of the 1960s, who risked their lives to make change in this country. There is no way to address hate other than to meet it where it is, confront it, and counter it with love and empathy. Unfortunately, it's a long road. —**JACOBS**



But social media has also served to *amplify* hate disproportionately. A while back the *New York Times* published a piece on how Internet connections among people with mental illnesses have given their delusions a feeling of validity. I think social media has done this with hate speech—it has helped to normalize it, as if it's on par with any other speech. Toss in a celebrity or two, and social media becomes as powerful and alluring as a fan club, in which you can imagine yourself interacting with the stars. To counter this, the best one can do is keep hammering away at the facts and educating future generations of better-informed, more discerning citizens. —**JOCHNOWITZ**

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Careful analysis of complex problems takes time. It cannot compete with the rapid dissemination of threats by Internet trolls and the targeted finesse of Fox, MSNBC, and other partisan media. Homogenous echo chambers that give rise to certainty tend to diminish the commitment to work toward better but less certain conclusions. That work is the job of scholars and deliberative bodies, but, alas, both are losing status relative to online outlets. —**OLES**



Social media is a beast that still needs taming. While campaigns like #BlackLivesMatter, #OscarSoWhite, and #SayHerName have led to positive change, we have to contend with the livestreaming of suicides and police shootings. The immediate impact of

watching a news event unfold on Twitter leaves us without the proper context in which to place the events and people, creating an analysis vacuum that anyone can fill however they choose. —**LANTIGUA-WILLIAMS**



My mother used to quote a Swazi saying that can be loosely translated to “The one who opened the pot is not the one who boiled the water.” Social media simply exposes the boiling, but it does not turn up the heat.

My first American election was in 2012. I was in a 99% liberal international high school, and my Facebook feed was glossed over by a liberal and tranquil view. Fast forward to 2016, and my feed looked like a bloodbath. Did social media change? No, I added more friends with opposite-leaning beliefs. I am a firm believer in the role of social media as a platform for social change, and I would argue that it has helped increase social awareness of issues like racism and sexism. —**SHONGWE**



Research is pretty clear that the Internet and social media are fairly modest contributors to polarization. First, modern political extremism began to increase in the late 1970s. Yes, polarization continued to rise during the Obama years, when social media emerged, but these trends predate the Internet. Second, research on religious, social, political, and cultural polarization shows that people over 60 years old are the most polarized, while young people are the least, even though they have more exposure to social media. If we're looking for a media-based explanation for polarization, Fox News and MSNBC, beloved by aging baby boomers, are more likely culprits than Facebook and Twitter. But more important factors include declining social trust, the retreat into the home, geographic and social partisan sorting, increasing diversity, and the mobilization of the conservative movement. —**ANDREW LINDNER**

“Alternative facts”



My hope is that a backlash to the current political climate will result in a greater awareness of and, perhaps, commitment to truth. But the real question is how to make permanent cultural and political adjustments that promote truth in politics. —**JACOBS**



At the core of the rift created by “alternative facts” is the circumstance that today knowledge has been almost entirely separated from actual experience. It is no longer the case that most of what people know comes from what they have lived themselves or witnessed someone live. It's become acceptable to believe something is true because a media outlet, a professor, or an opinionated friend says it is so. Sheltered behind our digital screens, we no longer have the urge to go see for ourselves,

to confirm, to question anything that has been presented in a plausible and digestible manner.

Further alienating us from a sense of truth is our self-segregation by class, education, ethnicity, political creed, religion, and on and on. If we only spend time with people we agree with, we keep ourselves safe from having our choices questioned, our privilege checked, and our assumptions scrutinized. What's at stake here is the eroding notion of a broader, collective good. —**LANTIGUA-WILLIAMS**



Fake news is a factor in our public life, and only enlightened citizens—persons with a respect for facts, evidence, and differences of opinion—will have any prospect of differentiating the fake from the authentic. Of course we encourage others to be truth-seekers, and yet it is important, I think, to acknowledge that the world, reality itself, is neither true nor false. We find truth not by declaring that we have secured it at last but only by continuing to seek it and debate it with others, particularly with others who do not see “reality” as we do. —**BOYERS**



We're better consumers when we understand the necessity of skepticism. I suspect a whole generation will learn some painful lessons about “alternative facts” in the coming years. Unfortunately we are all going to pay the costs. —**OLES**



Free speech has always included a lot of falsehoods. I once read some really bizarre white supremacist material that was extraordinary in how gullible it assumed its readers were. But those were pretty small groups. Currently we have huge portions of the population accepting demonstrably false information as fact. I think two adages speak to this: first, that democracy is the worst form of government except for all the others, and second, that with great privilege comes great responsibility. My point is that those who exercise free speech have a moral obligation to do so honestly, and those who listen to it have a societal obligation to educate themselves. But ultimately, I'd prefer to let truth win the day in a fair fight rather than to compromise free speech. —**JOCHNOWITZ**

Partisans and the press



Formerly marginalized voices, representing both oppressed minorities and white nationalists, have been empowered via social media and by the disintegration of a moderate elite, and now passions resistant to reason are prevailing. The white nationalists are arming themselves, as previous versions of them did in Nazi Germany, and the so-called anti-fascist left is also in the mood to fight, as evidenced by the recent protests at Berkeley. —**DELTON**



Right-wing media like Breitbart, WND, and pundits at Fox have been hammering away at the “liberal mainstream media” for years. It's become a part of conservative identity to distrust, even despise, the press. A T-shirt making the rounds during the election—“Rope. Tree. Journalist. Some assembly required”—was a chilling thing to see in public.

The “mainstream media” at its best still offers (as best as humans can do) an objective, balanced package of news necessary to understand one's community/state/nation/world and—this is the really essential part—to participate meaningfully as a citizen in society. That's in danger when real journalism is attacked and marginalized and people get only the reports they want. We cannot act as citizens, or as a society, if we're not at least working with a common set of facts. —**JOCHNOWITZ**



Most surveys show that journalists are considerably more progressive on social issues and slightly more conservative on taxes and welfare spending than the majority of Americans. Research also shows that these personal views are superseded by professional norms like upholding objectivity and by the values of media organizations, which are often owned by conservatives. So there's not a lot of evidence that a persistent “liberal bias” exists.

Nonetheless, starting in the late 1970s, conservatives took every opportunity to complain about it and got media outlets to try to avoid the accusation by changing their coverage. Second, they built right-wing radio, Fox News, Breitbart, and other outlets to allow people to consume a wholly partisan media diet. This alternative media system has helped radicalize a right-wing base that sees the mainstream press, Democrats, and college professors as enemies. The left has become polarized, too, but it tends to maintain higher rates of trust in science, expertise, and mainstream journalism. —**LINDNER**



At stake is the citizens' right to have their government remain transparent and accountable. Without a strong independent press, the country is susceptible to increasing levels of secrecy in government, leaders who move the levers of power behind closed doors, and a merging of personal greed with political opportunism at unprecedented rates. Wait, that all sounds so familiar...! —**LANTIGUA-WILLIAMS**



Our democracy is in trouble. When a sitting president encourages his followers to take matters into their own violent hands and legitimizes assaults on journalists, we can only hope that members of his own party will come to their senses and condemn him. I don't know what ordinary citizens can do to protect the press, but I do know that we have a responsibility to nurture in our students—and in others we can reach in our writings and lectures—a respect and hunger for the work of a free press. Will that be enough? I wish I knew. —**BOYERS**