



## “Campus Free-Speech” Legislation: A Primer

### What is “campus free-speech” legislation?

The most prevalent campus free-speech legislation being introduced in state legislatures today is drafted from model bills produced by the Goldwater Institute, a right-wing think tank. The defining characteristics of this legislation are as follows. It:

1. Forbids public institutions from disinviting speakers and requires that they remain neutral on “issues of public controversy.”
2. Establishes mandatory minimum penalties for students or others found to have twice interfered with the free expression of others. Suggested minimum penalties are suspension and expulsion.
3. Provides that individuals who believe that their free speech has been disrupted or prevented on a public campus may sue the institution to enforce the legislation and can recover court costs and attorney’s fees.
4. Requires that public institutions create an oversight committee, sometimes called a “Committee on Free Expression,” to oversee the implementation of campus free-speech law and to produce an annual report about the management of free speech on campus.
5. Requires public institutions to provide trainings to incoming students, faculty, and staff on their free-speech rights under the new campus free-speech law.

### What is the Goldwater Institute?

Founded in 1988, the Goldwater Institute is a conservative and libertarian think tank based in Phoenix, Arizona.

The Goldwater Institute is a member of the State Policy Network (SPN), an alliance of several dozen conservative think tanks across the country. In 2013, the Center for Media and Democracy released a report showing that SPN works actively to promote a right-wing agenda. It is also a “stealth” ally at the state level of the American Legislative Exchange Council (ALEC), which works with state legislators to promote aggressively conservative policies.

A report by the Center for Media and Democracy and Arizona Working Families claims that the shared agenda of the Goldwater Institute and ALEC includes legislation that would block implementation of the Affordable Care Act, “redirect funds from Arizona’s public schools via private school vouchers to other private or for-profit businesses,” “attack Arizona workers’ collective bargaining rights,” “reform” tort law to shield corporations, disregard climate change science, and promote “measures that would undermine the power of federal or local governments to regulate water and air pollution.”

The report notes that while the Goldwater Institute does not publicly list its donors, a review of IRS records reveals contributions by the Koch-connected Donors Capital Fund, the Charles G. Koch Charitable Foundation, and the Walton Family Foundation.

### **A few important concepts involved in “campus free-speech” legislation.**

- *Protests against campus speakers*, some of which received extensive media attention. At times, speakers were interrupted or prevented from speaking at all. In some instances, university administrators canceled scheduled events due to the activity of protestors. Many of these events featured conservative journalists, scholars, and political figures, some of whom were tied to the Trump campaign or administration.
- *Free-speech zones*, areas of a campus to which protests and other contentious political activity are confined.
- *Speech codes*, designed to prohibit discriminatory language and hate speech.
- *Safe spaces*, designed to provide protection for historically marginalized groups.
- *Trigger warning policies*, intended to alert students to course material that could “trigger” pre-existing emotional or mental conditions.

### **Where are these bills being introduced?**

Campus free-speech bills are being introduced in states across the country, from California to North Carolina. Below is a sampling of bills that have been introduced over the past two years; some have passed, some have stalled, some are under consideration as of this writing.

GA-SB339  
MO-HB2423  
WY-HB0137  
WI-AB299  
IL-HB2939  
OK-HB3586  
SD-HB1073  
FL-SB1234  
SC-HB4440  
WV-SB111  
KA-SB340

### **What can we do?**

Campus free-speech legislation is one piece of a much larger well-funded, right-wing effort to disempower public higher education in the United States. See the AAUP’s One Faculty One Resistance resources (<https://onefacultyoneresistance.org/>) for more information on how to take action against campus free-speech legislation, targeted harassment of faculty, the Professor Watchlist, and Turning Point USA.

### **Sources**

American Association of University Professors. *Campus Free-Speech Legislation: History, Progress, and Problems*, April 2018. <https://www.aaup.org/report/campus-free-speech-legislation>.

Arizona Working Families and the Center for Media and Democracy, “A Reporter’s Guide to the Goldwater Institute: What Citizens, Policymakers, and Reporters Should Know,” March 2013. [https://www.prwatch.org/files/Report\\_on\\_the\\_Goldwater\\_Institute\\_final.pdf](https://www.prwatch.org/files/Report_on_the_Goldwater_Institute_final.pdf).

Manley, Jim. “Campus Free Speech: A Legislative Proposal.” Goldwater Institute. <https://goldwaterinstitute.org/article/campus-free-speech-a-legislative-proposal/>.