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Campus “Free Speech” Bill Will Squash Free Speech, Not Protect It

By Rep. Gary Hebl

Last week, the Assembly Committee on Colleges and Universities advanced Assembly Bill 299 with the stated intention of protecting free expression on campus. Protecting free expression is something everyone can get behind. Unfortunately, this bill will not accomplish that goal, and it very well may have other far-reaching negative consequences.

The goal of the bill is to stop students from shouting down invited speakers and preventing them from giving their speeches. While I agree that invited individuals should have the opportunity to give their speech, I do not believe the legislature should be suppressing Wisconsin students’ First Amendment right to protest.

That is what this bill does: it effectively prioritizes the rights of a paid speaker over the rights of students in our state’s universities to protest. More alarmingly, the bill also sets mandatory punishments for students that are found to have interfered with another’s free expression, forcing state schools to suspend them for one semester if the student has done it twice and calls for automatic expulsion upon a third infraction. Punishing students for expressing their First Amendment right to protest is clearly unconstitutional.

The bill also mandates that the state’s universities remain neutral “on the public policy controversies of the day.” This could have a chilling effect on both the institutions’ abilities to advocate for themselves as well as the everyday lives of students and faculty members.

Experts in their fields should be able to take positions on public policies that affect them. For years, the Wisconsin Department of Natural Resources has refused to take stances on issues and has testified in committees “for information only.” This practice gives us nothing as legislators. We are generalists- we cannot be experts in every subject, and we rely on those who are experts to tell us if policy will have a positive or negative effect on their areas of expertise. We should not allow that to happen to our universities- their contributions to our state are invaluable and should not be diminished

I have deep concerns about how this bill will negatively affect the functioning of our great university system. The bill’s author gave his assurance that this bill would have no effect on

professors teaching in classrooms; however, one Republican member of the Committee explicitly stated that he was going to vote for this bill because of stories he heard of how conservative students in his district were treated poorly by liberal professors. It is telling that, although we were told that it wouldn't affect classrooms, some Republicans seem to be confident that it will, and voted for it for that reason. That one of legislators is ready and willing to pass legislation that he believes will regulate academic thought and instruction is disturbing.

There are numerous other issues that I find troubling in this bill. This bill allows any two individuals to report to the university that a student interfered with another's right to free expression. As this bill is written, it doesn't even have to be two students reporting- it could be someone completely unaffiliated with the university. Assembly Bill 299 could also act as a legal magnet for frivolous litigation because it allows those allegedly prevented from exercising free speech to sue the university. Wisconsin taxpayers could footing the bill for lawsuits brought by agitators looking to stir up trouble.

This bill has good intentions. However, the provisions of the bill do not meet the goal of protecting free expression. In fact, they do the opposite. This bill will crush free expression of students and professors in and out of classrooms. Silencing First Amendment rights is troubling, unconstitutional, and un-American.

Rep. Gary Hebl represents the 46th Assembly District, which includes the cities of Sun Prairie and Stoughton, the village of Cottage Grove, and the townships of Cottage Grove, Dunkirk, Pleasant Springs, and Sun Prairie.

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