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## **Academic Freedom and Outside Speakers**

Incidents in which colleges and universities have rescinded invitations issued to outside speakers have multiplied in recent years. Because academic freedom requires the liberty to learn as well as to teach, colleges and universities should respect the prerogatives of campus organizations to select outside speakers whom they wish to hear. The AAUP articulated this principle in 1967 in its Fifty-third Annual Meeting, when it affirmed “its belief that the freedom to hear is an essential condition of a university community and an inseparable part of academic freedom,” and that “the right to examine issues and seek truth is prejudiced to the extent that the university is open to some but not to others whom members of the university also judge desirable to hear.”

This principle has come under growing pressure. Citing an inability to guarantee the safety of outside speakers, or the lack of balance represented by the invitation of a college or university group, or the danger that a group’s invitation might violate Section 501(c)(3) of the Internal Revenue Code, college and university administrators have displayed an increasing tendency to cancel or to withdraw funding for otherwise legitimate invitations to non-campus speakers. Committee A notes with concern that these reasons for canceling outside speakers are subject to serious abuse, and that their proper application should be limited to very narrow circumstances that only rarely obtain. Applied promiscuously, these reasons undermine the right of campus groups to hear outside speakers and thus contradict the basic educational mission of colleges and universities.

It is of course the responsibility of a college or university to guarantee the safety of invited speakers, and administrators ought to make every effort to ensure conditions of security in which outside speakers have an opportunity to express their views. The university is no place for a heckler’s veto. In 1983, when unruly individuals on various campuses prevented United States Ambassador to the United Nations Jeane Kirkpatrick from addressing university audiences, Committee A reaffirmed “its expectation that all members of the academic community will respect the right of others to listen to those who have been invited to speak on campus and will indicate disagreement not by disruptive action designed to silence the speaker but by reasoned debate and discussion as befits academic freedom in a community of higher learning.” We have always been clear that colleges and universities bear the obligation to ensure conditions of peaceful discussion, which at times can be quite onerous. Only in the most extraordinary circumstances can strong evidence of imminent danger justify rescinding an invitation to an outside speaker.

Colleges and universities have also withdrawn invitations to outside speakers on the ground that such invitations reflect a lack of balance. This objection misunderstands the meaning of balance within a university setting. In the context of teaching, balance refers to the obligation of instructors

to convey to students the state of knowledge, as warranted by a professional community of inquirers, in the field of learning to which a given course is devoted. There is no obligation to present ideas about “intelligent design” in a biology course, for example, because those ideas have no standing in the professional community of biologists. If invitations to outside speakers are extended within the context of teaching, they should be consistent with the obligations of professionalism. They should not be subject to an additional standard of balance that does not reflect professional standards.

Most invitations to outside speakers do not concern professional pedagogy of this kind, but reflect instead the interests of specific campus groups that are authorized by colleges and universities to learn by pursuing their own particular extracurricular activities. Invitations of this kind may raise a question about the overall contours of a university’s extracurricular programming, but they ought not to be evaluated on an invitation-by-invitation basis. The spectrum of extracurricular activities sponsored by a college or university should be evaluated on the basis of its educational justifiability, rather than on the basis of a mechanical standard of balance that does not reflect educational objectives. So long as the range of a university’s extracurricular programming is educationally justifiable, the specific invitations of particular groups should not be vetoed by university administrators because these invitations are said to lack balance. Campus groups should not be prevented from pursuing the very interests that they have been created to explore.

University administrators have also rescinded invitations to outside speakers who are politically controversial on the ground that during an election such invitations would violate the prohibition of section 501(c)(3) of the Internal Revenue Code, which provides that a charitable organization will qualify for a tax exemption only if it “does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.” Before the 2004 presidential election, some institutions withdrew or objected to invitations to speakers identified with partisan political positions, including Michael Moore, a filmmaker critical of the Bush administration. In some cases, the initial invitations were issued by student organizations; in other cases, they were by members of a faculty body or as part of an invited speaker series.

Committee A is concerned that overly restrictive interpretations of Section 501(c)(3) have become an excuse for preventing campus groups from inviting politically controversial speakers. As was stated by the AAUP’s Fifty-second Annual Meeting, “the right to access to speakers on campus does not in its exercise imply in advance either agreement or disagreement with what may be said, or approval or disapproval of the speakers as individuals.” The idea that a university “participates” or “intervenes” in a political campaign by providing a forum to hear speakers who have something to communicate about issues of relevance to the campaign is thus fundamentally misplaced. The idea misconceives the role and responsibility of a university, which is not to endorse candidates but to discuss issues of relevance to society.

The essentially educational role of a university has been recognized by the Internal Revenue Service, which has held that activities which might otherwise constitute prohibited political activities are to be understood, in the context of a college or university, as furthering the institution’s educational mission. For this reason, a course in political campaign methods that

requires students to participate in political campaigns of candidates of their choice does not constitute participation in a political campaign by the institution.<sup>1</sup>

Similarly, providing office space, financial support, and a faculty advisor for a campus newspaper that publishes students' editorial opinions on political matters does not constitute an attempt by the university to participate in political campaigns on behalf of candidates for public office.<sup>2</sup> Instead, the Internal Revenue Service has viewed these types of activities as serving the university's tax-exempt educational purposes.

As part of their educational mission, colleges and universities provide a forum for a wide variety of speakers. There can be no more appropriate site for the discussion of controversial ideas and issues than a college or university campus. Candidates for public office may speak on campus, as may their supporters or opponents, so long as the institution does not administer its speakers program in a manner that constitutes intervention in a campaign. Invitations made to outside speakers by students or faculty do not imply approval or endorsement by the institution of the views expressed by the speaker. Consistent with the prohibition on political activities, colleges and universities can specify that no member of the academic community may speak for or act on behalf of the college or university in a political campaign. Institutions may also clearly affirm that sponsorship of a speaker or a forum does not constitute endorsement of the views expressed.

Robert C. Post (Law), Yale University  
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#### Endnotes

1. Revenue Ruling 72-512, 1972-2 Cumulative Bulletin 246. [Back to text](#)

2. Revenue Ruling 72-513, 1972-2 Cumulative Bulletin 246. [Back to text](#)  
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