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FTS INTERVIEW: SPOTLIGHT ON FREE SPEECH

April 23, 2008

Face The State's Interview with Adam Kissel of FIRE
Face The State Staff Report

In town this week to discuss the state of Free Speech on America's college campuses, **Adam Kissel**, director of the individual rights defense program for the Foundation for Individual Rights in Education, sat down with Face The State for an interview.

FTS: So [Mr. Kissel](#), what brought you here?

AK: I was invited to speak at Colorado College to address the controversy over the punishment and censorship of students who distributed a satirical flier. The flier was a parody of an earlier leaflet posted by the school's Feminist and Gender Studies program, called "The Monthly Bag. The parody was called "The Monthly Rag." We investigated the case and we immediately saw that is one of the worst cases of the year.

Note to readers: Learn more about the CC case by reading the [The Buzz](#).

FTS: What makes it so bad?

AK: The political double standard was incredibly clear. The [satirical] poster was punished while the [feminists'] was condoned.

FTS: As we discussed, the students who produced the flyer were found guilty of violating the school's anti-violence policy because feminists claimed that the satirical piece (link here) created an implied threat of violence.

When it comes to the future of free speech on our campuses, are you optimistic?

AK: The challenges have changed. It used to be that speech codes were all the rage. Now community values trump individual rights. It's another version of the same battle. The good news is that most of what goes on in the classroom is within the bounds of academic freedom.

FTS: In the Colorado College case, it was administrators and not professors who sanctioned the students for their political satire. From a national perspective, are you seeing administrators take a bigger role in this debate over which speech should be protected?

AK: At Colorado College, there are many more administrators than faculty, probably about three to one. It's a huge expensive part of college. Students are paying more and more for administrators—when that money could be spent on professors. But the consequence is that you've got administrators—many of them without PhDs and most only with master's degrees from education programs where social justice is all the rage—making decisions. These people believe it's their job to police the campus culture. It's not good for free speech.

FTS: So what about the fact that Colorado College is a private institution? Shouldn't it be able to censor students in whatever way it wants?

AK: Liberal arts colleges should be one of the most free places in the country. And while you can't make a First Amendment or constitutional argument like you could at a public university, there is clearly a contract issue. The school's code promotes and requires free speech. When students engage in free speech, they are punished. That's a clear violation. Almost all private colleges declare that free speech is one of their highest values.

FTS: So, if this had happened at CU and not CC, what would have been the difference?

AK: IT would have been an even better story because you would have had a constitutional argument as well.

FTS: So what else concerns you?

AK: Another thing that makes me pessimistic is anonymous bias reporting. At William & Mary in Virginia, students were encouraged to report "bias" anonymously. It was a scary process because if you couldn't get people for hate speech, you could get them for bias. Students were encouraged to report on each other. And while students couldn't be punished for bias, they could be "re-educated."

FTS: In the aftermath of the Colorado College censorship scandal, what would you say to those on the campus who believe censorship and sanction was appropriate in this case?

AK: The folks who want to oppress speech are preaching to the converted. Those who don't want to study diversity or gender issues avoid the conversation altogether by majoring in economics or medicine. They don't get reached, so the idea of repressing speech backfires.

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