

The Scope of Freedom

On October 24, 2022, in anticipation of escalating violence, Penn State University canceled an event scheduled to feature Gavin McInnes, founder of the right-wing extremist group, the 'Proud Boys', and far-right speaker, Alex Stein. Protesters and counter-protesters gathered outside, as police arrived in riot gear and on horseback.

As reasons for their opposition, protesters cited McInnes' racist, antisemitic, misogynistic, transphobic, and Islamophobic comments, in addition to the white supremacist sentiments they claimed underpinned the Proud Boys' mission. The Southern Poverty Law Center describes the Proud Boys as a hate group and the Canadian government designated it a terrorist entity on February 3, 2021.

The cancelation of the event at Penn State follows a pattern that has been replicated at many higher educational institutions in recent years. Controversial speakers are invited to speak by university groups and universities are pressured to cancel the events in light of safety concerns, prompting questions related to the scope of free speech and its limits. Notably, the protesters whose action catalyzed the cancelation were also exercising their First Amendment rights.

Although the First Amendment guarantees citizens the right to freedom of expression, including speech, press, assembly, and petition, it only protects against restrictions imposed by governmental entities. Even so, the government can restrict certain aspects of free speech. Perhaps the most well-known example is the way it may prohibit 'incitement' speech, as held by the Supreme Court in *Brandenburg v. Ohio* (1969). Such incitement is determined by reference to a speech's intentional and effective provocation of "imminent lawless action," which generally does not encompass hateful or bigoted speech.

The bar for incitement speech is high and the way in which private institutions handle free speech is generally governed through legislative action, as opposed to the First Amendment. The Constitution does little to determine whether speakers such as McInnes and Stein should be given a platform despite safety concerns. Instead, we must consider the potential ramifications of limiting free speech and determine the extent to which we are willing to restrict it depending upon whether it receives our approbation or criticism. It is likely that individuals in positions of power will not always reflect our values. Are we willing to set the precedent of limiting speech in today's world despite the possibility that ours will be restricted in tomorrow's?

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Information gathered from "U.S. Constitution – First Amendment," Constitution Annotated (Congress.gov); "First Amendment – Contents, Freedoms, Rights, & Facts," *Britannica* (Britannica.com, 2022); "The Wrong Way to Combat Cancel Culture," *The Hill* (msn.com); "Proud Boys," Southern Poverty Law Center (splcenter.org); "Penn State Cancels Proud Boys Founder's Speech, Citing Threat of Violence," NPR (npr.org).