How White Supremacists Exploit Public Higher Education

The University of Florida had to spend $600,000 to provide security for Richard Spencer.

By Kent Fuchs and Glenn C. Altschuler
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White supremacist Richard Spencer’s appearance at the University of Florida last week was the latest flare-up in the debate over free speech that has roiled university campuses nationwide. First Amendment advocates have condemned Mr. Spencer’s views but insisted on his right to speak. Others believe that his hate speech should be suppressed because it is cruel, dangerous and antithetical to the values of diversity, inclusion and reasoned, respectful discussion.

Thankfully, Mr. Spencer came and went with little incident. But while UF and Gainesville are getting back to business, other universities and their communities may not be so fortunate. Mr. Spencer and his group, the National Policy Institute, have pledged to visit numerous campuses nationwide in the coming months, and surely they will not be the last extremists whose voices rise to scorch ivy-covered walls.

That brings to the fore two issues that have long remained in the background, but that the public higher-education community must now reckon with. The first concerns access. Public universities that choose to grant access to speakers who are not invited or affiliated with the institution are legally obligated to accept all such speakers. As a result, they may become hostage to Nazis or other extremists—forced to stand by as these groups capitalize on their university’s visibility and prestige to amplify their vile messages.

Yet restricting university facilities only to invitees or affiliates closes them off to many worthy community groups—which have few alternatives in relatively small cities such as Gainesville.

Universities seeking to be more restrictive may find themselves in court, accused of violating the First Amendment. In the end, these groups may get to speak anyway, as happened at Auburn earlier this year when that university’s administration tried to block Mr. Spencer. Although we are strong advocates of free speech, we believe the complex issue of unfettered access to the campuses of public universities should be re-evaluated.

The second issue for public universities is the enormous security costs associated with extremist hate speakers. It is the legacy of a 1992 Supreme Court decision, Forsyth County v. Nationalist Movement, in which the justices held that the government cannot assess a security fee on a speaker to control the reaction of potential hostile onlookers or protesters.

At UF, which had nearly 1,000 state and local law-enforcement officers on campus on Thursday, the tab exceeded $600,000, the equivalent of nearly 100 students’ annual tuition. In effect, taxpayers heavily subsidized racist speech rather than education or research.
One partial solution might involve mandating all facilities renters or their sponsors to deposit a sum, based on the honorarium or attendance at the event, into a security escrow account.

Another partial solution could entail a new Federal Extremist Speakers Fund to help universities with their exorbitant security costs. That would shift the financial burden of following the First Amendment to the government that requires universities to do so.

A third idea would be to establish a set of neutral criteria upon which fees for speakers could be based, in addition to those universities already have in place. In the Forsyth case, Justice Harry Blackmun pointed out that the fees were arbitrary. While UF and other universities have established objective criteria such as anticipated audience size, venue size and the complexity of venue security, it’s time for universities to consider other ways to assess the real costs associated with these events.

We call on every public institution to commit to understanding their current policies and relevant laws, debating alternatives, and coming to fresh decisions about how to move forward.

We further call on universities to expand the discussion beyond their walls into a national conversation about what truly defines free speech in the U.S.—which, clearly is not always free—and who should shoulder the burden that comes with that responsibility. Mr. Spencer and his ilk have been able to dominate the conversation about free speech to date. We can, and we must, take it back.

Meanwhile, when openly racist and virulently anti-Semitic speakers show up on campus, we need to deprive them of attention and confrontation, the oxygen on which they thrive, by shunning them. And we need to seize the opportunity to declare the values of our nation’s great public research universities, which are those of inclusion and diversity of people and ideas.

That strategy, we think it important to note, costs nothing.

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