

**REMARKS OF FCC COMMISSIONER AJIT PAI
ON RECEIVING THE FREEDOM OF SPEECH AWARD
AT THE MEDIA INSTITUTE'S 2016 AWARDS BANQUET**

WASHINGTON, DC

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Thank you, Commissioner McDowell, for that very kind introduction. As your one-time colleague and full-time friend, I greatly appreciate it. And as your fellow citizen, I'm grateful as well for your own steadfast defense of First Amendment freedoms.

Thanks, too, to the Media Institute for the work that you do. Most people recognize that the First Amendment is a critical element of the parchment that governs our land. But what gives it meaning is a culture that believes in it—one in which Americans stand vigil for free speech and a free press. The Media Institute has long understood this. In 2005, for example, it created Free Speech Week to raise awareness of these freedoms in the United States “among all age groups and walks of life.” And today, we are in the middle of its 12th commemoration.

Over the past four years, it's been gratifying to receive your support for my work at the Federal Communications Commission. And tonight, I'm especially thankful to the Media Institute for bestowing upon me the Freedom of Speech Award.

Honestly, I don't believe that I've done anything special to merit this honor. In my view, anyone who has the privilege of serving at the FCC—any preacher with a pulpit, if you will—has the duty to speak out whenever Americans' First Amendment rights are at stake.

We've had success in calling attention to government initiatives that threatened our constitutional freedoms. The most salient example was the FCC's ill-advised “Critical Information Needs” study. This study involved researchers funded by the agency that licenses television stations going into broadcast television newsrooms and asking questions about editorial judgment. The FCC ultimately scrapped this study, thankfully.

My op-ed in *The Wall Street Journal* may have started us down the path toward this decision. But what compelled the FCC to stop was the opposition of Americans from around the country and across the political spectrum.

This opposition sprang from longstanding public support for the First Amendment. And this support, in turn, has a pedigree that predates America itself. The intellectual foundation of First Amendment freedoms as we know them was built by the great thinkers of the Enlightenment. In his famous 1644 treatise *Areopagitica*, for instance, John Milton blasted the British Parliament's requirement that authors get a license from the government before publishing their work. As he put it, “Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.” That liberty—not riches, not comforts, not anything else—is ultimately what distinguishes free societies from all others.

I wish I could say that the past is prologue, and that the future of free expression is bright. But I'm not so sure. I fear that our cultural consensus on the importance of being able to speak one's mind is eroding. And nowhere is that consensus more at risk than on college campuses.

Over 20 million students are currently attending school in an American post-secondary institution. This is perhaps the most critical time in their intellectual lives—a time when they are, or should be, most exposed to different points of view. This is the moment when they should embrace the spirit of inquiry and confront all ideas, even—especially—those considered unpopular.

More and more often, however, that liberty seems to find no refuge on the modern American campus. The examples are legion.

At Swarthmore, an undergraduate blasted the college's decision to host Princeton professor Robert George. She said that "What really bothered me is, the whole idea is that at a liberal arts college, we need to be hearing a diversity of opinion. I don't think we should be tolerating [George's] conservative views because that dominant culture embeds these deep inequalities in our society."

At Yale, after college official Erika Christakis sent an email questioning whether offensive Halloween costumes should be banned, she and her husband, administrator Nick Christakis, were attacked. He made a sincere effort to engage students in conversation in a Yale courtyard. If you haven't seen the YouTube video of this encounter, you should. One student admonishes the others "Walk away, he doesn't deserve to be listened to." Another screams at him, "Who the f*** hired you? You should step down! If that is what you think about being a master you should step down! It is not about creating an intellectual space! It is not! Do you understand that? It's about creating a home here. You are not doing that! . . . You should not sleep at night! You are disgusting!"

At Harvard, an undergraduate wrote a column with the subhead "Let's give up on academic freedom in favor of justice." As she put it, "If our university community opposes racism, sexism, and heterosexism, why should we put up with research that counters our goals simply in the name of 'academic freedom'? Instead, I would like to propose a more rigorous standard: one of 'academic justice.' When an academic community observes research promoting or justifying oppression, it should ensure that this research does not continue."

And at the University of California at Berkeley—ironically, where the Free Speech Movement started in the 1960s—students protested the school's invitation of liberal comedian Bill Maher to give a speech at fall commencement. One student said that the First Amendment "doesn't give him the right to speak at such an elevated platform as the commencement. That's a privilege his racist and bigoted remarks don't give him." Another simply said that Maher's keynote "could definitely ruin someone's graduation day."

It's gotten so bad on campus that other comedians, like Jerry Seinfeld and Chris Rock, are refusing to do shows for fear of offending a politically correct crowd. Rock noted that students are more and more intolerant "in their social views and their willingness not to offend anybody. Kids raised on a culture of 'We're not going to keep score in the game because we don't want anybody to lose.' Or just ignoring race to a fault. You can't say 'the black kid over there.' No, it's 'the guy with the red shoes.' You can't even be offensive on your way to being inoffensive."

This progressive impulse to squelch speech on college campuses is anything but progressive. And an academic culture pervaded by safe spaces, trigger warnings, and a fear of "microaggressions" must be challenged if America is to preserve the first freedom embedded in our Bill of Rights.

The cause of free speech has no partisan affiliation. Consider these words by Janet Napolitano, President of the University of California system and former Obama and Clinton Administration official: "[W]e have moved from freedom *of* speech on campuses to freedom *from* speech. If it hurts, if it's controversial, if it articulates an extreme point of view, then speech has become the new *bête noire* of the academy."

And this past week, I visited my alma mater, the University of Chicago Law School. There, I heard a strong rejection of the modern Newspeak from Geoffrey Stone, former provost of the University, current professor at the law school, and dyed-in-the-wool liberal. He passionately defended the much-discussed report issued by the University of Chicago's Committee on Free Expression. That report stated flatly that:

[I]t is not the proper role of the University [I] to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. . . . [C]oncerns about civility and mutual respect can never be used as

a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

That these and other administrators have felt compelled to take a stand against so-called “progressive” activists indicates how far many at our nation’s universities have strayed from the spirit of the First Amendment.

In this context, then, campus censors are not rejecting the authority of a university administrator. They are rejecting the Enlightenment. They are not standing up for tolerance. They are shutting down diversity of thought. As they seek power free from pluralism and accountability, they are closing the American mind.

Some might ask: Does this matter to us? It does indeed. To be sure, the short-term effects might be faint. One may never know the impact of a disinvited commencement speaker (like Condoleezza Rice or Madeleine Albright) or an unpopular view (like support for Republican candidates or investment in Israeli-owned companies) drowned out by shouts and intimidation.

But a few years from now, as today’s 20 million students graduate and occupy a significant space in civil society, Milton’s “liberty to know, to utter, and to argue freely according to conscience” increasingly will depend upon their willingness to support it.

How fervently will they support it then if they learn now that personal comfort and party-line conformity are more important than confrontation with different points of view? Some of the evidence is ominous. In a 2015 Pew Research Center study, for example, 40% of millennials agreed that the government should be able to prevent people from making offensive statements.

What can we do? I don’t have a magic solution, but I do think this: Elected officials should intervene to defend free speech when it is under attack at public universities. Administrators should stand strong against the bullying of anti-speech activists. Professors in all disciplines, but especially the humanities, should embrace intellectual diversity and imbue in their students a desire to consider all points of view. And those outside the academy, from organizations like the Media Institute to individual citizens, should make clear society’s expectation that college students will be leaders, not laggards, when it comes to defending our First Amendment freedoms.

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Thank you once again to the Media Institute for giving me the Freedom of Speech Award. I am deeply grateful for it and will do my best to continue fighting for the constitutional freedoms that you have fought so hard, and for so long, to preserve.