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Speech disruption and free speech

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On Sept. 23, an Orange County court in California found 10 Muslim students guilty of criminal charges for disrupting a speech by the Israeli ambassador to the U.S. last year at the University of California, Irvine.

Prior to the district attorney charging the students with misdemeanor counts of conspiring to disrupt the speech, the Irvine school had itself disciplined some of the students. The students were sentenced to three years of probation and 56 hours of community service and fines. I discussed this issue with a Freshman Seminar on Contemporary Political Issues in Historical Perspective that I am teaching this fall at University of California, Santa Barbara.

My students for the most part were of the opinion that the conviction and sentencing of these students was excessive. They believed that the Muslim students were wrong in preventing the ambassador to speak despite the Irvine students charge that the ambassador was not entitled to free speech rights because, according to them, he was a representative of a government that practiced genocide against the Palestinians.

My students agreed that this was the wrong application of free speech rights. The ambassador had a right to speak even if many disagreed with his position. At the same time, my students believe that criminal charges should not have been leveled against the students because the university had already disciplined them. Now, they will carry the burden of these convictions when they later apply for graduate schools, law schools or medical schools. It appears some, if not most, of these students are U.S. citizens.

I believe that my students displayed much wisdom and pragmatism in their discussion of this issue and in their opinions. I agree with them. While I may sympathize with the Palestinian cause, I do not support such efforts to prevent free speech. If our universities cannot be a forum for free speech and an array of diverse opinions, then where else can this take place? The next disruption could be for a cause that I or someone else supports and then we will be denied our free speech rights.

Not only is this constitutionally wrong, I told my students, but it is strategically wrong. By disrupting the ambassador's speech, the students shifted the focus from the Israeli policies that they opposed to the disrupting tactics that they employed. The disruption now became the focal point rather than the political issues. What the students should have done was allow the ambassador to speak and then in the discussion section challenged his views. This way they would have educated the audience on their opposing views.

Unfortunately, this did not happen. But I also agree with my students that the district attorney should not have filed charges but should have allowed the university to carry out its own discipline policy.

Free speech is the only way for a democracy to function and all sides must protect it. We live in a very politically polarized world and this raises the stakes of all sides to temper their emotions and not to overreact. In this case both the Muslim students and the district attorney overreacted.

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