

# ASSEMBLY RESOLUTION No. 228

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## STATE OF NEW JERSEY

### 219th LEGISLATURE

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INTRODUCED FEBRUARY 23, 2021

**Sponsored by:**

**Assemblyman GERARD SCHARFENBERGER**

**District 13 (Monmouth)**

**SYNOPSIS**

Urges all institutions of higher education in the State to protect freedom of expression and open debate.

**CURRENT VERSION OF TEXT**

As introduced.



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- 1 **AN ASSEMBLY RESOLUTION** urging all institutions of higher  
2 education in the State to protect freedom of expression and open  
3 debate.  
4
- 5 **WHEREAS**, Institutions of higher education are positioned to both  
6 foster and stifle opportunities for dialogue on a range of  
7 controversial social and political topics, and instances of free  
8 expression being restricted in these settings has created a culture of  
9 censorship that is detrimental to the well-being of our nation; and
- 10 **WHEREAS**, The ability to speak freely is a critical means by which our  
11 nation can maintain and nourish its system of democratic  
12 government; and
- 13 **WHEREAS**, The freedom of speech, as guaranteed by the First  
14 Amendment to the United States Constitution, was seen by our  
15 Founding Fathers as essential to healthy political life because it  
16 fosters discourse and understanding between competing factions;  
17 and
- 18 **WHEREAS**, Numerous researchers and commentators have noted that  
19 political polarization in the United States has been growing steadily  
20 since the early 1990s and further accelerated by factors such as the  
21 rise of the Internet, the 24-hour news cycle and the self-selection of  
22 partisan news sources; and
- 23 **WHEREAS**, This has led to increased hostility towards those holding  
24 different views, decreased willingness to collaborate and  
25 compromise, and a desire to censor the views of those with whom a  
26 person disagrees; and
- 27 **WHEREAS**, Nowhere has this trend become more visible than on the  
28 campuses of institutions of higher education where guest speakers,  
29 students, faculty, and administrators find themselves subject to  
30 harassment, ridicule, exclusion, and even punishment, if they  
31 express views contrary to those of the larger or more vocal parts of  
32 the campus community; and
- 33 **WHEREAS**, In October 2017, the United States Senate conducted  
34 hearings on the topic of free speech on college campuses, noting  
35 many instances where open forums at college campuses had been  
36 vigorously opposed or, in some cases, completely shut down; and
- 37 **WHEREAS**, An example of this was seen in New Jersey when former  
38 Secretary of State Condoleezza Rice declined an invitation to speak  
39 at the 2014 Rutgers University commencement ceremony after a  
40 faculty council resolution and student protests demanded that the  
41 University rescind its invitation based on her role in the Iraq War;  
42 and
- 43 **WHEREAS**, Restricting free expression has now changed the behavior  
44 of students, with nearly 60 percent of students now reporting that  
45 they engage in self-censorship when not in the company of like-  
46 minded peers or instructors out of fear of the social consequences;  
47 and

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1 **WHEREAS**, By encouraging robust debate and open dialogue, students  
2 have the freedom to test their own ideas while learning the value of  
3 empathy and tolerance for a diverse and balanced spectrum of  
4 opinions; and

5 **WHEREAS**, Given the extent to which speech has been both explicitly  
6 and implicitly curtailed on college campuses, it is critically  
7 important for institutions of higher education to promote freedom of  
8 expression and open debate in order to provide students with not  
9 only a high-quality education, but to prepare them for life in a  
10 democracy; now, therefore,

11  
12 **BE IT RESOLVED** *by the General Assembly of the State of New*  
13 *Jersey:*

14  
15 1. This House urges institutions of higher education in the  
16 State to protect freedom of expression and open debate on campus  
17 in order to provide students a high-quality education and prepare  
18 them for life in a democratic society.

19  
20 2. Copies of this resolution, as filed with the Secretary of State,  
21 shall be transmitted by the Clerk of the General Assembly to the  
22 Governor, the Secretary of Higher Education, and to the governing  
23 board of each institution of higher education in the State.

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STATEMENT

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28 This resolution urges institutions of higher education in the State  
29 to protect freedom of expression and open debate on campus in  
30 order to provide students with a high-quality education and prepare  
31 them for life in a democratic society. Institutions of higher  
32 education are positioned to both foster and stifle opportunities for  
33 dialogue on a range of controversial social and political topics, and  
34 instances of free expression being restricted in these settings has  
35 created a culture of censorship that is detrimental to the well-being  
36 of our nation. The ability to speak freely is a critical means by  
37 which our nation can maintain and nourish its system of democratic  
38 government. The freedom of speech, as guaranteed by the First  
39 Amendment to the United States Constitution, was seen by our  
40 Founding Fathers as essential to healthy political life because it  
41 fosters discourse and understanding between competing factions.

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43 political polarization in the United States has been growing steadily  
44 since the early 1990s and further accelerated by factors such as the  
45 rise of the Internet, the 24-hour news cycle and the self-selection of  
46 partisan news sources. This has led to increased hostility towards  
47 those holding different views, decreased willingness to collaborate

1 and compromise, and a desire to censor the views of those with  
2 whom a person disagrees.

3 Nowhere has this trend become more visible than on the  
4 campuses of institutions of higher education where guest speakers,  
5 students, faculty, and administrators find themselves subject to  
6 harassment, ridicule, exclusion, and even punishment, if they  
7 express views contrary to those of the larger or more vocal parts of  
8 the campus community. An example of this was seen in New  
9 Jersey when former Secretary of State Condoleezza Rice declined  
10 an invitation to speak at the 2014 Rutgers University  
11 commencement ceremony after a faculty council resolution and  
12 student protests demanded that the University rescind her invitation  
13 based on her role in the Iraq War.

14 Restricting free expression has now changed the behavior of  
15 students with many now reporting that they engage in self-  
16 censorship when not in the company of like-minded peers or  
17 instructors out of fear of the social consequences. By encouraging  
18 robust debate and open dialogue, students have the freedom to test  
19 their own ideas while learning the value of empathy and tolerance  
20 for a diverse and balanced spectrum of opinions.