



Freedom of Association

What's the true test of one's commitment to free speech? It does not come when he permits people to be free to say or publish ideas with which he agrees. Not by a long shot. The true test of one's commitment to free speech comes when he permits others to say and publish ideas he deems offensive.

In March, a video surfaced of a racist chant by Sigma Alpha Epsilon fraternity brothers at the University of Oklahoma, a public university. It has brought widespread condemnation and the fraternity's suspension. Two fraternity students have been expelled. The University of Oklahoma's president, David Boren, said, "To those who have misused their free speech in such a reprehensible way, I have a message for you: You are disgraceful."



The Western world was shocked and outraged by another speech issue that led to the murder of 12 people at the offices of French satirical weekly newspaper *Charlie Hebdo* in Paris. Islamists were retaliating for what they considered the newspaper's vulgar portrayal of the Prophet Muhammad, an insult to millions of Muslims.

What's the difference between the actions of the University of Oklahoma administrators and the actions of the Islamist murderers in Paris? Both found the speech in question offensive. Both took actions against the people involved in that speech. So what's the difference? It's a matter of degree, but not kind. Both were unwilling to tolerate speech they didn't like. Of course, the difference in responses is by no means trivial — one being expulsion and the other murder.

The principle that applies to one's commitment to free speech also applies to one's commitment to freedom of association. The true test of one's commitment to freedom of association does not come when he permits people to associate in ways he deems acceptable. The true test comes when he permits people to associate — or not to associate — in ways he deems offensive.

An evangelical Christian baker in Colorado has been threatened with jailing for refusing to bake a wedding cake for a same-sex marriage ceremony. In 2012, for the first time in its 79-year history, the exclusive Augusta National Golf Club was forced to admit female members. At one time, blacks could not use restaurants, bathrooms, water fountains, public parks, beaches or swimming pools on the same terms as whites. In theaters, they could only sit in the balcony or in other racially designated areas. They had to ride at the back of streetcars and buses.

Permitting discriminatory practices in publicly owned facilities — such as libraries, parks and beaches — should not be permitted. That is because they are publicly financed by taxpayers and everyone should have a right to equal access. Denying freedom of association in private clubs, private businesses and



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private schools violates a human right.

Christian Americans are being hounded for their refusal to cater same-sex weddings. For those who support such attacks, we might ask them whether they would seek prosecution of the owner of a Jewish delicatessen who refused to provide services for a neo-Nazi affair. Should a black catering company be forced to cater a Ku Klux Klan affair? Should the NAACP be forced to open its membership to racist skinheads? Should the Congressional Black Caucus be forced to open its membership to white members of Congress?

Liberty requires bravery. To truly support free speech, one has to accept that some people will say and publish things he finds deeply offensive. Similarly, to be for freedom of association, one has to accept that some people will associate in ways that he finds deeply offensive, such as associating or not associating on the basis of race, sex or religion.

I am all too afraid that too many of my fellow Americans are too hostile to the principle of liberty. Most people want liberty for themselves. I differ. I want liberty for me and liberty for my fellow man.

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