

One of the things I love (and occasionally hate) about the opening of a new General Assembly in Pierre each year is that you can always expect a number of bills which are, well, unexpected. Bolts from the blue, as it were. To paraphrase Forrest Gump, the state legislature is like a box of chocolates, you never know what you're going to get.

This is not a criticism of our legislators or our legislature, though. Our representative body has the responsibility to bring to the fore various issues perceived as important by their constituents. This means that items will arise which few of us, given the unfortunate lack of omniscience here on Earth, had any idea were even an issue or one that really needed addressing.

I put House Bill 1073 in that latter category. Sure, it is clear from events and on-line footage from colleges and universities around the country that free expression is being trod upon, restricted, and repressed but I've heard of no such instances in South Dakota. Certainly we've had no occasions of this at Mitchell Technical Institute, ground with which I am very familiar.

Still, legislators can definitely make the argument that sometimes it is best to get ahead of a potential problem rather than try to address it once the fur is flying. Along those lines, I will admit I have been disappointed with the frequency and severity of the trampling of free expression on American campuses.

Colleges have issued 'speech codes,' necessarily ambiguous descriptions of types of expression which are not permitted on campus. Many of these go far beyond court rulings narrowly limiting speech which involves profanity or threats of violence, or which unreasonably interfere with the purposes for which the university exists, as when a protestor disrupts a classroom in session.

Postsecondary schools have also unfortunately allowed the 'heckler's veto,' the shouting down of a speaker who is thereby unable to speak or at least have themselves heard. A group brings a speaker on campus but a group with a differing opinion disrupts the event.

Again, I know of no examples of either of these situations in South Dakota, though I must admit I may have skipped a newspaper article on such on my way to the funnies. Even so, is the best time to address the issue—whether with this bill or some other language that wends its way through both houses, a winnowing and hopefully refining process—now, before it becomes a problem and the content of the speech restricted becomes the focus rather than the underlying First Amendment principle?

I think the answer to that has to be yes. It must be because, among the many purposes of postsecondary schools, is the requirement that they be a place of genuine, unfettered intellectual growth. A place of free exchange of ideas. That doesn't necessarily mean I agree with everything found in 1073. The reporting requirements, for example, seem onerous. But those are precisely the kinds of things that can be addressed, rewritten, or even removed through the legislative process. Ideally, a bill is improved through committee reviews and floor debate in first one and then the other house. As it improves, hopefully it can become a mechanism to bolster the defense and public perception of this critical First Amendment right.

Many years ago, I was an undergraduate student at SDSU. Walking to class one spring day with a friend from the dorm, we ran into a small crowd of people listening to a sermon from a wild-eyed itinerate preacher. No ambo had he, just a wide spot on the sidewalk, and it suited him fine.

I can't actually remember the gist of his theology but at one point he castigated John Lennon for his song, *Imagine*. My friend, a rabid Beatle's and Lennon fan, cat-called the speaker with a retort about the singer/lyricist being a genius far above the speaker's league. To which the preacher responded, "John Lennon got what he deserved."

Keep in mind that this was just a few months after Lennon's murder, an event which scarred my friend deeply. He exploded in fury, launched several additional ripostes, and the two of us left for our class.

But what he didn't do, and what I notice no one did, was to prevent the preacher from preaching. The students surrounding him did not shout him down, at least not beyond a few fleeting rejoinders, even though I was pretty sure no one agreed with him. The University did not mobilize a squadron of security guards to remove him for the sin of hate speech. Everyone involved, I'm fairly certain, understood and respected the rights of this man to speak his mind even when what he had to say repulsed them.

What I can't figure out is just what has happened between 1981 and 2018 to erode that common ground. Hopefully, the General Assembly, in pursuit of an ideal it is constitutionally and honor-bound to uphold and defend, can help restore just that.