Bill of Rights in Action

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MARTIN LUTHER KING AND THE PHILOSOPHY OF NONVIOLENCE

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Martin Luther King, Jr. addressing the crowd of about 250,000 people at the March on Washington in August 1963.

Martin Luther King, Jr. is remembered for his achievements in civil rights and for the methods he used to get there – namely, nonviolence. More than just a catchphrase, more than just the "absence of violence," and more than just a tactic, nonviolence was a philosophy that King honed over the course of his adult life. It has had a profound, lasting influence on social justice movements at home and abroad.

In September 1962, King convened a meeting of the Southern Christian Leadership Conference (SCLC), the main organizational force behind his civil rights activism, in Birmingham, Alabama. King was giving a talk on the need for nonviolent action in the face of violent white racism when a white man jumped on stage and, without a word, punched him in the face repeatedly.

King naturally put up his hands to deflect the blows. But after a few punches, he let his hands fall to his side. The man, who turned out to be an American Nazi Party member, continued to flail.

The integrated audience at first thought the whole thing was staged, a mock demonstration of King's nonviolent philosophy in action. But as King reeled, and real blood spurted from his face, they began to realize it was no act. Finally, several SCLC members rushed the stage to stop the attack.

But they stopped short when King shouted, "Don't touch him! Don't touch him! We have to pray for him." The SCLC men pulled the Nazi off King, who was beaten so badly he couldn't continue the speech.

Precisely because the attack wasn't staged, it left an immense impression on the convention attendees, and anyone else who heard about it in the coming days. King

CHALLENGING IDEAS

This edition of *Bill of Rights in Action* focuses on ideas that provoke change. The first article traces the development of Martin Luther King, Jr.'s nonviolent philosophy in the civil rights movement. The second article reviews political and economic changes in Vietnam since the end of the Vietnam War. The third article analyzes conflicts over free speech on today's college campuses.

U.S. History: *Martin Luther King and the Philosophy of Nonviolence* by guest writer and *New York Times* deputy op-ed editor Clay Risen

World History: *Vietnam Today* by longtime contributor Carlton Martz

U.S. Government/Current Issues: *Free Speech on Campus: Trigger Warnings, Safe Spaces, and Controversial Speech at U.S. Colleges* by guest writer Aimée Koeplin, Ph.D.

hadn't been just preaching nonviolence; confronted, without warning, by racist violence, he lived it, even at great risk to himself.

King did not invent nonviolence as a doctrine for achieving social justice. But he adapted it for an American context, and showed how compelling yet flexible it could be.

Influences on King's Nonviolence

King's earliest exposure to the ideas that would coalesce in his nonviolent philosophy occurred when he was an undergraduate at Morehouse College, in Atlanta. He read Henry David Thoreau's "Essay on Civil Disobedience," which outlined the idea of resisting an unjust government through nonviolent resistance, several times. And yet he had a hard time seeing how Thoreau's highly intellectual New England mentality could provide much of a model for the problem of blacks in the American South, where lynching and plain murder were common fates for African Americans who challenged white supremacy.

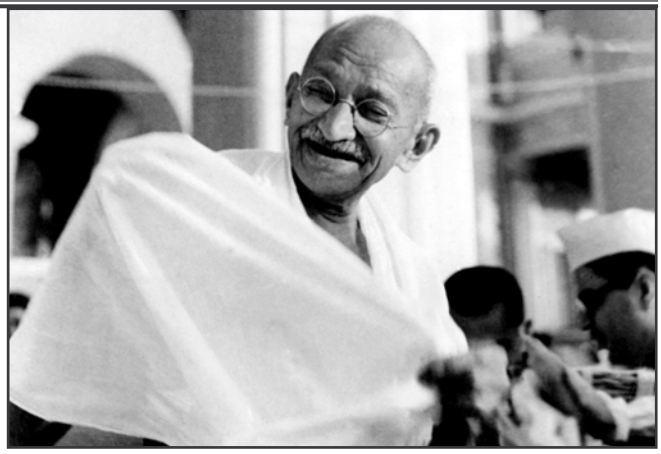
King continued his academic studies, and his personal research into nonviolence, at Pennsylvania's Crozier Theological Seminary, where he began his graduate studies in 1948. There he read deeply the growing literature around Christianity as a social movement, which placed the demands of political and economic justice at the heart of a Christian's religious calling.

But it was not until he began to study the life and works of Mahatma Gandhi that he began to see the possibility of applying nonviolence to the specific problems of African Americans, especially in the South. As he later told it, in Philadelphia he listened to a sermon by the president of Howard University, Mordecai Johnson, who spoke at length about the teachings and actions of Gandhi, and in particular his use of nonviolent mass protest to challenge British control over India. King left the sermon transfixed.

Though Gandhi was Hindu, King saw immediately the similarity with the teachings of Jesus Christ, and the possibility of applying Gandhian nonviolence in an American and Christian context. King had struggled to see how the lessons of the New Testament could be useful in the struggle for racial justice. "Prior to reading Gandhi, I had about concluded that the ethics of Jesus were only effective in individual relationship," he wrote. "But after reading Gandhi, I saw how utterly mistaken I was."

Would Nonviolence Work?

For King, the heart of Gandhi's nonviolence was love, in the spiritual, transcendent form of the word. In the face of coercive, racist British rule, Gandhi so loved his oppressors that he refused to take up arms against them. But Gandhi was not without his critics. Some observers said he was lucky that the British were the ones



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Mahatma Gandhi was a major leader of the movement for Indian independence from Great Britain from 1915 until 1947, when Britain granted independence. His nonviolent philosophy was a central influence on Martin Luther King.

doing the oppressing and questioned whether the Nazis – or racist American whites – would have allowed similar flouting of the law, however nonviolent. King was willing to take a chance that, at least in America, the answer was yes.

King also had to deal with another criticism. Some, like the theologian Reinhold Neibuhr, said that nonviolence too often became a way of sealing off one's moral superiority, of accepting suffering at the hands of one's oppressors as a form of soul-cleansing, while losing sight of the goal of social justice. "All too many had an unwarranted optimism concerning man and leaned unconsciously toward self-righteousness," King wrote. It was a point he took to heart – and it was one reason, he said, "why I never joined a pacifist organization."

But nonviolence, he argued, was anything but passive. "Nonviolent resistance is not a method of cowardice," he said. "It does resist. It is not a method of stagnant passivity and deadening complacency. The nonviolent resister is just as opposed to the evil that he is standing against as the violent resister but he resists without violence."

What did King mean by nonviolence? It was not merely the refusal to hit back, an insistence on turning the other cheek. It was, in its own way, aggressive. It meant putting oneself in the face of violence, of actively confronting it and, responding with love to the jabs and punches.

It also meant organizing thousands across the South in specific mass actions that would force face-to-face encounters with white, racist power. Doing so, King taught, would demonstrate both the impotence of white violence and show the country that the black community was not afraid to insist on its rights. For King, responding to violence in kind would show the weakness of the black community, not its strength.

Nonviolence would also strengthen the activist community through shared suffering and struggle.

This experience would expand outward to encompass the black community broadly and, King hoped, all Americans in what he called "the beloved community."

Of course, King also understood the practical reasons for nonviolence. Given that blacks were a minority, and that Southern whites often had the power of the local and state police behind them, violence was a dead end. Even demonstrating the possibility of a violent response would elicit a massive backlash, potentially destroying the civil rights movement. And it would negate whatever good will the movement was building in the national community, and especially in Washington, where King and other leaders hoped to see federal civil rights legislation.

Testing Nonviolence

King's first foray into nonviolent protest was with the Montgomery bus boycott, which began in 1955 when Rosa Parks refused to give up her seat to a white person while riding home from work. She was arrested, leading to an organized effort by Montgomery blacks to avoid riding the bus system, relying instead on carpools.

The boycott was a classic Gandhian move: a demonstration of economic independence as a way of eliciting concessions from the white establishment. It was also classic King: intricately organized, well-publicized, and while noble in itself, also leading in a lengthy negotiation with the local white political establishment to desegregate the bus service. And it worked.

Nonviolence, King argued, was anything but passive.

It would be several years before King's next major action, but already others followed his model. The 1961 Freedom Riders, who traveled across the Deep South on desegregated interstate buses, demonstrated King's highest ideal when they reached Montgomery, Alabama, where a mob of angry whites attacked and beat them savagely. Not a single rider, black or white, hit back.

Meanwhile, King was leading seminars and workshops on nonviolence. While King was trying to build a mass movement, he also was preparing a vanguard of experts in nonviolence who could walk in the front of marches and absorb the brunt of any assault. They also could do their own training in seminars across the South.

Perhaps the most noteworthy trainee to come out of King's workshops was John Lewis. Lewis was a young seminarian who became a leading activist in Nashville, participated in the Freedom Rides, spoke at the 1963 March on Washington and, most famously, was beaten severely in the so-called Bloody Sunday incident in Selma, Alabama, in 1965.

From Birmingham to D.C.

As the ranks of the Southern civil rights movement grew, King began to set his sights higher. Nonviolent protest on a large enough scale would overwhelm any possible response. Police could arrest several dozen marchers, but not several thousand. In late spring 1963, King decided to focus on organizing a boycott by black shoppers of the downtown retailers in Birmingham, Alabama, calling for integration of the city's shops and restaurants.

When talks between King's SCLC, the city government, and local business leaders faltered, King organized hundreds of school children to march through downtown Birmingham, despite not having a permit. The city police and fire departments, under the command of Theophilus "Bull" Connor, met them with dogs and fire hoses. The water pressure was so high it stripped the clothes off the children's backs. Those who didn't turn around were arrested.

King and his associates had trained the students in nonviolence, however, and not a single one struck out. Images from Birmingham appeared in newspapers and on evening news programs around the world. Not only did the protests force the city's leaders to reach a compromise with King and the SCLC, but the fear of more incidents such as the one in Birmingham spurred President Kennedy (and later President Lyndon Johnson) to push for the landmark 1964 Civil Rights Act, ending segregation across the South.

King followed up on his success in Birmingham with the August 1963 March on Washington. Despite widespread fears of violence, the march of a quarter of a million people who came to the city to hear King, Lewis, and other civil rights leaders speak was entirely peaceful, a demonstration that Birmingham was no fluke and that nonviolence could indeed become a mass movement.

From Selma to Chicago

Perhaps the most powerful moment in the civil rights movement came a little over a year later, in early 1965, when King and Lewis joined local leaders James Bevel and Amelia Boynton in organizing a march from Selma, Alabama, to Montgomery. The march would protest the lack of voting rights protections in the South.

King was unable to join the protesters when they first set off on Sunday, March 7, across the Edmund Pettus Bridge, headed east out of town. As they reached the far side, they were met by dozens of state troopers. They pressed on and the officers set on them, raining down billy clubs and boot kicks. Lewis had his head split open. Eventually the marchers fled back over the bridge. This incident became known as "Bloody Sunday."

King arrived to lead a second march three days later but turned back at the last minute, fearing a trap. Finally, with federal protection, the peaceful march set off on March 21 and reached Montgomery three days later. That

summer, with images of Bloody Sunday still fresh in the nation's mind, Congress passed the Voting Rights Act.

As a philosophy, nonviolence was unassailable. As a tactic, it worked well in the context of an embattled South, where national attention focused on the shrinking hard core of white racists who refused to give ground to the civil rights movement.

But nonviolence proved less effective as King tried to take his movement national. In 1966, he launched the Chicago campaign, a combination of marches and education intended to highlight the entrenched, but complex, racial disparities in the Windy City. The marchers again encountered white racists who shouted epithets at them, but many Northern whites saw racial disparities as merely the unfortunate outcome of economic disparities. Markets, not men, were to blame, and they refused to see the moral appeal behind King's nonviolent activism.

At the same time, while King dominated the civil rights story in the media during the late 1950s and early 1960s, other leaders and other factions of the movement were often just as active in demanding change but significantly less committed to nonviolence. As the 1960s progressed, these groups, especially the next generation emerging from college, began to gain prominence by taking a more aggressive, even violent stance, embracing armed self-defense complete with automatic weapons.

King disparaged these activists, like Stokely Carmichael and H. Rap Brown, as immature and unsophisticated. But he could see as well as anyone the diminishing appeal of nonviolence in a country where violence was spreading both at home and in the Vietnam War. Indeed, Brown memorably argued that "violence is necessary. It's as American as cherry pie."

From Memphis to Today

King's last attempt at a nonviolent movement came in Memphis in 1968, where a garbage workers' strike was dragging on. In late March, King arrived in the city to lead a protest march, but he couldn't control it. Hoodlums on the edges of the march began shattering windows, and the police moved in. Dozens were injured, and one boy was killed.

King returned to the city a few days later to try again, hoping that success in Memphis could illustrate the continued power of nonviolence. Instead, on the early evening of April 4, 1968, he was shot and killed by James Earl Ray, a white drifter, while standing on the balcony of the Lorraine Motel.

In the days that followed, riots broke out in more than 100 cities across America; scores were killed and thousands injured; and active-duty military forces occupied Washington, Baltimore, and Chicago. As skeptics noted, it was a very violent end to the life of a proponent of nonviolence.

Despite his violent end, nonviolent protest did not die with King. In fact, protest movements have adopted it time and again in America and around the world – the gay rights movement, the Solidarity trade union in Poland, the Green Revolution in Iran, and recent demonstrations throughout the U.S. (such as Occupy Wall Street and the Women's March on Washington). Not all of them have referenced King specifically. But that's all the more to his credit: Their reliance on the philosophy of nonviolence as the cornerstone of protest politics is the greatest tribute that the world could give to Martin Luther King, Jr.

WRITING & DISCUSSION

1. What did the violent incident with the American Nazi in 1962 reveal about Martin Luther King's philosophy? What did it reveal about his character?
2. Describe the influences on Martin Luther King's philosophy of nonviolence. How did he interpret those influences in an American context?
3. How was King's philosophy of nonviolence more than just an "absence of violence"? Use examples from the article.
4. What do you think was the greatest success of the civil rights movement described in the article. How did King's philosophy of nonviolence play a part in its success?

ACTIVITY: Applying Nonviolence

The class is a group of civil rights protesters planning an action in a Southern town in 1962 calling for desegregation of a local lunch counter. Divide students into groups of four. Each group will discuss and then answer the following questions:

A. What is the best method to protest? (Choices include: sitting at the lunch counter without moving (a sit-in), marching down the center of the town, boycotting the lunch counter, starting a petition to deliver to the owner of the lunch counter, etc.)

B. What sort of response do they expect from the owners and authorities?

C. Who are some local allies they can engage with?

D. What is the best way to publicize the action?

E. What sort of training is necessary?

After answering the questions, each group's spokesperson will share:

- The method of protest his or her group chose, and
- Reasons for the choice (incorporating answers to the questions as part of the rationale).

VIETNAM TODAY: A CAPITALIST ECONOMY IN A ONE-PARTY COMMUNIST STATE

When the Vietnam War ended in 1975, the Communist Party of Vietnam (CPV) attempted to unify the communist North and capitalist South under a socialist economic system. Its failure and the collapse of communism in the world forced the CPV to adopt a capitalist market economy, but Vietnam remained a one-party communist state.

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In 1986, fewer than 13 million Vietnamese lived in cities. Today, approximately 30 million live in cities. Pictured here is Ho Chi Minh City in 2016.

The Vietnam War began after World War II as an anti-French colonial revolution led by the communist leader Ho Chi Minh. His base was in North Vietnam, but his goal was to combine it with the capitalist South. He defeated the French in 1954, ending the first phase of the war. But the Americans soon came to the aid of South Vietnam in order to prevent the spread of communism in South East Asia.

The second phase of the Vietnam War ended in 1975 when the Americans withdrew and communist forces captured the South. This phase of the Vietnam War resulted in the deaths of 58,000 American military personnel and about three million Vietnamese, including civilians.

The victorious North Vietnamese quickly took control of South Vietnam and its capital, Saigon, which they renamed Ho Chi Minh City. Free elections, promised by the Geneva negotiations that set the terms of ending the war, never were held. Both the North and the South would be ruled solely by the Communist Party of Vietnam (CPV). In July 1976, the CPV proclaimed the Socialist Republic of Vietnam in Hanoi, the capital of the new united country.

The First Ten Years

One of the first acts of the new communist rulers of Vietnam was to force those who supported the defeated government of South Vietnam and other "bad elements" into "reeducation camps." Here they were cleansed of "wrong thinking" and forced to study the communist teachings of Karl Marx, Vladimir Lenin, and Ho Chi Minh. Due to unsanitary living conditions, starvation, high-risk work projects, and harsh punishments, an estimated 165,000 Vietnamese died in the reeducation camps.

The government's next important step was to impose the Soviet Union-style socialist economic system of the North in South Vietnam. This was a *command economy* in which the government set the prices and wages rather than the supply and demand of a free market economy.

Private ownership of businesses and industries was abolished. Such enterprises were now owned by the government that employed the workers and directed them to produce quotas of goods and services according to a five year plan. In the countryside, farms were taken from private owners and combined into "collectives" where the farmers worked for the government to produce crop quotas.

While there were no mass murders of "enemies of the people" as happened under the Khmer Rouge regime in neighboring Cambodia, there was widespread discrimination against ethnic Chinese in South Vietnam. They made up the dominant capitalist commercial classes there.

The government closed and seized thousands of Chinese-owned businesses. These actions caused hundreds of thousands of South Vietnamese Chinese to flee the country to China and non-communist countries.

In addition, South Vietnamese associated with the old capitalist regime or objecting to the new communist one also fled the country. Nearly a million "land people"

and "boat people" abandoned Vietnam. Many ended up the United States.

Vietnam became embroiled in the rivalry between the Soviet Union and China over which communist country would control the region. China supported the Khmer Rouge when it attacked Vietnam in 1977. Vietnam deported Chinese remaining in the country. The Khmer Rouge massacred Vietnamese in Cambodia. In 1978, Vietnam, with the support of the Soviet Union, invaded and occupied Cambodia. The following year, Chinese troops invaded Vietnam, but the war-tested Vietnamese army fought them off. China withdrew, claiming to have met its objectives.

In the meantime, Vietnam's socialist planned economy was failing. Most of Vietnam's people were and are farmers, and they resisted the collective farms. They refused to work as hard for the government as they once did for themselves on their own plots of land.

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A Communist Party billboard in Ho Chi Minh City, Vietnam, marking the 30th anniversary of the reunification of North and South Vietnam.

Food shortages occurred with famine in some provinces. In the rest of the economy, growth stalled because of poor management by the government and the lack of economic incentives for the workers. Poverty increased.

To keep Vietnam's economy functioning, the Soviet Union and communist Eastern European countries sold goods to Vietnam at below world market prices. In addition, the Soviets provided generous amounts of financial aid. Despite this help, Vietnam had become one of the poorest nations in the world. By the 1980s, the communist leadership of Vietnam realized they had to improve the lives of the people if they were to hold on to power.

'Renovation'

In 1986, the Sixth Congress of the Communist Party of Vietnam met. The party Congress is more important than the government because its Central Committee decides what policies will govern the country.

Despite opposition from conservatives who did not want to change, the Sixth Party Congress made a momentous decision to abandon the command economy based on central planning and transition to a free market economy. This became known as *Doi Moi*, meaning "Renovation."

Resistance from conservatives slowed Renovation. The people became disillusioned as living conditions did not improve. What was needed was a sense of urgency to quickly turn around the still slumping economy.

A Time of Reform

The urgency for Vietnam arrived with the collapse communist regimes in Eastern Europe in the late 1980s and later the breakup of Soviet Union itself. Suddenly, Vietnam could no longer count on them for cheap imported goods, financial aid, and military defense. Soon a food crisis hit much of the country.

The turmoil in the communist world forced Vietnam's communist party leaders to reassess their priorities. In 1988, party conservatives who argued for national security as the top priority debated party reformers who argued for free-market economic development.

The reformers won the debate, mainly on the grounds that Vietnam could no longer afford to fall behind other countries in the competitive globalized economy. If this were to happen, the continued monopoly of political power held the Communist Party of Vietnam could be in jeopardy.

The reformers' ideas sped up the free-market Renovation project. They tried to hang on to some of their revolutionary past by calling for a "socialist market economy." Central planning of the economy was dismantled. A series of laws restored family farms, permitted foreign investment for the first time, and established the legal basis for privately owned businesses and corporations that could sell stock.

The new generation of leaders downgraded the role of the military and soon withdrew Vietnam's army from Cambodia. Vietnam also adopted a foreign policy of friendship with all nations willing to normalize relations with Vietnam, including the United States.

After establishing diplomatic relations with the U.S. in 1995, Vietnam signed a trade agreement with its former enemy. Today, the U.S. is Vietnam's chief export market. With its cheap labor, Vietnam currently exports more goods to the U.S. than it imports from it. This has caused a $30 billion annual American trade deficit. But American

investors have profited from new business opportunities in Vietnam.

With the help of the U.S., Vietnam joined the World Trade Organization in 2007. This was a major step in the integrating Vietnam into the global economy.

Later, Vietnam joined negotiations for the Trans-Pacific Partnership (TPP), a multi-nation trade agreement that included the United States. American negotiators successfully pressured Vietnam to guarantee workers the right to form independent unions not controlled by the government. In 2017, President Trump withdrew the U.S. from the TPP, which had not yet been approved by Congress. Vietnam, however, has announced it will continue to participate in the TPP.

What has been the impact of free-market reforms on Vietnam today? Vietnam is one of the world's fastest growing economies. Personal income is up. Poverty, except among Vietnam's ethnic minorities, has declined. Vietnam is the world's second largest rice exporter (after Thailand). In 1988, the government recognized the legal right of farmers (still the largest social group in Vietnam) to cultivate their own plots and sell what they grow. Consumers now have access to better and cheaper foreign imports.

Vietnam is one of the world's fastest growing economies.

The Vietnam War and its difficult aftermath is becoming a fading memory. Two-thirds of today's 95 million Vietnamese were born after the war. Through international trade, newer generations of Vietnamese from the cities to the rural farms have had more exposure to foreign radio and television, as well as the Internet. With these new information sources came new ideas, including free-market ideas.

Many government-owned businesses, called state-owned enterprises (SOEs), have been converted to private ownership. But they still make up about a third of the economy. Resistance to conversion by the poorly managed SOEs has put a drag on the otherwise fast growing economy.

One-Party Communist State

While the economic transition from a socialist planned economy to a free market economy has been remarkable, there has been little reform of the political system. Vietnam is still a one-party communist state. No political parties other than the Communist Party of Vietnam (CPV) are permitted.

All candidates for seats in Vietnam's National Assembly, which elects Vietnam's president and prime minister, must be approved by the CPV. However, the real center of political power is the Central Committee of the CPV whose members are elected by delegates of the party congress. The Central Committee chooses the party's secretary-general. He is the one who holds the most power in Vietnam's political system. Left out are the millions of Vietnamese who have no role in choosing who will rule them and how.

Corruption in the government is widespread, and the people resent it. For example, bribery of officials is common for issuing business licenses or for other government services. Anti-corruption investigations have been used to attack political rivals and thus became corrupt themselves.

The most important characteristic of Vietnam's lack of political reform is its poor human rights record. The latest report of Human Rights Watch states that, in 2016, the CPV controlled all public affairs and punished anyone who "challenged its monopoly on power."

Authorities in Vietnam restrict freedom of speech, association, assembly, and the press, including Internet bloggers. Only religious groups who are registered with the government and thus subject to monitoring are legal. Independent political parties, labor unions, mass media, and human rights organizations are banned. Those who criticize the CPV or the government can be beaten, detained, put on trial, and imprisoned for "undermining national unity."

Despite the lack of political freedoms, small groups protest against the lack of free elections and for democratic reforms. Many protest against abuse of the environment.

New regime leaders took office in 2016. The two top leaders appeared to be more conservative than those they replaced. The new secretary-general of the CPV, Nguyen Phu Trong, is known for wanting to keep the country under tight one-party rule. Prime Minister Nguyen Xuan Phuc has opposed taking on more free market reforms too quickly.

The new leaders face a foreign policy dilemma about Chinese territorial claims in the South China Sea off the coast of Vietnam. When Chinese and Vietnamese ships rammed each other in 2014, major patriotic protests broke out in Vietnam.

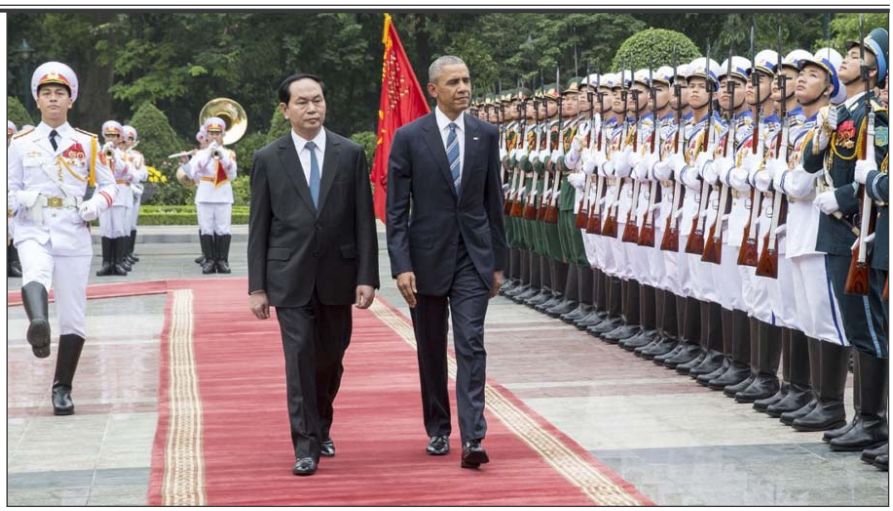
As long as the Vietnamese people have confidence that the CPV can keep the economy growing and producing positive results, political reforms such as competitive elections are unlikely to happen. But, without free elections there is little incentive for Vietnam's one-party communist state to respond to issues that matter to the people.

U.S.-Vietnam Relations

Friendly relations between the U.S. and Vietnam began in the late 1980s when Americans sought to recover the remains of Americans missing in action. Cooperation in this area led to the U.S. lifting itstrade embargo in 1994 and then establishing diplomatic relations the following year. In 2000, the two former wartime enemies negotiated a trade agreement.

In 2009, President Barack Obama and Congress began a major development and aid program for Vietnam, Cambodia, Laos, Thailand, and Myanmar in the lower Mekong River region. The Lower Mekong Initiative focuses on the environment, health, education, infrastructure, food production, and culture.

As an example of the Initiative, the U.S. provides aid for the removal of Agent Orange (dioxin) that was sprayed to clear vegetation and reveal supply trails from North Vietnam during the Vietnam War. Nearly five million Vietnamese have been exposed to this herbicide, which may cause cancer and birth defects in humans.



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Vietnamese President Tran Dai Quang meeting with President Barack Obama in Hanoi, Vietnam, in May 2016.

In 2013, the U.S. and Vietnam signed an agreement for a Comprehensive Partnership that included guidelines for moving relations between the two countries forward. Among other guidelines were those to increase trade, remove Agent Orange and unexploded bombs, protect human rights, and strengthen the defense of Vietnam.

In recent years, China has positioned naval ships, oil rigs, and even artificial islands in the South China Sea off Vietnam's coast to extend its territory. Vietnam and other nations in the region have also made claims in this area.

The U.S. has provided training for Vietnam's coast guard. There has been some talk about the U.S. Navy returning to Vietnam, ironically as an ally, to block China's territorial ambitions in the disputed waters of the South China Sea. But Vietnam has been cautious about forming too close a relationship with the U.S. for fear of antagonizing China, its largest source of trade imports.

In 2016, President Obama visited Vietnam. He announced the lifting of a long-standing U.S. military arms embargo. Vietnam announced it was permitting the U.S. Peace Corps to enter the country for the first time. However, human rights organizations criticized Obama for lifting the arms embargo without demanding some meaningful human rights reforms by Vietnam.

WRITING & DISCUSSION

1. Why do you think Vietnam decided to change from a socialist command economy to a capitalist free market one?
2. What do you think has been Vietnam's most important accomplishment? What has been its greatest failure? Explain.
3. Do you think it was a good or bad idea for the U.S. to normalize diplomatic, trade, and other relations with its former Vietnam enemy? Why or why not?

ACTIVITY: What Should Be the U.S. Foreign Policy for Vietnam?

Working in small groups, students will study and discuss the following options for the U.S. foreign policy for Vietnam. Each group will then defend its choice based on information provided in the article.

Foreign Policy Options

A. Work toward a military alliance with Vietnam to contain Chinese influence in South East Asia and its aggressive actions in the South China Sea.

B. Continue current Vietnam policies of supporting trade, investment, aid, military training, and arms.

C. Withdraw President Obama's decision to lift the military arms embargo and suspend current policies until Vietnam significantly improves its human rights record.

D. Withdraw current U.S. engagement with Vietnam in order to avoid a possible clash with China.

FREE SPEECH ON CAMPUS:
TRIGGER WARNINGS, SAFE SPACES, AND CONTROVERSIAL SPEECH AT U.S. COLLEGES

The First Amendment to the U.S. Constitution includes the freedom of speech. "Congress shall make no law. . . abridging the freedom of speech." The freedom of speech guarantees that the government cannot prevent or punish speech itself. Public colleges and universities are government institutions and must abide by the First Amendment in protecting free speech. But what if college students anticipate that speech on campus will do them harm? Does the government have a role in determining what can or cannot be said on college and university campuses?

Students at the University of Minnesota protesting a campus mural in 2016 that included the phrase "build the wall" from Donald Trump's presidential campaign.

Campus Diversity and Hate Speech

The Supreme Court has held that diversity is a compelling interest for public colleges. (The terms "college" and "university" will be used interchangeably in this article.) For example, colleges may allow incoming students' race, ethnicity, gender, disability, or sexual orientation to play a part in their admission to the college.

But the Supreme Court has also held that hate speech is not an exception to the First Amendment. Hate speech is speech that shows hostility to people based upon the same factors that make up diversity (race, ethnicity, gender, etc.). It is protected speech unless it incites violence or provokes a fight. But should free speech on college campuses ever allow any hate speech?

Diversity advocates argue that public and private colleges have an interest in creating a safe environment for all kinds of students. Presumably no student wants to go to a university where he or she is made to feel like an outsider. Nor does anyone want to fear being called racist names as he or she studies.

Advocates also claim that diversity in colleges is important both for the sake of individual students and for the sake of our collective pursuit of knowledge. Individual students of all backgrounds, races, sexual orientations, and genders should be present at our universities since the Constitution guarantees equal access to education to all.

Diversity is also important for our collective pursuit of knowledge. The more varied perspectives and different points of view that are represented in our universities, the more likely we are to arrive at truth.

Many people worry that unrestricted free speech on college campuses creates tension between free speech and creating a welcoming, diverse campus community. On the one hand, college is supposed to be the place where freedom of speech will allow us to examine even unpopular opinions – possibly even racist, sexist, or homophobic opinions – in the light of day. But on the other hand, it is important that no one is left out of the conversation.

Trigger Warnings

To protect potential student sensitivities, professors often issue "trigger warnings." These can be verbal or written warnings that some of the content of the course may upset or disturb specific students. For example, if a novel in a literature class involves a character using racist language, the professor can warn students about it before they have to read it.

Proponents of "trigger warnings" say that trigger warnings are just a "heads up" that some material presented in class or presented by a speaker could potentially

Some Exceptions to Freedom of Speech

Incitement. Speech that advocates violence and is "directed to inciting or producing imminent lawless action" and is "likely to produce such action" is not protected speech. *(Brandenburg v. Ohio,* 1969).

Fighting Words. Those words that "by their very utterance inflict injury or tend to incite an immediate breach of the peace," are not protected if they are also "directed at the person of the hearer." *(Chaplinsky v. New Hampshire,* 1942).

Obscenity. Material that depicts sexual conduct in a clearly offensive way and that lacks "serious literary, artistic, political, or scientific value," is not protected speech. *(Miller v. California,* 1973).

set off a trauma for some students. Advanced warning, they claim, can help students prepare for the coming emotional impact. For example, suppose a student has been a victim of sexual assault. If she reads a description of sexual assault in a literature class, it could be very upsetting, even traumatic. It might be helpful for her to have a warning that this is coming in order to mentally prepare.

Critics of trigger warnings argue that there is little evidence that they are actually helpful to students. The American Association of University Professors worries that trigger warnings treat adult students like children. Excessive warnings, they argue, may dissuade students from dealing with challenging ideas – which is critical to the intellectual development of college students. If students demand trigger warnings, faculty just may start to avoid using potentially offensive materials. Critics also worry that trigger warnings can undermine educational goals by "spoiling" literary works in a way that would undermine their force.

Safe Spaces

A "safe space" is an area on a campus where students can meet and share experiences of feeling victimized or marginalized by racism, sexism, anti-Semitism, homophobia, or some other discriminatory practice. Students in a safe space do not want to hear any potential hate speech while they are within the safe space. Safe spaces can be formal, such as an office of multicultural affairs, or informal, such as part of some open area often called the "commons."

Proponents of campus safe spaces argue that the idea has historic origins. Underrepresented groups, such as black students, women, and LGBT students, have not always been allowed on U.S. college campuses, let alone welcomed in them. Campuses have at times been overtly hostile to members of these groups. Therefore, members of underrepresented groups developed clubs and places to retreat from a hostile campus community and to support one another. Black student unions, Hillel houses (for Jewish students), women's resource centers, and LGBT centers are examples of more formal "safe spaces" that have existed for a long time.

Historically, safe spaces have also functioned as incubators for new ideas. Cameron Okeke, a recent black University of Chicago graduate, argues that safe spaces are still important. "As a first generation black student, I needed safe spaces… not to 'hide from perspectives at odds with my own,' but to heal from relentless hate and ignorance, to hear and be heard. My ideas were challenged, but never my humanity. I mattered."

Some commentators claim that a university's primary purpose is to provide a challenging, rigorous intellectual environment, not safe spaces. They worry that a focus on creating a welcoming environment for all students too often overshadows the university's true academic mission.

Critics of safe spaces are also often concerned that they do not allow students to deal with conflict in a mature way. In November 2014, Wendy McElroy gave a lecture at Brown University. McElroy is a libertarian political thinker who is known for being critical of the idea of "rape culture," which is the idea that American society tends to excuse young men for raping young women. Many students were prepared to be "triggered" by McElroy's talk. As part of the preparation, student volunteers created a "safe space" available during McElroy's lecture.

According to one description, the room for the safe space "was equipped with cookies, coloring books, bubbles, Play-Doh, calming music, pillows, blankets and a video of frolicking puppies. . . ." Critics argued that this safe space was more appropriate for preschool-aged children than for adult students engaged in a courageous pursuit of truth.

Controversial Campus Speakers

As we saw in the case of Wendy McElroy, campus groups' choice of speakers can sometimes be a source of conflict. Audience members might continually interrupt or heckle controversial speakers. Students might protest. College officials might revoke invitations. And in some cases, violence has even broken out.

According to the Foundation for Individual Rights in Education, in 2016 alone there were 42 attempts to disinvite speakers from U.S. college campuses. Twenty-four of those attempts did ultimately result in the speaker being disinvited. Of those 42 attempts to disinvite a speaker, Milo Yiannopoulos was targeted more than any other individual speaker.

Milo Yiannopoulos is a writer and former editor of *Breitbart News*. He refers to himself as a political *provocateur* who likes to stir up arguments for their own sake. He is known for making incendiary claims such as "feminism is a cancer," and he calls the Black Lives Matter movement a "hate group." Twitter banned him for encouraging his followers to harass actress Leslie Jones, who is black.

Yiannopoulos's talks have often inspired protests and even violent incidents. In December 2016 at the University of Wisconsin at Milwaukee, he displayed the photo and "birth name" of a transgender student on an overhead projector. He criticized the student for filing complaints against the university in order to be permitted to use the women's locker rooms. He used LGBT slurs against the student.

Protests against a controversial speaker at UC Berkeley, California became violent in February 2017 .

In January 2017, at the University of Washington, many students protested a speech he was giving. An apparent supporter of his shot a protester. Yiannopoulos remarked, "If we don't continue, then they have won." The audience cheered.

In February 2017, the College Republicans at the University of California at Berkeley (a public university) asked him to speak at their school. Over 100 faculty members signed a letter in an attempt to have this event cancelled.

Chancellor Nicholas Dirks responded in an open letter to the campus community. He argued that since the College Republicans are a separate legal entity from the UC Berkeley, the university had no legal path to cancel the event. Dirks's position was that even though Yiannopoulos's speaking style is at odds with the broad values of the UC Berkeley community, Yiannopoulos has the *right* to speak.

As the lecture time drew near, protests became violent, and the UC Berkeley administration eventually canceled the event. President Donald Trump took to Twitter to condemn the cancellation, going so far as to threaten to cut off federal funding to UC Berkeley for abridging Yiannopoulos's right of free speech.

Protesters at both the University of Washington and UC Berkeley cited concerns about Yiannopoulos singling out students, as he did in Milwaukee, which could endanger those students' safety on their own campuses.

Those who defended Yiannopoulos's right to speak, however, argued that we cannot preemptively strip him of his right to speak in all cases because he *may have* crossed the line into unprotected speech on one occasion. Defenders argue that disinviting controversial or possibly incendiary speakers, or shutting down those speakers during their talks, is censorship. When it occurs at a public university like UC Berkeley, it is government censorship.

Private Colleges vs. Public Colleges

When discussing issues of censorship, we should keep in mind that colleges and universities may be public or private. Public colleges were mostly founded by state governments, and state governments pay for most of the schools' operating expenses (such as staff and professor salaries, building maintenance, and libraries). Again, the First Amendment applies on public college campuses.

State governments also oversee public colleges through appointed boards of trustees. Many public universities have created speech codes to protect vulnerable students from harm, such as hate speech. These codes have often been challenged in court, but the Supreme Court has never ruled that speech codes are unconstitutional under the First Amendment.

Private colleges are privately funded. Most of the money for private college operating expenses comes from student tuition fees that are higher than those at public colleges, as well as endowments (large monetary gifts) from private persons and foundations. Private colleges are independent and can set their own policies, including those related to speech.

In August of 2016, John Ellison, the dean of students of the University of Chicago, a private college, sent a welcome letter to the incoming class. Ellison stated, "Our commitment to academic freedom means that we do not support so-called 'trigger warnings,' we do not cancel invited speakers because their topics might prove controversial, and we do not condone the creation of intellectual 'safe spaces' where individuals can retreat from ideas and perspectives at odds with their own."

Free speech advocates were encouraged by Ellison's stated commitment to the fearless pursuit of knowledge, even when it might lead to unpopular conclusions.

Nearly 200 faculty members objected to Ellison's letter. They did not believe it should speak for the university community as a whole. They issued their own letter, in which they stated, "Those of us who have signed this letter have a variety of opinions about requests for trigger warnings and safe spaces. . . . To start the conversation by declaring that such requests are not worth making is an affront to the principles of liberal education and participatory democracy."

U.S. colleges have been havens for free expression, the pursuit of truth, and consideration of a diverse range of viewpoints. But now many colleges also see their mission as creating a welcoming environment for a diverse student body as well as teaching respect for free expression of ideas, even if those ideas are unpopular.

WRITING & DISCUSSION

1. What kinds of speech does the First Amendment protect? What kinds of speech does it not protect?
2. In the 1927 Supreme Court decision of *Whitney v. California*, Justice Louis Brandeis wrote that when a person hears offensive speech, "the remedy to be applied is more speech, not enforced silence." Do you agree? Why or why not?
3. Look back at the examples of speech on college campuses in the article. Would Justice Brandeis's "remedy" apply in any of those examples? Why or why not?
4. Should colleges prioritize free speech over creating a welcoming and diverse atmosphere, even if that would allow offensive speech on campus? Why or why not?

ACTIVITY: All's Not Quiet on Campus

You are on the board of trustees for a public university. The following incidents happened within the last year at your university, and the board has been tasked with deciding the university's response to each of the incidents:

Incident 1. A large group of students formed a safe space in the university's commons area following a recent alleged hate crime off-campus. A lone student photographer, working for the university newspaper, entered the safe space to take pictures. One professor, who was part of the safe- space group, demanded the photographer leave. The photographer responded, "The commons is public property. I have a right to be here." The professor then asked some students to physically push the photographer out of the safe space, which they did.

Incident 2. The office of Intercultural Affairs circulated an email requesting that students think twice before wearing Halloween costumes that are "culturally unaware or insensitive." A professor sent an email response to the campus community in which she stated, "Students should wear whatever they like." Many students thought the professor lacked concern for the wellbeing of minority students and were outraged. One student confronted the professor and accused her of creating a "hostile environment." Video of the confrontation went viral on social media.

Incident 3. Some members of a fraternity at the university were captured on video singing a racist song on a bus trip. The song used racial slurs and even glorified violence against some people based on race. One member of the fraternity shared the video on social media where many students saw it.

Incident 4. An author wrote in a controversial book that intelligence is primarily genetic and that one race in particular is naturally more intelligent than the rest. A student club invited the author to speak on campus. Fifty faculty members signed a petition demanding that the speaker be disinvited. Before the author could get to the auditorium, a group of student protesters got into fights with student supporters of the speaker. The police were present, and the protesters clashed with them, too. The author had to flee the campus.

Form small groups. Each group is a committee of board members. The chancellor has assigned one incident to each committee. Discuss your assigned incident with your fellow committee members and answer the following questions for the incident:

A. What, if any, consequence *should* the university impose on either a professor, a student, or group of students described in the incident?
B. Does the First Amendment restrict the trustees from imposing the consequence? Why or why not?

Be prepared to share your committee's decisions with the rest of the class.

Debriefing Question: Would a speech code that forbids offensive speech on campus, whether racist, sexist, or homophobic, have prevented any of the incidents above? Why or why not?

Standards Addressed

Martin Luther King and the Philosophy of Nonviolence

National United States History Standard 29. Understands the struggle for racial and gender equality and for the extension of civil liberties. Middle School: (1) Understands individual and institutional influences on the civil rights movement (e.g., the origins of the postwar civil rights movement; the effects of the constitutional steps taken in the executive, judicial, and legislative branches of government; important milestones in the civil rights movement between 1954 and 1965. **High School:** (1) Understands how diverse groups united during the civil rights movement (e.g., the escalation from civil disobedience to more radical protest).

California History-Social Science Standard 11.10. Students analyze the development of federal civil rights and voting rights. (4) Examine the roles of civil rights advocates (e.g., Martin Luther King, Jr.) . . . . (5) Discuss the diffusion of the civil rights movement of African Americans from the churches of the rural South and the urban North, including the resistance to racial desegregation in Little Rock and Birmingham, and how the advances influenced the agendas, strategies, and effectiveness of the quests of American Indians, Asian Americans, and Hispanic Americans for civil rights and equal opportunities. (6) Analyze the passage and effects of civil rights and voting rights legislation (e.g., 1964 Civil Rights Act, Voting Rights Act of 1965) and the Twenty-Fourth Amendment, with an emphasis on equality of access to education and to the political process.

Common Core State Standards: SL.1, SL.3, RH.1, RH.2, RH.3, RH.4, RH.10, WHST.1, WHST.2, WHST.9, WHST.10.

Free Speech on Campus

National Civics Standard 26. Understands issues regarding the proper scope and limits of rights and the relationships among personal, political, and economic rights. Middle School: (1) Understands what is meant by the "scope and limits" of a right (e.g., the scope of one's right to free speech in the United States is extensive and protects almost all forms of political expression, but the right to free speech can be limited if it seriously harms or endangers others). **High School:** (2) Understands different positions on a contemporary conflict between rights such as one person's right to free speech versus another person's right to be heard.

California History-Social Science Standard 12.2. Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured. (1) Discuss the meaning and importance of each of the rights guaranteed under the Bill of Rights and how each is secured (e.g., freedom of religion, speech, press, assembly, petition, privacy).

California History-Social Science Standard 12.5. Students summarize landmark U.S. Supreme Court interpretations of the Constitution and its amendments. (1) Understand the changing interpretations of the Bill of Rights over time, including interpretations of the basic freedoms (religion, speech, press, petition, and assembly) articulated in the First Amendment....

Common Core State Standards: SL.1, SL.3, RH.1, RH.2, RH.3, RH.4, RH.7, RH.10,WHST.1, WHST.2, WHST.9, WHST.10.

Vietnam Today

National World History Standard 45. Understands major global trends since World War II. High School: (2) Understands causes of economic imbalances and social inequalities among the world's peoples and efforts made to close these gaps. (3) Understands connections between globalizing trends in economy, technology, and culture and dynamic assertions of traditional cultural identity and distinctiveness.

National United States History Standard 27. Understands how the Cold War and conflicts in Korea and Vietnam influenced domestic and international politics. High School: (2) Understands the political elements of the Vietnam War (e.g., the legacy of the war).

California History-Social Science Standard 10.9. Students analyze the international developments in the post–World War II world. (2) Analyze the causes of the Cold War, with the free world on one side and Soviet client states on the other, including competition for influence in such places as . . . Vietnam . . . .

California History-Social Science Standard 11.9. Students analyze U.S. foreign policy since World War II. (3) Trace the origins and geopolitical consequences (foreign and domestic) of the Cold War and containment policy, including . . . The Vietnam War . . . .

Common Core State Standards: SL.1, SL.3, RH.1, RH.2, RH.3, RH.4, RH.10, WHST.1, WHST.2, WHST.9, WHST.10.

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This project is part of the Center for Teaching & Learning's Teacher Practice Network and is funded by the Bill & Melinda Gates Foundation.

About Constitutional Rights Foundation

Constitutional Rights Foundation is a non-profit, non-partisan educational organization committed to helping our nation's young people to become active citizens and to understand the rule of law, the legal process, and their constitutional heritage. Established in 1962, CRF is guided by a dedicated board of directors drawn from the worlds of law, business, government, education, and the media. CRF's program areas include the California State Mock Trial, youth internship programs, youth leadership and civic participation programs, youth conferences, teacher professional development, and publications and curriculum materials.

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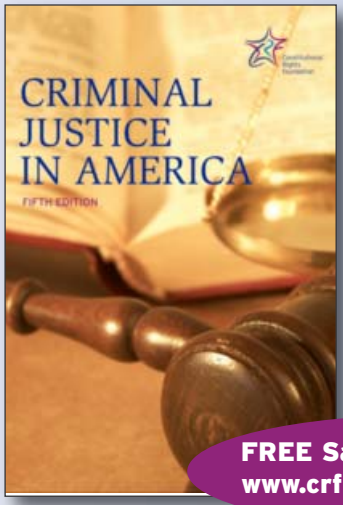

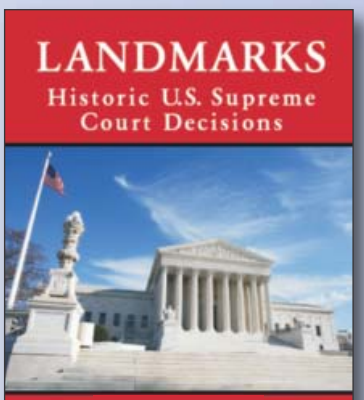

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