



Perspectives from FSF Scholars
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Thinking Clearly About Speaking Freely – Part 5
Catholic Law's Inaugural Seigenthaler Debate

by

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On February 16th at 7:00 PM, Catholic University's Columbus School of Law will hold, virtually, its [inaugural Seigenthaler Debate](#), named after the late John L. Seigenthaler, founder of the [First Amendment Center](#) and editor of the *Tennessean* and *USA Today* newspapers. As a journalist and publisher, Mr. Seigenthaler was widely acclaimed as a dedicated advocate of free speech and freedom of the press.

So, it is fitting that the annual Seigenthaler Debate series is intended to "provide a collegial forum that fosters debate, dialogue, and study of First Amendment issues from all sides." The inaugural debate, between two esteemed experts, will surely get the series off to a good start. The topic: "*Resolved: "Internet Platforms are Common Carriers."*" [Eugene Volokh](#), Professor of Law at UCLA and a member of the Free State Foundation's Board of Academic Advisors, will argue in favor the resolution, and [Ashutosh \(Ash\) Bhagwat](#), Professor of Law at University of California at Davis, will argue against. The debate will be moderated by Judge Lawrence VanDyke of the Court of Appeals for the Ninth Circuit.

The Free State Foundation is pleased to be a co-sponsor of the inaugural Seigenthaler Debate. After all, our stated purpose as an educational and research foundation – a leading think tank – is

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to promote "understanding of free market, *free speech*, limited government, and rule of law principles." Advocating for the protection of First Amendment rights and free speech values is an important part of our work.

As the Catholic Law announcement puts it, this year's debate topic is suggested by Justice Clarence Thomas's concurring opinion in [Biden v. Knight First Amendment Institute](#). Without giving away too much, Justice Thomas's opinion places him more comfortably on the side of favoring the resolution, "Resolved: "Internet Platforms are Common Carriers," than against.

Like Justice Thomas and many others, I too am concerned about the extent to which the growing "Cancel Culture" constricts the space in which Americans may speak freely. This includes, but is not limited to, Internet platforms, which are the focus of the debate. The reach of today's Cancel Culture (or call the phenomenon of silencing certain speech what you will) extends far beyond Internet platforms to educational institutions, town halls, school boards, broadcast programming, newspapers, other print media, and so on. But given the major role the platforms play, especially dominant ones like Facebook, Twitter, and YouTube, as forums for so much of our public discourse, their practices are certainly worthy of debate. Recall that Jack Dorsey, Twitter's former Chief Executive Officer, referred in [congressional testimony](#) to Twitter as a "public square" and "a global town square" in the context of trying to tout the (supposed) importance of "free and open exchange" on the site.

I have written about my concern regarding the Cancel Culture in a series of essays under the "Thinking Clearly About Speaking Freely" title. You can find the previous four [here](#), and [Part 2](#) and [Part 3](#) discuss Justice Thomas's *Knight First Amendment Institute* opinion. So, for my views on the debate topic – at least as of now – I refer you to those essays.

In [Part 1](#) of the series, I said: The reality is that, today, the public space in which citizens may speak freely about matters of public policy, including matters of conscience, is shrinking, in large part due to actions subsumed under what we have come to call the Cancel Culture." Assuming I'm right about that, as I have acknowledged, there are no easy answers to address the concern.

But, surely, more debate and discussion, impassioned but informed, robust yet and rational, is always to the good – a public good, we might say. So, again, that's why the Free State Foundation is pleased to be a cosponsor of the Columbus School of Law's initial Seigenthaler Debate. I'm confident that not only will you find it enlightening, but that you will enjoy it as well!

All the relevant information and the link to register may be found [here](#).

* Randolph J. May is President of the Free State Foundation, a free market-oriented think tank in Rockville, MD.

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Randolph J. May, [Thinking Clearly About Speaking Freely – Part 1](#), (April 19, 2021)

Randolph J. May, [Thinking Clearly About Speaking Freely – Part 2](#), (May 3, 2021)

Randolph J. May, [Thinking Clearly About Speaking Freely – Part 3](#) (June 4, 2021)

Randolph J. May, [Thinking Clearly About Speaking Freely – Part 4](#) (June 15, 2021)