

Department of Anthropology Statement about the 2015 Texas Campus Carry Law

100% of the full-time Anthropology Department faculty voting supported the following statement:

We strongly oppose the 2015 Texas Campus Carry Law that allows concealed handguns in university classrooms, thereby violating the First Amendment rights of faculty and students to free speech.

A law that has a chilling effect on free speech is unconstitutional (First Amendment: “Congress shall make no law . . . abridging the freedom of speech”). The Texas Campus Carry law that allows concealed handguns in public university classrooms will have a chilling effect on the free speech of instructors and students and is therefore unconstitutional. The Texas law is essentially censorship of free speech by guns. Second Amendment rights, however, do not take precedence over First Amendment rights.

In 2007, the American Association of University of Professors (AAUP) wrote in “Academic Freedom and the First Amendment”: “One of the most fertile areas for claims of academic freedom and First Amendment protection is, of course, classroom teaching. Speech by professors in the classroom at public institutions is generally protected under the First Amendment and under the professional concept of academic freedom if the speech is relevant to the subject matter of the course. *See, e.g., Kracunas v. Iona College*, 119 F.3d 80, 88 & n. 5 (2d Cir. 1997).” Concealed handguns in public Texas university classrooms, laboratories, and other learning environments will chill and harm both instructor and student speech in various academic departments regarding a wide range of such contemporary and germane course topics as race, evolution, climate change, water rights, mass shootings, ethics, gay marriage, abortion, and war.

Further, the introduction of concealed handguns into public university classrooms in Texas, according to the AAUP’s logic in its 2007 white paper, expands the “legislative oversight over what professors may teach . . .” in their courses. In his opinion in *Wieman v. Updegraff*, 344 U.S. 183 (1952), U.S. Supreme Court Justice Felix Frankfurter argued resolutely:

Such unwarranted inhibition upon the free spirit of teachers affects not only those who . . . are immediately before the Court. It has an unmistakable tendency to chill that free play of the spirit which all teachers ought especially to cultivate and practice; it makes for caution and timidity in their associations by potential teachers. . . . Teachers must . . . be exemplars of open-mindedness and free inquiry (AAUP “Academic Freedom and the First Amendment,” 2007).

The admission of handguns into learning environments will also create a climate of emotional fear and distrust. Should Texas State University allow concealed handguns in its classrooms, the institution will thus violate the free speech rights of instructors and students guaranteed by the First Amendment of the U.S. Constitution.

Beyond the fundamental breach of free speech rights of faculty and students in university classrooms, Texas State, as an emerging research university, should be seriously concerned about the harm the Texas Campus Carry law will cause to the recruitment and retention of top-tier faculty and students.