

Speak Freely

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Dear Chancellor Carol Christ,

As I sign off on my UC Berkeley application, I dream about what life will be like if I attend college there. Specifically, will I enjoy my freedom of speech or will I contend with censorship? Your institution has a rich history of shaping individual expression for the rest of the nation, as highlighted by the Free Speech Movement in the 1960s. Through social and political discourse, Berkeley has continued to maintain this precious right of ours over the years despite much controversy. As college campuses today face challenges to this freedom, I would like to remind you of why it is more critical than ever to safeguard my freedom of speech.

Ever since its ratification in 1791, the First Amendment of the US Constitution has guaranteed our freedom of speech. The First protects us in our words, art, and other forms of self-expression.¹ Whether I speak my mind on Discord, write a letter of complaint to my Senator, or wear an armband supporting a social cause, I can freely exert my First Amendment rights. However, this amendment only keeps us safe from government censorship since private businesses can still punish us for violating company policies. And our freedoms do not exist for situations such as inciting an imminent lawless action, blackmail, or obscenity.²

What concerns me, however, is the inconsistent views of current college students. A John S. and James L. Knight Foundation and Gallup survey found that while 96% of students see free speech as very or extremely important for democracy, a majority want to carve out exceptions on campus. For example, when it comes to racially offensive comments and costumes, 78% and 71% respectively believe we should ban these constitutionally protected freedoms. In fact, 78% would like colleges to have designated safe zones where students could be shielded from unpleasant ideas or speech.³

I would agree with the majority of students that distasteful and especially racist remarks should not be a part of my college experience. These expressions of speech go against the diversity and inclusion ideals that most of us desire. Yet, the constitutional purist side of me understands that the First Amendment does not serve to guard our feelings. Ideas and remarks that irritate me or make me uncomfortable are not banned by the Bill of Rights. On the contrary, the First Amendment allows for these individual thoughts, disturbing as they might be.

Censoring these disagreeable comments could stunt my personal and professional growth. In college, I want to hear about and process different ideas and concepts. Suppressing or removing public information could take away my ability to make my own mind up about various issues. This prejudgment of expressive materials will limit my learning and chance for self-fulfillment. Censorship would harm this marketplace for the exchange of ideas.⁴ And yes, this includes social media. When a private company like Meta has control over online communications and forums, they act like governmental agencies and should thus be subject to First Amendment requirements.⁵

As I seek independent thinking and expression in my life, I think about my grandfather in 1949. As barely a teenager, he ran from China's Communist Party. Chairman Mao had risen to power and espoused Marxist-Leninist theories and policies that would go on to fuel the Cultural Revolution. Under his rule, censorship ruled over the freedom of speech. Thank goodness my grandfather followed freedom by escaping to Taiwan and then migrating to the US. Even today at the ripe age of 86, he credits his First Amendment rights to his success as a retired, Air Force Lieutenant Colonel. His story reminds me of how censorship stifles individual liberty, free will, imagination, and creativity.

If our society tips the scale toward censorship and away from freedom of speech, we would have markedly less expression of ideas, personal drive, innovation, and entrepreneurship. Consider Albert Einstein. Even a decade before the Nazis took over Germany, Einstein was already on the run. As a leading scientist, he could no longer freely think and speak about his theories. He wrote to his younger sister Maja that he was happy to get away from these “politically dark times.” The Nazis denigrated his Theory of Relativity as “Jewish Physics.”⁶ Einstein knew he had to leave Germany.

With newfound freedoms of speech in America, Einstein quickly built on his relativity work and flourished in the international scientific community. Einstein’s unsuppressed investigations into space and time have led to many technologies we use today. He paved the way for advancements like Google Maps, solar panels, self-lighting street lamps, and laser beams. Even his son Hans served productively at your fine institution as a professor of Hydraulic Engineering.⁷ None of these accomplishments would have been possible under authoritarian regimes that suppress freedom of speech.

Indeed, the First Amendment connects us all. As human beings, we need to associate, discuss issues, and express ourselves. The freedom of speech, and not censorship, leads us to a better life. Therefore, as I ponder my future at UC Berkeley, I wonder if I will be free to hear from guest speakers like Justice Sonia Sotomayor as well as Ben Shapiro. After all, your institution charged Shapiro a security fee “well above” Sotomayor’s as a “tax” on conservative views. I am glad your institution settled this lawsuit and changed your process.⁸

While universities across the US have to balance the needs of their students and community, one unwavering pledge I hope to hear from you is your commitment to my freedom

of speech. I hope you will continue working with the Office for Civil Rights under the auspices of the US Department of Education to ensure equal access to this precious freedom.⁹ Since the First Amendment does not care where one lies along the bell-shaped curve of political views, liberals and conservatives as well as educators and students, should all come together as a unified voice to protect and preserve this constitutional right.

Independently minded,

Cal Bear

Endnote

1. Interactive Constitution, “Freedom of Religion, Speech, Press, Assembly, and Petition,” National Constitution Center, 2022, <https://constitutioncenter.org/interactive-constitution/amendment/amendment-i>
2. Interactive Constitution. “Freedom of Religion, Speech, Press, Assembly, and Petition.”
3. Gallup, The First Amendment on Campus 2020 Report: College Students’ Views of Free Expression, Knight Foundation, 1-60, 2020, <https://knightfoundation.org/wp-content/uploads/2020/05/First-Amendment-on-Campus-2020.pdf>
4. David L. Hudson, Jr., “In the Age of Social Media, Expand the Reach of the First Amendment,” Human Rights Magazine, American Bar Association, 43(4). https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/the-ongoing-challenge-to-define-free-speech/
5. Hudson, “In the Age of Social Media, Expand the Reach of the First Amendment.”
6. Aron Heller, “Letter shows a fearful Einstein long before Nazis’ rise,” AP, November 9, 2018, <https://apnews.com/article/ap-top-news-germany-international-news-jerusalem-anti-semitism-bfa505c1832144859b2a199388173ea6>
7. Blanca Sanjuanbenito, “Four contributions Einstein has made to our daily lives,” BBVA, April 2, 2018, <https://www.bbva.com/en/four-contributions-einstein-made-to-our-daily-lives/>
8. Jonathan Stempel, “UC Berkeley settles lawsuit over treatment of conservative speakers,” Reuters, December 3, 2018, <https://www.reuters.com/article/us-california-lawsuit-ucberkeley/uc-berkeley-settles-lawsuit-over-treatment-of-conservative-speakers-idUSKBN1O22K4>
9. Office for Civil Rights (OCR), “About OCR,” U.S. Department of Education. Last modified January 5, 2022, <https://www2.ed.gov/about/offices/list/ocr/aboutocr.html#:~:text=These%20civil%20rights%20laws%20enforced,U.S.%20Department%20of%20Education%20funds.>

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