STUDENTS SPEAK UP

Perspectives of Free Speech Among Student Leaders in the University of California System

by William MacKinnon Morrow | Fellow, University of California National Center for Free Speech and Civic Engagement

The motto of the University of California, Berkeley is *fiat lux*, or "let there be light." Over the past century and a half, this motto has come to embody the spirit of Berkeley (and the University of California, as a whole) as an institutional beacon for reasoned discourse, vibrant expression, and social inclusivity. However, as I looked out at the setting twilight looming ominously over Berkeley on February 1, 2017, I knew that while sparks were about to fly on campus that evening, this light that the University inspires to the world would be dimmed.

That evening, the antagonistic and outlandish provocateur, Milo Yiannopolous, was set to speak on Berkeley's campus about his views on immigration in a thinly-veiled attempt to incite outrage and draw media attention. And from my unique vantage point as the then-president of the undergraduate student government at Berkeley, I had a deep understanding of how that night was destined to devolve into the chaos that ultimately occurred — a chaos, which sadly led to serious injuries to multiple students, significant damage to campus property, a national media frenzy, and even a critical tweet from the President of the United States threatening the distribution of federal funds to the University.[1] Yet, quite frankly, I was just relieved that no one was shot that night, as had happened a few weeks prior outside a similar event planned at the University of Washington.[2]

Understandably, the planned speaking event of Yiannopolous and the ensuing chaos that took place that evening at Berkeley came to epitomize the growing sentiment among many that academic institutions were becoming increasingly hostile to free expression, and in particular toward views that run contrary to center-left positions that are perceived as dominating the mainstream of university campuses. The shocking image of a mob of masked rioters surrounding an open flame on Sproul Plaza, as juxtaposed with the famous image of Mario Savio galvanizing the Free Speech Movement on that same Sproul Plaza, came to symbolize this growing sentiment that our country's universities were facing a free speech *crisis*.

There is indeed truth to this perception that the vibrancy of expression on university campuses has eroded in recent years, particularly for contrarian speech. And without a doubt, the events of February 1, 2017 at UC Berkeley will leave a lasting stain on the University's legacy as an institution that welcomes and empowers civil discourse among various viewpoints. However, the narrative that there is a *crisis* of antipathy toward free speech among America's college students is misrepresentative. This narrative, which many leading policymakers, higher education administrators, journalists, and thought-leaders have claimed, I find to be overly-simplistic and absent a key piece of context — the perspectives of the actual students who find themselves in the middle of these controversial flashpoints that take place on their campuses.

As the President of the Associated Students of the University of California from 2016-2017, I was one of these student leaders in the middle of the many controversial "free speech" flashpoints that took place on Berkeley's campus that year, including the visit of Milo Yiannopolous. Because of the access I had from my position to student leaders of various political affiliations and identities, I was keen to the thoughts and aims of other student leaders of each of the communities most directly involved with, or impacted by, the Yiannopolous event. There was one striking commonality I heard from all these student leaders, which was a feeling of overwhelming anxiety that what was going to transpire that night was bigger than the

1   Bodley, Michael. "At Berkeley Yiannopoulos Protest, $100,000 in Damage, 1 Arrest." San Francisco Chronicle, February 2, 2017.

2   Carter, Mike, and Steve Miletich. "Couple Charged with Assault in Shooting, Melee during UW Speech by Milo Yiannopoulos." Seattle Times, May 1, 2017.

campus, and that there was an obligatory responsibility to act accordingly. The following anecdotes are just a few examples of some of the anxieties shared with me by student leaders.

Conservative student leaders on campus who I spoke with at the time told me that they felt that they had lost some ownership of their own event, but they believed they had a moral duty to keep pushing for the event at all costs in the spirit of a broader struggle on behalf of conservative young people across the country who have felt silenced for their views. Yet, these students confided in me the deep fears they had for the safety and security of their members in wake of significant, targeted threats launched at them because of the event.

I received frantic calls leading up to the Yiannopolous event from student leaders in the undocumented student community begging that something be done about the speech because they were terrified for their personal safety. This fear derived from an unsubstantiated rumor that Mr. Yiannopolous was considering publicly naming undocumented students during his speech. In fact, I was in contact with students from this community who had already fled campus with their families prior to the speech, because they feared that fallout from his speech might trigger a broader crackdown on undocumented folks in Berkeley by the newly-inaugurated Administration.

Organizers from the LGBTQ student community on campus led an initiative to host a peaceful, non-violent "dance party" protest outside the Yiannopolous speech with hundreds of attendees, in response to some of Yiannopolous' past controversial rhetoric attacking the trans community. However, in the hours leading up to the protest, leaders from these communities expressed deep anxiety to me that they believed outside, violent agitators were planning on co-opting their protest as a shield to blend behind. These individuals were understandably terrified for the safety of others in their communities who might find themselves caught up in such a potentially dangerous situation, and feared that their community members, including "closeted" members, would be blamed and "doxed" for potential consequences from the event.

Student leaders from student government and liberal campus spaces spent the weeks leading up to the Yiannopolous trying to organize a counter-programming event to take place out of a desire to take attention away from the Yiannopolous event. Yet, they felt helpless as they were repeatedly rejected by leading liberal speakers who wanted to avoid any sort of connection with the Yiannopolous event, and by the University that was devoting all of its resources for staffing and funding that night into the Yiannopolous speech.

These stories contrast with the popular narrative of the Milo Yiannopolous event at Berkeley, which paints with a broad brush, a picture of a campus student body in *crisis*, starkly divided between those that either mindlessly supported a bigoted speaker or those that would stop at nothing to shut down the speech of conservative thinkers. Yet, in reality, the chaos that erupted that night was less the fault of student leaders acting irrationally, then it was of outside antagonists exploiting the reputation of our campus to serve as a theater to wage a proxy battle in their ideological war, with no care for the students or campus community they would be putting at risk. That night, the truth had been hijacked by the narrative — and the students of our University were the ones who bore the consequences. In particular, student leaders were the ones who dealt with crippling anxiety leading up to the event out of concern for their community's safety. They were the ones who faced incessant questions from the press for actions by those they had no affiliation with. They were the ones without the adequate resources provided by the campus to handle the onslaught of emotional pressures and fears brought by the event.

At 5am on the morning after the Yiannopolous event and ensuing riot, I was joined on Sproul Plaza by dozens of students in an effort to clean up our beloved campus after the damage of the previous night. This group included student leaders from campus conservative circles, the undocumented community, the LGBTQ community, and liberal student organizations. Many of the individuals, including myself, were out past 2am the prior night checking in on community members, and yet still found the energy to come out to help the following morning. This was a group of students that wanted the world to know that the events of the previous night did not represent the Cal student community. The future of our universities may seem incredibly dim to some based on the flawed depiction of a free speech crisis at our nation's college campuses. But, that morning, with the dawn rising over the Berkeley foothills, I knew that these student

leaders out cleaning up the campus were still committed to letting there be light at our institution for reasoned discourse, vibrant expression, and social inclusivity.

Project Introduction and Argument

It is from this context and personal experience that I introduce this project as a Fellow of the University of California National Center for Free Speech and Civic Engagement. I hope to shed light on the reality of how various student leaders on campuses across the entire University of California system perceive and experience "free speech" in both their daily lives and during flashpoints of controversy. By focusing on a student-centric lens for analysis, I aim to add new nuance and voice to the conversation about a free speech *crisis* in contemporary higher education through the narratives of the real student leaders on the ground. In doing so, I hope to humanize this topic that so often devolves to platitudes of abstraction and oversimplification. By centering these perspectives, I hope to provide critical context for future student leaders, college administrators, and policymakers who may face similar challenges at their campuses, so they may have better understanding of what students are going through as they navigate upholding a campus climate that both respects free speech and promotes an inclusive environment for all communities.

I want to first define how I will be referring to the term "free speech" in the context of a university campus. Rather than only defining free speech on campuses through a strictly legal paradigm, I will refer to free speech more broadly according to the framework of the "purposeful university" — a concept introduced by Stanford University President Marc Tessier-Lavigne.[3] Under the "purposeful university" model, institutions of higher education have a moral imperative as spaces for intellectual inquiry to promote "a culture" for the principle of free speech, "where all opinions can be heard and respected, and the whole community can be enriched by understanding the experiences brought by those of different backgrounds and perspectives."[4] Whereas a strictly legal definition for free speech is limiting in its scope to only instances where there is a question of law, the "purposeful university" framework for free speech allows for a broader discussion

of what the campus climate of a given institution is toward reasoned discourse, vibrant expression, and social inclusivity. For example, a strictly legal approach could not account for a situation where a university was not proactively inviting pro-Israel or pro-Palestine speakers to campus. However, the "purposeful university" model would regard such a situation as relevant to examining the climate of a campus toward the principles underlying free speech. Therefore, I will refer to "free speech" from here on according to the framework of the "purposeful university" model, which captures the unique responsibility of academic spaces to not only protect diverse and vibrant expression, but to actively seek to promote it.

Accordingly, I argue that while discussions of the demise of free speech on college campuses are significantly overstated, there are steps that institutions of higher education can take to further protect and promote the principle of free speech in their learning environments, while also preserving a sense of safety and security among their students who may feel the adverse impacts of any particular speech. In order to successfully do so, university leaders must seek to better understand how students perceive matters of free speech, and learn to recognize why student community leaders may respond favorably or unfavorably to efforts to protect and promote free speech principles, especially during controversial flashpoints. Through increased knowledge of what logic animates how student leaders engage with their communities on free speech, universities and student leaders can work more thoughtfully with one another to cultivate a campus culture that is both conducive to free speech principles and respectful to those adversely impacted by any given expression, even during controversial flashpoints.

Scope of Study

While questions of free speech on college campuses are indeed prominent for many students at major higher education institutions all across the entire country, I will focus here specifically on the experiences of student leaders at campuses within the University of California system, the sponsoring institution of the National Center for Free Speech and Civic Engagement. The University of California (UC) system is comprised of nine universities

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3   Tessier-Lavigne, Marc. "The Purposeful University: A Place of Unlimited Potential." Inauguration Address. Speech presented at the *Inauguration Address*, October 21, 2016.

4   Tessier-Lavigne, Marc. "The Purposeful University: A Place of Unlimited Potential." Inauguration Address. Speech presented at the *Inauguration Address*, October 21, 2016.

that serve both the undergraduate and graduate student community (Berkeley, Davis, Irvine, Merced, Los Angeles, Riverside, San Diego, Santa Barbara, and Santa Cruz). These nine institutions are united by the common values and public purpose of the system. However, each of these schools also differ in critical respects, such as student population demography, academic prestige, size, and cultural history.

Additionally, the UC system has figured prominently in the national public discourse about the nature of expression on college campuses among those who believe it has done too little — or done too much — to protect free speech on campus. The UC has been derided by some as having an "aggressively anti-free speech reputation"[5] and being a "cradle for f------ babies."[6] However, the University has also likewise been criticized by others for a "thoughtless adherence to the First Amendment" that has undermined the safety of vulnerable student communities.[7] So although the University of California system may not be representative of all campuses across the country, it nevertheless makes for a compelling sample for study of what free speech on college campuses currently looks like to student leaders at a variety of institutions under the microscope of public scrutiny.

In preparation for this publication, I met with dozens of student leaders from across the nine UC campuses who were willing and able to speak on these matters. The students I interviewed are all community leaders on their respective campuses, and are involved in organizations that figure prominently in how free speech controversies play out on their given campuses. They include student *leaders* in charge of student governments, political clubs, publications, and cultural community spaces. My explicit focus here is on leaders of student organizations due to the fact that they uniquely act to reflect the will of the communities and organizations they hold positions in, while also having considerable influence over the constituent members of these spaces. Accordingly, when free speech controversies do arise on a given campus, these individuals have considerable authority in dictating how their student communities respond.

In the ensuing sections, I will share some of the many perspectives and narrative anecdotes about free speech on UC campuses that were offered to me by the numerous student leaders I met with. While I heard from substantially more student leaders than I can include in this concise article, and discussed many more free speech-related incidents across the UC than I will reference here, the opinions and experiences I have included are illustrative of common themes that were shared with me. I have included at least one free speech issue from each of the nine campuses of the UC system and tried to capture some of the divergent perspectives of various student leaders from different types of organizations and communities. These perspectives are grouped in the following according to four general questions: 1. How do student leaders perceive issues of free speech on their campus in the absence of controversy or attention? 2. Why do student leaders seek to leverage their free speech rights to prompt controversy? 3. How do student leaders perceive issues of free speech on their campus during flashpoints of controversy and attention? 4. How can university and student leaders better adapt to respond to future challenges related to free speech on campus?

Perception of Campus Free Speech in the Absence of Controversy

To first understand what the climate for free speech looks like among student leaders on college campuses, it is important to understand how students perceive the way that issues of free speech are handled on their campuses in the absence of controversy. This is important for setting a consistent tone and expectations for when controversy does arise at a campus. As former UCLA Undergraduate Students Association Council President Arielle Mokhtarzadeh puts it, it matters to student leaders if "when a third party person comes on campus, the University tends to 'wave the free speech flag' a lot more vigorously than they do when it comes to student viewpoints." Although it is hard to fully capture the extent that campuses empower a culture of free speech, some useful proxies do exist, such as perceived independence of student press, formal pronouncements delineating university policies on free speech, and the representation of diverse viewpoints in staff and faculty.

5   Klein, Jake. "Reporting From The Safe Space Capital Of The World: University Of California, Berkeley." *The Daily Caller*, March 23, 2018.

6   Maher, Bill M. "S 15 E 12 · Arwa Damon; Hanna Rosin; S.E. Cupp; David Miliband; Seth Moulton." Episode. *Real Time with Bill Maher*. Los Angeles, CA: HBO, April 21, 2017.

7   Hardman, Josh. "Plurality of Tactics Contributed to Cancellation of Milo Yiannopoulos Event." *The Daily Californian*. February 7, 2017, sec. Opinion.

While some schools within the UC system have thriving independent student publications and media outlets, like Berkeley's Daily Californian, UCLA's Daily Bruin, and UC Santa Barbara's KCSB student radio; at other campuses, the complex interactions between student media and university administration influences the way some student leaders perceive the sincerity of free speech efforts. At UC Irvine, Associate News Editor for the New University newspaper, Ashley Dong, feels that "there is a strange relationship with the newspaper being under administration and having to go through ASUCI (student government) for funding. I think sometimes being a department does limit what we can do or say." Meanwhile, at UC San Diego, the Triton student newspaper is known for its professional, investigative journalism. Yet, former Triton Editor-In-Chief Gabe Schneider believes that some members of the university administration do not treat their paper as professionally as they would other traditional media outlets for formalities, like responding to interviews or FOIA (Freedom of Information Act) requests. As Schneider explained to me, "oftentimes we are antagonistic to administration with our reporting [...] And they've chosen to blackball us." For Schneider, the lack of support for their independent publication means that he views other efforts taken by the school to publicly promote a free speech "brand" as being hypocritical.

However, when combined with other consistent efforts to actively promote student free speech, public pronouncements of support for free speech can positively set the tone on a campus. At UC Berkeley, shortly after being named Chancellor, Carol Christ announced in a letter to the campus that "free speech is who we are" as a core commitment of her Administration to upholding the values of campus free speech. As part of this commitment, Christ announced the creation of a campus commission on free speech, a new events policy, and a speaking series.[8] Caiden Nason, the former President of the Cal Dems campus chapter, called this clear communication surrounding campus policies for free speech "a step in the right direction" after what had been a tumultuous few years at Berkeley.

By contrast, if a campus fails to have well-communicated, clear free speech policies, it can lead to student leaders being confused by event cost and space regulations, and a perception of unfair treatment. For example, in the weeks leading up to February 2018, the UC Santa Cruz College Republicans were planning an event for their members to bring gun rights activist Larry Pratt to campus for a speech. While preparing for the event, the organization agreed to an event contract with the campus Student Organizations Advising and Resources Office that had many stipulations that were not uncommon, but inconsistently enforced. However, many of these stipulations were not clearly communicated to leadership of the College Republicans chapter. This became a problem when, the week prior to the event, the Parkland School Shooting took place, and brought new criticism from activists at UC Santa Cruz to the Larry Pratt speaking event.[9] According to Bijaya Khadka, the Vice President of the UC Santa Cruz College Republicans, amid the new scrutiny of the event, the University enforced some of these regulations about event registration and the online publication of the event. Accordingly, Pratt's visit was cancelled (although the club was in the end able to host Pratt at a secret off-campus location to an audience of only thirty guests).[10] Khadka does acknowledge that the University followed their policy as specified in the contract, but he still felt it was not properly communicated and that it was enforced only because of the additional scrutiny, in lieu of the Parkland shooting. As Khadka explained to me, "the immediate assumption was that this was planned after the shooting. Just because events in the world happened, that isn't reasonable cause to cancel that event. We had worked on it so hard, and all that goes in the trash."

Finally, students perceive the diversity of viewpoints represented through the composition of faculty and staff as an indicator of how sincere a campus is about maintaining an intellectual environment committed to free speech principles. For student conservative leaders across the UC system, this is a particularly consistent issue. At UCLA, leaders in the Bruin Republicans organizations feel that this sentiment is particularly pronounced, given the recent terminations of a couple of high-profile

8   Christ, Carol. Letter to University of California, Berkeley Campus Community. "Free Speech Is Who We Are," August 23, 2017.

9   Ross, Sean. "Pro-Gun Talk Canceled." *City on a Hill Press.* February 22, 2018, sec. Campus News.

10 Ibarra, Nicholas. "Gun Lobbyist Speaks to Students at Secretive Event after UCSC Appearance Canceled." *Santa Cruz Sentinel*, February 22, 2018, sec. News.

conservative professors, including the free speech scholar Keith Fink.[11] According to Bruin Republicans President, Ben Sachrison, "The world is not one view. The fact that these professors were terminated, for whatever reasons, is sad. They were our most open advisors."

To this point, the experience of conservative students at UCLA is also illustrative of the positive mentoring influence that like-minded faculty and staff mentors can have on student leaders in setting an environment for productive discourse. In the lead-up to Milo Yiannopolous' visit to UCLA's campus in 2018 to discuss "10 Things I Hate About Mexico," one of the few conservative professors at UCLA (and a mentor to the Bruin Republicans), Gabriel Rossman of the Sociology Department, wrote an open letter to the club calling for them to reconsider the intent and impact of the event. The club ended up taking this letter into consideration in their decision to cancel the event.[12] For Mariela Muro, the Outreach Director for the club, this mentorship is invaluable. "There are tons of conservatives on campus who can't go to anyone. Like, I know how people are going to react to my ideas. There's only a select few professors who are able to talk about these kinds of things (with me), and it's refreshing to be able to talk to them." Having ideologically-representative faculty members not only contributes to shaping the perception that student leaders have of the free speech environment on their campus, but it can actually influence student leaders positively, through providing them with mentors in positions of authority.

The Rationale for Controversy

When issues of free speech on university campuses come to the forefront, there is often some spark related to a controversial display of speech that ignites the conversation, such as the visit of an incendiary speaker or a visible protest demonstration. In these cases, the display of controversial speech challenges norms and conventions of how expression usually is expected to unfold on a university campus. Sometimes the displays of speech may be done in a manner or contain subject matter that is atypical of how a given individual or sponsoring organization might otherwise express themselves. To

understand then why individuals and organizations engage in such displays of intentionally controversial speech, I asked various student leaders to explain their rationale for leveraging their free speech rights to explicitly elicit controversy. The explanations shared with me tended to fall into one of two rationales, regardless of ideological affiliations of the student leader. These explanations given were either to leverage the controversial display of speech as a means of initiating a discourse on a subject matter, or as a means of provoking a reaction to draw attention to a cause or to the organization itself.

However, it must be said, before going further, that there have been some incidences of extremely egregious, hateful speech that have occurred on UC campuses. Such expressive displays as the swastikas painted at UC Santa Cruz in 2017[13] and the hanging of a noose in a library at UC San Diego in 2010[14] were motivated by hate and malice toward another group or individual. And while there are arguments that these displays of pure hate are legally allowable forms of speech, there is no logical rationale underpinning their controversy, and they do not contribute to the "purposeful university" framework that seeks to build a climate for free speech where all opinions can be heard and respected. Accordingly, I chose not to interview any individual for this project who engaged in such forms of speech.

The first rationale that some student leaders shared to justify their controversial speech is their belief that by using controversial tone, tactics, symbolism, or messaging, they can actually invoke further discourse on a subject, by initiating a larger conversation with a wider audience. According to Noor Harmoush, an activist with the Students for Justice in Palestine affiliate chapter at UC Irvine, when the organization hosts "Anti-Zionism Week" with the controversial display of the "Apartheid Wall" on campus, it draws unavoidable attention to other students about the struggles of the Palestinian people. Harmoush described to me her belief that, while provocative, the wall is educational; "[it] talks about politics. It is talking about the expulsion of people, the occupation of lands, facts, and history." But such thinking is not unique to any one

11 "FIRE Raises Questions about UCLA Lecturer Keith Fink's Firing," 2017. Foundation for Individual Rights in Education.

12 Rossman, Gabriel. "Open Letter to the Bruin Republicans Who Invited Milo Yiannopoulos to UCLA (Update: Milo Canceled)." *The Weekly Standard*, February 24, 2018, sec. Opinion.

13 Budman, Scott. "Swastika Found at UC Santa Cruz Prompts Campus to 'Take a Stand Against Hate'." *NBC Bay Area*, December 15, 2017.

14 "UC San Diego Police Complete Investigation of Noose Incident, Send Case to City Attorney," March 2, 2010. UC San Diego.

ideological affiliation either. In the lead up to the 2018 primary elections, the UC Riverside College Republicans were debating internally whether or not to host the controversial GOP Gubernatorial candidate, Travis Allen, on campus. The club's president, Alan Nguyen, shared with me that the attention that Allen would bring to the conservative movement on campus was a consideration for the group. However, for Nguyen it is was important that their organization affirm that they are "not in the business of being provocateurs," and that ultimately controversy is a consideration to make along with the substantive contributions that a speaker will provide.

However, for some student leaders, the amount of controversy, and in turn, reaction that a particular display of speech will provoke is the primary strategic consideration. For the UC Santa Barbara College Republicans, this has previously been the case. According to club president Leslie Garcia, in the lead-up to the 2016 election, their club membership had dwindled and there was a feeling that the concerns they had brought forward to the University Administration about the harassment of some of their members were being ignored. So the club leadership made the intentional decision to invite controversial speakers like Milo Yiannopolous and Ben Shapiro over the next year, because, as Garcia put it, nothing was going to change "if this club did not exist and did not make itself heard." With the considerable attention brought by the visits of Yiannopolous and Shapiro, (and the vocal opposition to them), the club's membership grew considerably among students who previously had been apolitical on campus, and the club perceived that its concerns were being given more attention by the University Administration. Garcia explained to me that the club is now "shifting its focus on controversy to a focus on conversation" because they are no longer in the "stage" as a club where they need to be controversial in order to maintain a presence on campus and to have their concerns addressed.

This rationale also transcends ideology. The Lambda Alliance is an organization at UC Merced that provides a community space for students of color in the LGBTQ community. During Pride Week in 2017, Lambda Alliance members had an event to express themselves through art on the main campus corridor, Scholars Lane. According to Cristóbal Albert, a leading activist within Lambda Alliance, the organization shared artwork at the event that said

"Fuck Trump" and "Fuck AmeriKKKa". These posters were understandably controversial and triggered a reaction from the College Republicans chapter on campus. Yet, for Albert, the strong language was a "liberating self-expression of pain" and a means to call attention to the real fear that many historically-oppressed communities were feeling at that time, including on campus at UC Merced.

Perception of Campus Free Speech in the Face of Controversy

When a university is faced with a controversial flashpoint for free speech, the way student leaders perceive it will be impacted by the extent that both those trying to express themselves and those offended by that expression are treated fairly and equitably. This relates back to the importance of a campus maintaining a climate for free speech in the absence of controversy that students feel is fair and consistent. If it is not, then the challenges of a free speech controversy will be magnified, and student leaders on all fronts will feel aggrieved and mistreated. There are many factors that are determinant of how student community leaders may respond favorably or unfavorably to efforts to protect and promote free speech principles during controversial flashpoints. However, the most common factors pertain to the fairness of cost and resource allocation, the communication and security measures taken by the campus to respond, and the support services provided to impacted communities.

At the root of many conflicts in higher education institutions is the perceived fairness of the distribution of constrained resources and costs, which is no different for conflicts stemming from free speech controversies. In the event of highly controversial free speech events or demonstrations, universities may spend thousands of dollars to secure the campus community and provide venues suitable for the security challenges that these situations present. At UC Berkeley during the Fall of 2017, the campus was still roiling from the previously mentioned Milo Yiannopolous visit and subsequent riot the prior winter. However, the Berkeley College Republicans were committed to bringing another controversial speaker to campus in Ben Shapiro, and the University was ready to ensure that Shapiro would have a venue to speak on campus, regardless of the cost. In the end, UC Berkeley ended up spending $600,000 on ensuring that Shapiro was able to speak on campus in the state-of-the-art

Zellerbach Auditorium, which is rarely available to student organizations.[15] For then-Cal Dems President Caiden Nason, it was an issue of fairness that "BCR (Berkeley College Republicans) got Zellerbach paid for, they got subsidized hundreds of thousands of dollars for security. The reason they did these events was to say 'we do what we want, we don't care what you think.'"

By contrast, when Ben Shapiro spoke at UCLA, the perception of being treated unfairly regarding the distribution of costs was actually from the College Republicans chapter due to a well-intentioned, but ill-conceived campus policy. According to Arielle Mokhtarzadeh, the former President of the UCLA Undergraduate Students Council, the University had a rarely-enforced events policy, called the Costs of Safety Services Policy, which mandated that if less than seventy percent of attendees at a major event were affiliated with the University, the school had the right to levy the primary security costs of the event on the hosting organization. When the Bruin Republicans brought Ben Shapiro to campus in November 2017, the campus advised that the event take place in the expensive Ackerman Union and required a heightened security presence. In the weeks leading up to the event, the University had threatened that the club would have to cover these primary event security costs, which would have likely cost thousands of dollars, even though this policy had only ever been enforced four times previously.[16] Although the University eventually relented and backed down from requiring the club to pay these costs, for Bruin Republicans Outreach Director Mariela Muro, the situation had caused a lot of financial anxiety and distrust of the school's intentions — "At the end of the day, we are students struggling to pay just to be here, let alone being able to afford to raise thousands of dollars for security. We're just here to present ideas and we don't want special treatment. But we do want fair treatment."

However, for Caroline Siegel Singh, the External Relations Vice President of the Associated Students at UC San Diego and President of the UC Student Association, there is another perception about how the UC prioritizes

security measures and campus support in response to controversial speakers, which is that the free speech rights of right-wing controversial speakers are secured in a way that leftist ideologues are not. This sentiment for Singh stems from what she feels was the lack of effort by the University to ensure the safety of Dr. Keeanga-Yamahtta Taylor from a white supremacist threat aimed at her talk on "#BlackLivesMatter in the Trump Era," which had to be cancelled.[17] As Singh explained to me, "our university was not invested in having an educated black women speak at our campus. The fact they were willing to put resources into supporting Milo (Yiannopolous)[18] and not making sure it was a place where she could come speak is embarrassing."

For Maxine Jimenez, a student labor organizer and President of the UC Santa Cruz Student Union Association, there is also a problem with what she perceives as a hypocritical reality, where across the UC, controversial free speech events with a rightward tilt receive police protection, but free speech demonstrations by groups with a leftward tilt are "shut down" by the campus police. Jimenez made sure to note that "I did not hear anything about police being present at the Larry Pratt event that happened off campus somewhere. However, police are present when we're on the picket lines. Students who were speaking their truth were the ones that were arrested (during the AFSCME strike),[19] and that's really scary, especially for students of color." Aniya Brown, a member of the Black Student Union and Volunteer Coordinator for the College Democrats at UC San Diego put it more simply: "I feel like 'free speech' on this campus comes with limitations depending on your race and your gender."

Lastly, the fairness and equity of how support services are provided for students negatively affected by controversial displays of speech impacts how students view free speech on campus. The intensity of controversial free speech flashpoints has real mental health impacts on many of the student leaders and others involved. The following is one such example from UC Merced. In 2017, following controversial actions taken by the UC Merced College

15 Ulwelling, Elise. "Ben Shapiro's Visit Cost UC Berkeley an Estimated $600k for Security." *The Daily Californian*. September 17, 2017, sec. Campus.

16 Volokh, Eugene. "UCLA Backs down in Security Fee Controversy over Ben Shapiro Talk." *Washington Post*, October 30, 2017, sec. Opinion

17 Schneider, Gabe. "'#BLACKLIVESMATTER In The Trump Era' Talk Cancelled Due To White Supremacist Threats." *The Triton*. June 1, 2017, sec. Campus News.

18 Warth, Gary. "Controversial Speaker Draws Few Protests at UCSD." *San Diego Union-Tribune*, June 6, 2016, sec. Education.

19 Johnson, Laretta. "AFSCME Draws the Line." *City on a Hill Press*. May 10, 2018, sec. Campus News.

Republicans, including a tabling event with "ICE, ICE, Baby" posters displayed at the predominantly Latinx campus, there was an effort to block the distribution of funds to the College Republicans chapter through the Inter-Club Council, an auxiliary entity of the student government.[20] The then-chair of the Inter-Club Council, Mina Tawfick, (an immigrant himself), was responsible for mediating the funding of the College Republicans chapter, and in the process was subjected to berating and harassment by students on both sides of the issue. Tawfick described to me, how this impacted his mental health: "I wouldn't be able to go to sleep. I would wake up sweating. I would wake up out of breath feeling insecure. I was throwing up, missing my midterms, and I even received a threat." Tawfick, who was caught in the middle of this free speech controversy told me he was unable to receive the advising and health services he needed to navigate this tumultuous situation.

Yet, Tawfick's story is not unique; many students involved in these free speech controversies face incredible emotional turmoil and detrimental effects to their mental health from the anxieties that come from these heated, deeply personal situations. However, as UC Irvine Graduate Student Association Internal Vice President Connor Strobel noted to me, graduate assistants and other staff members across the UC are ill-equipped to handle when students express concern for their safety in wake of these controversial free speech flashpoints. Strobel shared that when he was approached by some of his students following the Milo Yiannopolous campus visit, he felt "nowhere near qualified or trained to help people get resources during times of trauma like that beyond just sending them to the counseling centers."

This particularly becomes a problem when there is a perception that the University is willing to spend significant sums of money and bend the rules to protect a controversial free speech event, but will not put the same special efforts into providing students with the wellness resources they need to handle the impact of these events. For example, at UC Berkeley, during the Ben Shapiro event on campus that was accompanied by a significant militarized police presence, all of the buildings housing the community spaces for the multicultural groups that felt most targeted by Shapiro's speech and

the presence of the police, were closed off to students when they needed them most.[21] Kevin Duc Pham, the legislative affairs coordinator for the UC Irvine Associated Students, is searing in his criticism of this perceived indifference by institutions across the UC to the mental health impacts of free speech events — "our university holds this very abstract idea of free speech above the actual and very real harm to our students and how that impacts them physically, emotionally, and mentally." In order to effectively commit to a campus climate conducive to vibrant free speech that is perceived as fair and just to student leaders, it clearly is also necessary that campuses invest in fairly supporting those students affected detrimentally by the presence of that speech.

Cultivating a Climate for Free Speech and Building a Stronger Campus Community

At times, there is an inevitable tension between the aims of a campus that tries to both preserve a campus climate that is conducive for vibrant free speech, including controversial expression, and one that is also trying to support a respectful environment for all communities. However, there are steps that institutions and student leaders can take to mitigate some of the conflict between these two aims. As Mina Tawfick, the UC Merced student leader whose story I shared previously, explained to me, "for free speech, it is important we uphold that. At the same time, we also have principles of community on this campus. I don't see why we're putting those two up against each other." While there is no panacea for resolving all of the tensions that arise on a campus between cultivating robust free speech and supporting inclusive community-building, in the following I will list some practices that have recently made improvements at schools across the UC system. These best practices break down into initiating efforts to build working relationships between opposing groups, providing support systems and alternatives for communities impacted by particular displays of speech, and taking thoughtful measures to secure and communicate with the campus community in a manner that does not further aggravate a situation.

In the current era of polarized discourse and mistrust, it can be difficult for student leaders in opposing corners to effectively build working relationships, or at the least,

20 Ciccotta, Tom. "UC Merced Student Government Tries to Defund 'Hateful' College Republicans Group." *Breitbart*, April 16, 2018, sec. Education.

21 Tinney, Kate. "UC Berkeley Will Shut down 6 Buildings for Shapiro Event." *The Daily Californian*. September 11, 2017, sec. Campus.

understandings with one another, but it is not impossible. The current president of the Associated Students at UC Davis (a student government space that is predominantly occupied by progressive-minded student leaders), Michael Gofman, is also a conservative activist on campus. However, in wake of the controversial visit to UC Davis by Milo Yiannopolous and Martin Shkreli in January 2017,[22] Gofman wanted to gain a better understanding as a conservative student leader of some of the differences folks of different backgrounds had. So in the summer of 2018, Gofman set out on a bipartisan road trip with Stanford University College Democrats Vice President, Matthew Wigler, to visit polarized areas around the country and write about the people they met along the way for a blog called Swing District.[23] Gofman told me that experience helped him learn to empathize with others, and that "just because you disagree with someone, doesn't mean you have to hate them." For Gofman, this has proven critical to helping him navigate serving as a conservative student leader when controversial free speech issues at UC Davis have arisen during his term, including a polarizing student government resolution on campus to make the presence of the American flag optional at meetings.[24]

However, even for the most controversial, high-profile free speech events, like Ben Shapiro's visit to UC Santa Barbara in February 2017 for an event entitled, "A Legacy of Lies: The Regressive Left & #BlackLivesMatter,"[25] there is a precedent for how to make the space more accommodating for vibrant, yet respectful discourse. In the lead-up to the event, student leaders with the Black Student Union on campus protested at a meeting of the Associated Students against the decision to provide funding for the event.[26] Yet, instead of doubling down on antagonizing with the event, the UCSB College Republicans made an active effort to promote the event as an opportunity to engage directly with Shapiro; and at the event, Shapiro even set aside an hour for a Question and Answer session where he explicitly invited those who disagreed with him to speak first. And as Steven Ho, the

Internal Vice President of the Associated Students of UC Santa Barbara, recalled, the event "exceeded everyone's expectations of what it was going to be. One of my friends who is a prominent leader in the campus black community actually asked some really insightful questions that (Shapiro) responded to."

Yet, it is also true that sometimes for students from communities negatively affected by the presence of a controversial display of free speech on their campus, direct engagement of the sort that occurred at UC Santa Barbara is not the best option. That is why it is critical that student leaders and universities also work to provide alternatives and support systems for folks who feel targeted by a free speech event or demonstration. An effective template for doing so is from UC Irvine, in relation to an event hosted by the campus Conservative Student Union, entitled, "Campus Rape Hysteria: False Stats and the Assault on Due Process."[27] The event could likely have been retraumatizing for student survivors of sexual violence, so a group of student survivors formed the Feminist Illuminati organization as a support system in response. As Sarita Rosenstock, the co-organizer of the Feminist Illuminati, shared with me, the organization hosted counter-programming events and a healing space elsewhere on campus during the "Campus Rape Hysteria" event. The organization has repeatedly taken these same steps whenever there is a potentially retraumatizing free speech event on campus, including when Milo Yiannopolous visited. According to Rosenstock, "the most effective we've been is when we've been trying to get our own message across. It shouldn't be what can we do to defeat them, it should be what can we do to promote our values."

However, it is also important that the onus for empowering a healthy campus climate for free speech not be placed all on students, and the University has a responsibility to take ownership of community support. From sponsoring counter-programming events to expanding access to mental health resources during controversial free speech flashpoints, there are many

22 Caiola, Sammy, Hudson Sangree, and Christopher Cadelago. "UC Davis Embroiled in Another Free-Speech Controversy." *Sacramento Bee*, January 16, 2017, sec. Local.

23 Wigler, Matthew. "Why Do a Democrat and a Republican Hit the Road Together?" Web blog. *Swing District*(blog). Medium, July 5, 2018.

24 Lambert, Diana. "UC Davis Student Leaders Say American Flag Display Should Be Optional at Meetings." *Sacramento Bee*, April 17, 2017, sec. Education.

25 Jones, Ethan. "Speech Amid Controversy: Ben Shapiro Comes to UCSB." *The Bottom Line*. February 26, 2017, sec. News.

26 Lee, Madeleine. "A.S. Senate Approves Funding for Ben Shapiro Talk Amid Protests." *The Bottom Line*. November 3, 2016, sec. News.

27 Carlson, Helena Chen. "Conservative Student Union Hosts 'Campus Rape Hysteria' Event." *The New University*. February 28, 2017, sec. News.

investments that campuses ought to make if they are also going to invest in promoting a climate conducive to robust free speech. However, one important step being taken at UC Davis is a new intensive training being provided to graduate teaching assistants by the Center for Educational Effectiveness. These new workshops teach deescalating strategies for situations in which inflammatory speech is used in a classroom discussion space. For Jonathan Minnick, the President of the Graduate Students Association at UC Davis, "That discussion was important to confront that issue head-on. An important part of being a TA is to be able to facilitate a productive conversation." Similar training for faculty and staff also has the potential to help ensure that controversial free speech conflicts do not get out of hand.

Finally, it is important that when confronted with controversial free speech flashpoints, institutions take measures to secure, and communicate with, the campus that do not aggravate the situation further. In securing campuses for free speech purposes, particularly speech that is antagonizing to communities of color, the way police are deployed to protect the speech must be done in a conscientious way. According to Teresa Wachira, a black student leader and former External Vice President for the Associated Students of UC Merced, when a potential Ben Shapiro event was being planned for the campus in spring 2018, she was less concerned with the fact that Shapiro was speaking, than that the school "would have had to outsource policing. I didn't want those folks on our campus. I was afraid one of our students was going to be hurt or killed." That's why for University of California Student Regent, Devon Graves, it is important that in planning to secure campuses for free speech, it is critical to expand "security" efforts beyond just the deployment of militarized police — "I think that it's not just about having police all around campus. We're big on having counseling support and staff accessible for students on campus."

Similarly in communicating about free speech controversies as a campus, it is important that a fair tenor is used, which does not come across as either maligning a group for bringing controversy to campus or come across as defending too strongly the controversial message being shared by that display of speech. At UC Riverside, there have been various high-profile, potentially-controversial

speakers who have spoken on campus in recent years, including Travis Allen, Hillary Clinton, and even Alina Fernandez, the daughter of Fidel Castro. Yet, according to Hayden Jackson, the Chief of Staff for the Associated Students at UC Riverside, campus communications about these events have been clear and impartial, and he feels it has created a climate that "is a rather conducive environment to opinions that folks on campus might disagree with."

Any of the strategies and practices mentioned in this section will not necessarily guarantee a positive campus climate for robust free speech and an inclusive community. However, when campuses and student leaders work together and acknowledge what rationale animates the decision-making of different student communities during controversial free speech flashpoints, there is potential to mitigate harm and maintain a healthier campus climate for free speech principles.

Conclusion

Ultimately, there is a responsibility for the "purposeful university" to promote free speech principles and to secure an inclusive campus community, but there is also a responsibility among student leaders to be responsible with that right, even when being controversial. After securing free speech guarantees on campus at UC Berkeley in 1964, the leader of the Free Speech Movement, Mario Savio, urged his fellow students that "by our words and actions we endeavor to honor the ideals of those who came before us, and deepen and strengthen the community in which we are privileged to speak."[28] In the months since the planned Milo Yiannopolous event and the chaotic fallout from it, I have given deep thought to these words from Mario Savio. I am firm believer in the absolute right of free speech, but that night was devoid of any sense of shared humanity. There are excuses that can be made for how that night played out, including the national political climate, missteps and miscommunication by the University, and the failure by students to stand up to outside provocateurs and agitators from their own ideological communities. Yet, in the end, that night had an undeniably chilling effect on the campus for free speech principles and for the broader health of the campus climate. It caused pain and division between students. It incited outrage at the University. It even led many to

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28 Cohen, Robert. "What Might Mario Savio Have Said About the Milo Protest at Berkeley?" *The Nation*, February 7, 2017.

question the future of higher education altogether.

But with this project, I do not want the focus to dwell on what went wrong that February night in Berkeley, but I want the lessons from that experience, and from the experiences of dozens of student leaders across the UC system to inform future student leaders and university policymakers. And though there may be no current crisis of campus free speech, there is still much to be done to further the cause of promoting free speech principles in higher education spaces. Hopefully, we can return to a place in academia and society, where our commitment to free speech principles are not put against our commitment to building a strong community for all. Rather, through rooting free speech conversations in the humanity of those involved, we can once again endeavor to have our words and actions (including even the controversial ones) "deepen and strengthen the community in which we are privileged to speak."