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Free Speech on Campus: A Challenge of Our Times

Welcome to what you will come to know as The University and to the beginning of what I hope and trust will be one of the great adventures of your life. Whenever I think of students arriving here for the first time, I can't help but recall an incident involving Justice Oliver Wendell Holmes.

At the time of this incident, Holmes was a very old man, nearing 90 years of age, in the autumn of his very long and very distinguished career as a Justice on the Supreme Court of the United States. On this particular occasion, Holmes was on a train headed north from Washington. He was deeply engrossed in reading a legal brief when the conductor knocked on the door to his compartment. Recognizing Holmes, the conductor respectfully asked for his ticket. Holmes looked in his coat pocket -- no ticket. He looked in his vest pocket -- no ticket. He reached into his trouser pocket -- no ticket. Growing ever more frantic, Holmes began rummaging desperately through his briefcase -- still no ticket.

At this point, the conductor, trying to calm Holmes, said "Never mind, Mr. Justice. It's really not a problem. When you find the ticket, just mail it in to the company." To which Holmes exploded: "You dolt! I don't give a damn about your ticket, I just want to know where the hell I'm supposed to be going!"

In your first days on this campus, you will likely feel a bit like Justice Holmes -- you will want to know where the hell you're supposed to be going. My task this evening is to offer at least some sense of direction.

I should like to begin by telling you a bit about my world. It is the world of the law. More specifically, it is the world of constitutional law. Law is about stories. It is about real people involved in real disputes with real consequences. So, I shall tell you a story.

This story begins during World War I. As you may or may not know, World War I was not a particularly popular war with the American people, whose sympathies were divided. Many Americans vigorously opposed the Wilson administration's decision to intervene in the conflict that was then raging in Europe, arguing that our intervention was both unwise and immoral.

Not surprisingly, such opposition did not sit well with the government. In 1917 Attorney General Thomas Gregory, attacking the loyalty of war opponents, declared: "May God have mercy on them, for they can expect none from . . . an avenging government."

Gregory wasn't kidding about the "avenging" government. In 1918, Congress enacted the Sedition Act, which made it a crime for any person to utter "any disloyal, . . . scurrilous, or abusive language intended to cause contempt . . . for the . . . government of the United States, the Constitution,

or the flag." True to the Attorney General's threat, federal authorities launched more than 2,000 prosecutions against individuals who wrote or spoke against the war or the draft.

One such prosecution involved five young, Russian-Jewish emigrants who were roughly your age at the time. In the summer of 1918, the United States sent a contingent of marines to Vladivostok in Russia. Concerned that this was the first step of an American effort to crush the Russian Revolution, these five self-proclaimed socialists threw several thousand copies of each of two leaflets -- one in English, the other in Yiddish -- from several rooftops on the lower east side of New York City.

The leaflets, which were boldly signed "The Rebels," were addressed to other Russian emigrants. After stating that the Rebels hated "German militarism," they warned those who worked in ammunition factories that they were "producing bullets, bayonets and cannon to murder not only the Germans, but also your dearest, your best, who are in Russia and are fighting for their freedom."

The "Rebels" were immediately arrested by the military police. After a controversial trial, they were convicted of violating the Sedition Act of 1918. The trial judge, disgusted by their behavior and their beliefs, sentenced the Rebels to terms ranging up to twenty years in prison.

The Rebels appealed their convictions to the Supreme Court of the United States, claiming that their convictions violated the First Amendment, which guarantees that "Congress shall make no law . . . abridging the freedom of speech." In *Abrams v. United States*, the Supreme Court, in a seven-to-two decision, rejected this claim and upheld the convictions. For the majority of the Court, this was an easy case. Because the natural tendency of the defendants' speech was to generate opposition to the war, it was not within "the freedom of speech" protected by the Constitution.

Justice Oliver Wendell Holmes, the same Justice Holmes who some years later was to lose his railway ticket, dissented. Holmes's dissenting opinion in *Abrams* is worth reading, for it remains one of the most eloquent statements ever written by a Justice of the Supreme Court about the freedom of expression.

Holmes wrote: "Persecution for the expression of opinion seems to me perfectly logical. If you have no doubt of your premises . . . and want a certain result with all your heart you naturally [want to] sweep away all opposition. . . . But when men have realized that time has upset many fighting faiths, they may come to believe . . . that the ultimate good desired is better reached by free trade in ideas -- that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out."

Holmes therefore concluded that "we should be eternally vigilant against attempts to check the expression" even of "opinions that we loathe and believe to be fraught with death, unless they so imminently threaten" compelling government interests that an immediate check is necessary to save the nation.

I first read this passage, written almost a century ago, when I was a law student at this University, almost half-a-century ago. It has engaged my energy and curiosity ever since. Indeed, I think it's fair to say that it was my puzzling over this passage under the probing tutelage of my law school professor Harry Kalven that, for better or worse, put me on the path to my career and, indeed, to where I stand before you this evening.

But now I must change direction, for this is not to be a discourse on the First Amendment. It is, rather, to be a talk about the aims of education. Happily, these are not unrelated subjects. To the contrary, the longer I have puzzled over the meaning of free expression, and the longer I have thought about education, the more the two seem to me to converge. Indeed, neither really is worth all that much without the other. And, with that in mind, I would like to turn to what I see as the intersection

of free expression and education, and to the subject of academic freedom, for it is at this intersection that we will find the most fundamental values of the world you are about to enter.

I hope to accomplish three things in this part of my talk. First, I will trace briefly for you the history of academic freedom, for it is only by understanding where we have been that we can appreciate -- in both senses of the word -- where we are today. Second, I will talk a bit about *this* University and about the special role it has played in the struggle to establish and to preserve academic freedom. And third, I will offer some thoughts about what all this means for you and about the responsibilities that we today bear in common.

It is important to understand that, like the freedom of speech, academic freedom is not a law of nature. It does not exist of its own force. It is always vulnerable, and should never be taken for granted. Indeed, until well into the 19th century, real freedom of thought was neither practiced nor professed in American universities.

To the contrary, any real freedom of inquiry or expression in American colleges in this era was smothered by the dominance of religion and by the prevailing theory of “doctrinal moralism,” which assumed that the worth of an idea must be judged by what the institution’s leaders declared its moral value to be. Thus, through the first half of the nineteenth century American colleges squelched any notion of free and open discussion or intellectual curiosity. Any student or faculty member who dared argue, for example, that women were equal to men, that blacks were equal to whites, or that homosexuality was not immoral would surely be expelled or fired without hesitation.

Similarly, through the first half of the nineteenth century, as the nation moved towards Civil War, any professor or student in the North who openly defended slavery, or any professor or student in the South who openly challenged slavery, could readily be dismissed, disciplined, or expelled. When a professor at the University of North Carolina expressed sympathy for the 1856 Republican presidential candidate, the students burned him in effigy and he was dismissed by the trustees. When a professor at Franklin College in Pennsylvania admitted he was not an abolitionist, he was promptly fired.

Several decades later, a furious battle arose over Charles Darwin’s theory of evolution, with traditionalists charging not only that Darwin was wrong, but also that his beliefs were dangerous, immoral, and ungodly. As a consequence of the furious battle in the academy over evolution, new academic goals came to be embraced.

For the first time, to criticize, as well as to preserve, traditional moral values and understandings became an accepted function of higher education, and by 1892 William Rainey Harper, the first president of the University of Chicago, could boldly assert: “When for any reason the administration of a university attempts to dislodge a professor or punish a student because of his political or religious sentiments “at that moment the institution has ceased to be a university.”

But despite such noble sentiments, the battle for academic freedom has been a continuing and fiercely contentious one. In the closing years of the 19th century, for example, businessmen who had accumulated vast industrial wealth began to support universities on an unprecedented scale. But that support was not without strings, and during this era professors who offended wealthy donors by criticizing their business practices were dismissed from such leading universities as Cornell and Stanford.

Then, during the World War I, patriotic zealots persecuted and, as we have seen, even prosecuted those who questioned the wisdom or morality of the war. In the face of such outrage, universities collapsed almost completely in their defense of academic freedom. Students and professors were

systematically expelled and fired at colleges and universities across the nation merely for encouraging a spirit of indifference toward the war.

Similar issues arose again, with a vengeance, during the Cold War in the age of Joseph McCarthy. In the late 1940s and 1950s, most universities excluded those even suspected of Communist sympathies from university life. Yale President Charles Seymour, for example, went so far as to boast that “there will be no witch hunts at Yale, because there will be no witches. We will neither admit nor hire anyone with Communist sympathies.”

As this history demonstrates, the freedom to question, the freedom to challenge, the freedom to inquire is not to be taken for granted. Academic freedom is, in fact, a hard-bought acquisition in an endless struggle to preserve the right of each individual, student and faculty alike, to seek wisdom, knowledge, and truth, free of the censor’s sword.

But what does all of this have to do with you and with the University of Chicago? Well, from its very founding, the University of Chicago has been at the forefront of the struggle to define and to preserve academic freedom.

At the turn of the twentieth century, when universities across the land faced bitter conflicts between their trustees and their professors, President William Rainey Harper emphasized that: “Whatever may or may not have happened in other universities, in the University of Chicago neither the Trustees, nor the President, nor anyone in official position [may call] an instructor to account for any public utterances. “A donor,” Harper added, “has the privilege of ceasing to make his gift . . . but . . . he has no right to interfere with . . . the instruction of the university.”

Then, in the 1930s, a student organization invited Communist leader William Z. Foster to campus to discuss his perspectives on American society. This invitation triggered furious demands that the University should withdraw the invitation and punish the students for their audacity. In the face of those demands, University of Chicago President Robert Maynard Hutchins fearlessly backed our students, insisting that, at this institution, “students . . . have the freedom to discuss any problem that presents itself.” Echoing Justice Holmes in *Abrams*, Hutchins declared that the only proper response even to ideas that we hate “lies through open discussion” and debate, rather “than through inhibition.”

Fifteen years later, our University confronted another direct threat to its academic integrity. It was the age of Joseph McCarthy, and in the spring of 1949 the infamous “Broyles Bills” were introduced in the Illinois legislature. These bills prohibited any person who was “directly or indirectly affiliated with any communist . . . organization” to hold any governmental position in the State of Illinois.

A group of 106 intrepid University of Chicago students traveled to the state capital to oppose this legislation. The Illinois legislators were furious. One proclaimed that he would not send his “pet dog to the University of Chicago” and another asserted that “the students looked so dirty and greasy on the outside that they couldn't possibly be clean American on the inside.”

In the wake of these protests, Senator Broyles launched a formal investigation of the University of Chicago to determine whether the University harbored professors who were indoctrinating students with subversive and “un-American” beliefs. President Robert Maynard Hutchins was the first witness to testify before the Broyles Committee. Listen to what Hutchins had to say:

“[Our] students . . . were entirely right to disapprove of [the] pending legislation. . . . It is now fashionable to call anybody with whom we disagree a Communist. . . . One who thinks that there are too many slums and too much lynching in America can be called a [Communist], for the Russians say the same. . .

"[As] is well known," Hutchins added, "there is a Communist Club among the students of the University. [Its] members . . . are interested in studying Communism, and some of them, perhaps all of them, may be sympathetic towards Communism. . . ."

"[The] policy of the University [of Chicago] is to permit students to band together for any lawful purpose in terms of their common interests. . . . The University [asserts] that the policy of education is better than the policy of repression. . . ."

At the conclusion of the hearings, a petition bearing the names of 3,000 courageous University of Chicago students was submitted to the investigative committee. The petition read:

"As students of the University of Chicago, we believe that the position of our University, which encourages and maintains the free examination of all ideas, is the strongest possible safeguard against indoctrination. . . . Because we believe that the policy of academic freedom for both students and teachers is the best preparation for effective citizenship in the American tradition, we are confident that the people in the State and nation will join with us to encourage the freedom of the University of Chicago and to support it against attack."

I say these students were "courageous" because, in the perilous days in which they lived, they were taking a serious risk in putting their names on so "subversive" a statement. In the era of the blacklist, they were placing their careers and their futures on the line. They made our University proud, and they make us proud to this day.

What Hutchins and our students stood up for was the central principle of free expression and free inquiry, a principle that invites bold challenge, controversy, and argument, a principle that, as Dean John Boyer has written, was "one of the foundational ideals on which this University was established." It is, indeed, at the very core of who we are.

Two decades after the Broyles incident, in the 1960s, the University of Chicago, like other universities, found itself buffeted by the storms of the Vietnam War. The University appointed a Committee, chaired appropriately by Harry Kalven, the professor who taught me about the freedom of expression, to advise the University about its appropriate role in this conflict.

The Kalven Report boldly declared: "A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions. . . . To perform [this] mission, a university must sustain an extraordinary environment of freedom of inquiry, [and must] embrace, be hospitable to, and encourage the widest diversity of views."

How, though, do we sustain such an environment of free inquiry? First, like the students of 1949, we must defend academic freedom when it comes under attack. Like every liberty that is precious to us, the preservation of academic freedom demands vigilance, determination and, sometimes, courage.

Second, we must struggle to define the meaning of academic freedom in our time. As we saw in *Abrams*, the Constitution's guarantee of freedom of speech is not self-defining. Neither is academic freedom. Each generation must give life to this concept in the face of the distinctive conflicts that arise over time.

Today, the principal challenge to academic freedom comes not from outside the academy, but from within it -- from students themselves, some of whom demand censorship of ideas that they find distasteful, and from faculty members and college and university administrators who, afraid to offend their own students, too often surrender academic freedom to charges of offense.

To give just a few examples, several colleges and universities, including Brown, Johns Hopkins, and Williams, have recently withdrawn speaker invitations because of student objections to the views of the invited speakers.

Northwestern University recently subjected a professor to a sustained sexual harassment investigation for publishing an essay in the Chronicle of Higher Education that criticized Northwestern's sexual harassment investigations.

Colorado College suspended a student for making a joke that mocked feminism, William & Mary disciplined students for criticizing its affirmative action program, and the University of Kansas disciplined a professor for condemning the National Rifle Association.

At Wesleyan University, after the school newspaper published a student op-ed criticizing the Black Lives Matter movement, other students demanded that the University defund the school paper, at Amherst, students demanded that the administration remove posters stating that "All Lives Matter," at Emory University, students demanded that the university punish other students who had chalked "Trump in 2016" on the university's sidewalks because, in their words, a university is "supposed to be a safe place and this made us feel unsafe, at DePaul University students shouted down a speaker whose views they opposed, causing the event to be cancelled, and a tenured professor at LSU was fired after students complained that she used profanity in class.

To put all this in perspective, a recent survey revealed that 72% of college students today support disciplinary action against any student or faculty member who expresses views that they deem to be "racist, sexist, homophobic or otherwise offensive."

So, where did all this come from? It was not too long ago when students were demanding the right to free speech. Now, at least some students demand the right to be free from speech that they find to be offensive, upsetting, or emotionally disturbing. What explains this profound shift in attitude?

One often-expressed theory is that at least some members of this generation of students have been raised by so-called helicopter parents who protected and celebrated them in every way, shielding them at every turn from the risks of failure, frustration, and defeat. On this theory, these students, unlike their predecessors, have never learned to deal effectively with challenge, uncertainty, insult, or fear. They therefore demand the right to be protected from speech that they find to be offensive, hurtful, or demeaning.

Another possible explanation of the current situation is that this generation of students is more attuned than their predecessors to the injustices of society, to the harmful impact of hateful expression, and to the inequalities that poison our nation. On this view of the matter, students today are not timid, but bold. They seek not shelter, but justice.

Still another possible explanation is that some students, particularly those who come from disadvantaged, marginalized, and discriminated against backgrounds, have *always* felt unwelcome on college campuses, but in the past they simply remained silent. On this view of the matter, this generation of college students, particularly those who themselves feel unwelcome and alienated, deserves credit, because instead of remaining silent in the face of oppression, they have the courage to demand equality and respect.

My own view, for what it's worth, is that there is an element of truth in all of these perspectives. The question is what to do about all this.

Faced with the ongoing challenge to academic freedom at American universities, in 2014 University of Chicago President Robert Zimmer charged a faculty committee with the task of drafting

a formal statement for the University on Freedom of Expression. The goal of that committee, which I chaired, was to stake out *our* University's position on these issues. The committee consisted of seven distinguished faculty members from across the University. After broad consultation, we produced a brief, three-page Report.

At the risk of being self-indulgent, I want to read you some excerpts from that Report:

Because the University [of Chicago] is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn.

In a word, the University's fundamental commitment is to the principle that robust debate and deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed.

It is for the individual members of the community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose.

Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission.

As a corollary to the University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression.

Although members of the University are free to criticize and contest the views expressed on campus, and although they are free to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe.

To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

As University of Chicago President William Rainey Harper observed 125 years ago, without a vibrant commitment to free and open inquiry, a university ceases to be a university.

Interestingly, when we wrote this Report, we were thinking only about the University of Chicago. To our surprise, the Report has had a national and even international impact. Not only has it been lauded by editorials in such journals as the *New York Times*, the *Washington Post*, and the *Wall Street Journal*, but it has now been adopted by a range of other colleges and universities, including such diverse institutions as Princeton, Columbia, the University of Minnesota, the University of Missouri, Purdue, Johns Hopkins, American University, and the University of Wisconsin.

Now that I've finished congratulating myself, let me elaborate a bit. Why should a university take the position that faculty and students should be free to advance any and all ideas, however offensive, obnoxious, and wrong-headed they might be?

First, one thing we have learned from bitter experience is that even the ideas we hold to be most certain might in fact turn out to be wrong. As confident as we might be in our own wisdom, experience

teaches that certainty is different from truth. If those who believed with absolute certainty that the earth was the center of the universe were wrong, if those who believed with absolute certainty in creationism were wrong, if those who believed that slavery was natural, right, and proper were wrong, if those who believed that a woman's place is in the home were wrong, then why should we have the arrogance to think that *we* are unquestionably right about our own beliefs today? The only wise approach, as Justice Holmes made clear, is to acknowledge the risk that *our* certainties might be wrong as well, and that they too must always be open to challenge and question.

Second, experience teaches that the suppression of speech breeds the suppression of speech. If today I am permitted to silence those whose views I find distasteful, I have then opened the door to allow others down the road to silence me. The neutral principle of no suppression of ideas protects us all. This is especially important in the current situation, for in the long run it is likely to be minorities, whether religious minorities, racial minorities, or political minorities, who are most likely to be silenced once censorship is deemed acceptable. Censorship is never a one-way street, and this is a door we do not want to open.

Third, a central precept of free expression is the concern with chilling effect. That problem is especially acute today because of the effects of social media. It used to be the case that students and faculty members were willing to take controversial positions, in part because the risks were relatively modest. One could say something provocative or outrageous, and the statement soon disappeared from view. But in a world of social media, where every comment you make can be circulated to the world and can be called up later by prospective employers or graduate schools or neighbors with the mere click of a button, the potential cost of speaking courageously – of taking controversial positions, of taking risks – is greater than ever before in history. Indeed, according to a recent survey, 65% of all college students now say that it is “unsafe” for them to express unpopular views, and this clearly has had an effect on faculty as well. In this setting, it is especially important for universities to stand up for free expression.

So, how should this work in practice? Should students be allowed to express whatever views they want – however offensive they might be to others? Yes. Absolutely.

Should those who disagree and are offended by the views and speech of others be allowed to condemn those views and speakers in the most vehement terms? Yes. Absolutely.

Should students, faculty, and community members who oppose a speaker be permitted to disrupt an event in order to prevent that individual from speaking? Absolutely not.

Should those who are offended and who disagree be allowed to demand that the university punish those who have offended them? Yes. Absolutely.

Should the university punish those whose speech annoys, offends, and insults others? Absolutely not.

Should students, faculty members and community members who oppose a speaker disrupt an event in order to prevent that individual from speaking? Absolutely not. Although non-disruptive protests are both permitted and encouraged, disruption of the rights of others to speak and to listen is wholly incompatible with the central principle of academic freedom.

Does this mean that the University may never restrict speech? No, as our committee noted in the University Statement on Free Expression, the University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the core functioning of the University. But these are narrow exceptions to the general

principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas.

What, though, *should* a university do? First, a university should educate its students and faculty about the importance of civility and mutual respect. As a member of the Class of '67 recently wrote to me, a university "has an obligation to create a community of people as well as 'a community of ideas,' a place where everyone feels certain that they are unambiguously welcomed." This is, indeed, a core institutional value, and it is one to which the University of Chicago is deeply committed. But it is a value that should be reinforced and reaffirmed by education and by example, not by censorship.

Second, a university should encourage free, open, and robust disagreement, argument, and debate. It should instill in its students and faculty the importance of winning the day by facts, by ideas, and by persuasion, rather than by force, disruption, or censorship. Indeed, for a university to fulfill its most fundamental mission, for a university to be a university, it must be a safe space for even the most loathsome, offensive, and disloyal arguments. As a former member of the Law School faculty, who just happens now to be President of the United States, observed in a recent commencement address: No matter "how much you might disagree" with a speaker, don't try "to shut them down. . . . Let them talk, but "have the confidence to challenge them." "If the other side has a point, learn from them. If they're wrong, rebut them. . . . Beat them on the battlefield of ideas. And you might as well start practicing now, because one thing I can guarantee you -- you will have to deal with ignorance, hatred, racism" and stupidity "at every stage of your life."

Third, a university must recognize that, our society being flawed as it is, the costs of free speech will often fall most heavily on those groups and individuals who feel the most marginalized, unwelcome, and disrespected. All of us feel that way sometimes, but in our often unjust society the individuals who most often bear the brunt of free speech – or at least of certain types of free speech – tend to be racial and ethnic minorities; religious minorities; women; gays, lesbians and transsexuals; immigrants; ideological dissidents; and the like. Universities must be sensitive to this reality. Even if they cannot "solve" this problem by censorship, they can and should take other steps to address the special challenges faced by groups and individuals who are most often made to feel unwelcome and undervalued by others.

Universities must take this challenge seriously. They should encourage civility and mutual respect. They should support students who feel vulnerable, marginalized, silenced, and demeaned. They should help those students learn how to speak up, how to respond effectively, how to challenge those whose attitudes, whose words, and whose beliefs offend, appall, and outrage them. This is a core responsibility of universities, for the world is not a safe space, and it is our job to enable our graduates to win the battles they will need to fight in the years and decades to come. This is not a challenge that universities can or should ignore.

As you no doubt are aware, the letter you received last month from Dean of Students Jay Ellison generated a good deal of attention about trigger warnings and safe spaces, so let me say a word about those issues. A trigger warning is an oral or written statement by a professor alerting students that material in a course might be upsetting to some students because of their backgrounds or their personal experiences. Examples might be material that includes graphic depictions of rape, of lynchings, or of the Holocaust. The idea is that students who might be especially distraught by such material can then prepare themselves to deal with it effectively or, if necessary, avoid it altogether.

Like almost all colleges and universities, the University of Chicago neither requires nor forbids faculty members to issue such warnings. Such judgments are within the core of academic freedom,

and professors who feel that certain material in a course might pose a serious problem for particular students are absolutely free to alert those students in advance. Thus, despite all the fuss in the media, the University in fact has no policy prohibiting or even discouraging such warnings.

On the safe space question, the problem is one of definition, because the precise meaning of this phrase is ambiguous. What is clear, as I noted earlier, is that the University of Chicago does not itself aspire to be a safe space that shields members of our community from challenging, difficult, and sometimes unnerving issues and arguments. At the same time, though, the University fully and unequivocally supports and indeed encourages students to participate in groups and organizations that are designed to enable students with similar backgrounds, interests, and experiences to work together to discuss their shared experiences and frustrations, to test and develop their ideas, to sponsor events, and to present proposals for reform to University officials.

Indeed, the University has a broad array of such student organizations including the Asian Student Union, the Campus Crusade for Christ, the Jewish Students Association, the Latino Students Association, the Muslim Students Association, the National Organization for Women, the Native American Students Association, the Organization of Black Students, the Pro-Life Association, Queers and Associates, the South Asian Students Association, and Students for Justice in Palestine, to name just a few. These organizations are a central part of who we are, and they represent a critical part of our culture that the University enthusiastically endorses, supports, and cherishes. They are meant to be empowering, intellectually robust and, when necessary, safe.

Let me now, though, return to my central theme. Half a century ago, President Robert Maynard Hutchins asked what is it "that makes the University of Chicago a great educational institution?" The answer he gave then remains true today: "It is," he said, "the intense, strenuous and constant intellectual activity of the place. . . . Presented with many points of view, [students are] compelled to think for [themselves]. We like to think that the air is electric, and that from it the students derive an intellectual stimulation that lasts the rest of [their] lives. This," Hutchins concluded, "is education."

This is the tradition that you inherit. Your responsibility as a student at this University is to test what you are taught at every turn, to challenge your teachers, your classmates and yourselves, to choose your own values and your own beliefs. To meet this responsibility, you will have to be independent, you will have to be daring, you will have to take risks.

It is not easy to tell your professor, who has devoted years, perhaps decades, to mastering her subject, that you disagree with her latest observation or theory. But we urge you to see the discourse of this University as an incitement to risk and to boldness. If you find yourself hesitating, if you feel timid, if you wonder if it's worth it, think of the Rebels in *Abrams*. At an age not much older than you, they dared to take on the government of the United States. You certainly can take on a mere professor.

The faculty of this University ask nothing of you that they do not also ask of themselves. Even the most distinguished teacher and scholar routinely suffers frustration and failure. It is only by taking risks, by daring to ask questions no one else has ever asked, that real contributions are achieved. Thus, if your professors ask you to take risks, know that they take risks as well. As a faculty report declared twenty years ago, "at the University of Chicago, the only appropriate response to even the most withering question is not resentment, but gratitude."

Fulfilling the responsibility of academic freedom means more than challenging your classmates and your teachers; it also means challenging yourself. It means being willing to reconsider what you yourself have come to accept as true.

In 1921, after two years in prison, Mollie Steimer, one of the *Abrams* Rebels, was deported to the Soviet Union. It was not what she expected. Disappointed in the political and economic system she found there, Steimer again agitated against the government. Again, she was arrested, prosecuted and convicted of sedition. In 1923, she was deported from the Soviet Union. I don't know for sure, but I rather suspect that this was an unparalleled achievement -- to be convicted of sedition and deported within five years from both the United States and the Soviet Union. Whatever else one might think of her, Mollie Steimer was not afraid to reconsider her positions.

In 1919, a majority of the Supreme Court in *Abrams* rejected the bold approach of Justice Holmes and opted for a "safe" view of the First Amendment. Fifty years later, the Supreme Court unanimously overruled the majority opinion in *Abrams* and, embracing Justice's Holmes's dissenting opinion, held that the government may not punish even speech that we "loathe and believe to be fraught with death" unless that speech is both intended and likely to incite imminent lawless action. To reach this result, the Court had to challenge the first principles of its predecessors and to overturn half a century of precedent.

A great University, like a successful Court, must dedicate itself to the rigorous, open-minded, unyielding search for truth. You will learn here to ask the hard questions. But it is not enough to examine the premises, beliefs and assumptions of an earlier time and find them wanting. It is too easy to dismiss those who thought that the earth was the center of the universe, that its resources were boundless, that only men should vote, that marriage is only for people of the opposite sex, or that separate could ever be equal.

You must remember that you, too, hold beliefs that your children or your children's children will rightly regard as naive, foolish, perhaps even obscene. You must be prepared to challenge your beliefs, to reform your world, just as the Rebels in *Abrams* struggled to reform theirs. You, too, must challenge the nature of things.

So, to return to the question with which I began, "where the hell are you supposed to be going?" As you've no doubt surmised, your adventure has no predetermined path, no assigned destination. Let the journey engage you, for as the humorist Will Rogers observed almost a century ago, "even if you are on the right track, you'll get run over if you just sit there."

University of Chicago President Edward Levi once noted that our faculty warmly welcome our students "because students are where the future lies." It is in this spirit that we welcome you. We hope you will find in these halls the air that President Hutchins said is "electric" and that you will take away from this place a stimulation that will last the rest of your days.

As Justice Holmes mused in *Abrams*, "all life is an experiment." May your life's experiment be filled with curiosity, boldness and courage. Thank you.