

# Free Speech Week Essay Contest: Christie Nguyen

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Does promoting an environment of inclusivity and diversity mean sacrificing freedom of speech? I do not believe so. Free speech to me represents the ability to speak one's mind and present ideas that are not harmful to anyone without the fear of experiencing repercussions from those opinions. With increased diversity within society comes a greater exchange of ideas and a multitude of various perspectives where such an environment may enable greater acceptance of new or different perspectives. There may be some correlation between inclusion and free speech; however, a fine line exists between allowing free speech that facilitates positive discussions about our differences to permitting speech that promotes a negative environment that perpetuates ideologies of hate or exclusivity/discrimination. While I believe that free speech is a mandatory right that should be respected for all people, it is also something that should not be abused.

To elaborate, I would like to reference a study conducted among college students that evaluates their opinions regarding free expression and inclusion. Arnston, Crandall, and Espinosa report that approximately 70% of students favor an open environment that allows for all types of free speech, while 29% are in favor of a positive environment that puts limitations on offensive speech.<sup>1</sup> Additionally, the students were then questioned whether diversity and inclusion or free speech was more important to them and 53% prioritized the former.<sup>1</sup> This statistic highlights how students value both inclusivity and free speech; however, the study conducted seems to also place both values at odds with each other, as if they were exclusive and cannot coexist.<sup>1</sup> I believe that an important distinction can be made between offensive speech versus hateful or discriminatory speech which incites violence or illegal activities. Freedom of speech was initially incorporated into our Bill of Rights because it was recognized as a universal human right to not be persecuted for simply expressing one's ideas. However, I believe that when one's speech infringes upon the mental or physical health of another and induces abuse or violence, it should no longer become classified as free speech but rather as hate speech.

Historically, the Supreme Court has often ruled in favor of protecting hate speech as a form of free speech under the First Amendment. One example, per Ove, is a Supreme Court decision where justices ruled that Klan leader Clarence Brandenburg, who was inciting violence against African Americans and Jewish people at a Klan rally in 1964, was within his right to do so, and could not be prosecuted under Ohio's state law for promoting violence under the guise of political reform.<sup>2</sup> Furthermore, the Supreme Court has even ruled in defense of renowned hate groups such as the Westboro Baptist Church in the famous Snyder v. Phelps case where the aforementioned church invaded and picketed the funeral of a marine soldier to vilely condemn homosexuality.<sup>2</sup> The Supreme Court rulings regarding these cases as well as many others present evidence that the federal judicial system overwhelmingly fights to protect hate speech as free speech even under the most severe circumstances.

In such a time of great political and social turmoil, I believe the laws and amendments that uphold our legal system should also be modernized in accordance with the changing ideological and cultural conditions of our time. As time proceeds, this country becomes increasingly diverse in terms of religion, culture, race, ethnicity, and language, which while can facilitate inclusivity, can also lead to increased diversity tensions due to ignorance of other ways of life as well as ideological clashes.<sup>3</sup> Targeted hate speech is often a product of increased cultural tensions and is something that I believe is not addressed seriously enough in our country. People who perpetrate such speech should be held legally accountable for their words as well as any violence that may come as a result. By proactively putting in place and enforcing laws that admonish hateful speech, we may better protect groups who are often victims of such language from violence and facilitate a safer environment for them to prosper without fear of discrimination or persecution. Ultimately, I believe that it is still possible to preserve the true essence of the rights of which our Founding Fathers desired to protect while also modifying them in order to truly and equally represent the vast diversity of people that this nation has become home to.