PHOENIX SOCIETY LUNCHEON TRANSCRIPT
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The University Club of Chicago

INTRODUCTION BY DENISE CHAN GANS
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WELCOME BY MARY LOUISE GORNO, MBA’76
University Trustee and Phoenix Society Chair

FREE SPEECH ON CAMPUS: THE FUTURE OF ACADEMIC FREEDOM
A Lecture and Discussion with Geoffrey R. Stone, JD’71
The Edward H. Levi Distinguished Professor at the University of Chicago
Denise Gans: Good afternoon, everyone. Welcome to our annual Phoenix Society luncheon. My name is Denise Gans, and I'm the senior director in the office of gift planning at the University of Chicago. As you can see around you, we have a remarkable turnout today, due in no small part to the star power of our speaker, Geof Stone, and the very timely and compelling topic that he will be presenting.

Before I introduce the chair of the Phoenix Society, Mary Lou Gorno, I wanted to take just a moment to introduce the office of gift planning and give you a couple of updates. In the past year, our treasured colleague, David Crabb, who had been with the University for more than 35 years, retired. I mention that because I know that many of you knew him. Another good friend and colleague of ours, Heather McClean, got her dream job at the Obama Foundation.

In their stead, we have added two new staff members. One is Jim Hodgson, who is back there; he just raised his hand. He is assuming the role that David had, administering bequests and estates. He's done that seamlessly since he started. We also have another new colleague, Jiesi Zhao. If she could just raise her hand. She's an associate director, a gift planning officer, who travels to the western region of the United States visiting with Phoenix Society members and discussing planned giving with alumni and donors.

In addition to those two new members, we have Genevieve Hughes, who is up here. She's one of our associate directors. She just celebrated her second-year anniversary with the office. We also have Caroline Beetley, who's our executive assistant. Many of you have spoken with her on the phone. She's a great support to the office and to Phoenix Society members. Standing by the door, we have Kristine Panicola, who's our marketing specialist.

I would be remiss not to mention Brenda Lee Johnson, who is our director of marketing and stewardship. She, alongside Mary Lou, is really the face and the creativity behind the Phoenix Society. We're very thankful to her for putting this event together. I mention all of these people individually to you because we want you to know that each of us is personally dedicated to you and the types of gifts that you have made.

We love our work because of the donors that you are and the careful and thoughtful plans that you have put in place on behalf of the University. Because of that, we really enjoy our work and love the opportunity to work with you whenever we can.
New to the development office as well is our new vice president, Sharon Marine. She's actually in the building. She's going to stop by when she can. She and Mary Lou Gorno had breakfast this week. I heard it was a wonderful meeting for both of them. We hope to have her at one of our Phoenix Society luncheons in the future.

Let me say a word about Mary Lou Gorno. Mary Lou Gorno has been chair of the Phoenix Society since 2009. She holds an MBA from Chicago Booth and has served as trustee since 2004. She is also currently serving as vice chair of the Board of Trustees. She is a true advocate and leader at the University. As a managing director at Ingenuity International, she leads global recruitment of CEOs and board directors for Fortune 500 companies. She has placed some of the most widely recognized names in the consumer products and retail world.

Many of you who are returning members will remember that last year we hosted the Phoenix Society luncheon amidst the Cubs World Championship Parade. I mention this because in our world, in the office of gift planning, Mary Lou really is our champion. Year after year, she has been an advocate for planned giving and for Phoenix Society members and the types of gifts that you have made. She takes a personal interest in our membership and is deeply invested in the community and the culture of the Phoenix Society. At board meetings and meetings with the president and other university leadership and at every opportunity, Mary Lou celebrates and recognizes the important contributions that all of you have made to the University. Please join me in welcoming Mary Lou.

Mary Lou Gorno: Good afternoon. Thank you so much, Denise. What generous comments. I greatly appreciate them. I am delighted to be here again with like-minded fellow members of the Phoenix Society. As you will hear today, and as you know, the University of Chicago has had a profound impact on the world. This impact is why we stay engaged with the Phoenix Society and why this yearly celebration is inspiring to me.

In my eight years as chair, I have had the opportunity to meet many of you at university events. Last year, as Denise mentioned, we held our luncheon on the same day that the Cubs celebrated winning the World Series. We could hear and see them celebrating right out this window. Today, we are celebrating with a record number of attendees here this afternoon. I’m delighted to see all of you. Thank you.

The Phoenix Society continues to grow. Last year, we welcomed 142 new members. In recent months, we have grown by an additional 36. We are
pleased to have some of our new members with us today. I would like to welcome and thank you as new members. Your names are listed on the screen behind me. Along with new members, we have many long-term committed members.

I wish to recognize University trustee and Phoenix Society member Rod Goldstein for his significant contributions. He has donated his time, his knowledge, and his financial support on behalf of the University. Rod became a Phoenix Society member in 2014. Three years ago, the University launched the most ambitious and comprehensive campaign in our history. In March, the University increased its fundraising goal by $500 million, from $4.5 billion to $5 billion. As of this week, my notes say we have raised nearly $4 billion, but hot off the press, we have surpassed $4 billion.

Most importantly, what those numbers represent is the inspiration and the generosity expressed by all of you, and we are most grateful. It is equally important that more than 112,000 alumni have taken part in activities connected to the University through giving, volunteering, and attending events.

Other notable University accomplishments that we are most proud of are the more than 3,800 lives that have been changed by support from the Odyssey Scholarship Program. This has been made possible by raising $332 million of our $350-million goal for Odyssey Scholarships.

You, as Phoenix Society members, have also played an essential role in the campaign. Nearly 19 percent of all campaign contributions are in the form of planned gifts and future commitments. This global figure represents $475 million. Impressively, similar gifts from everyone in this room total more than $64 million. When I asked the ARD team to give me that number, this is the number they gave me: $64,182,892.03. They are counting. It is with unbridled pride and unabashed enthusiasm that we thank you.

There are a few recent transformational gifts that have contributed to the campaign total that you may have read about. There's a $10 million bequest from Joyce Greenberg, AB'52. There was a recent $75 million gift from Richard and Amy Wallman. Richard received his MBA in '74 and Amy received hers in '75.

The Phoenix Society are alumni, parents, and friends, more than 1,700 strong, ranging in age from 25 to 101. Our role is to increase membership by 1,900 by the close of the campaign. I believe that we can not only
reach this goal but I look forward to exceeding it and celebrating our reach with you.

As awareness and importance of the Phoenix Society continue to grow, and as more and more committed people choose to include the University in their estate plans, we ask for your help. If you know of others who may be interested in making a gift to the University, please invite them to attend a university function or encourage them to reach out to us. There is no better way to make an impact in the world. It may be one of the most important gifts that they ever make.

I will end by saying that the University of Chicago is a distinctive place unlike any other. We thank you for the roles you continue to play in changing the lives of our students and our scholars. We will always be grateful to you. Enjoy the University of Chicago rich conversation over lunch. Make sure you fill out your trivia cards. We will satisfy your curiosity with the answers and introduce our speaker right after lunch. Thank you. (silence)

Good afternoon again. Good afternoon. I hope you've enjoyed a lively and engaging conversation over lunch, but I must tell you the highlight of this luncheon is just about to start. We are very fortunate to have Professor Geoffrey Stone to speak with us today. Geof is the Edward H. Levi Distinguished Service Professor at the University of Chicago Law School.

Geof joined the faculty in 1973 and is a leading constitutional scholar. For more than 40 years, he has inspired generations of law students with his intelligence, his integrity, and his exacting standards. Geof served as dean of the Law School from 1987 to 1994 and as provost of the University from 1994 to 2002.

The present strength and distinction of the University has its roots in Geof’s years in these critical positions. There are very few people who have done as much to shape this University. For his leadership and service, we are most grateful.

In addition to his lifelong commitment to the University, he has devoted much of his career to examining free speech and free expression. Geof has engaged in widespread discussions about the importance of these liberties and how we must protect them. Geof played a critical role as chair of the committee that crafted the University of Chicago’s statement on the freedom of expression. These words tell as much about the University as they do about Geof and his values. Today, he will share his
thoughts with us, and we welcome a very lively discussion. Please help me welcome Geof Stone.

Geoffrey Stone: Thank you, Mary Lou. I'm delighted to be here. The years I've spent at the University have given me a great appreciation of the impact that our friends and alumni have on our capacity to do what we do. The students who are able to attend the University and the faculty members who are able to do the research that often changes our world are able to do these things because of the support that we receive from you and people like you.

I can say a particular word about bequests, by the way, because when I was both dean of the Law School and provost of the University, I spent a significant amount of time doing fundraising. One part of that, of course, was securing bequests, and a real pleasure that I have these days in the Law School is seeing a faculty member carrying the name on a chair of an alum of the law school whose gift I secured in a bequest when I was dean.

I know that that person whom I knew well and cared about would be so proud of the fact that this individual, who's producing important and influential scholarship. ... In this case, the scholarship, in fact, that the Supreme Court will be addressing in the gerrymandering case this year.

I look at students who are able to do work in public service, who are able to do work in international human rights because of bequests that we were given when I was dean of the Law School. Being able to look at those students and remember the individuals who made that possible and again knowing how they would smile and be happy with what they've accomplished and what they've made possible. I want to thank all of you for your thoughtfulness and your generosity and for what you do for our University.

My topic this afternoon is academic freedom. Academic freedom is not a law of nature. It is rather a hard-bought acquisition in a lengthy and endless struggle for academic integrity. Indeed, until well into the 19th century, real freedom of thought was neither practiced, nor even professed, in American colleges. To the contrary, any real freedom of inquiry or expression in American colleges in this era was smothered by the prevailing doctrine of doctrinal moralism, which assumed that the worth of any idea must be judged by what the institution's leaders thought its moral value to be.

Thus, for the first half of the 19th century, American higher education squelched any notion of free discussion or intellectual curiosity. Any
student or faculty member who dared to argue, for example, that women were equal to men or that blacks were equal to whites would surely have been expelled without hesitation.

Similarly, through the first half of the 19th century, as the nation moved toward civil war, any professor or student in the North who defended slavery or any professor or student in the South who challenged slavery could readily be dismissed, disciplined, or expelled.

Between 1870 and 1900, though, there was a genuine revolution in American higher education. With the battle over Darwinism, 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.

By 1892, William Rainey Harper, the first president of our University, could boldly assert when, for any reason, the administration of the University attempts to dislodge a professor or to punish a student because of his political or religious sentiments, at that moment, the institution has ceased to be a university.

Despite such sentiments, the battle for academic freedom has been a contentious and continuing 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. That support was not without strings and during this era, professors who offended wealthy trustees and donors by criticizing the ethics of their business practices were routinely dismissed from such leading universities as Cornell and Stanford.

Then during World War I, when patriotic zealots persecuted and even prosecuted those who questioned the wisdom or the morality of the war or the draft, universities collapsed almost completely in their defense of academic freedom. Students and professors were systematically expelled or fired at such institutions as Columbia and the University of Virginia merely for encouraging a spirit of indifference toward the war.

Similar issues arose again with a vengeance during the age of McCarthy. In the late 1940s and 1950s, most universities excluded those even suspected of entertaining Communist sympathies from university life. Yale president, Charles Seymour, 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. I'm proud to say that 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 20th century, when universities across the land faced bitter conflicts between their trustees and their professors, President Harper emphasized that "whatever may or may not have happened in other universities, in the University of Chicago neither nor the trustees, nor the president, nor anyone in official position may call an instructor into 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 at 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. 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. 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. 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 ideas. President Robert Maynard Hutchins was the first witness before the Broyles committee.

Here's what Hutchins had to say, "As is well known, there is a Communist club among the students at our University. Its members are interested in studying communism. 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, that the conclusion of the hearings, a petition bearing the names of 3,000 courageous University of Chicago students, who 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 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 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 was one of the foundational ideals on which our University was established and 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 Professor Harry Kalven, the professor who taught me in the Law School 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 against the pressures that come up against it? First, as the students of 1949 did, 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.

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 offensive, 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 recent 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. Colorado College suspended a student for making a joke that mocked feminism. William & Mary, DePaul, and the University of Colorado all disciplined students for criticizing their affirmative action programs. 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 students who had chalked Trump in 2016 on the university sidewalks because, in their words, "A university is supposed to be a safe place, and this made us feel unsafe."

At the University of California, Berkeley; Middlebury College; DePaul; and a host of other institutions, students have shouted down speakers whose views they opposed, causing the events to be canceled. To put all this in perspective, a recent survey revealed that 72 percent of current college students support disciplinary action against any student or faculty member who expresses any views deemed by them to be racist, sexist, homophobic, or otherwise offensive.
Where did all this come from? It was not too long ago when college 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. In this theory, these students, unlike their predecessors, have never learned to deal with challenge, with uncertainty, with insult, or with fear. They, therefore, demand the right to be protected from speech that they find to be unsettling, offensive, hurtful, or demeaning.

If this is so, then the proper role of the university is not to shield those students from distressing and offensive ideas but to prepare them for the challenges of the real world. The goal of the university should not be to insulate students from discomfort and insecurity but to enable them to be strong and effective citizens of the world, a world that will not shield them from such expression.

Another possible explanation for 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 a nation. To the extent this is so, it might be in part as a response to the creation of social media.

When most of us in this room grew up, we were rarely exposed to truly hateful expression. The mainstream media never carried it and although we knew it existed, we rarely confronted it directly. The world of social media has changed that. Today, it is difficult not to encounter hateful expression. On this view of the matter, students today are not timid, but bold. They seek not shelter, but justice. They understand the ugliness of such expression, and they want to protect not only themselves but their classmates from the vitriol that now poisons their world.

Still another possibility 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 remained silent because they were afraid to speak up. On this view of the matter, this generation of students, particularly those who themselves feel unwelcome and alienated, deserve 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, though, is what to do about it. Faced with the ongoing challenge to academic freedom in American universities across the nation in 2014, our president, Robert Zimmer, charged the faculty committee with the task of drafting a formal statement for the University of Chicago on freedom of expression.

The goal of that committee, which you heard I chaired, was to stake out our University's position on these issues. The committee consisted of seven very 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. ... Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions that they find unwelcome, disagreeable, or even deeply offensive.

"Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

"The freedom to debate and to discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. 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 functioning of the University. But these are narrow exceptions to the general principle of free 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.
"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, immoral, or wrongheaded. 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 that they disagree with and 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 that 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."

Interestingly, when we wrote this report, we were thinking only about the University of Chicago itself. Indeed, the first three or four paragraphs of the report talk about the history of free speech at the university as a background for the principles we later identify. To our surprise, the report has had a national, and even international, effect. Other institutions have figured that they can simply lop off the first four or five paragraphs and then adopt the part of the report that I read to you.

Indeed, it has now been adopted by a broad range of institutions, including such diverse places as Princeton, Columbia, the University of Minnesota, the University of Missouri, Purdue, Johns Hopkins, American University, and the University of Wisconsin, to name just a few.

Now that I have finished congratulating myself, let me elaborate just a bit. Why should universities take the position that faculty and students should be free to advance any and all ideas, however offensive, obnoxious, and wrongheaded 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 that slavery was natural, right, and proper were wrong, if those who believed that a woman’s place was 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 is to acknowledge the risk that our certainties might be wrong as well and that they, too, must always be open to challenge and to question. Second, history teaches that suppression of speech breeds suppression of speech. If today I am permitted to silence those whose views I find hateful or wrongheaded, 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. This is a door we do not want to open, perhaps especially in the era of Trump.

Third, a central precept of free expression is the concern with the 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 because the risks to them of doing so were relatively modest. One could say something provocative or daring and the statement soon disappeared from view, but in a world of social media, where every comment made can be circulated to the world and can later be called up by prospective employers or graduate schools or neighbors or dates 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 percent of all college students now say that it is unsafe for them to express unpopular views even if they believe them to be true. 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. What then should a university do?

First, a university should educate its students about the importance of civility and mutual respect. These are core values for students, for professors, and for citizens. These are values that should be reinforced by education and by example, not by censorship. Second, a university should educate its students about the value and importance of free expression
and should affirmatively encourage disagreement, argument, and debate. It should instill in students the importance of winning the day by facts, ideas, and persuasion rather than by force, obstruction, or censorship.

Third, the university must recognize that in our society, being flawed as it is, the cost of free speech will often fall most heavily on those groups and individuals who feel the most marginalized, the most unwelcome, the most demeaned, and the most 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 these days to be racial 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 unvalued by others. Universities should take this challenge seriously. They should help those students learn how to speak up, how to respond courageously, how to challenge those whose attitudes, whose words, 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 that they will need to fight in the years and decades to come.

Let me now return in closing to my central theme. What is it that makes for a great educational institution? It is, I submit, the intense, strenuous, and constant intellectual activity of the place. Presented with many points of view, students must be compelled to learn to think for themselves. At a great educational institution, the air should be electric with ideas. From that environment, students should derive an intellectual stimulation that lasts them the rest of their lives. This is the true meaning of education.

Our responsibility at the University of Chicago is to prepare our students for a life that is filled with curiosity, with boldness, and with courage. This is no easy task, but it is truly at the very core of our mission and it is, in no small part, the very reason for our distinctive greatness as an institution. Thank you. I'm happy to take questions. Do you have microphones or do people just ask questions? You do have microphones. OK.

David Ostrow: Thank you for that very interesting talk. David Ostrow, classes of '69, '74 and '75. Nineteen sixty-nine is important because we’re the lost year—we were the ones who demonstrated against the Vietnam War and many of my classmates were expelled in the subsequent hearings and so forth. I
remember being outside the administration building at one time when it was surrounded by faculty and overhearing Gerhard Meyer say, "Oh my God, this is just like how the Nazi takeover of Germany [that he had fled from] began." [There] was the loss of governance at the university, which then fell to the Brownshirts and eventually the Nazis.

We're not living in a bubble. You talk very well about what the internal considerations are, but what do you yourself feel responsible to do when we have a president who says that it's not his lies. He's not lying, but it's the media that's lying that is the threat to democracy and his own spokesperson just most recently said that anyone who questions the lies, the obvious lies of General Kelly, is being unpatriotic.

Geoffrey Stone:  First, a word about the sit-ins in '69; I was at the University at that time. I was a first-year law student. I was one of the law students who actually volunteered to help represent the students in the disciplinary hearings at that time. The University was right to do what it did. Free speech does not include the right to trespass or to take over a classroom or an office. That is civil disobedience. Civil disobedience may be morally correct, but the very nature of civil disobedience is you pay a penalty and that's what makes the act powerful, the fact that you're willing to pay a penalty for doing it.

In terms of the larger issues at the national level, I think that it is our responsibility as citizens to speak up and to participate in public discourse whether we agree or disagree with a particular president and to express our views. I think today it is especially important for the media and for individuals who can be heard to speak up and to criticize what they think merits criticism in this administration. I'm pleased to say that many of my colleagues of the University have been quite visible in doing this.

Among the many things I do, I should say, is I write many op-eds and not a few of them are critical of some of the steps that have been taken by this administration. I also have other colleagues who would defend some of the things on the other side, and I think that's important that that debate and that disagreement exists. Although I'm happy to say that the vast majority of my colleagues today are on my side. Not always true, but in this time. Yes. Come on, I'll call on you if you don't have questions. Just bring the microphone.

Speaker 5: I would like to speak about the role of women in our society and how they are pushed down and their opinions are ignored. Latest statistics are that only 3.6 percent of Fortune 500 CEOs are women even though for the last 30 years or so, there are more women who graduate at universities than
men. I attended a meeting two days ago where the two men, who were in a minority ... there was a committee of 13 people. Two men bullied their way and their opinion.

Geoffrey Stone: Just say that again. I couldn't hear it.

Speaker 5: They bullied their ...

Geoffrey Stone: Bullied, okay.

Speaker 5: Bullied. From my perspective, there is a lot of bullying by men mostly and most of the women in the room were quiet and did not express their opinion. I'm not sure how to fight that. Obviously, it depends on both sides, both on the men and the women, but if you have anything to say or suggest, I would appreciate that.

Geoffrey Stone: I agree completely with your assessment about the fact that we have a long way to go before we reach gender equality in the way our society functions. The examples of what you describe are commonplace at every level. Within the Law School itself, this is something we think and talk about because the same phenomenon, not the bullying, I think, but the percentage of men students who volunteer in class versus women students is different. That is unfortunate, whether it's because men are jerks or women are timid is a complicated question.

This is a challenge that I think all of our society has to be addressing. I think it needs to be taken seriously. How one goes about that is tricky. There is a group of students, men as well as women, at the moment in the Law School, to use that as the most familiar place for me, who at the very moment we're speaking, now are putting together a group that is designed to study the state of affairs for women in the Law School in terms of both faculty members and their experiences and the students and their experiences and so on.

I'll tell you one interesting thing. When I was dean of the Law School, I was concerned about this and I did a survey of the student body and a study of how students responded in class. I didn't tell the students it was about gender. I said it was basically a study about the quality of the student experience. This was in 1993.

The most interesting things I learned were that men students volunteered in class and raised their hands in class much more often than women students. Because law school is largely taught Socratically, women students, therefore, were being highly disproportionately called upon by
the faculty when they weren't volunteering. Their failure to volunteer was actually a disadvantage to them because instead of just raising their hands when they had something to say, they were putting themselves in the more vulnerable position of being called on.

That was interesting to discover, but the second really interesting thing was that there was a direct correlation between how students assessed their rank in class. ... They don't actually know their rank in class, but how they estimated their rank in class on these surveys and their satisfaction with the Law School. People who thought they were in the top quarter of the class were much more positive about the law school experience than those who thought they were in the bottom quarter of the class. That makes sense.

However, men vastly overestimated their rank in class, and women vastly underestimated their rank in class, which was also really fascinating to see. The problems that need to be addressed are really complex and deep. I do think universities are paying attention to them. At the universitywide level we have a variety of programs that are designed to deal with issues of implicit bias and diversity and so on about not only racial issues but gender issues as well. It's hard and partly it's hard because the students come to the institution with already-shaped values and attitudes. I do think we've made real progress over the years even though it's slow. I do think we'll continue to make progress, but not nearly as quickly as I would like to see.

Speaker 6: When you speak of addressing the problems, we're talking at some level about action to change prevailing ways of discourse, of behavior. I'm curious how the University is going about that. ... Are there workshops to look at other ways to convey views or for people to look internally at why they have those views? How do you negotiate, in a loose sense of the word, actual change?

Geoffrey Stone: This is of course a great challenge. Only in the last two or three years are Universities coming to recognize the nature of this particular problem. We are at the very beginning stages of trying to figure out what's the best way to navigate this. One thing the University of Chicago is doing is attempting, particularly for new students as they arrive at the institution as part of the orientation process, to give them a better understanding of the history of the University, the values of the University, and to explain to them why academic freedom, why free expression, is important.

This past year, for example, the University created programs for all of the incoming college students that involved issues like this, but it's tricky
because it's one thing to educate students regarding values that are important to the University. It's another thing to try to brainwash them into believing a certain set of things, which is not appropriate. Finding the right balance between those two ways of what you're doing is tricky.

I think now only two universities, as far as I know, are leading the way on this. Purdue University is doing a very good job with this issue and so is the University of Chicago, but we are frankly at the very early stages of it. A year and a half ago, I was asked to give the Aims of Education Address to the entering college students on this topic precisely because it was a way of talking to the entire entering undergraduate class about the issues of free expression, about the history of the University. I told them some of the history that I shared with you today. I was delighted to see that it got a standing ovation.

Part of it is figuring out how to educate the students. One other thing I agreed to do last year, which I had done only once before in my career about 40 years ago, is I taught an undergraduate course on the First Amendment on free speech. There were only 50 or so students, but it was really a remarkable experience because these students really came from across the spectrum. Some of them were very ardent believers in free speech, although ironically from my perspective. Almost all of them were ardent conservatives, whose belief in free speech is not necessarily consistent with traditional conservative values, frankly. Others, who defined themselves as very liberal, were the ones who took a kind of, "liberalism means you can't say things that offend me" attitude.

What was interesting in working with the students over the course of the quarter was watching them argue with and learn from one another and really come to a much, I think, better understanding. I've actually agreed to give the course again this winter. I think that the college is thinking about adding more opportunities for students to take courses like this, but we're still really at the beginning stages of figuring this out, but a lot of attention is being devoted to it.

Cathryn Bearov: Many of the conversations in classrooms are actually driven by the books that the professors encourage the students to read.

Geoffrey Stone: Require the students to read.

Cathryn Bearov: Yeah, really require. I'm actually a librarian. I get very concerned. We just got finished with Banned Books Week. It's harder now for publishers to publish a wider variety of opinions, so it's also getting harder to present multiple aspects of any kind of a problem. Do you see ways that
universities. ... For instance, we've got U of C Press of course ... which can help to further the presentation of variety of ideas for both the universities and for society at large.

Geoffrey Stone: I have to say I was not aware of the fact that publishers have become more unwilling to publish books that present strong positions on different issues. That's interesting. I did not realize that. I was not aware of that. Everybody I know who wants to publish a book publishes it. It may not be with the No. 1 publisher they want, but I've not been aware of any phenomenon along those lines.

To the extent that's true, that's very troubling obviously. To the extent it's true then university presses may become more important than they have been in the past, which may not be a bad thing for university presses, but I really haven't been aware of that phenomenon. What is true, I think, is that faculty members around the country have become more reluctant to use books in their courses that they know will trigger objections from certain groups of students because they just don't want to deal with that. Who needs the aggravation?

Why make yourself, first of all, a target of that kind of criticism? Nobody needs that aggravation. Second of all, unless you really want to make a point, it's a lot easier just to choose a different book and avoid that particularly. ... That's a real problem if you think that's the right book to use, if you think that's the book that best serves your end and the students' ends in learning a subject, then not using it because you're afraid of student disapproval is a very unhealthy thing. There's no doubt that phenomenon is happening.

I don't know of any instances of it happening at the University of Chicago, but I don't doubt in fact that it has. I'm quite sure it's happened at most other universities around the country. It's easy to understand why the faculty member does that because who needs the grief? At the same time, if they really believe that's the right source to use in a course, then everybody's paying a price for them not using it. That is one of the levels in which this problem definitely exists.

Speaker 8: I have a question here. What channel does the University have ... If anyone [crosstalk 00:59:40].

Geoffrey Stone: Please speak into the microphone more closely.

Speaker 8: OK?
Geoffrey Stone: That's better now. [crosstalk 00:59:44].

Speaker 8: What channel does the University of Chicago have if anyone associated with the University feels that his or her right to express themself has been abrogated, whether a student, a faculty member, or other employee? The reason I ask, I heard a couple of years ago from a tenured faculty in a professional school who had been called on the carpet because she had written a letter to a CEO of a large Chicago corporation who was having labor problems, apparently, though signed her name as a faculty member.

That person happened to be a member of the board of trustees of the University, who called the president of the University, who called the dean. She was called in and felt she was read the riot act so to speak. I don't know all the details and maybe she didn't handle that as well as she could, but she felt she was treated very unjustly. I don't know if she had some channels that [crosstalk 01:00:48].

Geoffrey Stone: What was the objection to what she did?

Speaker 8: What's that?

Geoffrey Stone: What was the objection to what she did? She's certainly free to write a letter to the CEO of a company about a labor problem.

Speaker 8: I never saw the letter. I obviously never talked [crosstalk 01:01:03].

Geoffrey Stone: It's hard to answer the question as to whether there was any reason to be legitimately concerned about whatever she wrote without knowing what she wrote and why they were concerned about it. The answer to the question is if a student or faculty member is treated in a manner that they think violates their academic freedom, then the only legal remedy available, other than publicity and so on, would be if there was a breach of the employment contract or of the contract that is implied with respect to the institution and students.

If the University of Chicago expelled a student for criticizing Donald Trump, I would think the student could win a lawsuit against the University of Chicago because of the implied guaranty in the admissions letter that the student would have a degree of academic and free expression that would cover such a situation. The same, of course, I think would be true for a faculty member. Short of litigation, you basically have to go through a channel of getting somebody higher up in the administration to basically say, "You've been treated unfairly and we apologize and we'll make it right."
That happens on occasion. There are certainly circumstances in which a student or faculty member is called on the carpet by either a dean of students or even a dean of a unit, in which they go to a higher-up and the higher-up says, "No, you can't say that. You can't do that," to the faculty member. I don't know enough about this particular situation to know what the facts were. That's it. Thank you all very much.

Denise Gans: I want to thank Geof on behalf of Mary Lou, on behalf of the office of gift planning, and really on behalf of the Phoenix Society for such a stimulating conversation about free speech on campus. He really gave us an inside view on the history of the University and the tradition of free speech at the University.

I hope today that you have experienced a true sense of community with fellow Phoenix Society members and that Geof's presentation and the ensuing discussion affirm the importance of the University in our society and in your philanthropic plans. We thank you once again for the role that you continue to play in supporting the University. Now I want to turn it over to Brenda Lee Johnson, who on a lighter note is going to lead us through the answers to the trivia questions and help us raffle off copies of Geof's new book.

Brenda Lee Johnson: If you haven't submitted your cards, go ahead and hand them in. There are a couple of helpers going around to put them in the bowl. I'll repeat the questions again so we can get some time to put them in. The first question was What is the Phoenix Society member goal for the campaign? The second question was: In addition to serving as president of the University of Chicago, William Rainey Harper was involved in the creation of (blank) and also served as its first president. The final question was: How many years has Geoffrey Stone been a faculty member?

I'll read the answers now and then we can select the five winners. The answer to the first question is C, 1,900. I think Mary Lou may have mentioned that today. The second question ... I think it's tough. I did see some of the cards circling all three answers, but the answer is A, Bradley Polytechnic Institute, actually known now as Bradley University in Peoria. Just a little background on that. It was founded by philanthropist Lydia Moss Bradley in 1897 in memory of her husband, Tobias, and their six children, all of whom died early and suddenly, leaving Bradley a childless widow.

She met William Rainey Harper in 1896 and he assisted her in developing the plans for the creation of Bradley Polytechnic Institute. She had first
considered establishing an orphanage obviously due to her circumstances. Mrs. Bradley instead decided to found a school where young people could learn how to do practical things to prepare them for living in the modern world. The third question is C, 44. 44 years.

Denise will help me pick out the five winners. They're getting signed copies of Professor Stone's book. If you raise your hand, Kristine will bring you a book. The first winner is Joseph Marlin, Joe Marlin. Very close. Thank you. The second one is Ann Audrain. The third is Angelo Garoufalas. Is Angelo here?

Speaker 10: He just went home.