

WHAT THE F*CK IS FREE SPEECH?

Safe Spaces, Trigger Warnings, and the Secret War On the First Amendment

A book proposal by Peter Moskowitz

Summary: I'm sure you've seen the controversies by now—the clashes at U.C. Berkeley over conservatives like Milo Yiannopoulos and Ann Coulter being invited to speak, then disinvited or protested, the canceling of Yiannopoulos's book deal, the uproar over Bret Stephens, a climate change denier being hired by *The New York Times*, the subsequent calls to cancel subscriptions to the *Times*, and the backlash to those calls from those who say it would hinder free speech. Campus safe spaces, trigger warnings, flag burnings at protests, and the list goes on.

There's a critical and often misunderstood debate taking place in this country over the very concept of one of the most important pillars of our democracy. But what few know is that this debate is less a debate than a multi-decade war being waged by the rich to redefine free speech, further a conservative agenda, and silence a leftist one. *WTF Is Free Speech* will be a narrative journey through the country's battle over this foundational concept, bringing readers to the backrooms of think-tanks where the very definition of free speech is influenced in secret by billionaires like the Koch Brothers before being blasted out to the public via op-ed pages and sponsored professorships, into the 'safe spaces' on college campuses that everyone seems to be talking about but which no one is doing in-depth reporting on or really understands, and back into the history of the concept of free speech itself. Along the way we'll meet the controversial figures involved in the current free speech fight, and meet the real victims — the professors, students, activists and ordinary American citizens — of the free speech war.

Instead of pontificating on the controversies raging in the mainstream media, *WTF Is Free Speech* will be the first book to take readers inside of the fights to try to journalistically tease out the concept's meaning, its origins, and most critically (perhaps especially in the Trump era), its future.

There are very few popular books about the concept of free speech or the political battle over it from a left-wing or liberal perspective, despite the fact that it's been such a popular topic of discussion in recent years. In fact, it seems as if nearly the entire progressive establishment has given up on making free speech their own, ceding its definition and its control to a small group of right-wing influencers. This book will be an

exposé on that small group, and a rallying cry for the left to create its own working definition of free speech that can help it hold power to account.

Combining the rousing style of books like *On Tyranny* by Timothy Snyder, the political depth of Jane Mayer's *Dark Money* and the compelling narrative reporting I'm known for, *WTF Is Free Speech* will be an entertaining, informative, and first-of-its kind take on free speech in the modern era.

The Longer Version: On November 29, 2016 I awoke to my phone lighting up with tweets, Facebook comments and texts. Donald Trump, in what had become a quasi-routine, had tweeted something incendiary early in the morning. Social media was abuzz. Only this time the tweets hit close to home: "Nobody should be allowed to burn the American Flag," the president wrote. "There must be consequences - perhaps loss of citizenship or years in jail!" The incident he was referencing took place a few days earlier, when students at my sleepy little New England alma mater Hampshire College clandestinely removed the American flag that sat at the entrance of the campus and set it on fire. It was a protest of Trump's win, but also of everything the students saw as bad in America that preceded it (e.g. war, racism and American imperialism). The college responded by keeping the flag off its mast until it could have a conversation with its students about how the flag makes them feel (a very Hampshire College thing to do).

Hampshire is embroiled in controversy practically every semester. Many of its students go there to learn about social justice. There were flag burnings when I was there. There was even an entire week dedicated to calling out American racism. But because of our current political context, when the idea of free speech has been both convoluted by the influence of the rich, and hyper-politicized by people like Donald Trump, all of a sudden Hampshire, which is usually only in the media when people are making fun of how much pot its students smoke, was at the center of an international controversy. A sitting president was threatening to imprison its students.

A day later hundreds of protesters, many of whom were war veterans, showed up at the campus. Almost all were carrying American flags, and underneath that sea of red and white stripes they shouted about the flag's removal and how it undermined the American freedoms veterans had fought for, including freedom of speech. They began chanting "lock them up!" Students blocked the demonstrators from entering campus. The police were called. A few arrests were made. The incident made headlines across the globe.

A week later the flag went back up on the pole and most people forgot about the situation. Donald Trump has yet to lock any Hampshire students up. But it turned out to be one of countless similar incidents where opposing definitions of free speech collided, causing massive controversy.

What happened at Hampshire highlighted a fundamental flaw in our thinking on free speech: the pro-flag burners said it was their right to express their speech by removing the flag, the anti-burning protesters said their rights as Americans, including the right of free speech, were being disrespected by the burning and by the students' unwillingness to let them protest without interference, and Donald Trump, who was in large part elected by a wave of backlash against supposed politically correct culture and the supposed threat to free speech it poses (more on that later), was so offended by the politically incorrect gesture of burning a flag that he threatened to jail college students (even as he campaigned on the right of Americans to use offensive speech). How could all sides claim at various points to be on the side of free speech? The answer, to put it bluntly, is that we are currently operating with a really stupid, loose, convoluted, and politically influenced definition of free speech.

When the media reported on the incident, there was no historical context given. This was not an isolated incident, but a flashpoint in a multi-decade war to redefine free speech, to rile conservatives and retrench right-wing power through the guise of the First Amendment. The anti-flag-burning protesters were angry at Hampshire and everything it represents (liberal protest, safe spaces, trigger warnings) and Trump was able to stoke that anger because of the 30-year campaign waged by conservative think tanks, pundits, and millionaires to frame the left and what it stands for as anti-free speech.

As the events of the last few years have proven—from the violence at U.C. Berkeley, where antifa protesters smashed windows and a few faces to protest Milo Yiannopoulos, to Trump’s election, which was won in large part by promising to defend a conservative version of free speech from the supposed tyranny of P.C. culture—we’re begging for a better concept of what speech actually is, who has influenced it, and why. It seems the more volatile our definition of free speech is, the more volatile our country becomes.

Without a better, politically and historically comprehensive definition of free speech, the left is destined to continue their slide into supporting cast for our current proto-fascist political nightmare. Without redefining free speech, and reckoning with it as a political and influenceable, not absolute, concept, we’ll continue to allow conservatives and fascists to do whatever they want, and even defend them (e.g. Bill Maher’s defense of Yiannopoulos), in the name of the First Amendment. Uncovering the history of free speech and challenging the right’s role in changing it is the first step toward the left and progressives rebuilding their platforms and their power, and toward ensure that speech works for the most vulnerable in this country, not just the rich and powerful.

Anti-fascists and neo-Nazis are duking it out in the streets. College administrations are in upheaval over invited speakers. Professors feel like their lives are being ruined by their inability to say what they think. And yet when we talk about the concept at the heart of these fights, we don’t really know what we’re talking about.

The United States is uniquely obsessed with freedom of speech, but for a country that holds it so dear, remarkably little has been done to create a working definition of the concept. It might surprise some to learn that our current conceptualization of free speech has little to do with the First Amendment and more to do with current political power, specifically the power of millionaires, billionaires and ultra-conservative thinkers who have worked for decades to capture the imaginations of Americans, and redefine foundational concepts in their favor.

In fact, while the concept of free speech has been discussed, debated and legislated throughout American history, there have only been a few flare-ups in the entire history of

the country where the concept was radically redefined. We're in one of those flare-ups right now, witnessing essentially a conservative coup over free speech.

It wasn't until relatively recently that the idea of free speech as an inalienable and unrestrictable right became popularized. Like Trump's slogan "Make America Great Again" suggests, we have a rose-tinted view of our history. That includes the concept of free speech. But there was never a time period in the U.S. that speech was truly free. Before the 1960s it was generally understood that a lot of speech could, and in the views of many *should* be banned and controlled. In other words, until the 1960s, most Americans realized that speech was inherently political, and inseparable from action. It's not that Americans used to think free speech was *bad*, but that they recognized it would be, and in some cases *should* be, controlled. The fact that it's controlled hasn't necessarily changed today — speech still is manipulated by those in power and wielded against the powerless. But we've been taught to think of it in a vacuum, and so free speech has become a way to ignore structural power, in a similar way to "color blindness" became a way to ignore systemic racism. By insisting on an apolitical definition of free speech, we cannot see that it is used by those in power to oppress others, and that those without power are frequently dispossessed of it.

Free speech was never truly free. Supreme Court Justice Oliver Wendell Holmes wrote a decision in 1897 upholding that local governments could ban whomever they wanted to from speaking in public. That decision was used by countless governments to prevent workers' rights activists and feminists from speaking and distributing literature. Margaret Sanger, Emma Goldman and many others were imprisoned for handing out leaflets about things like birth control. In 1939, the decision was struck down as a violation of the First Amendment, but there was still no such thing as blanket free speech in the U.S.

In 1940, the Smith Act made advocating the overthrow of the government illegal and was used to imprison communists and black labor leaders. In 1951, the Supreme Court provided political cover for a lot of those same people, but still limiting speech in doing so: it outlawed the publication of anything that, "exposes the citizens of any race, color, creed or religion to contempt, derision, or obloquy." Arguably large chunks of Brietbart.com

would be illegal under that 1951 definition, as would much of the rest of what gets posted on the internet. Talk about PC Police.

A year later, the Supreme Court made another anti-blanket-free-speech decision, when it upheld that the Communist Party did not have a right to free speech because it threatened the state. The decision in effect outlawed the party completely. These two decisions from different ends of the political spectrum a year apart from each other show that speech was not considered an inherent good for most of U.S. history.

It wasn't until the 1960s, when white opponents of the Civil Rights movement figured out how to exploit the court's disdain for hate speech that the definition of free speech was significantly loosened in the U.S. It would be the firsts of many conservative coups over speech, taking liberal wins and exploiting them to their favor.

Conservatives began to challenge marches and rallies by framing them as hate speech that could incite violence. That forced the courts to step in and say that even speech that could theoretically lead to illegal actions (e.g. sit-ins, unpermitted protest in favor of Civil Rights) had to be protected. It was hailed as a liberal victory. But the court's ruling was politics- and color-blind. If it allowed leftist free speech, it reasoned, it had to give Nazis and everyone else the same rights. For the first time in American history, pamphlets calling for an end to racism and Nazi marches were conflated as equally valuable. The liberal victory was actually an ultra-conservative coup.

In 1977, the court cemented that ruling, saying the predominantly Jewish village of Skokie, Illinois had to allow neo-Nazis to march through it. The signs the Nazis held when they eventually marched said things like "White Free Speech!" Significantly, The American Civil Liberties Union defended the Nazis in court. This was another big turning point in free speech history. For the first time the government, the liberal establishment (in the form of the ACLU and its supporters), and Nazis were aligned in arguing that free speech was more important than the trauma or potential violence inflicted on an oppressed group. That same dynamic plays out today. The ACLU regularly defends white supremacists in court.

The problem with this Nazi-liberal consensus on free speech is that it ignores there is no clear boundary between speech and action. When does speech turn into trauma?

When does speech turn into a community not having control over what happens inside its borders, and being terrorized by outsiders (as happened in Skokie)? There are no clear answers to this question, but the liberal establishment's definition of speech (or rather their ceeding of that definition to fascists) flattens any debate about what speech actually is, prioritizing the desires of Nazis over those who feel they need safe spaces from them. We can see that debate play out today as conservatives call safe spaces on college campuses violations of free speech, and organizations like the ACLU defend the rights of people like Milo Yiannopoulos over those who say they need protection from racists and fascists.

After Skokie, the ACLU, the liberal legal and political establishment and conservatives were all on board with an extremely expansive, power-blind definition of free speech that favored the right of those who wished to cause pain and potential violence over those who wanted protection from it. That realignment made it much harder for the left to stop conservative encroachment on college campuses and elsewhere, because it could now always be argued that that encroachment was a free speech issue. But conservatives were not happy with just legal wins.

In the early 1990s, conservatives latched onto the idea of PC Culture, and used it to insist that while there was no more legal threat to free speech political correctness was threatening to quash difference of opinion. The media went into a frenzy. In 1990 a *Newsweek* cover story proclaimed universities were being taken over by "thought police" who represented a "New McCarthyism." A year later, *New York Magazine* claimed "The New Fascists" were invading universities, silencing anyone who disagreed with their liberal thought (it turned out the article was largely based on one example of harassment of a Harvard professor which the professor later said never happened). Later in the year, Dinesh D'Souza, who is still an influential conservative provocateur, published *Illiberal Education: the Politics of Race and Sex on Campus*. *The Atlantic* ran a 12,000 word excerpt as a cover story . In the book D'Souza argued that concepts like affirmative action were actually forms of a new leftist fascism, limiting the speech of others. The backlash to a supposedly PC culture hit the mainstream and proliferated rapidly. In 1991 President George H.W. Bush said in a commencement speech, "We find free speech under assault

throughout the United States....The notion of political correctness has ignited controversy across the land....In its own Orwellian way, crusades that demand correct behavior crush diversity in the name of diversity.” Between legal wins and cultural coups, the concept of free speech had been successfully realigned with conservatism. If conservatism was unwelcome on college campuses, it was now not an issue of changing generational politics, but one of free speech.

Eight years later that was reaffirmed when lawyer Harvey Silverglate and history professor Alan Kors founded FIRE, the Foundation for Individual Rights in Education. FIRE dedicated itself to fighting what it deemed were the most important free speech battles on college campuses, arguing against trigger warnings and safe spaces, and suing administrations when professors or students were punished for controversial stances. The group recently represented a professor at Louisiana State University named Teresa Buchanan after LSU fired her because of student complaints about her racist and sexist behavior in the classroom. This, FIRE said, was a free speech issue. It’s the same defense used by the ACLU when it defends people like Yiannopoulos. Of course, as others would point out, freedom of speech does not mean freedom from consequences. While it would be unconstitutional for the federal government to jail the professor for using racist language, it violates no law for her to be fired for it, in the same way it does not violate the law when I chose to not buy anything made by Yianopoulos or attend his speeches. Freedom of speech does *not* mean freedom to have a platform wherever you wish, though conservatives have deliberately confused this critical distinction to further their message.

Perhaps unsurprisingly, the redefinition of free speech as a conservative value, via FIRE and other nonprofits, was funded by a now-familiar group of billionaires—the Koch Brothers and John Olin, owner of the Winchester gun company, the most prominent among them. As Jane Mayer has documented in *Dark Money*, through the 1980s and 90s, the Kochs, Olin and a few other families launched a secret conservative revolution by creating nonprofits, funding college positions for conservatives, and supporting ultra-right think tanks that pushed for conservative redefinitions of core American values, including free speech. Their ultimate free speech win was *Citizens United v. the Federal Election*

Commission, the 2010 Supreme Court decision that essentially defined money as a form of speech, and allowed the ultra-rich to donate endlessly to political campaigns in the form of Super PACs. It was the first time that this battle to redefine speech got much attention from the media or the general public, but almost no one contextualized it in its decades-long history. Few have written about how Citizens United and Skokie are intimately connected.

Today, many of the secretive, conservative donor networks that helped launch Citizens United support outlets like Breitbart and people like Milo Yiannopoulos. In the last few years, as protests in favor of movements like Black Lives Matter, along with the use of trigger warnings and safe spaces have grown in popularity on college campuses, there's been a backlash, especially in the mainstream media. *The Atlantic*, leading the charge and followed by supposedly liberal publications like *New York Magazine*, *The New Yorker* and *The New York Times*, have claimed that millennials are more concerned with feelings than speech, a trend big enough to potentially threaten our entire democracy — they publish article after article about how retreating into safe spaces and insisting on trigger warnings will eventually lead to a complete dissolution of critical thought, of acceptance of difference. (these publications meanwhile often ignore free speech issues like protesters and journalists being arrested en masse).

In the last few years, FIRE has doubled its staff. Conservatives see their strategy making headway, and so they're ramping up their efforts to become the sole arbiters of what is and what is not free speech. Most do not state their end goal directly. That's the benefit of using the language of free speech to further political causes: it seems a universal good, unopposable. But their end-goal can be interpreted from the kinds of cases they push—ones that get liberal professors fired, that prevent leftist activists from protesting on college campuses, and that ensure that ultra-conservatives will have an unchallenged platform wherever they go. Their goal is to further conservatism under the guise of free speech.

Liberals have essentially given in, agreeing that free speech inevitably means the furthering of conservative belief. And that's how we got into this tricky situation today, when things like trigger warnings, which are much rarer and generally misrepresented by

the mainstream media (which acts as if trigger warnings have prevented professors from teaching entire curricula, as opposed to preventing students from reading small sections of triggering text), are considered violations of speech, while things like imprisoning activists for years over peaceful protest or jailing journalists at the Dakota Access Pipeline, get little attention. This disparity is proof that freedom of speech fights are not about speech, but about *power*.

The flag burning at Hampshire College was one of dozens of free speech controversies that erupted in the 2010s. There was Richard Spencer, the neo-Nazi who got punched in the face at a protest in Washington D.C., which ignited a debate about silencing speech, even if that speech is coming from the mouth of despicable human. There was Charles Murray, the inventor of the now-seen-as-racist bell curve, who sparked demonstrations when he gave a paid speech at Middlebury College. There were Milo and Coulter and their subsequent protests at Berkeley. There was the University of Missouri media professor who helped push away media from a Black Lives Matter march and got fired for her actions. There have been thousands of articles on safe spaces and trigger warnings (nearly all of which are written by people well out of college, and almost none of which contain reporting from college campuses). There was the University of Chicago Dean's letter to incoming students that went viral, in which bragged about the campus policy of no safe spaces (in the Dean's view, it was the only way to preserve intellectual rigor).

But, what nearly all of the debates about safe spaces, trigger warnings, and free speech fail to do is report out these stories and their histories. If journalists went inside college safe spaces, they'd find out that students feel there is no other place to discuss race, identity, and radical politics without being shouted down. If they journalistically explored trigger warnings instead of writing think pieces about them, they'd realize they're relatively rare, and, from my reporting on them, have little effect on learning methods. If they reported on campus legal battles—ones raging over conservatism on campus, over the Boycott, Divest, Sanction movement against Israeli occupation of Palestinian land, over the

right of professors and other citizens to participate in protest—they'd realize that the supposed free speech battle is actually a well-funded battle for power.

WTF Is Free Speech will be a reported, narrative journey through the free speech. The book will not be a manifesto and it will not be prescriptive. Instead it will use my personal curiosity as a stand-in for readers', and they will be with me as I discover these new frontiers of speech in the same way journalist Michael Pollan used his personal journey to understand food to write and report *Omnivore's Dilemma*. Before that book, few knew about the battle being waged to control America's food. That book sold tens of thousands of copies, showing that Americans have a thirst for well-explained, entertaining personal reported journies through complex topics. In my last book *How to Kill a City* I used characters in four different cities to showcase the ways in which gentrification affects every American, and to elucidate the massive, hidden forces behind gentrification in an entertaining way. I'd now like to give the same treatment to the concept of free speech, using my reporting and narrative storytelling skills to break ground on this popular topic that so many Americans care about.

WTF Is Free Speech will be organized into three parts. The first, The Free Speech Wars, will jump right into the current battles taking place across the country, giving readers an exciting start on the conversation. I'll travel to Berkeley, Missouri and back to my alma matter Hampshire College to report out the controversies that have been the subject of countless news articles. My goal will be to determine what's actually happening at the center of each battle, who the power players are, who is actually being affected—the students, activists, professors, and everyday citizens who are being shut down, harassed, and even jailed for speaking out. The second part, How Free Speech Became So Expensive, will take a narrative journey back into history, showing how the United States became obsessed with and simultaneously confused by the concept of free speech, while other countries seemed to fashion more workable definitions less easily influenced by money and

power. That section will conclude with a look at modern history with a special focus on FIRE, showing how conservatives waged a multi-decade battle to hijack the meaning of free speech, landing us in our current predicament in which backlash to “PC culture” helped elect Donald Trump. The final section, *The Fight for the Future of Free Speech*, will look at how activists, college students and professors are being targeted for their speech, and how they’re fighting back, making gains in reclaiming free speech from the mantle of conservatism. The book will end with the profile of Anthony Elonis, a man whose case shows the limits of free speech, and the ways in which to protect it. The conclusion will try to bring readers toward a better definition of free speech that includes an analysis of political and economic power.

I believe reporting out the free speech fight and bringing a lens of power, politics, and money to it is the only way to move the discussion forward, beyond the pundits, the think pieces, and the endless yelling. It could also have long-term appeal as one of the most comprehensive and well-researched books on the topic—perhaps taught in college courses for years to come. But most critically for Americans in the Trump era, I believe we need to understand the concept of free speech, its limits, and its political influencers if we are going to have a hope of challenging—via protest, via writing, via art—those currently trying to suppress it, and fight to preserve our democracy.

Chapter Outline:

Introduction: What are we talking about when we talk about free speech?

I can't remember the first time I heard the words "free speech." It was probably in first grade. And the concept made sense at the time. We're a great country, I was taught. I can say what I want here, protest here. Even at my hyper-liberal high school and college, the purity of the First Amendment was rarely challenged. It seemed to everyone like the one unarguable amendment, the one beneficial to everyone. Sure you could fight about the meaning of the Second Amendment, and argue over the comprehensiveness of the Fourth, but no one argued over the First. Why? It now seems evident that there's a lot to argue about—activists being arrested, conservatives on free speech tours across the U.S., a president intent on challenging P.C. culture. And yet we still don't really know what we're talking about when we talk about free speech. This introduction will define what free speech is in legal terms, and set up the rest of the book, outlining the journey I will take to discover what free speech actually means, who controls its definition, and how to preserve it (and our democracy) for the future.

Part 1: The Free Speech Wars

Chapter 1: Student Debates

I'll throw readers into the deep end of our free speech wars, writing three reported vignettes about controversies that went viral over the last few years—the situation surrounding Melissa Click, the journalism professor fired from the University of Missouri after blocking media from taking pictures at a Black Lives Matter protest; the protests that erupted at Middlebury College in Vermont when perceived racist Charles Murray was paid to speak to students there; and the battle at University of Chicago, where the school's dean refuses to acknowledge the perceived need for safe spaces and trigger warnings.

Of course, instead of just talking about these events, I'll report them, giving the controversial figures at the center of them the chance to tell their side of the story. We'll hear from Melissa Click, from the protesters at Middlebury and from students and dean at the University of Chicago. I'll weave in context about how we've become angrier and angrier about free speech as a country while seeming to know less and less what it means.

Chapter 2: When Did We All Become Snowflakes?

In the right's telling of free speech history, there was a point when we were all weathered and matured enough to handle speech we disagreed with. Then came the PC police (1990s), the SJWs/Social Justice Warriors (early 2010s), and finally the snowflakes (2016 - ?), who are too precious, too weak, too emotional to handle the truth, or handle anyone else's opinions besides those of their liberal comrades. How did we get to this point, when those who want safe spaces from violence, warnings about traumatic content, and civil discourse about things like race are some of the most-hated millennials in an era when everyone hates millennials?

This chapter will trace the origins of the current framework in which we discuss free speech, going back to the early 1990s when a group of right-wing media watchers and their allies in the mainstream media began to write extensively about college campus politics, with the theory that college students were becoming conformist drones afraid of offending anyone. The chapter will also go into the economics of the cottage industry of criticizing millennials for wanting things like safe spaces, detailing the careers of older, white, straight male columnists and journalists who have made careers on bashing younger people.

Chapter 3: Back to School

As I mentioned in the summary, I went to Hampshire College, which President Trump subtweeted when he suggested people who burn flags should be imprisoned. In this

chapter, I'll go back to Hampshire and embed for a week, hanging out in the college's safe spaces, attending a class with trigger warnings on its syllabus, and interviewing students about what activism and free speech means in 2017. Hampshire provides a good backdrop to get into these thorny issues because I believe I can get access there with students as an alumni that other journalists cannot, and because I had personal experience with a similar fight that took place at Hampshire when I was a student in 2008 and the college erupted into protests over a Confederate flag hung inside a dorm room.

By going back, I'll be able to see how activism has changed in 10 years. It's also a good way to get into the nitty gritty of what free speech means—is free speech just speech, is flag burning speech, when does speech become action, and how has our definition of it changed in the last decade?

Chapter 4: Free Speech Week

In September, Milo Yiannopoulos will hold a "Free Speech Week" in Berkeley as a counter-protest to the students who organized against him in early 2017. Representatives from all factions of the free speech wars will be there: the highly-paid provocateurs like Milo, the anti-fascist activists who believe that people like Milo have to be stopped from having a platform at any cost, the college students who protested his initial visit, those who say Milo should have a platform but disagree with him anyway, and his supporters. In other words, it will be a shit show, and a good opportunity to do some gonzo-style reporting on free speech.

The chapter will also recount the history of the Milo at Berkeley controversy, showing that its stakes were higher than many realized: Yiannopoulos has been accused of planning to reveal the names of undocumented students there, and was going to encourage people to call them in to Immigrations and Customs Enforcement. This chapter will wrap Free Speech Week in the context of what I call the free-speech-provocateur-industrial-complex, showing how Yiannopoulos and others profit immensely over the concept of free speech. That will segue into the next section, where

we'll learn about how this very specific, conservative- and money-friendly version of free speech became our universal definition.

Part 2: How Did Free Speech Get So Expensive?

Chapter 5: Skokie and Free Speech's Right Turn

We often think of free speech as a universal American value, but our current idea of free speech is actually based in relatively recent history, specifically the Civil Rights era, when liberal activists were often prevented from protesting and handing out literature, and sometimes jailed for their activities. But soon after Civil Rights leaders won their free speech victories, more nefarious actors co-opted the movement to further their cause.

In 1977 the suburb of Skokie, Illinois, where one in six residents was a Holocaust survivor, fought tooth and nail to keep a neo-Nazi group from marching through it. The town passed ordinances, it attempted to charge the Nazis hundreds of thousands of dollars for permits, it marched police through town in a show of strength. In the words of one former resident: "To traumatized survivors in Skokie, this was not the First Amendment debate that would be litigated all the way up to the U.S. Supreme Court. To them, the issue was much simpler than that: The Nazis were back and promising to continue their quest."

A series of lawsuits worked its way up the court system, and eventually the Supreme Court weighed in, saying that the Nazis had a right to march. They eventually chose a different location out of fear of counter-demonstrations in Skokie, but the case opened the floodgates for conservative and racist claims of free speech violations. This chapter will trace the original, liberal origins of free speech, and do a deep, narrative dive into Skokie, interviewing residents, legal experts and lawmakers at the time to reconstruct one of the most important free speech battles of the last 50 years.

Chapter 6: Into the FIRE – The Secret Battle Over Free Speech

Right down the block from where I live in Philadelphia is a little non-profit called the Foundation for Individual Rights in Education. Founded in 1999, the nonprofit maintains a low-profile, but it's growing. It recently doubled its legal staff, and one of its leaders, Greg Lukianoff, wrote a piece for *The Atlantic* that went viral about millennials' and their obsession over trigger warnings and safe spaces. Lukianoff now has a book deal based on that article. He of course talked to few millennials for the piece, and went to zero "safe spaces" to report it, but it nonetheless struck a chord, especially with conservatives and mainline liberals, who see millennials' insistence on a discourse free of racism, sexism and transphobia as a form of free speech silencing.

What few know about Lukianoff and his nonprofit is that they're backed by the same people who funded the fight for Citizens United and a host of other ultra-right conservative causes, including the Koch Brothers. FIRE is the preeminent organization working to redefine violations of free speech not only as something that can be committed by governments but by universities and other institutions. This chapter will profile FIRE, going inside the rooms where these cultural and legal battles that we usually only see in the form of viral articles start, and tracing the money behind them. By following the trail of money, I'll show that the current battle for free speech isn't one about speech as much as it is about a very specific right-wing ideology that directly helped create our current political conditions.

Chapter 8: How Free Speech Became a Dog Whistle for Fascism

Donald Trump would not have been elected President if it weren't for the current battle over free speech, safe spaces, and trigger warnings. Of course there were other factors, but one of the central tenants of his campaign was the idea that the (implicitly white) majority had been silenced by over-zealous liberals. It was an echo of Nixon's Silent Majority, and it worked. Trump claimed over and over again that the inability for

Americans to speak freely about race was jeopardizing their safety. “They have put political correctness above common sense, above your safety, and above all else,” he said after the Pulse nightclub shooting in Orlando. One of his most-remembered debate moments is when he was called out by Megyn Kelly for disparaging women, and answered that the country was too politically correct, to a big applause from the audience.

Theresa May in the U.K. also railed against liberals for being too politically correct to prevent Muslims from entering the country. In France, Marine Le Pen (who thankfully lost), ran on a platform criticizing conservatives to her left for being “paralyzed by their fear of confronting political correctness.” In fact, one of the most common arguments the world’s newly-empowered proto-fascists used to gain power was that they were bringing a voice back to the (racist) voiceless, lashing back at those who insisted on civility, on policing language for racism and sexism. This proves what the current battle for free speech is: an attempt to silence criticism of fascist, conservative, and racist politics. Political incorrectness and free speech sound a lot better than “give me a right to be racist and sexist without being challenged, called out, fired, or face any kind of consequence”

This chapter will explore how Trump and others latched onto these terms to usher in an ultra-conservative agenda under the guise of free speech. This will segue us into the final section, where we see how the conservative triumph over the concept of free speech has left liberalism vulnerable to attack without the defense of free speech as a concept, legal or moral, as it is now almost solely defined and controlled by those on the right.

Part 3: The Future of Free Speech

Chapter 9: The Real Campus Free Speech Battle

With free speech redefined as a conservative value, liberals have been stripped of the opportunity to argue their case in the media, to the public, and often in court. While Milo Yiannopoulos, Greg Lukianoff and others push the idea of a liberal war to silence conservative and right-of-center free speech, plots have been hatched against controversial

thinkers on the left and even milquetoast liberals in an attempt to lessen their influence, especially on college campuses.

This chapter will use two reported case studies: The first will be about a group of professors and students targeted by right-wing pro-Israel non-profits. They have faced death threats, smear campaigns and harassment via social media for their views on Israel and their support of the Boycott, Divest, Sanction movement (this is the attached writing sample). The second case study will be on the multi-state effort to punish universities that don't provide a controversy-free platform for voices like Anne Coulter. The idea has been floated by many states, and recently passed in Colorado. The states' bills are nearly identical, as they were all crafted by the conservative Goldwater Institute. Most would force universities to expel students who disrupt speeches with protests or shouting.

The point of these case studies is not to say "liberals are the only victims of free speech fights" but to start establishing a more thorough definition of free speech that includes an analysis of power and politics. What conservatives are saying when they say free speech is that they want *their* speech to be well-received, and appear willing to silence those who disagree. While the same could be said of factions of the left – e.g. antifa protesters "no platforming" people like Milo Yiannopoulos—most liberals since Skokie have been convinced that speech is necessary, no matter the cost. Conservatives say they're in agreement, but their actions say otherwise.

Chapter 10: Where Does American Free Speech End?

Burning a flag is, for now, considered an action protected by the First Amendment. Burning a cardboard box in the middle of the street could get you arrested for arson. Burning down an empty building owned by a corporation (a la the Weather Underground) is most definitely illegal. Where does speech end, and action begin? Protest is action, but theoretically legal. Civil disobedience is action, and much of the examples of it we applaud today were illegal (e.g. the Civil Rights era sit-ins).

The point of this chapter will be to move readers a little closer to teasing out what free speech means via a modern example: On Jan. 20 at Trump's inauguration, 200 protesters and half-a-dozen journalists were kettled (corralled via plastic and metal barriers) by police in Washington D.C. and arrested en masse. Some had thrown rocks through windows, others were there protesting, and some were just journalists witnessing the events. All were charged by federal prosecutors with felony rioting, an extremely rare charge for such a situation. Now some are facing up to 70 years in prison.

The arrests come at a time when being a journalist or an activist means being increasingly subject to arrest, from Ferguson to North Dakota's pipeline protests, simply being in a contentious place can mean being arrested. Using the voices of those arrested at the inauguration, this chapter will paint a more complete picture of the free speech wars, showing the true extent of the battle for free speech.

Chapter 11: Anthony Elonis, Jamal Knox and the Limits of Free Speech

Anthony Elonis was going through a rough divorce when he decided to post long raps under his persona Tone Dougie on his Facebook page. The raps included references to killing his wife and making a name for himself by shooting up a school. The same themes that made Eminem one of the most popular and respected rappers ever were enough grounds for police to arrest Elonis, and he spent time in prison until the Supreme Court disagreed with lower courts' findings, saying Elonis was within his First Amendment rights. Even if his speech was violent, the court said, it did not directly incite violence, and therefore was protected.

Pittsburgh rapper Jamal Knox isn't as lucky: he was arrested in 2014 for an anti-cop song posted on YouTube, which police found after he was arrested for selling heroin. He faced charged of making terroristic threats and is still in prison. The Supreme Court has agreed to hear his case. Both men's cases show that there are limits to free speech that are being worked out every day by our court system. By profiling the two of them, and getting context from lawyers and experts, I hope to bring readers toward the conclusion that there

is no such thing as pure free speech, that it only exists within a legal and cultural context, and those legal and cultural contexts are deeply influenced by money and power.

Once we establish that speech does not exist in a vacuum, that our concept of it is not absolute, we can build a better definition of free speech, one that holds back the most nefarious elements of our society while promoting the good in it. In other words, I'll argue that not all speech should be legal. I'll also argue that in order to have a truly free speech, we need to reckon with the imbalance of power in this country. Speech cannot be truly free until people like Milo Yiannopoulos, the Koch Brothers, and people like Jamal Knox have an equal opportunity, and an equal platform to speak.

Conclusion: Toward a Better Free Speech

In 2011, British fashion designer John Galliano was fined €6,000 by the French government for going on a racist and anti-Semitic rant in a Paris bar. It's still illegal in Germany to distribute Nazi literature, or present anything with a Swastika (when the comedic play *The Producers*, which features the Swastika heavily, was introduced in Germany, pretzels (another ultra-German symbol) were used instead). Yet France and Germany are not, by the vast majority of people, considered oppressors of free speech. French people protest much more frequently than Americans, with fewer arrests at most protests than at many American ones. The same can be said of Germans (in Berlin, cop cars are routinely lit on fire during protests). This proves that free speech is always contextual—that blanket free speech has never existed, that country's, citizens, pundits, billionaires all influence what types of free speech are more important than others, and decide which should be suppressed. I'll build toward a conclusion that there really is no such thing as a pure free speech removed from action, from politics or anything else, and that we need to recognize that if we're going to remain unphased by the free speech provocateur-millionaires. The answer to making speech truly free is the same answer to increasing freedom overall—fighting racism, class disparity, and everything else that gives the richest more of a say in our society than those who need a voice the most.

About Me:

I'm Peter. I'm a journalist, writer and activist. I've written for *The New York Times*, *The New Yorker*, *The Guardian*, *Vice*, *Jezebel*, *Fusion*, *Wired* and many other places.

I've reported on a wide variety of issues, from post-Katrina rebuilding efforts to gas plants in rural Louisiana causing cancer, from rising political stars in Philadelphia to low-profile immigrant activists in Southern California making waves. I always keep a focus on social justice in my work, and though I've reported on myriad topics, all my work focuses on taking national and often controversial conversations and turning them into relatable, emotionally resonant character-driven narratives. To me, it's much more powerful to read about the woman helping undocumented kids in the border town of San Ysidro get an education than it is to read a statistical analysis of education and immigration or a news item on new immigration policy.

That's why I want to write this book. We often talk about free speech in abstract ways or pontificate on it in think-pieces. When we do get detailed, we often get boring, reporting on law and policy while forgetting the human element. I want to bring my style of reporting to this critical topic, which I believe will make the book entertaining, compelling and sellable.

My last book, *How to Kill a City: Gentrification, Inequality and the Fight for the Neighborhood*, was published by Nation Books/Hachette, has foreign licenses in China and Taiwan, and is being placed on university course lists. A paperback will be released in the fall. *The Atlantic* praised it, saying it gives "some much-needed clarity to thinking about a slippery concept, calling the book "convincing" and "devastating." *The Washington Post* said, "[Moskowitz] movingly conveys the phenomenon's emotional and sometimes tragic toll...and valiantly captures the human dimension of a crisis for which many are complicit but few claim responsibility." Kirkus Reviews said the book "pulls no punches...[and] paints a vivid and grim picture of the future of American cities." I was interviewed for the book by NPR, many other public radio stations, including WNYC and appeared on multiple podcasts. There were dozens of articles written about the book in publications like Vice,

Fusion, The Washington Post and The Atlantic. I feel comfortable on mic, on camera and on stage.

A little bit about my personal life: I was born and raised in New York City. I currently live in Philadelphia with my pitbull Remi and my boyfriend Hye Sung. I identify as queer and use they/them or he/him pronouns. There's nothing I like more than a good political argument, so I think I was born to be a journalist who covers controversial topics.

Writing Process:

Timeframe: As this is a current topic, I believe the book should be published relatively soon, at least within the next three years, while Donald Trump is still president and we aren't wrapped up in another Presidential election. I believe I could report and write a manuscript within nine months to a year.

Reporting: I'd plan on travelling to U.C. Berkeley, Hampshire College, Middlebury, Washington D.C., St. Louis and a few other places to construct a narrative journey of free speech fights.

Marketing:

Competing and Complementary Titles:

On Tyranny: Twenty Lessons from the Twentieth Century by Timothy Snyder: This book is selling well (e.g. it was a Washington Post #1 bestseller) for an obvious reason: it provides a guide that helps people make more sense of the unprecedented political situation we're living through. *On Tyranny* takes readers through a history of the U.S. and its battles for freedom using a smart gimmick: it gives readers what could be a boring historical take in the form of advice for today. In a similar fashion *WTF Is Free Speech* will use today's political battles as a lens to look into history, allowing readers to digest important and actionable information in an entertaining package.

The Great Dissent: How Oliver Wendell Holmes Changed His Mind—and Changed the History of Free Speech in America by Thomas Healy: This book is closest in subject matter to the historical portions of my book, taking a look at modern free speech history and looking at how it affects protest and politics today. While Healy's book is a good historical account, it is not a journalistic narrative, does not touch on today's free speech debate, and doesn't attempt to appeal to as wide an audience as *WTF* will. Still, its success is proof people are interested in the concept.

Dark Money: The Hidden History of the Billionaires Behind the Rise of the Radical Right by Jane Mayer: This book traces the origins of right-wing phenomenons like the Tea Party and profiles the power brokers behind them like the Koch Brothers. One chapter on Citizens' United (the court case that essentially equated money with speech in the U.S.) touches on the issue of free speech and how its definition is influenced by billionaires. But the book is wide-ranging in its coverage (covering everything from Congressional battles to court cases to think tanks and various subjects they effect) but doesn't give the in-depth treatment needed for an important issue like speech. Still, it shows that people are looking for explanations of our current political climate that show the money and power at play behind closed doors.

Disempowered by Greg Lukianoff is a forthcoming book by the head of the Foundation for Individual Rights in Education (FIRE), who I will profile in my book. It's based on his viral *Atlantic* article about the role of trigger warnings, safe spaces and other buzzwords that conservatives view as infringing on rights to free speech. The fact that his article went viral, and a book was bought based on it shows how interested people are in the subject, but Lukianoff takes the opposite view and approach to the subject of free speech. He does not explore the role of power and money behind speech, he does not actually report in the safe spaces he's so quick to criticize, and he doesn't address any of the actual battles happening over free speech, such as protesters and journalists being arrested. My book will.

Target Audience and Promotion

Who doesn't care about free speech? Over the last few years, we've seen the topic become such a big debate that it has developed its own language ("snowflakes", "safe spaces", "trigger warnings", being "triggered",). Political movements like antifa, which was responsible for much of the damage at UC Berkeley, have gained mainstream attention after being virtually unheard of for many decades. Free speech provocateurs like Milo Yiannopoulos are on well-paid nationwide tours. In other words, the idea of free speech is very of-the-moment, in the same way money and politics was when *Dark Money* was published. That will give *WTF Is Free Speech* a wide-ranging audience, from news junkies following along the daily free speech wars, to liberals looking for ammunition for their Thanksgiving arguments, to college students wanting history and context of our current First Amendment fight.

But *WTF Is Free Speech* will not just be a book-of-the-moment. While it *will* tap into the current zeitgeist, its historical backing and deep research means it has the potential to stay relevant for years to come, be placed on course lists, and perhaps become the definitive book on the battle over free speech. In terms of structure and potential for sales, I think it's similar to *The Omnivore's Dilemma* by Michael Pollan, which if released in 2017 might have been called *WTF Is Wrong With Our Food?* That book proved there's a thirst for works that take a complicated, and relevant debate and help people understand its underpinnings in an accessible way. Another example: Thomas Frank's *What's the Matter With Kansas*, which took a narrative and pop-y approach to a deadly serious political issue, and is still selling 12 years after its publication. *WTF is Free Speech* promises to give a similar treatment to one of the most talked-about topics of today.

There are many possibilities for the promotion for *WTF Is Free Speech*. I have extensive contacts at the organizations I've done work for, and I know that an excerpt or two will be possible at a place like *The Guardian*, *Vice*, *New York Magazine*, or somewhere similar. My previous book garnered praise from *Vice*, *The Atlantic*, *The Washington Post* and many other places, and I believe this one will too. College campuses, the center of this fight,

would likely be interested in hearing from someone who has investigated it and can add context to the battles they're seeing on a daily basis, making the book a good candidate for a college tour. If you Google free speech right now, you're likely to see thousands of think pieces on the article. This book will fit in nicely to that media ecosystem, providing the most in-depth look at the topic available.

I also believe sections of the book have potential for film adaptations, especially documentaries. An HBO-style documentary looking at the free-speech-provocateur-industrial-complex, following people like Milo Yiannopoulos and exposing the business side of that lucrative industry, would be a nice complement to the book, as would a look at antifa and the people behind that movement, and how they work in underground networks to prevent people like Yiannopoulos from speaking across the country.

The book also could lend itself to less traditional promotion: e.g. a social media campaign or an on-the-street video where random people are asked how to define free speech, providing a comic moment when no one can come up with a coherent definition.

What the Fuck is Free Speech taps into a political moment, but it doesn't just add fodder to current conversations. It promises to be more in-depth and hard-hitting than what most people are used to reading on the subject, and will therefore be a refreshing and important contribution to the question of free speech in the United States and beyond.

Chapter Sample

The following sample is adapted from a piece I wrote for Jezebel.com, published in February 2017. An expanded version of the below would constitute part of Chapter 9 in the book. The piece for Jezebel garnered 70,000 views, which is on the very high end for the site's long-form pieces.

The Campus Free Speech Battle You're Not Seeing

Last September, Simona Sharoni, a professor of gender studies at SUNY Plattsburgh in upstate New York gave an interview to an online magazine in which she talked about the need to connect feminism and gender to the movement for Palestinian rights. The interview wasn't out of the ordinary for Sharoni. She's made her critiques of Israel public many times in the past. And Sharoni is used to receiving emails in response to her talks and her public comments – being open to opposing viewpoints is part of being an academic. But this time, something different happened.

Shortly after her interview, several articles proclaiming her an anti-Semite or “shill” surfaced on the web. She began receiving rape and death threats via email and social media. Then nineteen public requests were filed for Sharoni's information (Freedom of Information Laws apply to professors at public universities) at SUNY Plattsburgh. One public records request, filed by a nonprofit called StandWithUs, requested 17 different forms of records, including lists of Sharoni's membership in professional organizations, donations made to her department, a list of every event she had ever attended, including rallies, talks, and faculty meetings, a list of her requests for sabbatical leave, all records that would correspond to her “teaching load,” and every email about any of the 17 different forms of records ever sent by any member of SUNY Plattsburgh's staff and faculty. If a professor had sent Sharoni an email about one of her talks six months, or six years ago, StandWithUs wanted to see it.

The request, once it is filled by Plattsburgh, will likely total many thousands of pages of documents laying out every detail of Sharoni's teaching life. It's hard to know exactly how all of this information could potentially be used by StandWithUs, but the

requests for records related to travel authorizations, time off, and information about teaching loads seem to suggest that StandWithUs is looking for any improprieties or technicalities that could lead to Sharon's tenure being revoked. StandWithUs did not respond to several requests for comment.

Plattsburgh's administration, Sharoni said, admitted the public records requests seemed designed to intimidate the administration into taking action against Sharoni, yet they declined to issue a public statement denouncing the attacks, instead issuing an internal campus email about its commitment to free speech that did not mention the specifics of Sharoni's situation.

"While the attacks were going on, I was dealing with unbearable anxiety," she said. "I felt like I couldn't function, which is what these groups want."

Free speech on college campuses has become a game of political football over the last few years. The idea that colleges are a supremely liberal space hostile to conservative views has given conservatives an excuse to cut funding to things like gun control and global warming research, under the idea that if the research comes from a university, it must be biased.

Meanwhile, real tensions over race, class and politics on college campuses have been flattened and skewed by the media into battles between professors and students over things like trigger warnings.

But while that debate has raged in hundreds of op-eds, on Reddit and Twitter and elsewhere, a battle that, at least to its participants, seems like a much bigger threat to free speech on college campuses has received considerably less attention: pro-Israel organizations, possibly with the financial help of the state of Israel, have been strategically targeting students and professors who espouse beliefs critical of Israel. The campaigns of harassment on these professors and students go beyond the usual forms of

campus debate. They are full-frontal attacks waged by outside groups that attempt to ruin people's reputations, to call into question students' true motivations for learning or discussing Israel, to get professors fired for their beliefs, and make them subjects of mass harassment online. Anti-Semitism is a real issue on college campuses, but those most often targeted by these groups are not anti-Semitic, but critics of Israel. Pro-Israel groups seem intent on conflating the two, displaying any critique of Israel as a threat to Jewishness itself. The point, it seems, is not to engage in a debate about Israel, but to make engaging in a debate about Israel so dangerous to one's career and mental health that engagement becomes unworthy.

Those being targeted are not politicians, or even public figures, but professors most people have not heard of and students who rarely have influence beyond their own campuses. There's no way to know exactly how and why these specific people are targeted, but one professor told me she believes the nonprofits go after those they have the best chance of getting fired or harassed—it's much easier to take down a professor without tenure than it is to take down Judith Butler.

And the level of sophistication and persistence used to target these people suggests there's coordination behind the attacks, either by well-funded pro-Israel nonprofits, or by the Israeli government or both.

While the issue may seem niche, only potentially affecting those who work on Israel-related activism, it's another sign of the ways in which campus dissent are being challenged by the right. Between the PR war against safe spaces, the various bills in state legislatures that would force the expulsion of student protesters at public universities, and this, it's becoming clear that the right only cares about free speech when it benefits their causes. What's particularly troubling is that the current battle over Israel provides a design other causes could copy and paste to any issue of their choosing, targeting a

professor, student or anyone else they disagree with, and using the vast network of right-wing media companies and nonprofits to silence them. What only affects those critical of Israel now is quickly becoming a template to silence speech everywhere.

There are at least a dozen nonprofits fighting professors and students critical of Israel, and their tactics range from relatively milquetoast to militant. On one end of the spectrum are places like the Anti-Defamation League, which is a mainstream nonprofit dedicated to combating hate speech and which considers some speech critical of Israel anti-Semitic. The group monitors “anti-Israel” activity on campuses, and signs onto letters expressing their concern over courses with material critical of Israel or professors with anti-Israel stances. On the other end of the spectrum are places like Canary Mission, which essentially provides a playbook for harassment. It’s run anonymously, posts social media profiles and multiple photos of people it targets on its website, and encourages its readers to send angry tweets and messages to the professors and other people it views as anti-Israel.

Many of the non-profits work behind the scenes, putting pressure on professors and college administrations without making a big ruckus. That makes their work hard, but not impossible to trace. The fingerprint of StandWithUs – which has a \$4 million budget and close ties to Israel, for example, can be seen in the public records requests filed against Sharoni and others.

Most often, the groups appear to coordinate to varying degrees, some sending messages to administrations encouraging the firing of professors, others filing public records requests for their information, others, like Canary Mission encouraging online mobs to do the rest.

Jasbir Puar, a professor of women’s and gender studies at Rutgers University, was targeted by several groups after she gave a talk at Vassar College last February,

during which she spoke about a recent trip she'd made to the West Bank to conduct ethnographic research on the effects Israeli military violence had on Palestinians. Puar is used to receiving criticism for her Israel-related work, but she'd never experienced the persistence and viciousness of what came next. First there was the op-ed in the *Wall Street Journal* by two prominent pro-Israel academics calling Puar an anti-Semite, a charge Puar and many of the Jewish students she works with deny. Then, over the next few weeks, dozens of articles were posted on pro-Israel websites in the U.S. and Israel about Puar, some containing statements Puar said she never made.

Her biographical information was compiled on Canary Mission, and Puar began receiving dozens of emails, some, she says, contain death and rape threats.

After her university's administration showed police some of the threats, they decided that only one was specific enough to suggest it could turn into real-life violence. Administrators received dozens of letters asking for her to be fired. Her Wikipedia page seemed to be under constant monitoring; if she or one of her students tried to change something, it would be immediately flagged for review. She got an alert from a security website that people had been searching for her home address online. Thankfully, Puar said Rutgers and her faculty union stood by her side. But she's worried college administrations won't readily come to the defense of others, especially women and faculty of color. And then there are the campaigns that are virtually impossible to trace, and therefore hard to fight back against.

Last April, three websites appeared online that all targeted Purdue University American studies professor Bill Mullen, an outspoken critic of Israel who has worked with the university's pro-Palestine student group, Students for Justice in Palestine. One website criticized Mullen's academic achievements; another lambasted Mullen for not supporting his university's administration; the third claimed to be run by an anonymous female student who said that Mullen had a track record of sexual harassment (the only complaint of harassment Purdue says it has received against Mullen is via an anonymous tip. The same tip, which also complained of his anti-Israel stance).

An investigation by the Electronic Intifada, a pro-Palestinian website, found that each of the three websites targeting Mullen were purchased through the same hosting provider and its creator(s) share an IP address. Other websites set up to target students involved with Students for Justice in Palestine in Indiana were also linked to the same domains, including several websites that accused a Muslim student activist of betraying her faith by making out with her classmates at a party. That student, who I'll call Sarah (she did not want her name used for fear it would further affect her reputation online), said the creation of the websites coincided with several phone calls from blocked or unknown numbers. The callers would hang up when she would pick up, except for one, who said "as-salaam alaikum" before hanging up. Sarah's brother also received an email from a person who pretended to be a sympathizer with Students for Justice in Palestine, but the email contained details of Sarah's life that made her suspect it was not from a supporter, but from someone who had investigated her online.

"I felt violated," Sarah said. "Like they were going into my life."

Sarah said she's currently laying low, participating in less activism because she fears the harassment will increase. A fellow member of SJP quit out of fear of being targeted as well, she says. And Sarah's encouraged her to quit as well.

"I know I'm standing up for the truth and doing the right thing," Sarah said. "When my parents told me to quit, I was like, "but then they're going to win."

Bill Mullen and some of the targeted students have filed a defamation lawsuit against the sites, but because they don't know who set them up, they're filing it against "John and Jane Doe."

The nonprofits that have been accused of being behind these harassment campaigns are not officially linked, but they have many of the same funders, according to a report by the pro-Palestine organization Palestine Legal . Hundreds of millions of

dollars have been spent by prominent conservative Americans on monitoring and attacking professors and students critical of Israel. Sheldon Adelson, the casino owner and Trump supporter, has said he will spend at least \$20 million fighting the Boycott, Divest, and Sanction (BDS) movement. And in 2013 the Jewish Agency for Israel, a nonprofit that advocates for Israel-friendly policy, and coordinates closely with the Israeli government, said it would spend \$300 million raised from both rich donors in the U.S. and the Israeli government, to “create what is likely to be the most expensive pro-Israel campaign ever.”

It’s also impossible to know whether the Israeli government is involved in the harassment—for example, whether they are choosing which professors and students to target, or helping the U.S. nonprofits coordinate. Some argue that simply providing funding to some of the nonprofits, without any strings attached, or knowledge of how that money might be used is tantamount to subsidizing the harassment.

What is known is that at least since 2010, a think tank closely linked to Israel named the Reut Institute has been working on a “delegitimization” campaign meant to call into question anyone who criticizes the existence of Israel. And in 2015 the Israeli government got even more directly involved, spending \$25 million to set up a new government agency dedicated to combatting what Israel saw as a growing threat posed by the BDS movement.

“We have failed to produce a solution to stop this movement,” one member of Israel’s parliament said when the agency was created. “With time, the pressure exerted on Israel [against the BDS movement] will steadily increase.”

The agency is run by former military captain Gilad Erdan, and keeps a relatively tight lid on its activities. One former Israeli intelligence officer told an Israeli newspaper that the agency participated in “black ops”—covertly waging smear campaigns against critics of Israel and directing online attacks against them. Erdan did not respond to requests for comment for this story.

But one clue to just how directly involved Erdan's agency is in battles on U.S. college campuses comes from what happened to a student-created course at UC Berkeley last fall.

UC Berkeley allows students to create their own courses overseen by a faculty advisor. Berkeley senior Paul Hadweh, who was raised as a teen in the West Bank, submitted a course called "Palestine: A Settler Colonial Analysis." The course was approved by the school's administration, and a faculty advisor was assigned. Then in early September, news sites based in the U.S. began to draw attention to the course. It was the first Hadweh says he had heard about controversy over it. Then a letter writing campaign, coordinated by Amcha, one of the larger pro-Israel nonprofits in the U.S., and signed by 40 other pro-Israel nonprofits, asked UC Berkeley administrators to cancel the class. And then, with no warning to Hadweh, the class was canceled.

Amcha did not respond to several requests for comment.

As the course and the controversy over its cancellation brewed at Berkeley, Hadweh was contacted by one of his friends in Israel, who said he'd seen Hadweh's course mentioned on Israeli news: a reporter for a local Israeli TV news station had interviewed Gilad Erdan, the head of the government's anti-BDS efforts. The report said he and his agency had covertly put pressure on UC Berkeley to cancel the course. UC Berkeley communications officer Dan Mogulof said the school did not receive any direct communications from the Israeli government, but did receive many emails from pro-Israel nonprofits.

After weeks of protests from UC Berkeley students, the course was reinstated. But the full repercussions of the course have yet to shake out: Hadweh is Christian, and when he is back in the West Bank for the holidays, he and his family usually cross into Jerusalem for Christmas, which requires a permit sponsored by a Jerusalem-based church. For the first time in his life last year, Hadweh's says his permit to cross was denied by the Israeli government.

The consequences of these kinds of campaigns against critics of Israel have effects beyond college campuses. Talking to the people who've experienced them, I got the sense that they are uniquely isolating events. With the world turned against you, your career in jeopardy, and often indifferent college administrations staying silent, it can feel like you're in it alone—you against a multimillion dollar machine intent on you losing.

Rabab Abdulhadi, a professor of ethnic, race and resistance studies at San Francisco State University, has been battling pro-Israel groups for years. The harassment reached its peak in 2014, after Abdulhadi took a research trip to the Middle East, and met with a few people that far-right groups like Amcha consider terrorists. Amcha and several other groups claimed that Abdulhadi's trip was a misuse of state funds and called for her to be fired. After months of controversy, her school came to her defense. But Abdulhadi said she feels scarred by the years of emails, threats, and campaigns against her.

“If you want to speak out, they're going to make your life hell,” she said. “There's a cost for everything. And the cost is very high. They want the cost to be high enough that you just shut up.”

While I was researching and writing this chapter, the Congress took several steps that help legitimize the tactics used by pro-Israel groups to harass professors and students. In response to a wave of anti-Semitic violence and vandalism in December, the Senate passed a bill that did little to end anti-Semitism and instead directs the State Department to take any speech that “delegitimizes”, “demonizes”, or “applies double standards to Israel” into consideration when investigating schools for anti-Semitism. Even the harshest critics of Israel acknowledge that anti-Semitism is a problem that needs to be addressed, but the Senate's bill conflates criticism of Israel with anti-Semitism, setting a dangerous precedent for the state viewing hate speech and

political speech as equally harmful. The law means now professors and students critical of Israel are not only at risk of monitoring from pro-Israel groups, but the U.S. government. And last summer, New York's governor Andrew Cuomo signed a first-of-its-kind executive order meant to punish any group or company that supports the BDS movement by barring the state from doing business with them. Civil rights groups called it a McCarthyesque blacklist.

One does not have to care about Israel and Palestine to see how these kinds of tactics could have a chilling effect on free speech: Donald Trump has shown a willingness to support McCarthy era tactics to silence dissent—using friendly media as a megaphone and shunning journalists who disagree with him, asking the State Department for a list of employees working on issues of gender equality and a list from the Energy Department on those working on climate change. If he ever wants to take on dissent on college campuses, thanks to the work of dozens of pro-Israel nonprofits, the millionaires and billionaires that fund them, and the Israeli government, he'll have a model to follow: choose a target, whether a professor or student, and attempt, through harassment to make their position, whatever it may be, so hard to uphold, that they and others give up the fight.

And those who want to write critically, to disagree with the mainstream, to call out perceived injustice, will have to weigh the ever-increasing costs. It's a calculation Rabab Abdulhadi, Jasbir Puar, Simona Sharoni and dozens of others are now used to making before they write, before they attend an event, before they speak to anyone in public. It's a calculation I had to make in writing this article—balancing whether it was worth it to publicize what I believe is an injustice against the cost of ending up on a list (or several), and possibly subject to the harassment of a thousand Twitter trolls. To paraphrase Rabab Abdulhadi, when does the cost get high enough that you just shut up?