

# What makes speech “free”? PEN America may know, but WNYC won’t ask



by Lev Tsitrin

When I heard that PEN America’s president would be a guest on WNYC’s Brian Lehrer show, I just had to call in. WNYC (which styles itself “New York Public Radio”) is an NPR affiliate, and I have a bit a history with it. Believing that the word “public” in its name means that the public owns the station, and therefore the station broadcasts stories which the members of the public feel need to be heard, I kept coming to WNYC’s “community advisory board” asking WNYC to do a story on the self-admittedly “corrupt and malicious” way in which federal judiciary operates. But words are deceptive, and the word “public” in the “public radio” means nothing – other than that the public pays the expenses.

Hence, in talking to WNYC I might as well have been talking to a wall. They listened, but did not hear; no one would respond to my e-mails, or explain to me why federal judges’ improper (or better said, fraudulent) judging is off the journalistic

radar, only the “appearances of impropriety” (like the latest Clarence Thomas story) getting coverage, And a few years ago, WNYC got a new president, one Goli Sheikholeslami who got so sick and tired of my sending the station further material, and insisting that they explain why judicial fraud is unimportant, that she had my e-mail addresses, and my phone numbers blocked. I was no longer a part of WNYC’s “community,” I was no longer the “public” of “New York Public Radio.” (A career-hopper, Goli quickly left WNYC for the greener pastures of Politico, where she is now presiding as a CEO. And I got a different phone, from which I make calls into the show when the subject related to the judiciary comes up – though Brian Lehrer never puts my questions on air, no matter how pertinent they are).

This time around, the guests were writers (one of them, the president of PEN America, no less), and my call was not about judges. The announced subject being free speech, I had a burning desire to know what PEN America thought of the Library of Congress’ silencing author-published books (which it does by denying such books the keywords that make books visible to libraries and bookstores that form our “marketplace of ideas,” reserving them only to corporate publishers – thus establishing an undisguised regime of corporate censorship and, needless to say, of crony capitalism.)

I never learned the answer: true to his unspoken policy of not having “free speech” on his program (or at least, not including my speech into his show’s “free speech”), Brian did not put my question through – but inadvertently, the segment offered a window into Brian’s own insecurities and fears when it comes to free speech – and into his own interpretation of it.

While my question was intended to explore “free speech” from the perspective of participation (since what I tried to ask amounted to, “can there be free speech without allowing into public discussion everyone who is interested?”), the guests,

Ayad Akhtar and Eboo Patel, were eager to discuss a totally different aspect of it, not the “who” of speech, but the “what” of it – what can, and what cannot be allowed into the public discourse?

Both guests being Moslem, [their discussion naturally turned](#) on the Moslem concerns: can depictions of Mohammed be allowed? Was Salman Rushdie good or bad? (The answer, if you really want to know, is that his “*Satanic Verses*” was anti-Moslem hate speech – but very good art.) But with depictions of Mohammed, there was a very interesting twist: the discussion turned on the recent Hamline University scandal in which an art instructor showed in her lecture a 14th century Persian miniature of Mohammed – and a Moslem student freaked out, scaring with her righteous screams of victimized piety the PC sh\$t out of Hamline administration (in the French word I used, the \$ was, I’m sure, the key character), the art instructor getting fired for insensitively hurting the pious Moslem maiden’s feelings. “Islamophobia,” you know – and the proper punishment: loss of livelihood.

Thought the brouhaha was widely covered in the press that stressed the hilarity of the situation ([I added my couple of cents too](#)), Brian never heard of it – and was at somewhat of a loss on how to react. His predicament is easy to understand: if he joined in his guests’ glee over the manifest idiocy of the student (and even the greater idiocy of the administration), some listeners could accuse him of insensitivity or, worst, Islamophobia – and goodbye a nice job at WNYC! What may be allowed to the two Moslem freethinkers when talking of depictions of Mohammed, will not be forgiven to the non-Moslem host. So Brian hedged his bets – at 8 minutes into the conversation – with “I would imagine that there had to be more to this firing than just showing a picture,” and when assured by his guests that there wasn’t “more to it,” went on probing at “where the line should be” – “racist speech coming from places of hate,” perhaps?

This short exchange taught me more about Brian Lehrer, and his reasons for not putting me on the air, than I learned in many years. To him, there “should be a line” that one’s public speech cannot cross – and since he, as a host, decides where that line is, my speech – be it about judges, or Islamists, or the censorship instituted by the Library of Congress – just has to be muted. To Brian, I am a kook (for who else can insist that judges ought to be made to stick to due process, or that “marketplace of ideas” should be open to all, or that Islamism is, in religious terms, idolatry) and he won’t let me speak: “public radio” is not for the public to talk – it is for the public to listen (and pay for). To Brian Lehrer, WNYC is not “of the people, by the people, and for the people” – it is “of the elites” and “by the elites,” instructing the lowly “people” – but not letting them participate. Participation is for the “elites” only, and for those in the public who parrot their lines. Those like myself should know their place and stay on the muted side of the speech line.

From his perspective, this is good for the public: why give voice to “racist speech coming from places of hate” and its equivalents (of which my speech is, apparently, one)? But there is follow-up question: where exactly do you draw that line? After all, as we learn from the Hamline story, one woman’s art history textbook is another woman’s manual of viscous Islamophobia. The road to hell is paved with good intentions – and Brian Lehrer’s good intentions of shielding the public from “speech coming from places of hate” shields it from much else, too. I would argue that Islamists keep killing people only because we cannot expose the idolatrous roots of Islamism – and we cannot do it because the like of Brian Lehrer are scared of being accused of “Islamophobia.” So, we walk on eggshells of PC nonsense when we talk of Islamism – while Islamists get no meaningful push-back, and righteously engage in terrorism.

Speech does not exist outside of a speaker, and speakers speak

because they have something to say, because they have ideas they want to share. When people are prevented from speaking, there are fewer ideas floating around. Yes, ideas can cause harm. But ideas can bring solutions, too. Stifling the latter while preventing the former is not productive at all.

The problem is, that it is hard to predict the ideas' effect. Critical dissection of Islamism may be Islamophobic "hate" – or a cure for Islamist terrorism. Criticism of how federal judges operate may undermine the trust in their authority – or give us "the rule of law." The open-for-all "marketplace of ideas" may bring confusion about which books are good and which are bad – but it will also make us think, if only to be able to tell the latter from the former.

There is a good reason why free speech is a force for good – and it is a shame that WNYC blocks it. The "what" of our public discourse is determined by the "who" of its participants – and restricting the "who" severely restricts the "what" that is being discussed – to our huge detriment. The elites like Brian Leher, who guard of our public discourse and serve as gatekeepers of what gets into the public sphere want to restrict participants to their fellow-"elites," which results in the paucity of ideas floated in the public sphere – and this isn't good at all, for anyone. The likes of Brian Lehrer may not care, feeling that this is how they protect their place in the social pyramid – but the entire pyramid gets much shakier, for it too is rooted in ideas – and the rotten ideas that are allowed to outshout the good ones, via good services of the PC gatekeepers of our public discourse, don't add to stability of our social structure. To the likes of Brian Lehrer and WNYC, free speech – as expressed by participation in the public discourse of all who care, and not just by the so-called "elites," is damnable and damned. Does PEN America think so too? I don't know – because WNYC didn't put my, apparently hateful, question through. But it would be interesting to know.

Lev Tsitirin is the author of "[Why Do Judges Act as Lawyers?: A Guide to What's Wrong with American Law.](#)"