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Nan Levinson. Outspoken: free speech stories.
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Review:

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Growing up, I was one of those children of the '50s and '60s who thought the right to freedom of speech was inviolable, incorruptible, and unassailable. Yet as Nan Levinson's book *Outspoken: Free Speech Stories* makes evident, our right to free expression is often contested, frequently assailed by those assuming a moral prerogative and restricted by concerned citizens who litigate minority voices into self-protective silence. So many books on current events lose relevance over time. Levinson's is not one of them.

This collection of twelve personal histories—stories that Levinson refers to as cases—displays a surprising breadth of experience. There is a timeliness about these cases that makes them chillingly relevant, although Levinson wrote most of this book before the events of September 11, 2001, and many of the cases she researched originated decades ago. The protagonists of these stories range from teenage graffiti artists to grandmother poets, from young black conscientious objectors to physicians trying to save lives. Each narrative illustrates a different struggle concerning freedom of expression. Each protagonist's personal history is a lesson in patience, courage, determination, and unbelievable frustration.

A lecturer at Tufts University, where she teaches writing and journalism, Levinson has had considerable frontline experience with freedom of expression and human rights. She worked at the National Endowment for the Arts and as Executive Director of the British American Arts Association/US prior to taking on the role of U.S. correspondent for *Index on Censorship*, a London-based magazine that tracks censorship worldwide. Of her stint at the *Index* she writes:

I reported on efforts to silence, punish, intimidate and embarrass people for what they said, advocated or imagined. In the eight years I worked with *Index*, I was aware always of the company I was in, apologetic for wanting space among all the horrors that governments do to people who lack the means to stop them... I know it's worse elsewhere, I said and wrote, but what is best about America needs not just praise, but also protection and honest appraisal. (nanlevinson.com)

Levinson divides the book into three sections and describes them thusly:

- *The Powers That Be*: stories of "five Americans whom the government sought to silence or punish for their words and thoughts."
- *Freelance Vigilantes*: stories of "the kind of censorship... usually portrayed as protectionist, a shield for the weak and vulnerable."
- *Balancing Acts*: stories of "when the rights of reasonable people collide... in arenas like the workplace... and in fields of knowledge."

In a case that deals largely with freedom of the press, Levinson argues that "we can defeat ideas only if we know about them, and the more we know, the better prepared we are to address the circumstances that make them appealing" (111). As if in argument against the current administration's efforts to restrict all sorts of information in the name of national security and public safety, Levinson sagely points out that these restrictions tend to apply to only one side of the debate: "Exclusionary laws and practices are based on the belief that a controlled society is a secure one—the same wishful thinking that creates gated communities—but people are not safe from what they don't know. How else but through open discussion can we refute ideas if they are wrong or learn from them if they are right? And how else to tell the difference between the two?" (86). And restriction doesn't have to be a legal issue. Far more insidious is the self-censoring that has followed the events of 9/11. Any criticism of the administration or government is regarded as unpatriotic with the potential to "weaken" our image abroad. This attitude towards critical speech has had a chilling effect on investigative journalism concerning both politics and the wars in Afghanistan and Iraq, according to Levinson. But "governments and citizens

need at times to hear more than just what they want to hear”(112). Reflecting on recent events, Levinson says on her web site, “I wish circumstances were different and I worry about the wisdom of our response, but liberty has always been a balancing act and the urge to cover other people’s mouths and eyes will always be with us. It’s a muddle, but one thing became clear to me as I worked on *Outspoken*: Of all the very good reasons to protect free speech, perhaps the best is that we miss it when it’s gone.”

This chilling effect has permeated more than the press and media. Levinson tells the story of Penny Culliton of Wilton, New Hampshire. Apparently, decisions about content—be they books to be published or material to be covered in a curriculum—are now the purview of governments, school boards and parents. Levinson observes, “Life as it is is unacceptable to some people, particularly those who believe that to read something is to swallow it uncritically, or, as the conservative Concerned Women for America claims, that children are as impressionable as ‘wet cement’” (176). Editors and teachers are no longer trusted to judge literary merit or design the learning experience of their students. Parents who find a particular book troubling or offensive want to remove it not just from their children’s reading list but from everyone’s reading list. Teachers, like Penny, who fight for academic freedom and a true marketplace of ideas find themselves, not just censored, but also out of a job. Most disturbing in these stories is the notion that often one doesn’t have to do much to silence the dissident voices we don’t want to hear. As Levinson points out, “Other countries kill their dissidents. We frustrate ours into silence, trivializing deeply held convictions and turning their advocates into cranks, or bribing discontent with stardom and spots on talk shows and the covers of glossy magazines” (2).

This book isn’t just an examination of free speech litigation; it’s a history lesson in every story. Not only is the background of each case laid out step by step, the historical context is also set, as in “La Mordaza,” the story of a prize-winning journalist, Daisy Sánchez, who was threatened with prison and a grand jury investigation for failing to comply with a subpoena to hand over tapes she used in a news story. Levinson provides a brief history of Puerto Rico and its initial “discovery” by Columbus and proceeds to outline the factions that stem from 500 years of colonization and proximity to a major world super-power. Levinson’s observations are prescient and relevant when she states, “Punishment of a journalist who refuses to cooperate with a legal investigation is not necessarily partisan, but when governments try to restrict information or influence its purveyors, power and political maneuvering take center stage”(110). The harassment of Sánchez by the FBI and the U.S. attorney is echoed in the recent case of Judith Miller from *The New York Times*, who, at the time of printing, is in prison for not turning over notes concerning the identification of a CIA agent irrespective of the fact that Miller hadn’t used her notes or published anything concerning the agent. Meanwhile, Robert Novak, who actually “outed” the agent, thereby committing a federal crime, is not being prosecuted. Over and over in this book is evidence that parts of our government systematically trample first amendment rights, seriously overstepping legal authority in the pursuit of partisan politics. What should it be? A stable, secure government or a free press? Levinson calls on the framers of the Bill of Rights, quoting in particular Thomas Jefferson, who wrote, “Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.”

The outstanding characteristic that ties together all of Levinson’s protagonists is their patient, dogged, and righteous tenacity in the face of overwhelmingly greater power and wealth. While there are often demonstrations in support of their cases, the players themselves pursue their right to freedom of speech and expression through the courts, matching move for move over a long period of time, often decades. Some win outright, but more often the fight leads to a pyrrhic victory—a broken vase cannot be mended and made anew. As Levinson reflects, “I think civility is great, depend on it to get through the day, and get upset when it’s breached. It isn’t a panacea, though, and pretending that it is smothers all the things that are not civil but still need to be said”(141).

I confessed to the author, in a recent email, that it took longer than I expected to read her book—I had to keep putting it down in order to get over the anger I felt on behalf of these people. That my community, my government, my fellow human beings could so violate the spirit of the Bill of Rights by denying these artists, writers, teachers and doctors their freedoms had me fuming. In her reply to me, Levinson says, “I still tend to sputter when I come across yet another outrage. Maybe that’s why I’m not always a fan of civility. Sometimes—lots of times—you need to say what isn’t pleasant or polite.”

This book is thought provoking. At a time when debate concerning the extension of the Patriot Act doesn’t get half the attention it should, when the actions of today’s legislators could possibly unravel over two hundred years of commitment to freedom of expression, one might easily conclude that it couldn’t have come at a better time. Personally, I think that the final question for us is the one that introduces the book: “Will we meet speech that unsettles with the catharsis of response—discussing, debating, debunking, deflating—or will we impose ever more elaborate limits on the speech we don’t want to hear?”(2).

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