



# FACULTY FORUM

## SPEAKING OUT ON ACADEMIC FREEDOM

VODD

cared about how to reconcile freedom and responsibility. They were not buying all of my arguments, but I was heartened by the discourse.

If you have not yet done so, I urge you to take a few minutes and surf the web on the topic of “academic



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freedom of speech and to call for a halt to the challenges to academic freedom that have followed in the wake of protests about the Churchill publication. Our individual views on the tone and substance of Professor Churchill's statements vary widely. But the content of those views is irrelevant to the question of whether Professor Churchill has the right to make such statements, and we are united in believing that he does.

As law professors, we are uniquely aware of the importance of academic freedom at our colleges and universities. Such institutions are central to the production of knowledge and the dissemination of information in our society. By helping to ensure an informed populace, they facilitate the development of effective and just public policies. An informed public is the key to a truly free society, for demagogues and tyrants thrive on ignorance. Universities play the crucial role of providing a forum for informed criticism of our society and its policies. Such critique of the conventional wisdom, or the accepted way of doing (or seeing) things, is essential to fostering the public debate that is necessary to prevent tyranny. As our own history shows, once loyalty tests and "love it or leave it" reasoning are used to stifle dissent, both knowledge and liberty suffer. Regardless of whether state and university officials agree with Professor Churchill's views, it is their obligation to uphold his right to state them publicly. In addition, the attack on Professor Churchill's freedom of speech sends the wrong message to students, who need to understand the importance of free speech in the setting of higher education.

Most important, distaste or offense at Professor Churchill's expression of his views does not give anyone the authority to challenge his right to say them. As the U.S. Supreme Court noted in

"... a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger."

Moreover, to contend, as some commentators and officials have, that a "right" to free speech might nevertheless have "consequences," including firing, is to fundamentally misapprehend the free speech guarantee. The central meaning behind the First Amendment protection of freedom of speech is that the Constitution government officials from firing or disciplining individuals for speech they find offensive or unpopular. Indeed, the most controversial views are the ones that need to be protected, for they are the easiest to chill. Who knows what other

faculty members, whether their views be progressive or conservative, will be afraid to speak out after seeing the public reaction to Professor Churchill's controversial statements? The whole point of a system of free speech is that those who find speech offensive have an equal right to challenge and respond to it – with more speech. If University and state officials are offended by Professor Churchill's statements, they should respond by criticizing his ideas, not by punishing him for stating them.

In the interests of not only Professor Churchill, but also the entire academic community in Colorado – and the country at large – we urge the University of Colorado Board of Regents to take a principled stand respecting Professor Churchill's constitutionally protected right to publicly state his views.

Signed,  
[All of the undersigned are full-time faculty, or faculty emeriti, at the University of Denver College of Law]

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