

THOUGHTS ON FREEDOM OF SPEECH

The First Amendment to the United States Constitution

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Q: Is controversial speech legal?

A: Yes. The Constitutional right to free speech as set forth in the First Amendment to the United States Constitution affirms, with few exceptions, the lawfulness of individuals’ and groups’ right to communicate virtually any idea regardless of how widely shared or accepted by others it may be.

Q: Can the College restrict speech on campus?

A: Yes. However, any restriction must be content-neutral and narrowly tailored to serve a significant government interest. In general, this means that the college can determine the time, place and manner of speech so as to ensure minimal interference with the operation of the college, its provision of services, and people’s access to it.

Q: Can the College restrict speech because it is controversial?

A: No. College policy may not supersede the Constitution. Moreover, restricting any individual’s or group’s speech solely on the basis of it being upsetting, or even demonstrably wrong, jeopardizes everyone’s rights. The laws that assure free speech for neo-Nazis and pornographers also protect the rights of anti-war protesters, civil rights workers, lesbian and gay activists and others fighting for peace, justice, fairness, and equality.

Q: What is the college’s official position on controversial speech?

A: The College has a legal, and indeed a moral, obligation to ensure that it protects the free exchange of ideas. The principles of academic freedom demand that all ideas are given a fair opportunity to rise or fall on their own merit; only then can we have any confidence in our own opinions and beliefs. For this reason, the college will remain a neutral venue and provide the same level of safety and respect to all speakers.

As Thomas Jefferson said of his own university, "here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it."

Q: What is the College’s response to bigoted or offensive speech?

A: SUNY Oswego strives to ensure a safe environment for all constitutionally-protected speech, regardless of its content, and encourages college community members to fully understand their right to free speech under the First Amendment. The College also supports forums and symposia on controversial topics where they can be discussed and debated in an intellectually-stimulating and productive manner.

Q: How should I respond to controversial speech?

A: Academic freedom and freedom of speech are hard to take sometimes; it is difficult to see and hear things that challenge your personal beliefs and offend the things you cherish. But if academic freedom and freedom of speech are to mean anything, they mean that critics cannot silence that with which they disagree—however strongly they may disagree.

You, alone or as part of a group, have the right to respond to a controversial speaker with protected speech of your own. This includes—but is not limited to—talking, circulating literature, displaying signs, and singing. However, you may not threaten a speaker or commit any violent act against a speaker. Nor may you participate in the creation of a situation in which the speaker cannot be heard.

You also have the right to ignore a controversial speaker—which is sometimes the best way to show your disagreement with their message and deny them the attention they are often seeking.