



CONSTITUTION CONNECTOR

Free Speech and the Inclusive Campus: How Do We Foster the Inclusive Campus?

As citizens convene in public forums to deliberate on the value of their individual freedoms and civil liberties, these Constitutional Connections provide considerations for shared judgement and collective action to connect these salient issues to the understanding of the U.S. Constitution.

First Amendment 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.

Related constitutional concepts and terms: Doctrines or categories of unprotected speech, "Fighting words," "Reasonable person," "True threats," Hate speech, Hyperbole, Time Place and Manner (TPM), Strict scrutiny, viewpoint neutral, nonpublic and public forums, counter-speech.

Questions for inquiry

- Why is it important for a democratic nation to permit potentially offensive statements and free speech?
- Why did the Framers of the Constitution consider free speech a necessary protection in order to enable open dialogue and thought?
- What kinds of speech are prohibited? When is free speech protected constitutionally and when is it not? If speech does not fit into one of doctrines or six categories of unprotected speech, why is it constitutionally difficult to ban the content itself?
- Since a democratic nation cannot regulate bad speech, one of the major implications of the First Amendment is that citizens should counter bad speech. How should citizens use counter-speech to make it productive and less polarizing?

Resources

https://www.law.cornell.edu/constitution/first_amendment

<https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does>

<https://repository.law.umich.edu/mlr/vol95/iss2/2/>

<https://www.brennancenter.org/issues/advance-constitutional-change/first-amendment>

<https://constitutioncenter.org/interactive-constitution/amendment/amendment-i>

<https://knightfoundation.org/wp-content/uploads/2020/05/First-Amendment-on-Campus-2020.pdf>

<https://pen.org/chasm-in-the-classroom-campus-free-speech-in-a-divided-america/>

<https://www.insidehighered.com/news/2020/06/23/first-amendment-response-first-response-racism-campus>

<https://www.theatlantic.com/national/archive/2013/08/the-most-powerful-dissent-in-american-history/278503/>