

Florida Atlantic University
Student Government
Boca Raton House of Representatives
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BRHR-10-09

“Free Speech on Campus”

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WHEREAS: On May 18th, 2010, a Florida Atlantic University official fired Michael Koretzky (University Press advisor and Owl Radio interim advisor) and Pete Montalbano (Owl TV advisor) with three day notice, claiming that Student Affairs was reorganizing student media at Florida Atlantic University, and;

WHEREAS: On March 3rd, 2010, Florida Atlantic University campus officials shut down an informational meeting about starting a conservative organization, Young Americans for Freedom (YAF), on campus and violated their First Amendment right to assembly and discriminated against the contents of their speech, and;

WHEREAS: In the Florida State Constitution it states in Section 4 under entitlement of Freedom of Speech and Press, “Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press,” and;

WHEREAS: In the Florida State Constitution it states in Section 5 under entitlement of Right to Assemble, “The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances,” and;

WHEREAS: The Supreme Court case of *Widmar v. Vincent (1981)* states that speech regulations must consider “the nature of the place [and] the pattern of its normal activities,” and;

WHEREAS: The Twenty-Sixth Amendment to the United States Constitution makes the official voting age eighteen years of age across the United States and makes a distinction between college-age students and high school students, and;

WHEREAS: Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in high school; however, regulation of the First Amendment at the public university level is considered unconstitutional, intellectually dishonest, and terribly demeaning, and;

WHEREAS: According to the Foundation for Individual Rights in Education (FIRE), it states that “laws may be stricken in their entirety as overbroad if it is impossible to separate their constitutional and unconstitutional provisions without writing a completely new law,” and;

WHEREAS: According to the Foundation for Individual Rights in Education (FIRE), law can be declared “void for vagueness if people of common intelligence have to guess at its meaning or would easily disagree about its application,” and;

WHEREAS: The Supreme Court case *Hazelwood School v. Kuhlmeier (1988)* stated that under *high school* circumstances, schools could regulate so-called “school-sponsored” speech, but on a university level prepublication review is impermissible, and;

WHEREAS: The Supreme Court case of *New York Times v. United States (1971)* stated that in order to qualify for “prior constraint,”¹ material about to be published must have a clear, immediate and devastating impact on national security, and;

WHEREAS: The Supreme Court case of *Papish v. University of Missouri (1973)* stated that “The Mere dissemination² of ideas – no matter how offensive to good taste – on a state university campus may not be shut off in the name alone of ‘conventions of decency,’” and;

WHEREAS: That the university is legally prohibited from censoring the content of student publications, and previous attempts by universities and other entities to regulate freedom of speech, including hate speech, have all been ruled unconstitutional.

THEREFORE BE IT RESOLVED: That the House of Representatives of Florida Atlantic University requests that the university administration abide by the policies set forth in both federal and state law that supersede Florida Atlantic University regulations and statutes, and;

THEREFORE BE IT FURTHER RESOLVED: That university administration recognize the First Amendment and students’ rights to freedom of speech and the press and the right of the people to assemble peaceably.

¹ Prior Constraint: prohibiting publications or speech before they are published or communicated.

² Dissemination: the opening of a subject to widespread discussion and debate