SLF Urges Supreme Court to Hear Case Challenging University Censorship

(Nov. 18, 2022) Washington, DC: Today, Southeastern Legal Foundation filed an amicus brief urging the Supreme Court to hear a case challenging censorship at the University of Alabama. College campuses have long been viewed as the marketplace of ideas—not only for students, but also for members of the public. Traditionally, courts have held that anyone can engage in speech activities in the open, outdoor areas of campus. But when a member of the public tried to speak on a sidewalk that ran alongside the University of Alabama campus, the university shut him down. Worse, the Eleventh Circuit Court of Appeals upheld this censorship, reasoning that universities have the power to decide how much access to grant members of the public to school grounds.

As SLF writes in its amicus brief, this decision runs afoul of the First Amendment because it gives universities all the power to decide who can speak and even what they can say. But the First Amendment is meant to stop government censorship, not give it more control over speech. That is why SLF is urging the Court to hear this case and overturn the lower courts' decisions.

Director of SLF's 1A Project Cece O'Leary says, "Sidewalks have always been viewed as public forums that are open to all speakers. The Eleventh Circuit's decision does away with that precedent by saying that the government can grant or deny members of the public access to sidewalks and other open forums on campus. This turns the First Amendment on its head."

Adds SLF General Counsel Kimberly Hermann, "We encourage the Supreme Court to grant this petition and hear this case. Otherwise, this sets a dangerous precedent for other universities to follow, where they will censor the speech of campus visitors and even students. At a time when censorship is already increasing at an alarming rate, courts must do their part to curb that censorship, not welcome it."