

First, the author claims that students "assailed" him in a residence hall. Right away, we are into hyperbolic territory: since when is asking a student to take a survey akin to a violent attack? If there is any "ghastly horrific crime" being perpetrated here, it's by the author of this letter against the bounds of reason and mature discourse. I point out this language use because it is indicative of the author's frantic, exaggerated style throughout the entirety of the piece.

Second, the author claims that if he answered for "responsible speech" to our student survey, then he would be "ridiculed as a commie or terrorist." This is a baseless accusation. The surveys were administered so that the campus canvassers had no way of knowing which way students voted on their ballots. Moreover, even if the canvassers knew the student's vote and disagreed with him or her, there is no evidence that he or she would have been ridiculed. I have not heard of an instance of anyone in our group ridiculing those who disagree with us, and the author does not allege that he knows of any such instance, either. Basically, our group members were accused of an intention to do something that no one in our group, to my knowledge, has ever done. If there is a problem here, I would place it squarely on the author's paranoia and willingness to think the worst of others' motives.

Third, the author claims that those who argue against the First Amendment are considered "un-American and supportive of values that will lead to America's destruction." I don't even know where to begin with this one. The author's prose style is so terse and inscrutable that it is not clear if he or she is accusing our group directly of calling our detractors "un-American" (whatever that even means), but I think that the implication is certainly there. But if you comb over my writings and the writings of others in this group, you will be hard pressed to find any evidence of that kind of talk. Again, the author here speaks in broad terms without citing any specific examples to back up his or her implied accusation – because no examples exist. Whereas this person is willing to broadly denigrate the volunteer canvassers in our group without any reason other than disagreeing with them, it should be a point of pride that our group has never taken that low road and tried to smear those who disagree with us.

I should also make the broader point that there is nothing wrong advocating the First Amendment. Though the author disingenuously argues that trying to promote the First Amendment somehow creates an unfair paradox, there is nothing inherently different about arguing for a First Amendment standard for free speech than about arguing for any other policy position: Some people will agree with you, and some people will disagree with you; all you can do is present your case on its merits and try to persuade as many people as you can that you are correct. Our group has made a concerted effort to address this issue with positive (as opposed to normative or accusatory) arguments. In fact, I have been nothing if not fastidiously cautious in moving the issue forward because I have been trying so hard to build consensus among the students and within the administration. Sometimes I even wonder if I should have been more pugnacious and pushed a little bit harder.

Fourth, the survey was not ludicrous. Marywood faces a choice: Do they adopt a speech code based on the college's Catholic heritage or some other limiting standard, or do they choose a broad standard for speech rights that gives equal weight to everyone's views. Our group believes the latter is the better choice – on the merits – and we have put a lot of time and effort into explaining our rationale for this. But we also realize that not everyone agrees with us. After the SGA supported two of our proposals but not the third, we felt it was important to return directly to the students to see what they truly believe. If the author thinks that the average student would not "in their right mind" disagree with free speech, it's probably because most students, in fact, agree with our group's position. Therefore, I really don't understand the criticism here: Is the author really accusing us of somehow being wrong for advocating a position that the vast majority of students agree with? Guilty as charged, I guess.

And as to the survey itself being a loaded question, I think we have done more than due diligence in explaining ourselves to the students at Marywood. Students have had access to our website for months, I published a piece in the *Woodward*, we invited an expert speaker from FIRE to campus to answer student's questions, and we have even put informational fliers out around campus. The issue of free speech is complex and we recognize that; so, we have tried our best to educate the campus on why we feel a First Amendment standard is the best of several choices. Students were free to vote in our survey as they pleased or to have abstained if they felt the question was too complex. Our group has always been open to and understanding of the different views on campus regarding free speech; our writings and activities reflect this – and the author's bland, unspecific allegations do nothing to contradict it. Unsurprisingly, the author does not offer any recommendations for what we could have done differently. More likely, the author just disagreed with what he knew the majority of the students would say and was miffed about his own inability to convince students they should give up their speech rights when they enroll at Marywood.

Fifth, the whole military analogy, as applied, completely misses the point. The US military does limit speech; there is no question about that. But they do so according to a very clear set of governing guidelines and laws known as the Uniform Code of Military Justice (UCMJ). These governing guidelines and laws are created by Congress and are clearly delineated for all in the military to see. If military members have a question about the limits of their speech, they are afforded the benefit military legal counsel and years of case precedents within the military justice system. Moreover, when people join the military, they explicitly and unequivocally agree to follow and uphold the UCMJ. Do you think anyone in the military is surprised to be covered by military law?

Our whole problem with Marywood is that it has adopted nothing like the UCMJ and is thus nothing like the military in this regard. While Marywood imposes a speech code, it does not impose it evenly based on a set standard like the UCMJ. Military commanders cannot substitute their personal judgment and subjective taste for the rule of law within the military. But at Marywood—where there is no clear, codified rule of law—administrators are free to do just that. Our group believes the answer to this is for Marywood to adopt a clear standard for free speech based on the First Amendment.

Another option is for Marywood to be clear that they follow Catholic dogma in speech restrictions. Yet another is for them to be clear that administrators have unlimited leeway in deciding issues related to speech on campus. We feel the latter two would be wrongheaded, but at least they would be honest and open for students to see before enrolling. The bottom line is that Marywood needs a clear code because administrators here are currently free to use their subjective judgments without restraint, and there is no way for students who enroll at Marywood to know just what speech rights they are giving up when they step on campus. That's unfair, that's unnecessary, and that's why we've been pushing so hard to clarify the rules.

In sum, the author of this letter seems to cling to hyperbole and non sequitur rather than address our group's position on the merits. The author cites no examples of wrongdoing by our group – all of the accusations seem to be the machinations of an overly paranoid mind. It is also notable that the author never once proposes his or her own standard for free speech. It is easy to attack a position with rhetoric and vitriol, but it is difficult to work positively to promote an improvement to the campus. Our group has taken great pains to advocate our position openly and in a way congruous with what the vast majority of Marywood students want. That said, I am glad that this person has taken the time to write our group and I will be happy to post their letter on our main website when I get the chance. Our group is about protecting and promoting free speech – even when it is grossly misinformed and disingenuous.

Cheers,  
Bill