

Regarding the majority statement in *Urofsky v. Gilmore* that a First Amendment right of academic right belongs to the institution and not the individual faculty members, I agree. Although I initially believed I would disagree and would have personally ruled in favor of the faculty members and the ACLU, I now agree with the majority.

One of the first points I agreed with was that citizens do not lose First Amendment rights simply by their employment from a public institution. However, along with this, is the point that the employer, as the state, has more authority to restrict speech of employees than of general citizens. The first time I read this I considered it to support the position of the professors but after rereading the second point realized the truth and filed it as support for the state. Additionally the court looked at the context of the 'speech' and stated that it is unimportant how interesting or relevant the subject of the 'speech'. My original dissention stemmed from the belief that infringing on the professors ability to complete productive research contributed to the case of the professors. However clearly that is not relevant. Further professors were still able to access the explicit content on their own personal computers. While it may seem like an inconvenience, it is far from a First Amendment violation.

Another aspect by which this case was viewed was the determination of whether the speech was made as a citizen or as an employee. Since the professors were completing work that would contribute to their scholarship and hence advance their career- it is clear that the speech was made primarily as an employee. This returns to the point that the state has power as an employer to regulate speech, more so than it does as a government to regulate general citizens' speech.

In contrast, I also found a few statements throughout the case to be relevant to my initial opinion. The first statement about citizens' not relinquishing First Amendment rights simply by accepting public employment has already been discussed. I also found the statement about a balance between the interest of the employee as a citizen and the interest of the state as an employer to be of interest. While it does seem to support the case of the professors, I also think that it is parallel to a point I have already made: that the citizen is performing work for the state, the interests of the employer are paramount.

Overall I feel that in this case employee's First Amendment rights were not being violated and in fact that any First Amendment rights they had really belonged to the institution. My main support for this belief is the fact that in the case of a public institution the state is acting as an employer and not as a government body.