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A lesson on the first amendment

The Last Minute

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For the past week, angry students have bombarded The Crimson White with Letters to the Editor and guest columns condemning us for publishing Greg Michaelson's article, "You Can't Protect Everyone."

Many of the submissions I've received use the words hate speech to describe what Michaelson wrote. Because of this, many of our readers have asked that the editorial board apologize for the publishing of that article.

This column, however, is by no means an apology from the editorial board or the staff of The CW.

By being in accordance with the 2006-07 UA Student Handbook that requires all student publications to "explicitly state that the opinions expressed by the publications are not necessarily those of the University or its students," The CW is by no means advocating the denial of protection for the LGBTQ community.

Denying the LGBTQ community protection is the opinion of one columnist, and it no way representative of how the editorial board, the staff or the University feels about this issue.

Many submissions have also called for the resignation or firing of Michaelson.

With all that being said, it seems many students on this campus don't understand exactly how the First Amendment protects the freedom of speech.

The Foundation of Individual Rights in Education, a non-profit organization that defends individuals' rights in higher education, published "Guide to Free Speech on Campuses" in 2005.

In that guide, the foundation says that the law recognizes "that people have a civil obligation not to inflict severe emotional distress on their fellow citizens intentionally and without good reason." Someone who ignores this obligation has, according to the guide, committed a tort - or private civil wrong.

Many of you would contest that Michaelson committed a tort. However the guide goes on to address that issue.

"According to the guidelines many states have followed in crafting their tort law, conduct must be 'beyond

all possible bounds of decency' and 'utterly intolerable in a civilized community' to qualify as outrageous. It must be 'so severe that no reasonable man can be expected to endure it.' 'Mere insults' do not qualify."

What Michaelson did would be deemed as insulting, nothing more. No matter how offensive it seemed his opinion is just that - an opinion, which according to dictionary.com is a belief or judgment that rests on grounds insufficient to produce complete certainty.

In *Hustler v. Falwell*, the Supreme Court didn't apply the "intentional infliction of emotional distress," saying that the parody ad of the Rev. Jerry Falwell was meant to cause emotional distress. The court said the First Amendment protects many things "done with motives that are less than admirable."

FIRE, in its Free Speech Guide, says this means even the most painful speech, "if it has a socially useful purpose," is protected under the constitution.

Look at the response Michaelson's column garnered on this campus. An issue that had very little coverage before is now a topic everyone on this campus knows about.

When I picked up a Nov. 1 edition of *The CW* and read the word "boycott" scribbled on the front page, I was shocked. Why boycott a newspaper for bringing an important issue to light?

Could Michaelson have been more tactful in addressing the issue of protection for the LGBTQ community? Yes. But it's his opinion, and, as the opinions editor, I would have been doing him and this campus a disservice by not publishing the article.

On its Web site, the American Civil Liberties Union states, especially on college campuses, "Where racist, sexist and homophobic speech is concerned [...] more speech - not less - is the best revenge."

And that's exactly what we're doing. By being so outspoken against Michaelson's opinion, you - the student body - are doing the best thing possible. A thousand voices cannot go unheeded for long. The more you speak out about the issue, the greater the likelihood that the University will listen to your, might I say quite reasonable, demands.

The Student Handbook also says this: "The editors shall not be arbitrarily suspended because of disapproval of editorial policy. This editorial freedom carries with it the obligations of responsible journalism."

The *CW* is dedicated to responsible journalism. To claim we were wrong to publish Michaelson's article indicates a lack of understanding of the First Amendment.

Freedom of speech is not selective. It cannot be used to protect just one side of a debate, or to silence the other. Whether you agree or disagree with the University's anti-discrimination policy, the same law allows you to express your opinion.

Callie Corley is the opinions editor of The Crimson White. Her column runs on Fridays.

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