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# Supreme Court wrestles with Georgia college free speech case

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January 12, 2021

WASHINGTON -- The Supreme Court on Tuesday wrestled with whether to revive a lawsuit brought by a Georgia college student who sued school officials after being prevented from distributing Christian literature on campus.

The school, Georgia Gwinnett College, has since changed its policies and the student has graduated. A lower court dismissed the case as moot and an appeals court agreed, but the student, Chike Uzuegbunam, is urging the justices to allow the case to move forward. He's seeking just \$1 and says he wants the Lawrenceville, Georgia, school to be held accountable for its past policies.

Groups across the political spectrum including the ACLU say the case is important to ensuring that people whose constitutional rights were violated can continue their cases even when governments repeal the policies they were challenging.

During arguments the justices heard by phone because of the coronavirus pandemic, both conservative and liberal justices expressed some concerns with Uzuegbunam's argument. Chief Justice John Roberts suggested to Uzuegbunam's attorney, Kristen Waggoner of the group Alliance Defending Freedom, that it was problematic that "the only redress you're asking for is a declaration that you're right." And Justice Elena Kagan noted that "people can't bring a suit for pure

vindication alone ... for the psychic satisfaction that it gives to hear a court say that.”

Kagan, however, also brought up what she said was the most famous case she could think of where someone had sought a symbolic \$1 in a lawsuit. In that case, former radio DJ David Mueller sued singer-songwriter Taylor Swift after she accused him of groping her, saying he was falsely accused and lost his job as a result of the allegation. She countersued for \$1 alleging sexual assault.

“ That's what happened. The jury gave her \$1,” Kagan said, later adding: “Why isn't that the same as this? The petitioner here says he was harmed. He wasn't able to speak when he should have been able to speak...He's just asking for \$1 to redress that harm.”

Justice [Brett Kavanaugh](#) also told Georgia Solicitor General Andrew Pinson, the lawyer representing Georgia Gwinnett College officials, that it “seems that there are a number of things working against you here.” But Kavanaugh also sought to explain why the case has continued.

“I'm trying to, again, figure out what's really at stake here. This is not about the \$1, I wouldn't think," he said at one point, adding that it was his “strong suspicion that attorneys fees is what's driving all this on both sides.”

Georgia Gwinnett College for years had a restrictive policy that limited where students could make speeches and distribute written materials to two “free speech expression areas.” Students had to get permission to demonstrate, march or pass out leaflets in other areas. The school has approximately 12,000 students.

In 2016, Uzuegbunam was distributing Christian pamphlets and talking to students on campus when a security guard told him he'd need to make a reservation and distribute the literature in one of the college's two speech zones. But when

Uzuegbunam did, he was approached again and told that there had been complaints and that he'd need to stop.

Uzuegbunam and another student, Joseph Bradford, sued, and the college changed its policy in 2017. Students can now demonstrate or distribute literature anywhere and at any time on campus without having to first obtain a permit. The only time a group needs a permit is if it expects 30 or more people to participate. The college has said it won't go back to its old policy.

Uzuegbunam has the support of the Trump administration as well as a host of religious groups.

A decision in *Uzuegbunam v. Preczewski*, 19-968, is expected by the end of June.

1. Define censorship, dystopian, fascism
2. The label 'fascist' gets used a lot these days. How well can you articulate what a fascist truly believes? What, for example, did the Nazis stand for? How did they maintain control of the German state?
3. Why do people try to ban books?
4. Consider this phrase again: "his work is too dangerous to be allowed to be aired." What is your reaction to that idea?
5. Who decides what's dangerous?
6. Where else have you seen free speech suppressed lately?
7. How well does the novel *Mr. Polumbo* discuss what's happening in Portland? In other words, do you find his argument effective, or not? Why?
8. What books have you read that wrestle with the dangers of suppressing unpopular speech?
9. How is reading books different from reading social media posts or news articles, or even columns like this one?
10. What can books do that these other reading materials cannot?
11. Why do you think the bookstore owner removed Ngo's book from his shelves while keeping it in the online catalogue? Was he right to do so? Explain.
12. If you were the bookstore owner, what would you do? Why?
13. Do you think that truth can eventually be found if all ideas are able to be freely expressed? Can truth be found if some ideas are not given the possibility of consideration?
14. Should these protesters face consequences for their efforts to manipulate this bookstore? Why or why not? If so, what consequences would be appropriate?
15. What laws are in place that prevent people from lying about others?