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# Syracuse University law student learns there's a limit to free speech

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Law student Len Audaer stands outside Syracuse University's College of Law. Audaer's controversial blog created trouble for him and a debate about a free speech on campus.

**Editors' note:** This story was written by contributing writer Abram Brown.

Syracuse, NY -- A controversy over a satirical blog that commented on everything from professors to bathrooms to sex at Syracuse University's College of Law came to an end Tuesday afternoon.

SU, which was named "the No. 1 worst campus for free speech in America" over this issue, by a free speech advocacy group, decided to stop the investigation into the SUCOLitis blog and not to file charges against one of the student authors, according to Kevin Quinn, SU's vice president of public affairs, in a news release.

"We have determined it is in the best interest of those who were targeted by the blog to end the investigation and not pursue the matter any further," Quinn said.

The student under investigation, Len Audaer, a second-year law student, e-mailed apologies to several people who complained about SUCOLitis' content. The apologies led SU to drop the investigation, Audaer said. "I think the one word that I feel right now is, 'related,'" Audaer said Tuesday. "I can return to being a student and stop being a pariah on campus."

The blog began in early October as a way to lighten the law school's somber atmosphere, Audaer said. The blog chose not to list its authors' names to give it a single editorial voice, and soon the posts began.

One post named a former College of Law administrator, claimed she had died, and discussed having sex with her. Another discussed etiquette while peeing at an urinal. A third post detailed a fictitious new stress-relief program where promiscuous first-year law students sleep with third-year

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students.

On Oct. 15, Audaer received an e-mail notifying him that SU was investigating him and the blog. He was facing "extremely serious" charges, according to an e-mail from SU's investigator, Gregory Germain, who is also a SU law professor. "I was involved with the blog, but there were others who were also involved," Audaer said. "Our purpose was just to entertain, just to entertain."

Audaer notified a free speech advocacy group, Foundation of Individual Rights in Education (FIRE), which worked to publicize the issue and bring negative attention to SU. Audaer and Germain worked through mediation until FIRE ignited the controversy further.

Until Jan. 28, Audaer refused to publicly admit he was a SUCOLitis author, and he still declines to name his co-authors. He only came out publicly after SU allegedly broke a condition of the negotiations, he said. Under the negotiations, Audaer would agree to both publicly apologize and admit authorship. In return, SU and he would issue a joint statement, he said.

Germain initially agreed to an interview, but later declined, saying all information must come from Quinn. Quinn declined to discuss the negotiations. Negotiations broke down when FIRE named SU the No. 1 worst campus for free speech in America in a Jan. 27 article on The Huffington Post website. FIRE in the past has criticized other schools, such as Brandeis University and DePaul University.

Following FIRE's article, SU released a statement from Vice Chancellor and Provost Eric Spina. While the release avoids naming Audaer as an author, Spina said SUCOLitis "contained false, mean-spirited attacks."

"Anyone who reads the blog entries will realize it is not harmless fun," Spina said in the statement.

Now that SU has ended the investigation, FIRE plans to change The Huffington Post article, said Adam Kissel, FIRE's vice president of programs. "It looks like Len Audaer's ordeal is finally over and that Syracuse has learned some important lessons about free speech, or at least, I hope so," Kissel said.

After FIRE's public denouncement and Spina's statement, Audaer felt SU had violated its agreement to issue a joint statement about SUCOLitis. So he said he sent out the four apology e-mails that led to the end of the investigation.

Legally the blog was protected by the First Amendment's right to free speech, said Eugene Volokh, University of California Los Angeles law professor and a free speech expert. While the blog may be a juvenile joke gone wild, Volokh said, it remains protected under the Constitution.

"Look, it seems to me, that this would be an opportunity for the dean to call him into his office and tell him that he's completely shot himself in the foot, professionally speaking," Volokh said.

Since Audaer has both apologized and admitted authorship, he said he expects the only punitive action could come against him when he takes the bar exam, which requires a student's university to review his performance at school.

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abby7

February 01, 2011 at 11:01PM

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Woo hoo! At least my alma mater is #1 in something.

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mattydalekid

February 01, 2011 at 11:03PM

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This is an hilarious article to be put up on the post standard because everyone who posts here knows that there is a limit to free speech because the website removes controversial comments all the time.

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scripture

February 01, 2011 at 11:26PM

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ditto, agree, concur.

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noroute

February 02, 2011 at 7:54AM

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What's even more hilarious is you not being able to tell the difference between a site run by other people who censor YOUR posts versus running your own website where you have control over the content yourself. Running a parody website is fully protected...hence sites like the onion.

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lightless

February 02, 2011 at 10:07AM

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Sorry. Got to call you on that one.

The First Amendment issue here is also tempered by a point of Contract Law.

The Users on this site have Agreed, In Advance, to a set of Terms and Conditions of Use and other Policy guidelines.

There is no unfettered right to post to your hearts content, and the decision comes down to comparison of the post with the content of the Posted Guidelines!

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flopka

February 01, 2011 at 11:29PM

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I guess law students have to work hard to attract attention to themselves any way they can, since they're paying ridiculous amounts of money for a degree that's essentially worthless. I suppose the book deal and speaking tour will stave off the inevitable Starbucks job for a year or so.

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**TheOracle** February 01, 2011 at 11:48PM  
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What an idiot! Just another jackass in training.

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**gimper** February 01, 2011 at 11:51PM  
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FIRE is a great organization. I contacted them because I was wrongfully expelled from SUNY Upstate Medical University on November 10th 2010. Even though they have extensive information on their website about being expelled without due process, they told me they did not want to take on my cause. I think they only will intervene when it is a free speech issue. I wish they would change their mind about that and help me. I filed a suit against the state for two million dollars. Either way...I plan on winning.

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**ymf** February 01, 2011 at 11:52PM  
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He learned a very valuable lesson about the law today:  
 The party with the most money prevails...

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**QueenofSwords** February 02, 2011 at 8:15AM  
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You got that right!

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**scrapadapolis** February 02, 2011 at 12:38AM  
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Ok so what is urinal edicate?Not talking?Stand straight and never deviate?two shakes thats all it takes?Ill sit with you at the bar and talk but in the head I don't know you..Damn I wish I knew about that blog site!!

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**bioya** February 02, 2011 at 2:09AM  
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this is a test and only a test to see if there's some sort of word parsing going on that automatically delays posts with certain words.....

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**bioya** February 02, 2011 at 2:20AM  
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Dear Post Standard:

If you're going to write professionally, please learn proper grammar.

Although you were taught in school that words beginning with a vowel are preceded with "an" rather than "a", there are some exceptions, especially with the letter "U" such as the word urinal. Since this word sounds like it begins with a "Y", you should be using "a" rather than "an".... such as the word URINAL... it's A URINAL.... not AN URINAL.

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**Pitapita** February 02, 2011 at 4:38AM  
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bioya

Here is a little hint for you. NO ONE like the Grammar Police or the Spelling Police. I would think that someone put the story together quickly, as they do most, and missed something that is not really earth shattering. Give it a rest.....To err is Human, but to

really mess up you need a computer.

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**Slingblade**

February 02, 2011 at 5:26AM

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No one likes over posting liberals either

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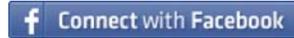
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