



Written by [Dave Bohon](#) on April 11, 2011

Federal Court Rules for Christian Professor's Free Speech Claim

The Fourth U.S. Circuit Court of Appeals ruled on April 6 that a professor at the University of North Carolina-Wilmington can sue the school for not promoting him to full professor status because of the conservative Christian views he expressed in speeches and writing.



Michael Adams, who has been a criminology professor at the university since 1993, was made an associate professor in 1998. But when Adams abandoned his atheist beliefs and became a Christian in 2000, he became the target of “a campaign of academic persecution that culminated in his denial of promotion to full professor, despite an award-winning record of teaching, research, and service,” said a press release by the [Alliance Defense Fund](#), the conservative advocacy group that represented Adams before the court.



“The university is supposed to be the marketplace of ideas, and university officials should not treat religious or conservative professors as second-class citizens on campus,” said Adams’ ADF attorney David French, who directs the organization’s [Center for Academic Freedom](#). French said it was “indefensible for a university to refuse promotion to a gifted and accomplished professor simply because they disagree with his religious and political views. In an institution of higher learning, professors should be promoted based on the quality of their work, not discriminated against on the basis of their beliefs.”

ADF noted that throughout Adams’ academic career at the university, he had “generated an impressive record of productive research resulting in ten peer-reviewed publications, the number UNCW department chairs had stated as ‘safe’ to merit promotion to full professor.”

But when Adams applied for full professorship in 2004, Dr. Diane Levy, an outspoken feminist who was the interim chair of the school’s criminal justice department at the time, protested Adams’ conservative “political activity,” particularly his nationally syndicated column on such issues as homosexuality, feminism, and abortion. “Contrasting him with columnist William F. Buckley, Levy requested that Adams change his writing style so that it would be less ‘caustic’ and more ‘cerebral,’ ” recalled the ADF.

In 2005 the chair of the criminal justice department was taken over by Dr. Kimberly Cook, an outspoken atheist who was openly critical of Christianity. ADF noted that Cook had once described her ideal candidate for a teaching position as “a lesbian with spiked hair and a dog collar.” Thus, when Adams completed an eleventh peer-reviewed publication in 2006 and once again applied for promotion to full



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professorship, Cook and senior faculty members made a closed-door decision to deny his promotion, prompting Adams to sue the school.

A district court threw out Adams' suit against the university, ruling that his writings and speeches that focused on conservative ideals were not protected by the First Amendment, but constituted "official" speech as part of his job duties. But Adams appealed to the 4th Circuit Court, which overturned the lower court decision, ruling that Adams' columns and speeches constituted protected, private speech and Adams could move ahead with his lawsuit against the school.

Writing for the court's three-judge panel, Judge Steven Agee noted that while Adams had referenced his post-conversion accomplishments in his application for professorship, that did not diminish their protection as free speech. "In effect, the District Court held that Adams' speech in his columns, books, and commentaries, although undoubtedly protected speech when given, was somehow transformed into unprotected speech because [senior faculty] read the same items from a different perspective long after Adams' speech was uttered," Agee wrote.

But Agee pointed out that "no individual loses his ability to speak as a private citizen by virtue of public employment.... Adams' columns addressed topics such as academic freedom, civil rights, campus culture, sex, feminism, abortion, homosexuality, religion, and morality." The judge concluded that these topics, addressed by Adams outside his role at the university, "plainly touched on issues of public, rather than private, concern," and were thus protected by the First Amendment.

Commenting on the ruling, French said that "Christian professors should not be discriminated against because of their beliefs, and this decision thoroughly upholds that. The 4th Circuit's decision is a ringing vindication of the academic freedom of public university professors. Disagreeing with an accomplished professor's religious and political views is no grounds for refusing him promotion."

Writing about the ruling on [NationalReview.com](#), French noted that Adams' case "now moves back to the trial court, so it is far from over. But no matter what happens at the court below, the Fourth Circuit's decision yesterday strikes a decisive blow for academic freedom and the marketplace of ideas."



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