

In this article, the author discusses a study he conducted in which he analyzed 339 First Amendment rulings from 1964 to 2014 involving First Amendment claims by professors and college instructors against their employers. Institutions won in 73.2% of these rulings. Faculty lost most First Amendment cases involving publishing, classroom activities, protest, social commentary, grants, “campus criticism,” and retaliation. In this article, the author argues that the results show that *Waters v. Churchill*, 511 U.S. 661 (1994), helps institutions by allowing them as employers to limit speech that administrators believe is disruptive to the school. This study empirically supports the view that First Amendment precedents fail to protect the most controversial ideas expressed by faculty in higher education.