

First Amendment protection for public employee speech seeks to serve both individual and societal interests. It aspires to attract the “citizen servant,” the person who hopes to combine avocation with vocation, but also to further the public interest. In *Garcetti v. Ceballos*, the U.S. Supreme Court established a per se rule which undermines those interests. The Court’s *Pickering/Connick* test had long granted protection to public employee speech if made as a “citizen” on a “matter of public concern,” so long as the employee’s rights were not outweighed by the employer’s interests. *Garcetti* held that a public employee does not speak as a “citizen” when acting “pursuant to official duties.” The result is a clash with two constitutional principles. The first is to further the public interest by protecting the citizen servant. This article argues that the Court should overturn *Garcetti* and return to the *Pickering/Connick* test. Short of that, a modified approach is needed, one that eliminates the per se rule and allows courts to assess the relative value of the speech to the public interest. It sets out a proposal for that approach. The second principle is the importance of academic freedom for the development of knowledge and to benefit the democracy. The *Garcetti* majority conceded that some academic speech may present constitutional interests not adequately accounted for by the Court’s public employee speech jurisprudence. Lower courts have read this “caveat” differently, some applying the *Garcetti* per se rule to academia. The Court should expressly exempt academic speech from the public employee speech analysis and establish a framework for judicial review of academic speech cases. This article suggests that the basis for such a framework is the tradition of judicial deference to the community of scholars.