# Washington



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## On campus: Free speech for you but not for me?

By Mary Beth Marklein, USA TODAY

Most college presidents argue that their campuses and classrooms encourage the free exchange of ideas. Where else but here, they say, can difficult issues be debated?

Jason Mattera of Roger Williams University saw his newspaper's funding frozen over controversial articles.

By Tim Dillon, USA TODAY

But as campus officials look for ways to accommodate the growing diversity of their student bodies, an increasingly vocal number of students — most of them white and predominantly conservative or Christian — say there is little room for their opinions and beliefs.

On campuses large and small, public and private, students describe a culture in which freshmen are encouraged, if not required, to attend diversity programs that portray white males as oppressors. It's a culture in which students can be punished if their choice of words offends a classmate, and campus groups must promise they won't discriminate on the basis of religion or sexual orientation — even if theirs is a Christian club that doesn't condone homosexuality.

Colleges "seek to privilege one predominantly leftist point of view," says Thor Halvorssen of the Foundation for Individual Rights in Education (FIRE), a Philadelphia-based non-profit founded four years ago. "Universities should welcome all perspectives, no matter where on the political spectrum."

Increasingly, with financial and legal backing from a loose national network of conservative, religious and civil liberties groups, those students are fighting back.

In April, two students sued Shippensburg University in Shippensburg, Pa., arguing that several parts of the school's conduct code and diversity policies intimidated them into keeping silent about their conservative politics and beliefs. Since then, other students have sued Texas Tech University in Lubbock and a California

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community college. All three lawsuits are part of FIRE's campaign to abolish campus speech codes.

Where controversies have erupted

**University of California, Berkeley**. In a catalog description last year for a course on the "politics and poetics of Palestinian resistance," the graduate student instructor warned that "conservative thinkers are encouraged to seek other sections." The description was rewritten, and administrators assured students they could indeed speak their minds.

**University of Minnesota, Twin Cities**. A student group for Christians sued the school over its requirement that student groups sign a statement that they are open to all students regardless of religion, marital status or sexual orientation.

**University of Alabama, Tuscaloosa**. A student was urged in June to remove a Confederate flag from a hallway in his dorm after a parent complained. Officials said the flag could violate a policy being drafted. In protest, other students displayed U.S. flags in their windows. Officials have since "tabled indefinitely" the policy, spokesman Cathy Andreen says.

**University of Washington, Seattle** . An "affirmative action bake sale" was cut short after drawing a crowd of about 200, some of them disruptive. The College Republican sponsors charged black students 30 cents, Latinos 35 cents and white students $1 for the same item. The Board of Regents later condemned the sale as "tasteless, divisive and hurtful." Organizers say campus police told them to shut it down; officials say the students agreed to end it.

**Whittier College, Whittier, Calif**. After students launched a conservative newspaper in April, they were told they needed permission from a campus board before publishing again. When they sought approval, they found that the board was inactive. The students say four other publications had not been asked to register.

*Source: USA TODAY research*

Christian student groups also have gone to court on similar First Amendment grounds, the most recent case filed last month against the University of Minnesota.

On about 90 campuses, meanwhile, students have joined Students for Academic Freedom, created four months ago by leftist turned conservative activist David Horowitz. They argue that campuses are overwhelmingly liberal and demand that administrations seek a more balanced point of view among faculty and in programs such as lecture series.

On some campuses, specific incidents have prompted an uproar. A senior at California Polytechnic State University-San Luis Obispo sued campus officials in September, on a claim that he was unfairly punished after he tried to post a flier promoting a speech by a black author whose conservative ideas a group of black students found offensive. At Citrus College in California, a speech instructor offered extra credit to students if they wrote to President Bush protesting the war in Iraq.

But many students, like recent Shippensburg University graduate Ellen Wray, say they are simply frustrated by policies that dismiss or ignore conservative points of view.

"I wanted to help all the students that felt oppressed like I did," says Wray, 22, who sued the school. "All my professors were liberal except one, and he retired the first year I was there." After professors belittled her, "I finally just stopped raising my hand." She works for a Republican organization in Washington, D.C.

The issue is gaining traction beyond campus borders. Colorado lawmakers are considering a bill that would encourage colleges to ensure "intellectual diversity" — that is, that all viewpoints are represented. Nationally, nearly 20 House Republicans co-sponsored a similar bill introduced last week. A Senate education committee is looking into the subject, too.

**'Dry-cleaned' ideas**

Higher-education officials balk at the notion of lawmakers meddling with faculty or campus decisions. "For every anecdote on one side of the political spectrum, there can be found an anecdote on the other," says Jonathan Knight, a spokesman with the American Association of University Professors.

Few dispute the notion that faculty tend to be liberal as a group — certainly more liberal than many of their students. Shippensburg draws most of its student body from largely Republican central Pennsylvania. And a survey out this month by Harvard's Institute of Politics found that 38% of students identify themselves as independents, compared with 31% Republican and 27% Democrats.

Some professors stress that part of their job is to challenge students to question their beliefs. "We're in the business of helping people become critical thinkers," says Shippensburg sociology professor Debra Cornelius. Though she acknowledges her own liberal politics, she says, "We on a daily basis struggle with ... making sure people behave in a tolerant way (without) chilling speech."

But those who see a bias in higher education say the public has a right to know what goes on inside the ivory

tower.

"Legislators, taxpayers, tuition payers, and donors have no idea what their dollars are underwriting," says Luann Wright, the parent of a senior at the University of California-San Diego. So outraged was she by her son's 2001 freshman writing syllabus — "basically the whole thrust was on the toxicity of the white race," she says — that she created a non-profit Web site (noindoctrination.org) where students can anonymously post incidents of bias on their campuses.

Conservative students aren't the only ones feeling pinched. In May, Wesleyan University President Douglas Bennet banned a long-standing tradition, particularly popular among gay rights groups, of writing messages in chalk on sidewalks. Some faculty were targeted by name, and increasingly vulgar obscenities, sexual and racial slurs had spurred complaints.

But the most well-oiled attack is driven by conservative and Christian students, "who basically feel they're targets for getting their minds dry-cleaned to think the right way," says Jordan Lorence, a litigator for the Alliance Defense Fund, an Arizona Christian organization involved in several lawsuits.

Speech codes and other restrictions became popular in the late 1980s and early 1990s as campuses looked for ways to address the growing number of racial minorities on campus, along with concerns about sexual harassment. By the mid-1990s, after several courts ruled that certain campus speech bans were unconstitutional, many schools withdrew those policies.

Since then, racial slurs and other incidents have persisted. In 2001, the latest year for which statistics are available, the FBI received 987 reports of hate crimes and incidents at schools and college campuses — about 10% of all hate incidents that year.

And "the level of discourse in the outside world has become more confrontational," says Roger Williams University Provost Edward Kavanagh, whose Bristol, R.I., campus temporarily froze funding for a College Republicans newspaper this month. Kavanagh objected to its Sept. 30 edition, which featured a series of articles opposed to homosexuality, including a description of a crime in which a seventh-grade boy was raped and sodomized. He vowed to strengthen oversight of future publications.

But junior Jason Mattera, 20, an editor of the paper, says, "You're not automatically a bigot if you don't agree with (homosexuality). What they're essentially doing is silencing the only conservative voice here on campus."

The administrative response is typical, some say. Indeed, many schools, including the University of Virginia and Harvard Law School, created task forces in the past year in response to similar incidents on their campuses.

In the process, says David French, the lawyer representing the Shippensburg students, speech codes have reappeared — though often disguised as anti-harassment statements or non-discrimination policies.

Today, FIRE estimates that two-thirds of colleges have speech codes. Other experts disagree: In a recent study of 100 randomly selected institutions, George Mason University professor Jon Gould found that 30% of institutions have a policy that restricts hate speech, but less than 10% would be unconstitutional.

**Campuses say civility is the goal**

Campus officials say their goal is not to stifle students but to promote civil discourse. "What we attempt to do is try to create a civil democracy, where everybody is respected," Shippensburg President Anthony Ceddia says.

Since 1990, he says, the campus has pledged a commitment to racial tolerance, cultural diversity and social justice, and since 2000, it has required students to take a course that meets a diversity requirement. Students also are strongly encouraged to attend university-funded "Art of Being" programs, which highlight a particular culture — Jewish, African-American and Asian-American were among those offered this semester.

Some students welcome the programs. In a column in the student newspaper, opinion editor Christopher

Kirkhoff lauded Ceddia for "stressing the danger of prejudice and the administration's intolerance" for homophobia, which he said "is running rampant on this campus."

But French says that, taken together, a number of Shippensburg's campus policies, while never enforced, dampened his clients' ability to express themselves. One sentence in the conduct code, for example, suggests that student expression should not "provoke, harass, intimidate or harm" another. But "if you're part of an intellectual minority, it's difficult for your speech not to provoke," he says.

The Bush administration, too, has weighed in. Key officials notified colleges and universities in August that federal civil rights regulations "do not require or prescribe speech, conduct, or harassment codes that impair the exercise of rights protected under the First Amendment."

For now, at least, the courts appear to side with the students. A U.S. district judge ruled last year that a policy at the University of Houston unfairly gave administrators "unfettered discretion" in deciding what events could be held outside designated speech zones on campus. In June, administrators said they would drop some restrictions and pay $93,000 in attorneys' fees to settle a lawsuit by student abortion protesters.

And in September, a U.S. district judge said Shippensburg's conduct codes, though well-intentioned, "could certainly be used to truncate debate and free expression by students." He encouraged campus administrators to revise seven sentences in their policies.

The anti-speech-code crowd hopes the momentum will continue as more students join the fight. "Now they know they can win," FIRE's Halvorssen says.

But for their part, some students say they have more modest goals. "I'm not looking to pick a fight," says Joe Jones, 22, a senior at the University of North Carolina at Chapel Hill and member of a Christian group. "I want the freedom to say what I want to say."