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# Students have appallingly weak grasp of free speech

February 4, 2005

BY THOMAS LIPSCOMB

A disturbing study released this week by the Knight Foundation of more than 100,000 students and 8,000 teachers and more than 500 administrators at 544 public and private high schools reveals a high level of misunderstanding of their First Amendment guarantees of freedom of speech and the press. If an informed electorate is one of the keys to a healthy democracy, America's schools are clearly failing their students and the nation.

Almost three out of four students said they took the First Amendment for granted or didn't have any particular opinion about it. Their general indifference and misunderstanding took tangible form in the belief of three out of four students that flag-burning was illegal and almost half believed the government had the right to censor the Internet. Once the First Amendment was read to them, one third of the students felt it went "too far" in granting free speech and one half thought that the government should have the right to approve news stories.

How did one half of American high school students become perfectly comfortable with government censorship of media? After all, the survey found that while 83 percent of the students believed that unpopular views should be expressed, 97 percent of their teachers and 99 percent of school principals understood that they should. As Hodding Carter III, the head of the Knight Foundation, points out, "The administrators from the previous generation are clearly better educated



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than the kids in the schools they are running."

But if the administrators know better, what are they actually doing about the problem? Some statistics from the study show nothing positive. One-fifth of the schools covered have no student publications at all, and 40 percent of those have eliminated them in the past five years. And the study shows a high correlation between the presence of student publications and student understanding of the First Amendment.

Mark Goodman is the executive director of the Student Press Law Center. His organization receives calls for advice and assistance from student publications under pressure from principals and administrators. In 1985, the Student Press Law Center received only 371 inquiries from student publishers and their faculty advisers nationwide. In 2003 these inquiries had spiraled up by almost a factor of 10, to 2,796.

According to Goodman one of the problems is that "today's administrators are more corporate CEOs managing huge budgets than educators." What is particularly troubling is that school administrators in the last five years are not only interfering with student publications more and more frequently, they are increasingly asking for prior approval of their content.

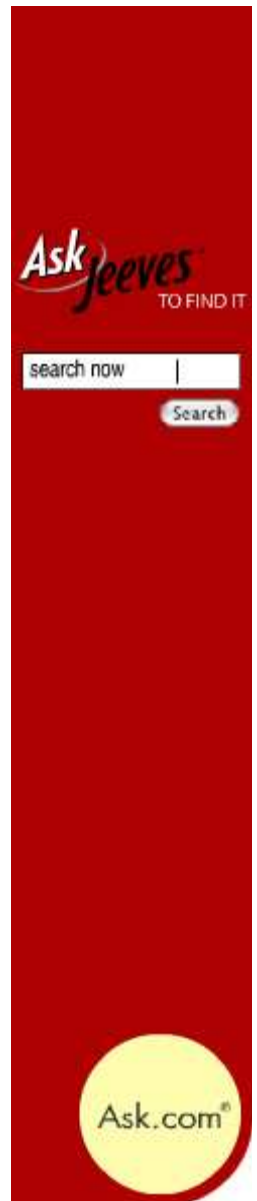
At the high school level covered by the Knight survey, courageous teachers who served as publication advisers have lost their jobs for resisting pressure from school administrators. Randy Swikle, a director of the Illinois Press Association Foundation who taught journalism for 36 years in the Johnsburg School District and served as a publication adviser, says, "Administrators preach democracy and practice hypocrisy. No wonder the kids get cynical."

The news gets worse at the collegiate level. Greg Lukianoff of the Foundation for Individual Rights in Education says, "At colleges, free speech is increasingly regarded as a nuisance to be granted only grudgingly, and college administrations use legal excuses to suppress opinions." While teachers bear the worst consequences at the high school level, students are heavily penalized at college. They are stigmatized, expelled, subjected to mandatory psychological counseling or forced to take "re-education" courses, with very little legal recourse.

Until recently, the legal excuse for this kind of thought policing was college administration references to conditions laid down by the Office of Civil Rights in the U.S. Department of Education. But in July 2003, a letter of clarification was issued by that office which removes this excuse. Nonetheless, Lukianoff feels that "in the past year, I have seen the worst incidents in my career."

There have been hundreds of incidents of the theft and destruction of college newspapers by some groups, on campus and off, who feel they are expressing their freedom of speech by suppressing access to speech with which they disagree in the paper. Even the mayor of Berkeley, Calif., felt free to confiscate copies of a student newspaper that opposed his election. And less than a dozen have yet been arrested or even investigated and disciplined by any college administration to date.

What to do? This week, Margaret Spellings was sworn in to office "to protect and defend the Constitution" as the new secretary of education. The Department of Education's budget of more than \$53 billion actually serves as a huge transfer bank of tens of billions of dollars going to all levels of education, including student loans. A Department of Education review with a possible delay of funding of educational institutions neglecting their responsibilities under the First Amendment could concentrate the minds of educational administrators



wonderfully.

*Thomas Lipscomb is a senior fellow at the Annenberg Center for the Digital Future at the University of Southern California.*

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