

2008

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Repository Citation

Zick, Timothy, "The University Campus as “Useless Appendage”" (2008). *Popular Media*. 184.
https://scholarship.law.wm.edu/popular_media/184

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The University Campus as "Useless Appendage"

Posted By [Timothy Zick](#) On October 6, 2008 @ 5:35 pm In [Uncategorized](#) | [No Comments](#)

In my forthcoming book on public expression, I devote a chapter to public university and college campuses — "places of higher learning." Historically, these places have been critical venues in terms of public politics and contention. They are, as the Supreme Court has said, "peculiarly the marketplace of ideas." The Court has said that places of higher learning are not "enclaves immune from the sweep of the First Amendment," and has rejected the proposition that the First Amendment applies with less force on campus than elsewhere. Insofar as public dissent, protest, and other forms of campus speech are suppressed, such a place becomes, in Justice Douglas's words, "a useless appendage to a society which has traditionally reflected the spirit of rebellion."

Of course, some would argue that universities do not exist to encourage or facilitate a "spirit of rebellion." They are, after all, institutions whose primary mission is pedagogical. And rebellion, as history shows, can lead to riots and other dangerous activities. Fair enough. But in truth, as I argue in the book, we are in no danger of encouraging a "spirit of rebellion" on college and university campuses. To the contrary, our college and university campuses have increasingly become very placid and listless "appendages" in terms of the politics and contention they facilitate or allow. The chapter on "places of higher learning" explores the various limitations on campus expression across the United States (expressive zoning, permit requirements, speaker fees, etc.), most of which have simply been imported from outside campus gates without regard to the unique nature of these places.

The most recent limits on campus speech have arisen as a result of the presidential campaign. For example, University of Illinois officials notified students and faculty that a state ethics law bars all state workers from participating in political activities on campus property. According to [this report](#) ^[1], the Illinois Attorney General clarified that the restrictions do not apply to students. But the governor's office said the ethics restriction applies to students as well as other employees, apparently without regard to the type of "political activity" or whether it will disrupt classes or otherwise affect the school's educational mission. According to the report:

The Illinois situation is part of a "disturbing trend" likely to increase as the election nears, said Will Creeley of the Foundation for Individual Rights in Education. The Philadelphia-based group tracks academic freedom and free-speech complaints on U.S. campuses. It recently sent a letter of protest after the University of Oklahoma sent an e-mail to students, faculty and staff directing them not to use university e-mail to endorse or oppose a candidate. The Oklahoma school also barred the use of e-mail to forward political humor and commentary. The group has received complaints about bans on campaign activities at Iowa Western Community College and Fresno Pacific University in California, Creeley said.

In response to the administrators' email, Illinois faculty and students held a political rally. But as I argue in the book, only a systematic rethinking of the First Amendment status of places of higher learning will save them from becoming "useless appendages."

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[1] this report: <http://www.firstamendmentcenter.org/news.aspx?id=20649>

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