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'Free-speech zone' policy in force at WVU Taliban-type tyranny imposed on U.S. college campuses

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By Lawrence J. Smith

I GUESS it was bound to happen. In this "war," like in ones previous, those who question the morality of the state's actions are harassed, cajoled, shunned and labeled as "traitors."

While the "sunshine soldiers and summer patriots" have rallied to the defense of Sissonville High School Principal Forrest Mann in his suspension of 15-year-old sophomore Katie Sierra for exercising her First Amendment rights, true lovers of liberty will be shocked to know that his actions mirror those of his colleagues in higher education.

The Foundation for Individual Rights in Education, a Philadelphia-based civil liberties group, has been monitoring the "ongoing betrayal of liberty" on American college and university campuses since Sept. 11.

FIRE labels the attempted suppression of anti- and pro-war sentiment by campus administrators the ongoing betrayal of liberty. Its founders, University of Pennsylvania professor Alan Charles Kors and Boston defense attorney Harvey Silverglate, detailed suppression of constitutional liberties in institutions of higher education in their 1998 book, "The Shadow University: the Betrayal of Liberty on American Campuses." A must read for any current or prospective college student, Kors and Silverglate unequivocally state, "Universities have become the enemy of a free society."

Judging by the reported incidents of crackdowns on expression for and against the U.S. military action in Afghanistan that FIRE has documented on its Web site (www.thefire.org), one can only wonder if the greater threat to freedom in America is at the hands of college administrators and not al-Qaida.

While nothing public has been made of actions taken by administrators on West Virginia's campuses to squelch dissent or put a damper on patriotic fervor, higher education officials have been known to take liberty with the Constitution in peacetime. The following are a few examples:

Dr. R.N. Sharma, director of West Virginia State College's Drain-Jordan Library, in March 1998 ordered the removal of Graffiti, a statewide alternative newspaper, from the library after the wife of one of his superiors found an opinion piece in that month's issue offensive.

Sharma's rationale for removal was the lack of space the library had to house materials to which it did not subscribe.

The removal came after Marshall University Graduate College pulled all its holdings from the library, leaving numerous rows of empty shelves. Likewise, a large stack of a circular the college had printed for distribution in the Charleston newspapers for Black History Month in February that featured President Haze W. Carter was found on the front desk in July.

Students at West Virginia University have found out that the First Amendment is applicable only to certain areas of campus. WVU's "free-speech zone" policy is something the university is reluctant to disclose or discuss with journalists outside Morgantown.

However, what certain faculty members have been able to discover is that the place "where greatness is learned" only recognizes the First Amendment in the area around the Mountainlair, the student union.

A revision to the policy is being considered to where, in addition to the Mountainlair, a zone will be created behind the student recreation center where anyone may practice his or her First Amendment rights with the entire WVU campus being open to speech and assembly for only officially recognized student groups who request permission 72 hours in advance.

Thomas Powell, president of Glenville State College, used the uproar caused by two satirical articles published in The Mercury in April 2000 as a pretext to form a task force (the final report of which the college is reluctant to disclose) to examine ways in which The Mercury could be made a publication "all could enjoy." After nearly a year of no publication, a new Mercury was rolled out in March with an adviser answerable to one of Powell's vice presidents and committed to having it report "positive" news.

These particular acts are born of a "maintain order at all costs" attitude taken by administrators who, as Kors and Silverglate say, "want quiet on their watch." Students - as well as parents - during orientation are left in the lurch about various and sundry "speech and harassment" codes designed to criminalize virtually all types of "unacceptable" speech and behavior.

The first a student may find he or she has violated one of these codes is when he or she is summoned to a judicial hearing that is conducted similar to that of the courts of the Star Chamber. Likewise, while publicly extolling the virtues of a free and open press, administrators will in private condone the theft of a run of the student newspaper that one or more students may find containing objectionable material as a "misunderstanding" (like administrators at WVSC did in 1996 when a group of malefactors led by the then-SGA president hijacked and threatened to destroy the press run of an issue containing an "offensive" cartoon if an apology was not issued).

Sadly, those who should be doing something about this - elected officials - aren't. Finding Osama bin Laden would be easier than finding a single official at the state Capitol who has introduced a bill, made a speech or expressed an interest on behalf of college and university students' civil liberties.

The appointment of former WVU Vice President David Satterfield as the Wise administration's economic development director (strange how a man who has never created anything in his life except a sour C-note is going to be paid a six-figure salary from state coffers to revitalize the state's economy) and the Legislature's willingness to be rubber-hosed by Gov. Bob Wise in the last regular session to fund the PROMISE scholarship program with the ill-gotten gain of video poker machines prove the chummy relationship between educators and politicians. This relationship casts serious doubt on the sincerity the latter have in upholding their oath of office.

Kors and Silverglate say elected officials are not the only ones who've been caught lying down on the job in standing firm for constitutional freedoms on campus. Not much faith can be placed in "... craven, intimidated faculties that gave up years ago on their responsibility to preserve free institutions; nor indifferent trustees who feel civic by serving without any regard for deeper fiduciary obligation; nor parents who invest in a degree rather than a critical education; nor uncomprehending alumni who often celebrate a golden age that never was."

While many students have had to turn to organizations like FIRE for assistance, some students have found peaceful, nonlitigious ways to fight back. In protesting the free-speech zones that administrators at Tufts University in Massachusetts had created, students painted a white line down the middle of campus, drawing a parallel to the partitioning of Berlin in 1961 into "free" and "unfree" sectors. Needless to say, administrators caught on quickly and abolished the zones.

Unfortunately, however, in the last 30 years beginning with the Tinker vs. Des Moines case, litigation has been the one sure way to make administrators realize the First Amendment as well as other constitutional liberties are applicable on campus.

The United States has prided itself on being a republican form of government in which the rights of the minority are protected from the rule of the majority. Those who truly consider themselves "patriotic" and "proud to be an American" should rally to the side of Sierra and her compatriots on college and university campuses or otherwise risk having a new type of Taliban take hold of America.

Smith, a 1996 graduate of West Virginia State College, was editor of the student newspaper.