

Editorials

Unpopular Opinions And The College Press

by Caroline F. Kearns

First Amendment rights of college students to enjoy free speech and freedom of the press have historically been challenged by college administrators. But ever since the early 1970s, the trend has been toward greater legal protection of the college student's First Amendment rights.

In 1973, for instance, the Fourth Circuit Court of Appeals (whose jurisdiction North Carolina falls within) in *Joyner v. Whiting* ruled that "if a college has a student newspaper, its publication cannot be suppressed because college officials dislike its editorial comment." The court went on to say that college officials cannot censor constitutionally-protected expression by such means as suspending editors, suppressing circulation, requiring prior approval of controversial articles, or withholding the financial support of a student publication.

A similar appellate court ruling was handed down in 1983 when the University of Minnesota was ordered to return funds it had withheld from its student newspaper, the *Minnesota Daily*. These funds were derived from student activity fees and made up about 14 percent of the paper's income. The funds had been withheld because of student indignation and statewide complaints resulting from a "finals edition" that attacked religion, race, and reason through what the paper called an exclusive interview with Jesus Christ. Kate Stanley, the first editor of five involved in the case, expressed these sentiments concerning the issues involved:

"I've come to think that student newspapers are the First Amendment's best defenders. Who else is willing to test the amendment's boundaries so regularly and so vigorously? A good student newspaper is invariably eccentric. Objectivity and fairness are not its first concerns, nor should they be. It has a larger task: mocking the mighty, questioning convention, challenging orthodoxy. It takes risks no professional newspaper would take. Its obstinacy is a reminder that press responsibility is not a precondition for press freedom."

Perhaps Ms. Stanley should have used the term "good taste" rather than responsibility. It is certainly true that student editors should be responsible enough to refrain

from publishing material that is libelous, obscene, or that may incite violence, but it is also important that it remain a vehicle for the free expression of unpopular opinions.

More recently--just last month in fact--a federal district judge upheld the First Amendment rights of students at the University of Wisconsin by striking down its two-year-old "hate-speech code" which prohibited the publication of derogatory racist or sexist language in a college paper. The suit was filed by the American Civil Liberties Union on behalf of one of the school's student newspapers and several students. In this case, the judge stated: "Content-based prohibitions such as that in the UW rule, however well intended, simply cannot survive the screening which our Constitution demands." A similar speech code was struck down in 1989 at the University of Michigan.

Further protection of student speech is currently being considered in Congress. The Collegiate Speech Protection Act of 1991 was introduced in March by Representative Henry H. Hyde of Illinois. If passed, the bill would give college students the right to file lawsuits challenging even such hate-speech codes. Freedom of the college press is likely to become nearly absolute.

Our First Amendment freedoms of speech and press provide us with the open exchange of opinions and ideas necessary for maintaining our democracy, so it is imperative that these opinions be protected regardless of how extreme they may be. It was Oliver Wendell Holmes who said, "If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought--not free only for those who agree with us, but freedom for the thought we hate." Undoubtedly, college students should enjoy the same freedoms on campus that are guaranteed to all citizens.

(The information on cases and legislation in this editorial was excerpted from: *Mass Communications Law: Cases and Comment* by Donald M. Gillmor, Jerome A. Barron, Todd F. Simon, and Herbert A. Terry, 1990; *Mass Media Law* by Don R. Pember, 1990; "Ivory Power" by Jonathan Rauch in *The New Republic*, May 6, 1991; and "Hate-Speech Code at U. of Wisconsin Voided by Court" by Michele N-K Colli-son in *The Chronicle of Higher Education*, Oct. 23, 1991.)

God Talk

by Rev. Carrie W. Parrish

W. H. Auden, in a book entitled *For The Time Being*, wrote these words:
"The distresses of choice are our chance to be blessed."

This is an interesting way to look at the matter of free will. Our tendency may be to see choice-making as a right--full of excitement and abandon. We find nothing distressing, at least initially, about exercising our rights. And we may not give too much thought to the possibility that our lives might be blessed or cursed by the choices we make.

The freedom to make choices is itself a blessing. One of the first comments students make when they arrive on the college campus is, "I am so glad I finally get to make my own decisions, do what I want to do, and be responsible for myself." It can be a great joy to look at options, evaluate courses of action, and choose which course one will follow.

But it is important for us to remember that making choices *can* be distressing. Not all issues are as easily decided as "where to go tonight for pizza." Some decisions are life-changing. We get away from home and decide for ourselves how much--or how little--we will study. If we make the wrong choice, we flunk out. We also make our own choices about using alcohol. If we make the wrong choice, we get hurt, or we hurt someone else. We make our own choices about being sexually active. If we make the wrong choices, for all the wrong reasons, we may pay the price in one or more ways: the loss of self-respect, a pregnancy which neither the male nor female involved wants, the contracting of a sexually-transmitted disease, the emotional struggle

with the question of abortion, or the inevitable empty and hurt feeling that can be experienced in a relationship within which sexual activity took place.

On the other hand, the privilege of choice-making can bless our lives. When we wrestle with whether to party or study for exams; we can make what feels like the tough choice--to STUDY! We can do well on the tests. We can leave alcohol and other chemical substances alone. We can agree not to "drink and drive." We can decide that it is really alright to "Just say, NO!" to being sexual involvement, and we can feel good about ourselves, our reputation, our maturity.

Of course, there are many other possibilities for choice-making that each of us may face. Some such choices are simple; others cause us to struggle and agonize. May we remember that blessings do come if we wrestle with integrity and honesty over the big decisions and make the right choices.

I want to encourage you to remember something else. *God's grace is available to us in ALL our choice-making. It is there to guide us; it is there to forgive us when we decide wrongly. It is there to help us grow through the process and be better able to choose wisely the next time. Grace is there to help us avoid despair. God's grace is there for you.*

Have a good week! See you in worship services on Wednesdays at 1PM!

Come by my office and let's visit -- anytime!

Grace and Peace.

Carrie -- Campus Minister