

Campus Protests

by
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Well, September is here and campus protests over the Israeli– Hamas war are ramping up.

The nature of these and other protests across the nation is that they often turn violent, destructive, and/or disruptive.

*“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people **peaceably** to assemble, and to **petition** the Government for a redress of grievances.”*

First Amendment, US Constitution

Our constitution provides us the right to peacefully assemble and protest actions of **OUR** government. It **does not** give us the right to assemble and protest the actions of other countries or organizations/businesses. However, over time, the right to protest peacefully against organizations and businesses has been codified in law.

The majority of these laws address protests on public property. The courts have also outlined the rights of individuals with regard to protesting. Many of these rights are outlined in an ACLU document found on the Internet (<https://www.aclu.org/know-your-rights/protesters-rights>).

It should be noted that the rights to assemble and petition are also directly tied to the right of free speech. In 1855 this concept was demonstrated in England when a carpenter stepped onto a soapbox to protest high food prices and then followed by the Chartists protests (<https://en.wikipedia.org/wiki/Chartism>).

In the 1960s, the Vietnam War and the apartheid government of South Africa became the focal point and foundation for modern day protests and demonstrations. Since then, many college students have engaged in protests and demonstrations, most of which are political in nature.

Colleges, sociologists, and others have identified several different types of students who attend college. One group, EDUCTLY, identifies as many as 16 different types of

students, while another group identifies 13 types. However, at a more basic, often overlooked level, there are essentially two types of students.

- Students with a definite goal and are focused on achieving it
- Students who do not have a definite goal they want to reach

Students who have definite goals are highly motivated and generally do not have time to waste on what they consider non-essentials in their educational or professional pursuits. Often times these students are called “nerds,” bookworms, or some other synonym. Many of these types of students are older adults, veterans, or people wanting to have a better life rather than just making it.

On the other hand, most college students, especially those attending the first couple of years at a 4-year college or university, do not have any definite goals. For the first time, many of these students are away from home, without direct parental supervision. They are typically younger (18-20 years old) and do not have a solid educational foundation in a broad number of subjects.

This group lacks the educational discipline of the older adult student and often times finds the academic rigor of learning stressful and seek ways to release that stress. On average 40% of students drop out of college every year and 30% in the first year of college. Depending on the field of study, 29% to 52% of students change their major in the first 3 years of college. These percentages are indicative of the academic stress encountered by students without definite goals being set.

In addition to stress, students have to also contend with biased teaching from their professors. Consequently, especially with regard to the social sciences and the **academic freedom accorded to college professors, students often get a skewed and incomplete understanding** of the world around them and its issues.

While students are susceptible to academic and college life stress, and biased teaching, they are also very susceptible to “herd mentality.” In a 2017 article published in Advances in Social Science, Education and Humanities Research, volume 101, on herd behavior of university students, the authors describe this types of behavior as the

“. . . tendency of individuals to change their opinions under the pressure of the group. . . [a common behavior of] influenced by the behavior of people.”

Herd mentality is often seen at fraternity houses where drinking parties or other group behavior takes place. The concept is not new. We have all been exposed to it when we were younger and to do something or have something that our peers had. Remember this phrase: "But all the other kids. . ." That is very much a part of herd mentality.

For college students who do not have quality goals, are stressed out, and lack a well balanced knowledge or history of political or social events, herd mentality kicks in as they attempt to find release in protests, demonstrations, and riots.

To prevent and/or channel herd mentality to more productive activities, colleges and universities need to

- establish comprehensive and concrete policies with appropriate outcomes;
- provide alternative outlets for various activities that involve herd mentality.

For private colleges and universities, establishing and enforcing policies regarding campus protests is fairly easy. The policies need to address staff, faculty and students alike. While not restraining the First Amendment freedoms, private institutions can and should establish policies on where and how protests are to be conducted. At the same time, there should be specific, mandatory actions for those violating the policies. Parents, students, faculty, and staff need to sign **Statements of Understanding** for these and other policies.

Public colleges and universities face a different set of circumstances that private institutions do not. Since the establishment of our nation, the courts have defined what is public property and appropriate behavior for protestors and demonstrators. There is an overall belief that protests can be held anywhere on public property. This fairytale is overridden by one main concern for public safety. To put this into perspective, let's look at the Second Amendment for a moment.

The Second Amendment grants us the right to carry and bear firearms. However all states have laws concerning where firearms can be carried. For example firearms cannot be carried on most public school campuses. They are often restricted where alcohol is served, and in financial institutions, hospitals, courthouses, law enforcement agencies and large gatherings of people.

Most cities have requirements concerning permits to protest. However, the permitting process is often discriminatory in its application. For example, during the recent DNC convention in Chicago, anti-Israel and pro-Palestine groups received permits to protest

and have marches. However the permitting office denied pro-Israel groups their requests for stages, sound systems, portable restrooms, tents, and other amenities in a park near the DNC convention hall. [<https://www.nationalreview.com/news/chicago-denies-anti-israel-protesters-requests-for-stage-sound-system-during-dnc/>]

For decades public institutions have been a bastion of free speech and protests. Since the '1960s, until recently, most protests have been mostly non-violent. However, recent protests have become more violent, often resulting in destruction of public property. Foreign and domestic groups infiltrated local protests with agitators in order to foment further political unrest and propagandize false or misleading narratives.

While protestors purportedly claim free speech and other First Amendment rights, they willingly censor those who disagree with them. Case in point was when protestors drowned out Ann Coulter's speech at Cornell University. More recent protests by anti-Semitic and anti-Christian activists attempt to instigate hatred of Jews and Christians alike. In other words, protestors want to use "free speech" granted by the First Amendment to deny other freedoms also granted by the First Amendment.

While college/university administrators attempted to control the disruptive nature of protests, students and others have fought against them. As a result, the **Campus Free Expression Act** (CAFÉ) was enacted. While many people believe that CAFÉ is a federal law, it is not. Several states have enacted CAFÉ legislation, but like most legislation, the laws are not comprehensive. They tend to focus on prohibiting:

" . . .public colleges and universities from limiting speech and expressive activity to unconstitutionally restrictive 'free speech zones.' "

[The Fire Organization](#)

So are campus administrators at the bidding of the protestors? **NO!**

Campus administrators can enact much of the same protest/demonstration policies and processes used by city, county, and state governments. While enacting such policies, they can also add additional policies such as:

- Request protest planners to supply all food and equipment for the protestors and for law enforcement personnel who are redirected from regular duties to manage the protest.
- Request protest planners to provide a bond to cover any damages caused and clean up requirements after the protest ends.
- Prohibit the establishment of tents, cooking facilities, etc. on campus property.

- Prohibit the wearing of masks or other garments that prevent identification.
- Require a list of non-college/university attendees.
- Establish a venue for the protest with agreement from the protest planners.
- Establish entry and exit points where protestors would go through weapon and “contraband” checks similar to those used in public schools.

The key reasons for establishing these policies is for health, safety, and to protect both the community and property.

Like all freedoms, the freedom of speech, freedom of assembly, and the freedom to protest, **ALL** come with responsibilities. You cannot truly practice any form of freedoms if you do not accept the responsibilities that go with them.