

Learning About Liberty

Facilitating First Amendment Engagement Among University Students in the United States

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Executive Summary

The Free Speech Center at Middle Tennessee State University is committed to facilitating understanding of the five freedoms associated with the First Amendment. One of its foremost concerns pertains to education, information, and engagement involving young people, since these populations represent the near future of our society.

“College students’ views on the First Amendment are a critical harbinger of our democracy,” according to *The First Amendment on Campus* report published by the Knight Foundation and Gallup (2020), so the extent to which these cohorts understand constitutional rights and civil liberties at an important time in American history, amid shifting patterns of speech, communication, and interaction, along with increasingly polarized political perspectives, is particularly important. How they do so will likely have a significant influence on how they understand the First Amendment throughout their lives.

This report utilizes interview and focus-group data across 10 universities to summarize best practices for promoting First Amendment advocacy, activism, and engagement among college students. Its principal findings focus on the following categories of practices:

- Building the First Amendment into the Physical Environment
- Activating Social Media & Maximizing Their Impact
- Bridging Cultural Boundaries
- Reflective Writing Exercises
- The Power of the Case Study
- Targeted Campus Events
- Hands-On Engagement
- Building Bridges
- Assessment & Iteration

In summary, this study promotes a student-focused approach to First Amendment engagement, advocacy, and activism. In this research, students and faculty often mention the need to connect with audiences by “touching lives,” “bringing experience close to them,” “making it real” with “real examples,” “direct experiences,” and other descriptions of immersion in First Amendment principles. A student-centered approach prioritizes these connections, and encourages students to apply these ideas to other parts of their lives.

Discussions of the practices above are specific where data permit a high level of descriptive detail. But this report is not intended to serve as a checklist, nor are its themes completely mutually exclusive. Instead, the practices discussed below reach into and through the university classroom, and outward and across campuses and communities. Educators and activists can use them to inform their own work in various settings; to target one or more of the five freedoms with specific student populations; and/or combine them to creatively synthesize their own approaches. Another way to conceptualize these findings is to consider them as a collection of malleable, adaptable themes and practices, described by study participants and neatly summarized for the reader’s consideration. What is most important, as noted above, and what these findings all share is a focus on keeping students at the center of our work, and embedding

them whenever and wherever possible in order to maximize the chances of making a direct connection to their lives, experiences, and perspectives.

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Facilitating First Amendment Engagement Among American University Students: What Works?

The Free Speech Center¹ at Middle Tennessee State University is a nonpartisan, nonprofit public policy center dedicated to building understanding of the five freedoms associated with the First Amendment through education, information, and engagement. Its educational efforts include:

- *The First Amendment Encyclopedia*, a vast collection of over 1,500 First Amendment articles, history, and court cases.
- *I for All*, a national, nonpartisan, nonprofit educational effort to promote understanding and respect for the five freedoms of the First Amendment in secondary and higher education.
- National ad campaigns, which often feature celebrities, to increase First Amendment awareness among younger populations.
- Frequent news, analysis, and commentary on current First Amendment issues.

The research summarized below highlights many initiatives funded by the Free Speech Center's *I for All* campaign. One of the Center's foremost concerns involves facilitating First Amendment engagement, thinking, advocacy, and activism among high school, college, and university students. This report summarizes best practices for doing so among university students in particular. As John Seigenthaler, founder of the First Amendment Center, observed in 2009 the first words of the Bill of Rights – *Congress shall make no law...*

“[t]he words are plain, blunt and unequivocal – without literary frill or poetic flourish – a directive intended to put the natural rights of citizens above and beyond the punitive power of the new federal government.”

Seigenthaler goes on to note that we might characterize these words as a direct admonition to the new government, and to the officials who would constitute it. It is a firm endorsement of citizens' unalienable rights to freely speak, publish, worship, assemble, and petition, all necessary to promote a “more perfect Union.” The tone and intent of those first utterances extends through the 45 words that make up the First Amendment:

“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.”

Indeed, few Americans today would dispute the significance of the First Amendment, even if many of them can't recall the five freedoms or articulate their significance. As the blueprint for

¹ See <https://mtsu.edu/first-amendment/>

personal liberty in the United States, the First Amendment is often a point of national pride, providing the criteria for participation in a free and open society.

In fact, the Bill of Rights, and therefore the First Amendment, were far from historical certainties. Thomas Jefferson wrote in the Declaration of Independence that all men are entitled to the rights of “life, liberty, and the pursuit of happiness,” and several new American colonies formalized rights designed to codify freedoms that are today reflected in the First Amendment. But a bill of rights to similarly enshrine those “unalienable rights” at the national level was noticeably absent from the document that emerged from the Constitutional Convention of 1787.

Jefferson still generally supported the new Constitution, but noted the omission of a bill of rights as a major shortcoming since such a bill would permit independent courts to protect the rights of individuals, and promote the spread of republican principles. But it was James Madison, now recognized as the father of the Constitution, who after initially resisting the idea of a bill of rights as unnecessary emerged in the First Congress in 1789 as the most outspoken proponent of these “great rights of mankind.” The requisite majority of states ratified the Bill of Rights in 1791.

During ratification, however, what eventually became the First Amendment was the third amendment of 12 proposed by Congress. The states rejected the original first and second amendments, which dealt with congressional salaries and apportionment, respectively. Accordingly, those 45 words that we recognize today protecting the freedoms of speech, religion, press, assembly, and petition became the First Amendment. With ratification, the founders were confident that these “unalienable rights” and “great rights of mankind” were preserved for American citizens, but it would not always be a smooth ride.

In a textbook example of the past as prologue, a prolific and influential press in the late 1700s caused all sorts of anguish for politicians who found themselves the targets of pointed criticism, even for George Washington, the nation’s first president. So seven years after ratification, Congress passed the Sedition Act of 1798 during the administration of President John Adams. This was more than symbolic, as the government essentially declared war on those writing and/or publishing materials targeting the government, or otherwise depicting, questioning, or criticizing it in unflattering ways. Many citizens (e.g., editors, journalists, and others) were systematically harassed, intimidated, fined, jailed, and prosecuted.

Though the Sedition Act expired with the election of 1800 and President Jefferson pardoned those convicted under its statutes, it would not be the last time that the American government would seek to intervene in the expression of rights related to the First Amendment. During wartime (either hot or cold), national crises, or other social/political upheaval, government officials (and even many fellow citizens) have not welcomed criticism of American government, policies, or actions (Seigenthaler 2009²).

Fast-forward to the 21st century, and we can see other examples of American government bristling against principles of free expression, free association, and access to information.

² See also <https://mtsu.edu/first-amendment/encyclopedia>

Less than two months after the attacks of Sept. 11, 2001, Congress passed the USA PATRIOT³ Act of 2001, which according to the U.S. Department of Justice, modified many major U.S. intelligence, communications, and privacy laws, including the Electronic Communications Privacy Act, the Foreign Intelligence Surveillance Act of 1978, and the Communications Act of 1934.⁴ Among other provisions, this legislation and its numerous reauthorizations and amendments permit government officials to track and intercept communications for law enforcement and intelligence gathering; seal American borders to foreign terrorists and detain and eject those already in the U.S.; and create new crimes, new punishments, and new “procedural efficiencies” to combat domestic and international terrorism (Doyle 2002). While some claim that the act does not go far enough, others like the American Civil Liberties Union claim that instead of just catching terrorists, the PATRIOT Act turns American citizens into suspects by monitoring communications; logging bank and credit records; tracking Internet activity; and otherwise infringing on privacy and civil liberties, often unrelated to terrorist activity.⁵

Even more recently, First Amendment principles and liberties have come under attack, especially those directly relevant to journalists and other members of the press. President Donald Trump adopted the term “fake news” as a staple of his presidency, along with a general denunciation of any information that does not fit dominant (and often shifting) narratives of his presidency, allies, or even enemies. By praising a libel lawsuit against *The Washington Post*, condemning a satirical depiction on a major American television network, and calling *The New York Times* “a true ENEMY OF THE PEOPLE” (emphasis in original), President Trump is often depicted as the figurehead of recent attacks on the press. The Trump administration’s position is clearly fueled by perceived unfair, critical, or satirical coverage in many parts of the American and world press. As one example on Twitter, Trump elaborates, “The Press has never been more dishonest than it is today. Stories are written that have absolutely no basis in fact. The writers don’t even call asking for verification. They are totally out of control.” A.G. Sulzberger, publisher of *The New York Times*, responds:

“In demonizing the free press as the enemy, simply for performing its role of asking difficult questions and bringing uncomfortable information to light, President Trump is retreating from a distinctly American principle. It’s a principle that previous occupants of the Oval Office fiercely defended regardless of their politics, party affiliation or complaints about how they were covered.”

While many of those “previous occupants of the Oval Office” indeed held strong feelings of their own, there is concern that the Trump administration’s rhetoric serves to encourage and embolden threats and violence against journalists domestically and abroad (Grynbaum & Sullivan 2019). Still, such rhetoric could also be regarded as legitimate and warranted criticism of the contemporary press. The point here is that issues germane to our First Amendment freedoms are

³ Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT)

⁴ <https://it.ojp.gov/PrivacyLiberty/authorities/statutes/1281>

⁵ <https://www.aclu.org/issues/national-security/privacy-and-surveillance/surveillance-under-patriot-act#:~:text=Hastily%20passed%2045%20days%20after,and%20credit%20reporting%20records%2C%20and>

alive and well in contemporary American society, and not just something that we read about in history books.

Background & Problem Statement

Today it is more important than ever that citizens understand the First Amendment and its five freedoms. This is particularly true for younger demographic groups, since these populations represent the near future of our society. “College students’ views on the First Amendment are a critical harbinger of our democracy,” according to *The First Amendment on Campus* report published by the Knight Foundation and Gallup (2020). These perspectives show us the extent to which this important cohort of young citizens understands our constitutional rights and civil liberties at an important time in American history, amid shifting patterns of speech, communication, and interaction, along with increasingly polarized political perspectives. Younger cohorts are also important because they can show us how they enact these rights on campus, and in their lives and work. How they do so will likely have a significant influence on how they understand the First Amendment throughout their lives.

Ken Paulson, First Amendment advocate and director of the Free Speech Center at Middle Tennessee State University, notes (2020) that “One of the toughest lessons to teach on a college campus is that freedom of speech is to be taken literally.” He goes on to describe a course exploring the role of free expression in American history and culture since the ratification of the Bill of Rights in 1791. “Among the most interesting discussion topics are music censorship and post-9/11 security measures. Among the least popular is the moment in history when Americans demanded freedom of speech in order to protect their young democracy.” Students’ justification for their impatience is typically that they “already know this stuff.” But existing data suggest otherwise.

Among the findings from the Knight Foundation/Gallup study⁶ (2020) and the *State of the First Amendment Survey*⁷ by the First Amendment Center of the Freedom Forum Institute (2020):

- About three of every 10 American adults cannot correctly name at least one First Amendment freedom. As to the five freedoms, 64% could name freedom of speech; 29% freedom of religion; 22% freedom of press; 12% assembly; and only 4% petition.
- About 32% of American adults can name one of the five First Amendment freedoms; 22% can name two; 13% can name three; 4% can name four; and only 1% can name all five.

⁶ For the 2020 *First Amendment on Campus* report, Gallup conducted online surveys with a nationally representative sample of more than 3,000 U.S. full-time undergraduate college students, including oversampling students at historically black colleges and universities (HBCUs). A smaller sub-sample completed follow-up in-depth telephone interviews, providing further insights into college students’ experiences and opinions.

⁷ The 2019 *State of the First Amendment Survey* was conducted as a dual-frame, bilingual telephone survey of 1,007 adult respondents. The sample was designed to represent the adult U.S. population, weighted to provide nationally representative and projectable estimates of the American adult population.

- About 29% of American adults say the rights guaranteed in the First Amendment go too far, but nearly three-fourths of Americans believe that it is important for democracy that the news media act as a watchdog on government.
- About four-fifths (81%) of American adults report that the freedom to worship protects all religious groups.
- About half of American adults report that public institutions should revoke invitations to guest speakers when the speaker is likely to offend (46%) or would provoke large-scale protests (51%).
- About 96% of college students report that free speech is extremely (68%) or very important (28%) to our democracy, and nearly nine in 10 agree that the First Amendment protects people like themselves.
- 81% of college students support a campus environment where students are exposed to all types of speech, even if they may find it offensive. But paradoxically, about the same percentage (78%) support colleges providing safe spaces, or areas of campus designed to be free from threatening actions, ideas, or conversations.
- Nearly three-quarters of college students say colleges should not be able to restrict expression of political views that are upsetting or offensive to certain groups. But growing majorities report that colleges should be able to restrict the use of racial slurs (78%) and costumes that stereotype certain racial or ethnic groups (71%).⁸

Certainly, there are distinct differences across race, ethnic, gender, class, political affiliation, and a host of other factors. But the 2019 *State of the First Amendment* report specifically highlights a statistically significant difference between those respondents who could recall the five freedoms and those that could not, and these differences hinge upon education. In other words, respondents with higher levels of education were statistically more likely ($p < .05$) to recall freedom of speech, religion, and assembly (even controlling for the effects of sex, age, income, race, religion, and political party affiliation).

Still, despite increasing awareness, broad misconceptions persist, with 14% of the *State of the First Amendment* survey respondents pointing to the First Amendment as granting Americans the right to vote, and 16% recalling it as ensuring the right to bear arms. Together, the brief discussion above, along with a host of findings related to the public's knowledge and familiarity with First Amendment principles, emphasizes the important work involved with increasing public understanding of how these freedoms are applied and experienced in daily life, and how they help define what it means to be an American⁹ (Freedom Forum Institute 2020).

This report aims to describe best practices and effective approaches to engage university students in thinking, advocacy, and activism around the five freedoms of the First Amendment. As noted

⁸ Although certainly controversial, both are protected by the Constitution, according to Paulson (2020).

⁹ <https://www.freedomforuminstitute.org/first-amendment-center/state-of-the-first-amendment/>

above, it is important for all citizens to grasp the real significance and meaning of these important freedoms, but this is especially true for younger cohorts. The Free Speech Center at Middle Tennessee State University seeks to promote such an understanding across various outreach activities, but this work is especially important on college campuses.

This research, along with findings highlighting educational attainment as an important predictor of knowledge of the First Amendment's five freedoms, points to American higher education as an important setting within which to deploy strategies directed toward increasing First Amendment awareness, advocacy, discussion, etc. The overarching goal of this report is to identify and disseminate best practices and effective approaches across American university campuses, thereby reaching as many students as possible.

Methods

The data for this report come from interviews (face-to-face, telephone, and videoconference) and in-person focus groups within a convenience sample of faculty/administrative contacts and students across 10 institutions that received *I for All* grants. Institutions were contacted through their designated *I for All* institutional representative through the Free Speech Center, and where possible, interviews and focus-group discussions were conducted on each campus.

Faculty and student participants from Departments/Schools of Communications, Public Relations, Journalism, Media, and Theatre largely comprise the interview and focus-group samples, owing to their direct relationships with the *I for All* campaign. Focus groups were audio-recorded with the consent of participants. However, COVID-19 interrupted research travel beginning in March 2020, at which time remaining data collection subsequently took place remotely (via phone call or videoconference). Information collected remotely was recorded by the researcher. Participating institutions include:

Auburn University at Montgomery
Elon University
Middle Tennessee State University
University of North Alabama
University of Southern Mississippi
John Brown University
University of Nebraska-Omaha
University of Houston
Ball State University
Fresno State University

In a semi-structured, qualitative interview, the interviewer has a general plan of questioning across a number of known topics, situations, contexts, or experiences in which the subject has been involved in some way (Frankfort-Nachmias & Nachmias 2000). This approach permits flexibility in questioning and responses, but allows the researcher to keep a clear focus on the interview questions and the aim of the research, thereby facilitating a smooth, natural flow of conversation. In these interviews, the researcher establishes a general direction with semi-structured prompts, and explores topics and responses more deeply through probing questions

with the interviewee, who does most of the talking (Babbie 2011). Frankfort-Nachmias & Nachmias (2000:218) note several research advantages with personal interviews, including flexibility, control of the interview situation, high response rate, and the ability to collect supplementary information.

The researcher used semi-structured focus-groups in interactions with students, along with some faculty, staff, and administrators (where groups of these colleagues were available in the same place at the same time). In short, a focus group uses guided discussions to explore “conscious, semiconscious, and unconscious psychological and sociocultural characteristics and processes” (Berg 2009:58). These discussions have many advantages, like access to personal descriptions of feelings, intuitions, experiences, and accounts. The open and egalitarian atmosphere of focus groups also permits (and encourages) participants to talk in a very straightforward and revealing way (Frankfort-Nachmias & Nachmias 2000). They are also especially flexible, fast, and inexpensive, and permit access to real-life, relevant data in a social environment. This method also allows the researcher to explore related but previously unanticipated themes in real-time as they emerge from conversation (Babbie 2011; Berg 2009).

Faculty interviewees and focus-group participants were asked to describe their role(s) at their home institution and their interest in First Amendment studies, advocacy, activism, etc. Because all participating institutions were *I for All* grantee schools, the researcher also asked what campus activities were supported by the *I for All* grant funding. Through a final set of prompts, the researcher asked what implications these activities held for the discussion and/or application of the First Amendment and its five freedoms, before asking about broader insights and applications to engage college students in First Amendment thinking, advocacy, and/or activism. These last prompts intentionally frame the overarching objectives of this study, and discussions of engagement surrounding the First Amendment were intentionally broad and far-reaching in order to elicit as many relevant insights as possible.

Student focus-group¹⁰ participants were asked about their knowledge of the First Amendment and the five freedoms, along with the significance that they ascribe to this knowledge. They were also queried on campus practices (both inside and outside of the classroom) that effectively promote First Amendment engagement, and were provided with a hypothetical scenario where, with unlimited resources, they were responsible for designing activities to promote such engagement. The researcher employed a number of follow-up, probing questions to drill down into specific strategies and practices for First Amendment engagement.

Data were subsequently reviewed and analyzed to surface themes, best practices, and effective approaches to engaging university students in First Amendment thinking, awareness, and advocacy. It is to a summary of these practices that we will now turn.

Moving Toward Best Practices for Student Engagement

Overall, interviews and focus groups suggest that most university students possess a limited understanding of the five freedoms associated with the First Amendment. This finding is

¹⁰ These were conducted separately from faculty/administrative focus groups, where possible (which was all but one institution where on-site data collection took place).

consistent with data reported above from the Knight Foundation/Gallup study (2020) and the *State of the First Amendment Survey* (2020)¹¹.

However, students from public relations, theatre/film, and/or media disciplines (who were oversampled in this study) appear more knowledgeable in these areas, arguably due to greater exposure to First Amendment information in their courses and in their respective academic programs. Faculty, staff, and administrators consistently report their deep desire to increase students' awareness and understanding of the First Amendment, both inside and outside of the classroom, and beyond journalism, communications, and related disciplines.

Both faculty and students in this study commented on most students' very limited exposure to First Amendment ideas, and even less active engagement or involvement in advocacy or activities relevant to the five freedoms before their arrival on a university campus. These respondents identify a need to engage younger individuals and populations earlier, to encourage them to think about the First Amendment and how the five freedoms shape their lives and the world. Students specifically mention the need to target young people and promote awareness of First Amendment rights and social responsibilities in a way that encourages reflection and participation in real time, rather than considering current events after they unfold.

In focus groups, some faculty also note the broader, recent trend toward political extremism and polarization in the United States, and how this affects (and sometimes complicates) discussion of the First Amendment with students. This trend could suggest that, like so many other aspects of our society today, the First Amendment has become a collection of increasingly politicized concepts and conversations for educators, students, and members of the general public. The ways that freedom of the press is somewhat differently conceptualized by individuals and groups on varying points of the political spectrum (mentioned above) likely reflects this reality, as well.

Still, and consistent with what Paulson (2020) notes above, overcoming the notion among students that they already know about the First Amendment remains a significant challenge for university educators. So how do we continue to chip away at misunderstanding and misconceptions around these important ideas?

Students and educators alike in this study note the need to make a direct connection between First Amendment ideas and students' lives, but fellow students specifically describe the need to "meet students where they are." Many students today have so much happening in their lives in addition to university studies, and face a host of problems that directly affect them in real and immediate ways. It is therefore necessary to engage students very directly in First Amendment conversations, perhaps by focusing on some "need" or campus issue with real significance, as suggested by student participants at Auburn University at Montgomery. Nancy Van Leuven, assistant professor of media, communications and journalism at Fresno State University, notes that the First Amendment is "routinely glossed over" in ways that contribute to a sort of "First Amendment fatigue," which we can only overcome with a student-centered approach to

¹¹ These studies suggest a positive correlation between educational attainment and recall of one or more of the five freedoms, which might lead us to expect higher than average recall among university students. But it is important to remember that the young people in our sample are still in the midst of accumulating educational credentials, and on the whole, few Americans can name two or more of the five freedoms.

engagement. In other words, we must reconfigure awareness and/or information campaigns into something different, especially in a highly politicized national climate with increasingly diverse student populations. As educators we must move from the “passive to the active” and get students directly “invested in the work.” These themes will be further elaborated below.

In short, a student-focused approach to promoting First Amendment engagement, advocacy, and activism must keep students front and center, such that we build students into the structures of our engagement, rather than making them the external “target” of those strategies. While a more traditionally academic approach might involve exploring the general to frame the specific, a student-centered approach instead focuses on creating challenges, activities, puzzles, and more, to invite students into the practice of “doing” First Amendment engagement work.

This means focusing on the practical, everyday, and applicable as our default position, then moving (perhaps, eventually) into the theoretical, rather than vice versa. In this research, students and faculty often mention the need to connect with audiences by “touching lives,” “bringing experience close to them,” “making it real” with “real examples,” “direct experiences,” and other immersion in First Amendment principles. A student-centered approach prioritizes these connections, and encourages students to apply these ideas to other parts of their lives. As one Elon University student says, “if it doesn’t apply to you, then it’s not going to matter.”

These data also suggest that a student-centered approach extends to selecting specific elements of the First Amendment to explore, based on the characteristics and/or situations of the student populations involved, as well as local community contexts, current events, and other considerations. Which is to say that students matter, but the contexts in which they live and study matter as well.

It is unlikely that a single activity, approach, or intervention can touch upon all five freedoms of the First Amendment in ways that deeply resonate with student populations. Student characteristics might include level of understanding of this or that dimension of the First Amendment. Community contexts might include sites of particular historical, legal, or political significance in the immediate area (e.g., civil rights, freedom marches, demonstrations, etc.), or connections to persons or groups of similar importance. And connections to current events might include events or collective behaviors that are highly visible, often controversial, and directly related to First Amendment freedoms (e.g., kneeling during the national anthem, religious practices, criticism of the press, and so on). What these share is a clear focus on students and their lived experiences, in place of what Julie Fix, instructional assistant professor and director of undergraduate studies at the University of Houston, describes as “one size fits all” approaches to increasing awareness and knowledge around the First Amendment, which these data suggest are not likely to succeed.

Within this broader, paradigmatic approach, what follows is a summary of data and findings pertaining to categories of best practices for engaging students in First Amendment thinking and advocacy. These approaches are specific where data permit a high level of descriptive detail. But it is important to remember that these findings are not intended to serve as a checklist for First Amendment student engagement, nor are they completely mutually exclusive. Instead, they reach into and through the university classroom, and outward and across campuses and

communities. Educators and activists can apply the practices below to inform their own work in various settings; to target one or more of the five freedoms with specific student populations; and/or combine the examples below to creatively synthesize their own approach. Another way to conceptualize these findings is to consider them as a collection of malleable, adaptable themes and practices, described by study participants and neatly summarized for the reader's consideration. What is most important, as noted above, and what these all share is a focus on keeping students at the center of our work, embedding them whenever and wherever possible in order to maximize the chances of making a direct connection to their lives, experiences, and perspectives.

Building the First Amendment into the Physical Environment

This approach quite simply makes the language of the First Amendment a highly visible part of the campus environment, as a visual yet symbolic representation of the five freedoms and their significance. Elon University, for example, made the First Amendment a large (about 6 feet tall by 8-10 feet wide) part of the School of Communications, and facing the glass walls of the student news and media organization. This permanent installation not only reminds student journalists of the ubiquitous significance of the First Amendment, but it also readily greets students, faculty, staff, administrators, and visitors. In short, building the five freedoms of the First Amendment into physical campus space elevates these ideas for students, but such statements need not always be permanent.

Other study participants, including Hanna Park at Middle Tennessee State University, and Eunyong Kim at Auburn University at Montgomery, describe temporary writing boards, walls, or other sites where students can reflect on First Amendment insights, events, and experiences, and then record and prominently post them for other students, faculty, staff, administrators, and campus visitors. One Elon student described the First Amendment as appearing on “every poster and in every classroom ... [and therefore] part of daily life” on campus. Not coincidentally, and as Dean Rochelle Ford describes, the First Amendment is similarly built into the core values and mission of the School of Communications at Elon. Indeed, the physical environment is a powerful medium for expressing the significance of these ideas for students.

Activating Social Media & Maximizing Their Impact

Study participants across multiple sites note the value of social media in increasing awareness of particular issues, including First Amendment freedoms. But they also describe the ways that individuals and groups can spread disinformation (and misinformation) through social media. Still, the effectiveness attributed to these media runs through this study's interviews and focus groups, initially focusing on using content and visual stimuli to generate actions and reactions in a target audience and working through the sponsorship of “influencers” with very large social media footprints. Alternatively, as several University of North Alabama students point out, you can post this or that content and hope that larger internet forces pick it up for broader distribution.

But raising awareness and facilitating action is also about harnessing the power of analytics across diverse social media platforms, as Jeremy Harris Lipschultz points out in this study and in

his extensive work in this area (see Lipschultz 2018, 2020). This includes using insights across Facebook, Instagram, Twitter, Spotify, and other platforms to guide strategy and outreach in student-run First Amendment campaigns. It also involves incorporating real-time feedback, like Twitter analytics (i.e., “taking a picture of what a Twitter crowd looks like”) or aggregated Facebook insights to drill down to “top words” used across platforms. This is an analytic approach that permits the assessment of “reach” to determine whether and how you are touching audiences via social media.

Incorporating students into this work (as suggested above and below) brings it to life; facilitates the development of new skills; and directly connects students to their target audiences, and each other. This is not only an innovative application of emerging methodologies in social media and social network analysis. It is also a great way to work across multiple social media platforms and encourage students to experiment with novel approaches to First Amendment outreach and engagement (a theme that resonates throughout the study data).

Bridging Cultural Boundaries

This category of best practices coalesces around study data suggesting that exposure to diverse cultural contexts increases the potential of making a direct and lasting connection with students. This might be accomplished with study-abroad opportunities to experience other cultural norms, practices, and expectations, but also through careful analysis, simulations, and comparisons both within and outside of the classroom.

To be clear, most students (and probably most people in general) lack deep, meaningful, and reflective experiences to frame ideas like ethnocentrism and cultural relativism. Certainly, living or working abroad are among the best ways to cultivate cross-cultural awareness, but this is not possible for all students. Still, reflecting or (better yet) experiencing situations where one or more First Amendment freedoms no longer exist or apply, or “where there are consequences to your speech,” can be transformational. In fact, most students would likely be surprised to learn of places and situations where statements like “whatever you do, don’t talk about

are all too common, as Butler Cain of the University of North Alabama describes of his own students. Faculty and student participants expand upon these themes by suggesting a campaign comparing First Amendment freedoms to other societies (e.g., China, Russia, Cuba, and so on) “to remind students not to take these for granted.” Many campuses (including Middle Tennessee State University, University of North Alabama, and others) also organize events where students voluntarily surrender their First Amendment freedoms in exchange for, say, a free lunch, in order to experience very briefly what everyday life without the five freedoms might look like.

University of North Alabama faculty participants also describe working with students to “dissect” newspapers from different times and places as a “fixed medium,” with the goal of encouraging students to analyze these media as “reflections of news values and culture” across space and time. Those same faculty suggest an “international journalist in residence” to engage students and contribute to a vibrant campus dialogue around culturally relative, and relevant, themes. And students in the study sample readily reflect on the value of simply sharing informal conversations and more formal discussions with fellow students from around the world. In short,

this is a very rich set of practices with great potential to connect directly with students through cross-cultural simulations, international comparisons, and the like.

Reflective Writing Exercises

Students and faculty in the study sample also identify writing assignments as effective modes of engaging students. This category of best practices includes short writing exercises, brief reflection papers, guided journal entries, and similar assignments. However, it is important to appropriately guide students, and to provide adequate direction and prompts.

For instance, instead of “write something about the First Amendment,” many faculty members describe the value of short writing assignments, with Elon University faculty specifically focusing on free expression and self-censorship in the media in order to bring “commercial and institutional pressures” to conform into better focus. Additionally, other participants prompt students to explore the connections between history, specific First Amendment freedoms, and current events. This activity might include connections between censorship involving emerging media in the early 1900s versus similar phenomena today. Or such an approach might look at First Amendment rights involving marginalized groups in the civil rights era versus today.

Other participants at Elon and elsewhere point to this category of practices for exploring landmark legal cases and their connections to First Amendment freedoms, as a method to transcend temporal boundaries, properly contextualize these events, and explore the influence of various actors around the cases themselves (e.g., regulatory bodies, religious and other interest groups, etc.) and in the broader culture. Still others describe asking students to report and reflect on a landmark legal case or current event from the perspective of a journalist, with students reporting exercises encouraging them to focus on adhering to media ethics and incorporating First Amendment principles into their future work as journalists.

The utility of incorporating local community and historical contexts was mentioned above as part of a student-centered approach to First Amendment engagement. As part of this approach, and connecting to students’ lives and bringing knowledge to life, writing and/or discussion exercises can help capitalize on events that are unfolding in real-time or near-real-time. Auburn University at Montgomery faculty participants mention the significance of the Sept. 11, 2001, attacks as an example of a transformative event to incorporate into campus discussion and/or classroom assignments, but there are many other examples of history unfolding every day. Students specifically identify the “Me Too” and “Occupy Wall Street” movements as excellent examples.

Others might include important civil rights figures or events that unfolded in the local community or on the respective campus (as is the case in Montgomery, Ala.), or alternatively, a social problem or other important local issue. Still another Elon University faculty member describes an exercise in which students interviewed peers in order to pinpoint fellow students’ ideas concerning freedom of speech. Students then analyzed those interviews, reflected on their content, and reported findings and conclusions in a follow-up writing assignment. Students in particular note the importance of consistency, clarity, and repetition (i.e., “repeat exposure”) for this category of practices. This means applying similar principles over and over (in increasingly

nuanced ways) to deepen understanding; touching similar principles from multiple perspectives or with various activities; and incorporating these exercises as a structured element of a course.

The Power of the Case Study

Case studies are also effective tools with which to engage students, and include short discussion scenarios to encourage real-time reflection and problem-solving. Building upon discussion of writing exercises above, faculty report using a case-study approach to analyze real-world, current events at the start of class sessions to frame and deepen understanding and application of First Amendment principles. Faculty describe this approach as a way to “think organically,” understand what is happening in “our world,” and incorporate legislative perspectives, to see “how slippery [the] law can be.”

For example, “You are the head of human resources at a broadcast news station. What do you do when,” or, “A riot breaks out and police demand access to your camera and other recording devices, so what do you do?” Some faculty also report that case-study analysis of ethical dilemmas or court cases can be particularly powerful and rewarding aspects of First Amendment engagement, to encourage understanding how to “embrace ambiguity” at a time when many students are searching for the “right” or “correct” answer or response. These are also effective methods to help students recognize for themselves how they frame specific court cases in unique ways, and how they can reflect on their own perspectives and standpoints, “build on discomfort,” and “appreciate other viewpoints.”

Of course, case studies are also useful tools to encourage students to question authority and perhaps reconsider legal decisions from different perspectives, and these practices can be applied as both discussion and writing activities.

Targeted Campus Events

Other popular ways to promote First Amendment awareness and engagement involve campus speakers, panels, forums, and the like. These are quite common, but study participants share a number of insights concerning these events, as well as several lessons learned from their own experiences.

In keeping with ideas introduced above, it is important to keep messages both direct and practical for students, and to involve and include the broader community beyond campus, if possible. This narrows the range of objectives for the event, while it also widens the base of both participants and attendees. Professor Dan Bennett specifically describes the effectiveness of speakers that are “driven to engage with students,” and bringing “practical messages,” with significant student and community turnout at John Brown University in Arkansas. And Julie Fix of the University of Houston similarly identifies important elements of relatability and connection to local contexts and/or “powerful stories” in selecting campus speakers.

Next, study participants describe the need for intentionality in marketing and invitations. That is, reach out to specific, influential groups with invitations to attend or participate, and encourage them to publicize throughout their own networks. Bennett also notes the effectiveness of

bringing carefully selected campus speakers into classes or other smaller student groups as ways to eliminate barriers to intimacy, engagement, and communication, and to facilitate more direct delivery/discussion of their messages. This also means getting away from simply lectures, and moving toward engaging approaches that connect directly with students. Interviewees and focus-group participants also note that campus talks and guest speakers should be aligned with events of current or historical significance, and/or with commemorative events (e.g., First Amendment Day, First Amendment Month, Constitution Day, Constitution Week).

The University of Nebraska at Omaha's Jeremy Harris Lipschultz describes Constitution Day/Week events like panels on the state of journalism, fake news, and other topics. These activities also carried beyond a single point-in-time event, however, with a subsequent "celebration" of the First Amendment announcing contest winners, and a total of three student touchpoints over three months (and incidentally, continual measurement and assessment of social media hashtags over the same time period). If carefully planned with specific objectives and organized around "very focused issues," these can be great ways to mix what Colin Donohue of Elon University calls the "social with the intellectual" to generate awareness, engagement, and discussion around First Amendment freedoms. Elon, for instance, hosts events like Banned Books Week, information literacy week, a free-food festival, and a speaker focusing on media literacy. Donohue goes on to describe the importance of creating atmospheres and/or events that feel less like information delivery and more like absorbing information, which will typically last longer.

Such events are not only informative ways to create campus connections to powerful First Amendment themes, stories, and experiences, but they are also, as Bennett goes on to explain, great ways to model respectful and civil disagreement with different, and sometimes offensive, points of view. Faculty leaders in this study report using campus events to prepare students for multiple, often alternative viewpoints, that may be coming to their campus. Two specific examples mentioned were Turning Point USA (a politically conservative nonprofit active on university campuses) at Fresno State University, and Westboro Baptist Church (a controversial religious group well known for its extreme positions across a range of issues) at the University of North Alabama. In other words, campus leaders report using the arrival of such groups as opportunities to help students envision free speech unfolding in real time, and to condition their own reaction to others' opinions and positions (whether classified as political speech or hate speech, or both). After all, listening to controversial viewpoints is an important element of the freedom of speech in America.

Student respondents at the University of North Alabama also suggest more regular opportunities for engagement like monthly student forums for conversation, discussion, etc., perhaps organized around key campus issues or other topics or events directly relevant to students' lives.

One final consideration in this set of practices involves student attendance, which should probably be something other than mandatory. Students recommended using incentives to promote attendance and to increase the chances of substantial audiences, including prizes, gifts, and of course, free food. As noted above, some campuses use food as part of simulations where students voluntarily give up their First Amendment freedoms as a way to imagine (very briefly) life without those rights. As one University of North Alabama colleague says, "removal brings

about awareness, [and] then you can educate” students to “think about what they’re exchanging.” The goal here is also to teach students never to give up these rights, and what could happen if we are not paying attention to efforts to narrow or eliminate those First Amendment freedoms.

Many study participants also put gamification principles to work within their campus events. Gamification simply refers to design features that engage people through gaming principles and motivate continued participation in some activity, including¹²:

- Building an engaging storyline to pull participants (i.e., “players”) along in their decision-making.
- Helping participants visualize progress and provide feedback.
- Rewarding participants often.
- Paying attention to aesthetics and visual design, which spark engagement and interest.
- Facilitating participants’ goal-setting by providing something to aim for or collect.
- Gradually adding complexity to keep things interesting and engaging.

Adding one or more of these elements (along with prizes, publicity, promotions, and “free stuff”) appears particularly advantageous when considering campus activities like scavenger hunts, game booths, student “pitch” contests, writing contests, or other competitions. And study participants also note that building First Amendment messaging into entertainment events like Shut Up and Dance,¹³ which is affiliated with the Free Speech Center, makes for very successful campus events.

In other examples, Elon University hosts a “fake news game show,” Auburn University at Montgomery puts on a writing contest involving the campus newspaper, and the University of Houston builds game booths and prizes into First Amendment outreach activities.

Hands-On Engagement

Of course, an integral part of the student-focused approach described above involves “touching lives,” “bringing experience close to them,” “making it real” with “real examples,” and “direct experiences.” A great way to do this is to embrace a creative, problem-posing approach whereby students can “learn by doing” and fully experience the physical, academic, and emotional work associated with promoting First Amendment engagement.

Michelle O’Malley, associate professor of communications at Ball State University, describes how this might involve learning new technologies and new applications of those tools; developing innovative approaches to engaging fellow students; thinking critically and reflexively; and/or dealing with the inevitable “push-back” (and sometimes hate mail) associated with promoting and discussing politicized and sometimes controversial events or situations. At Ball State, this also included a student-organized social media campaign; geofencing sites showcasing “journalism in action”; challenging students to “get people excited about the First

¹² See www.datagame.io/gamification-principles/

¹³ A narrated concert telling the story of American social struggles through the lenses of various musical genres.

Amendment”; and student-planned activities to coincide with “Thank a Journalist Day” in Indiana. In other words, “engage students and get them to think for themselves.” Several study participants also point to the value of studying abroad, missions, and cultural-exchange programs that incorporate hands-on experience to encourage students to reflect on the culturally relative character of First Amendment freedoms. These are uniquely American phenomena in many ways, and students should recognize the culturally bound character of the five freedoms, which do not exist everywhere.

One Elon University faculty member describes having students file a Freedom of Information Act (FOIA) request for real information, and then reflect on its approval or rejection, while University of North Alabama colleagues encourage students to attend a trial or a legislative session to see constitutional principles in action, and again in real time, in a hands-on way.

Other study participants join Julie Fix and Jeremy Harris Lipschultz in describing their primary focus on the “structure” of activities to ensure that they are “student-centered” and “student-designed.” These approaches aim to keep students at the core of the work, but also to tap into the valuable creativity that students bring to these interactions and activities. For example, two Elon student participants suggest a hands-on practice that sends college students into middle schools to discuss First Amendment principles with younger students. Apparently intended to address the need to increase awareness and engagement before college, they describe asking middle-school students about their First Amendment rights, and conducting simulations, activities, and discussions, so that “everyone that goes through our public education system understands the fundamental rights that they are guaranteed by the Constitution.” They go on to note that “not everyone goes to college, so you shouldn’t have to wait until college to learn about the First Amendment.” Those same students explain how most people exist in a “bubble,” and engaging, practical, hands-on approaches can help burst those bubbles by exposing students to new ideas, and new perspectives from which to understand those ideas and their own experiences.

Other examples of hands-on student engagement include Middle Tennessee State University, where as part of a *I for All* initiative Professor Hanna Park assigns undergraduate students to plan, implement, and evaluate a public relations campaign to increase awareness and stimulate advocacy, including through social media. Similarly, Professor Van Leuven encourages students at Fresno State University to develop and lead their own public relations campaign in a two-semester event focusing on student involvement/engagement and dissecting the First Amendment (and students’ understanding of the five freedoms). She notes that students become significantly invested in their work, and they even produce a short iMovie focusing on the First Amendment to focus student creativity on engaging diverse audiences. Van Leuven also focuses very closely on assessment, a theme to which we will return below. Professor Eunyoung Kim of Auburn University at Montgomery and Professor Lipschultz of the University of Nebraska at Omaha also report using student-centered campaigns to achieve similar goals.

Building Bridges

Another best practice involves including and involving as many groups as possible when planning campus activities around First Amendment engagement. Study participants describe the

value of reaching out to other parts of campus; other departments or student/faculty organizations; interest/affinity groups; and the local community.

Since many of us encounter similar challenges and barriers to student engagement, outreach to and communication with other campuses (or perhaps groups like the Free Speech Center at MTSU) can also be a very valuable way to identify what practices work effectively, and so on. Such outreach might seem most relevant to broad campus activities, yet faculty contacts also note the need to expand and embed First Amendment principles into curricula across all of campus, not just for specific groups of journalism, public relations, or communications students.

As Professor O'Malley at Ball State suggests, "go for audiences that you can get."

Assessment & Iteration

A final theme emerging from this research involves actual *assessment* of what works on campus. That is, there are dozens or hundreds of great events, activities, and classroom strategies unfolding across many campuses, but comparatively less attention to assessing how well those approaches work. Indeed, getting an idea of what works is a large part of the justification underlying the current study.

But campus leaders should keep assessment front and center in their planning, especially since assessment really begins with setting specific goals and objectives early on. As suggested by Fresno State's Nancy Van Leuven, assessment also means following up with students after campus events, soliciting student evaluations, administering classroom assessments, and/or gleanable valuable assessment insights through discussion or debriefing with students in class following specific activities. Julie Fix at the University of Houston similarly notes the importance of pre- and post-tests to assess effectiveness. This is about gathering (often unanticipated) data, insights, and recommendations for the future, and integrating those ideas into future iterations of student-engagement efforts.

Conclusion

This study aims to illuminate and advance best practices in First Amendment engagement among American university students, with a focus on identifying strategies that are effective, adaptable, and easily implemented.

The results summarized above highlight the value of putting students at the center of our planning and design processes, in order to connect directly and effectively to their lives and experiences, but also to tap into their own creativity when it comes to engaging peers.

As noted above, interview and focus-group data also suggest the value of a purposeful and nuanced approach to planning student-engagement and outreach activities, in order to envision and articulate objectives (e.g., driving awareness/engagement around a specific freedom) and to create opportunities for assessment and improvement over time. Connecting to students' personal lives and experiences appears paramount, with such connections repeatedly surfacing in this study.

Culture is also particularly important amid these priorities. This means, first, engaging students in ways that can help transcend the bounded nature of their own culture(s), and second, creating a campus culture of involvement, awareness, and advocacy surrounding the First Amendment and its five freedoms. Both of these, as the University of North Alabama's Butler Cain describes, are part of the same continual, challenging process.

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