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Our View - Monday

July 23, 2007 - 9:52PM

Liberty lessons

Student complaints deep-six CSU speech limits

Here in the United States, we make a big deal about our right to free speech, and rightfully so. It is possibly the most misunderstood of the rights guaranteed by the First Amendment. Some people seem to believe that under the First Amendment they have the right to say anything to anyone at anytime and no one can silence them. That's not the way it works.

The Supreme Court has ruled in numerous cases that the protections of the Constitution apply in instances where the government is restricting speech and even then, there are times when it is appropriate to place limits on such expression. Earlier this year, students and faculty at Colorado State University in Fort Collins found out that these limits are not always clearly understood by everyone.

In an effort to keep the campus safe for everyone, CSU had policies in place that, among other things, limited what kind of advertising could be posted by campus groups, contained vague prohibitions on so-called hate speech and, perhaps most important, restricted where students could gather on campus for speeches, peaceful demonstrations and similar activities. Some students believed these policies stepped over the line between permissible and unconstitutional limits and decided to do something about it.

CSU's advertising policy banned posters that contained obscene language and "references to alcoholic beverages or other drugs," so when a student group held a rally last year in support of Amendment 44, which would have decriminalized possession of small amounts of marijuana, they were barred from showing an attention-getting picture of a marijuana leaf. The university's hate speech policy prohibited "expressions of hostility against a person" because of that person's inclusion in a long list of protected classes of people. And when it came to public gatherings for speeches, demonstrations, etc., the policy was pretty clear that events were limited to a specific area near the student center, with clearly defined boundaries listed in student handouts.

The students enlisted the aid of the Foundation for Individual Rights in Education, a nonprofit organization that battles speech codes at America's colleges and universities. In March, FIRE sent a letter to the university asking officials to change those policies to follow the Constitution. Through its attorney, Loretta Martinez, CSU replied that although the school's policy designated the Lory Student Center Plaza as the "primary" public forum space, students had other places on campus where such activities were allowed and had taken place. That may be true, but the previous policy was quite clear that the plaza was the proper location for public forums. The school has made changes that reflect Martinez's response.

In addition, on July 19 CSU released new policies for the coming school year that loosen the limits in the advertising and hate speech policies. The advertising policy has been reworded to prohibit obscene language and "may not promote illegal behavior including the underage use of alcohol and illegal drug use." CSU's new policy on hate speech is more specific about what constitutes prohibited behavior and language.

The new policies are improvements over previous rules and should serve their intended purposes of protecting students, faculty and visitors while allowing a fuller range of expression. We congratulate the university for acting to improve free speech on campus and not simply ignoring student concerns.

Woman gets government for roommate

The drug war has provided the entertainment industry with seemingly endless fodder for movies and novels. It has also led to laws that trample Americans' freedom and rights in the effort to rid the nation of illicit drugs. Among those laws are some we find particularly galling, such as asset forfeiture laws that allow law enforcement agencies to seize property or possessions that are linked to crimes. These laws have been misused to fatten government coffers, sometimes without the benefit of due process. And while seizures are always serious business, sometimes there's a humorous, if not outright ridiculous, side to them.

Harold Von Hofe of Branford, Conn., found out the hard way that growing pot in one's basement can have serious consequences. He pleaded guilty to manufacture or distribution of a controlled substance after police raided his home and found 65 marijuana plants and assorted drug paraphernalia. His wife, Kathleen, pleaded guilty to possession of a controlled substance, even though she denied knowledge of Harold's

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secret garden in the basement of their home.

The Von Hofes were sentenced to probation for their crimes. But they were in for a larger penalty. When the government moved to seize the house, Kathleen objected, arguing she shouldn't lose her home because she was unaware of what was going on downstairs and was guilty of simple possession. The 2nd Circuit Court of Appeals agreed and let her keep her half of the house.

Although we can see the justice of not taking Kathleen's home from her for something of which she was unaware, we struggle with finding any sense in the case. If one believes Harold got what he had coming, what did he lose? He still lives in the house with his wife; they're just joint owners with the government.

Kathleen is free to take out a mortgage and buy out the government's interest, but that means she would pay an additional penalty above her probation, and a high price to pay for simple possession. It makes the government appear to be in the drug war just for the money. Laws should be implemented to protect citizens from the actions of others, not to raise money for the government. If politicians think government needs more money, they should raise taxes and face the voters in the next election.

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