Circumscribing the Genius Loci: Free Speech Zones in the Heart of Campus

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ABSTRACT

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Public space issues have long been discussed in the context of urban settings by geographers. As emancipatory spaces, places like plazas and squares have traditionally served as (potential) stages for the people's voice. Missing from this discussion is treatment of the US college campus and its potential as a space for transformation and politics. The College Green at Ohio University has a long tradition as a social/political forum for the university community, but yet in recent years has been circumscribed by the administration's speech zoning policies. This thesis examines the history of College Green as a contested space and as a place for politics and outlines the different changes in University policy affecting the Green as a stage for social and political interactions from the early 1960s to the post-Kent State era to the present. It is therefore a good case study for the examination of public space/forum on the college campus and a window into discussions about the role of the university in US society.

Approved: _____

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I hereby dedicate this thesis to white-haired Floyd and all those who use the public forum as a stage for communicating ideas – whatever those ideas may be.

ACKNOWLEDGMENTS

I wish to thank all the people I encountered while researching the Green. Your input brought to life a topic I had thought much about in past years. I am grateful for the access I experienced with the different members of the Ohio University community and I appreciate your openness and excitement about the Green. It truly is a special place for so many people. In particular I would like to thank Bill Kimok at the Mahn Center for Archives and Special Collections in Alden Library. Bill's historical insights helped me in countless ways as I navigated through volumes and volumes of material in the air-conditioned reading room of the Mahn Center in the summer of 2007. I also wish to thank Fr. Thomas Jackson who was spiritual director at United Campus Ministries in 1970 for sharing some of his personal memories.

Thank you to my advisor, Harold Perkins, for paddling with me through the sea of data and assisting me through the writing process. I have certainly learned a few lessons about the organization and management of a research project. To my committee members, Brad Jokisch and Risa Whitson, who, through their open door policy, guided me through thesis questions and my own academic development. I appreciate your sage advice and look forward to heckling you at future AAG conferences.

Most importantly I want to thank Megan Everett for moving to the hills of southeast Ohio so that I could learn more about 'space'. I think both of us will miss the *pawpaw* and the different staircases in the woods of Athens. Tracking down the *genius loci* was more enjoyable with you. Given your keen interest in this topic, I would like to think that you would be able to write this thesis as well.

And, of course, thanks to white-haired Floyd. Although I never met you your spirit lives on within the *genius loci* of Ohio University.

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CHAPTER ONE - INTRODUCTION

1.1 'So Enter that Daily Thou Mayest Grow in Knowledge Wisdom and Love'[1]

On the original 1804 plat map for Athens County, Ohio a portion of the College Green at Ohio University (OU) was considered a 'public square or parade grounds' (Peters 1910). It has served as a commons for grazing livestock, as military parade grounds, and has been part of property dispute controversies since the turn of the 19th century. The Green has served the community as an important and vital social and political forum. It was home to many of the protests, demonstrations, sit-ins, rallies, and riots during what many call the 'tumultuous' period in the late 1960s - early 1970s at OU. It has been a public space where dissenting opinions have been afforded a stage from which to be heard. It has also been the place where many famous speakers have come, with their podium on the West Portico of Memorial Auditorium (see Figure 2 below), to address the University community. President Johnson made his famous 'Great Society' speech from the West Portico. In recent years speakers have included Richard Gephart, Jesse Jackson, and Bobby Seale. Commencement exercises were held on the Green until the late 1960s when they were moved indoors to a then new Convocation Center.

College Green was memorialized by a gift from the Class of 2005. A number of plaques placed along the brick pathways along the Green tell its story - perhaps trying to

[1] This quote is etched into the Alumni Gateway to the College Green at Ohio University. The quote was borrowed from an inscription in Latin at the main portal to the University of Padua in Italy. That university was founded in 1222 by a secession of about a thousand students from the University of Bologna, reinforced by additional migrations from Bologna in 1306 and 1322. Like Bologna, it was a student-controlled university, with students electing the professors and fixing their salaries.

offer the pedestrian a description of the sense of place of College Green. There are two that are very fitting to our discussion in this project. One reads "*College Green: College Green, which was home to the first generation of Ohio University students almost two centuries ago, welcomes all who walk its paths, and embodies the openness and democratic spirit that define Ohio University*". This plaque sits in the brick walkway in the middle of the green.

Figure 1. **Class of 2005 dedicated memorial plaques** (source: photograph by author).

The other plaque reads, "*Student Voices: College Green has served as a forum for the voices of Ohio University's students throughout its history. Whether supporting civil rights, advocating for the abolishment of women's curfews, or in protest, students have and will continue to play a vital role in shaping Ohio University*". This plaque lies on the walkway a few feet from the Civil War Monument in the northwest corner of the Green.

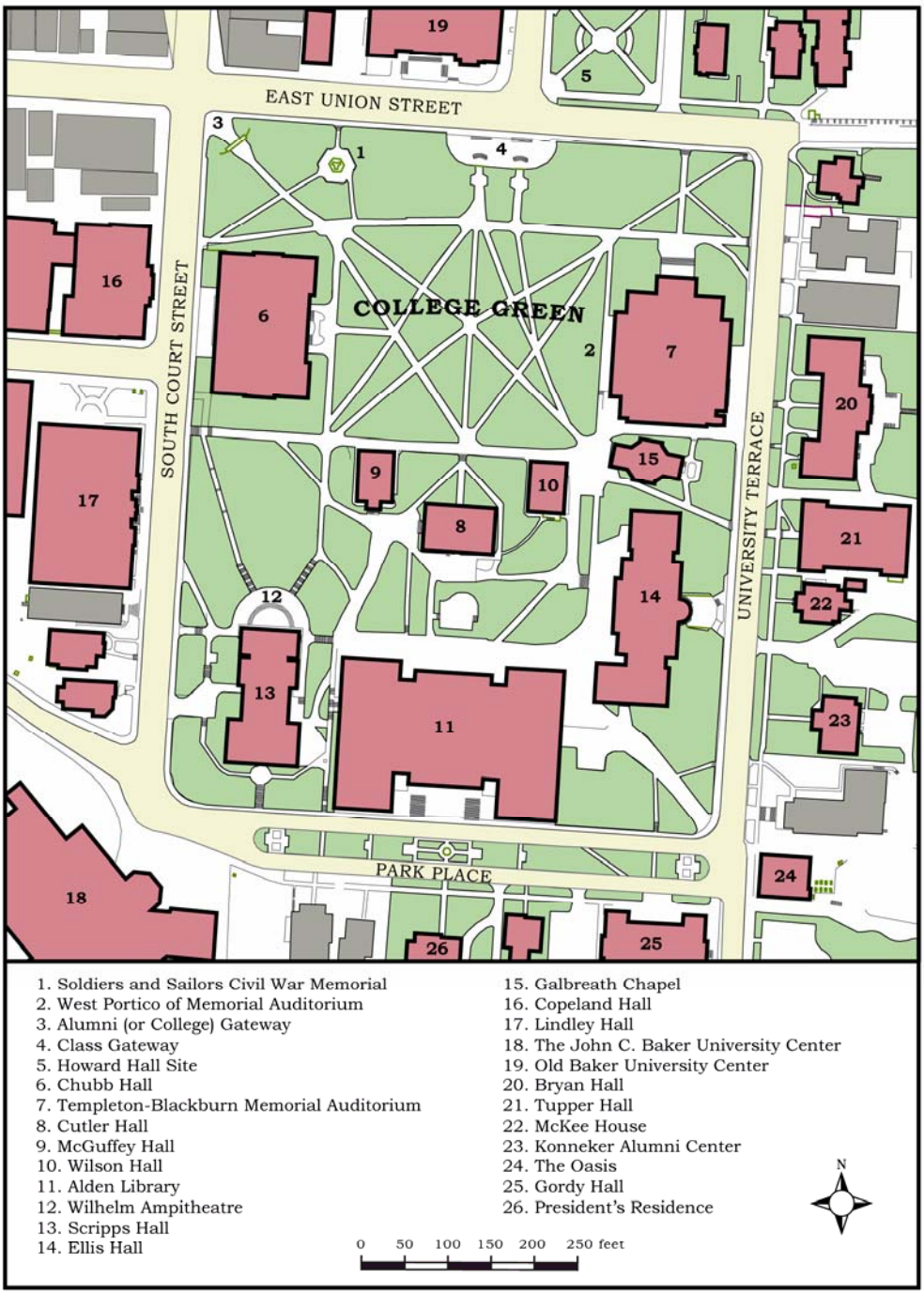

Figure 2. **Map of College Green environs** (source: cartography by author; data from Voinovich School for Leadership and Public Affairs and Ohio University Facilities Management).

On the College Green the space around the Civil War Monument has, perhaps, been the most contested. Erected in 1893 by the Athens Veterans Commission and funded by the Ohio people through tax dollars, it has embodied a good deal of conflict since it was placed on the Green, especially when it was home to the anti-war protests during the Vietnam era. During that time local veterans groups wanted to remove it from the Green because they thought the student protesters were desecrating the significance of the monument (see Figure 3).

Figure 3. **Student protesters in 1970 at the War Monument** (Photo courtesy of the Robert E. & Jean R. Mahn Center for Archives and Special Collections, Alden Library Ohio University).

Today, although it provides the best visibility for a student protest given its location, the War Monument space is not a zone where the protection of free speech activities is guaranteed. It has been at the center of a controversy and campus-wide debate between students and University administration.

1.2 Go Back, You Didn't Say 'May I'[2]

On November 3, 2006 Ohio University (OU) students and local activists organized and rallied on the College Green of OU in Athens, OH to protest the Iraq War just 4 days prior to the midterm Congressional elections in the United States. Organizers filled the grassy area around the Civil War monument with hundreds of pieces of paper on strings- each sheet reading, "This Page Represents 1,000 Dead Iraqi Civilians." According to the Athens News[3], it was not clear how many pieces of paper were hung, but the figure of 1,000 per page may have been a reference to a study released in the Lancet medical journal that estimated around 650,000 Iraqis had died as a result of the US-led invasion, a number far greater than official US government estimates. Those in attendance (estimated at 50) watched as local activists walked from page to page reading aloud the names of dozens of fallen American soldiers.

Students held signs and banners with such slogans as "Rise Up, Raise Hell, Vote," "War, What Is It Good For?" and "F*** The Course" – mocking the once-popular Bush administration catch-phrase, "Stay The Course", referring to that administration's policy for staying in Iraq. Among those participating in the event were Athens-based activists who had actually traveled to Iraq, members of Code Pink[4], Students for Effective and

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[2] This refers to the title of a memoir written by Father Thomas Jackson, a priest involved with the United Campus Ministries (UCM) at OU during the late 1960s – early 1970s. He uses the name of this children's game to refer to the relationship between students and administration during events at OU in that era.

[3] The Athens News is a locally owned alternative bi-weekly newspaper that was founded by Ohio University graduate Bruce Mitchell in 1977.

[4] As stated in the organization's mission statement, CODEPINK is a women-initiated grassroots peace and social justice movement working to end the war in Iraq, stop new wars, and redirect our resources into healthcare, education and other life-affirming activities. They reject the Bush administration's fear-based

Accountable Leadership (SEAL)[5] and members of the newly reorganized local chapter of Students for a Democratic Society (SDS)[6]. A student who is a member of both the SDS and SEAL groups reported that Ohio University senior administration officials threatened to shut down the protest, though there were no disruptions from police officers circling the area. From the student-activist perspective the spirit of the protest was about more than just ending the Iraq War (Tillotson 2006). "If we're really talking about ending the war in Iraq, we got to talk about taking back control of all the institutions," [one SDS/SEAL student] said.

The university's policy for organized protests and other events identifies specific locations, which must be reserved in advance through the office of the Dean of Students. The Civil War monument is not one of the 22 permitted spots located across the Athens campus. After being informed of the policy and asked to leave by university officials, the activists went ahead with their protest at the monument anyway (Tillotson 2006). That same SDS/SEAL student-activist later received an official letter from the senior administrator who attempted to shut down the event, thereby documenting the violation.

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politics that justify violence, and instead call for policies based on compassion, kindness and a commitment to international law (http://www.codepink4peace.org).

[5] SEAL, or *Students for Effective and Accountable Leadership*, is a group of students formed in 2006 that aims to promote effective and accountable leadership on campus. It draws membership from across the political spectrum and was created to address the issues of a lack of shared governance, the sharing of responsibility and decision making throughout the university. They believe that those who run the university are removed from those that live and learn in it, and it is only expected that some of their decisions will not be in the best interest of students (Guest Commentary: Letter missed basic truths of student group. The Post. 11/07/06).

[6] SDS returned to OU's campus during the 2006-07 academic year. The group was first represented in Athens during the 1960s-1970s. For a discussion of how the SDS has resurfaced nationwide consult Christopher Phelps article, *The New SDS* in The Nation's April 16, 2007 issue. It features SDS's OU Chapter (http://www.thenation.com/doc/20070416/phelps).

In this letter dated November 6, 2006 the official reiterated and outlined again how the actions of the group violated Ohio University's *Policy on the Use of Outdoor Space 24.016* (See Appendix A) by not reserving and using the areas designated by the Administration for group speech activities. The letter stated that "failure to comply with University policy in the future would leave the University with no choice but to call the Ohio University Police to address future such violations of University policy". The letter also discussed the terms of the policy for groups not registered with the University. "The [SEAL] group has not registered as a student organization with the Department of Campus Life. Because the group has not gone through this registration process, SEAL is not afforded the privileges that come with registration. These privileges include, but are not limited to, access to Ohio University facilities and space for the organization's activities, meetings, and events". Concluding the letter the administrator reminded the student that

> as an academic institution, Ohio University is committed to civil debate and to the open and free exchange of ideas. It is my hope that in the future, you and others within the groups you are associated will conduct yourselves in a manner consistent with the expectations of the campus community that have been established to ***allow all points-of-view to be expressed, considered and debated*** (emphasis is mine).

Copies of this letter were sent to the Director of Legal Affairs, the Dean of Students, the Director of Campus Life, and the Chief of OU Police. Although no formal consequences (i.e. probation, suspension or arrest) were issued, in an interview this student confided that the letter and its subsequent forwarding to various administrative officials was received as a threat for both its mentioning of the possibility of an arrest and for its selectively singling out that one individual. A university official claimed the letter was

not meant to be taken as a threat, but instead was "describing factual information on what university policy is" (Ludwig 2007).

1.3 Free Speech Zoning

In response to this letter on February 2, 2007 the SDS group (see Figure 4) consolidated their efforts with other students and returned to the Civil War monument to protest the idea of 'free speech zones' to highlight the lack of a public forum for the student voice and to outline their goals for creating a more 'democratic' campus. According to the SDS student, this protest was not just about free-speech zones, the term most people use for what the Administration calls 'reservable spaces for expression'. (To maintain uniformity with the language in the literature I will refer to these spaces as free speech zones throughout the thesis). It was about the larger goal of finding a forum for students' voices to be recognized and heard.

Figure 4 (a-c). **Free speech zone protest** (l-r) a) SDS member addressing the students on hand for the February 2, 2007 rally at the War Memorial; b) the Chief of Police addresses the students; c) SDS rep tells students the news, that the President is not in his office (source: photographs courtesy of SDS).

The February 2 protest (as I will refer to it from here on in) took place again in this War Monument area. No one was arrested. After a series of speeches given from the base of the monument by SDS activists and community members, the crowd, estimated at 125 (Ludwig 2007), marched to deliver a list of demands for reform to the OU President chanting, without the assistance of a bullhorn, “Our Education Will Not Be Run By Corporations. That’s Bullsh**! Get Off It! Students Are Not For Profit”. They also chanted, "This Is What Democracy Looks Like!" and "Whose School? Our School!" as they approached Cutler Hall, the oldest building on campus that houses the offices of the president, the provost, and other senior administrative officers.

At the steps of Cutler Hall protesters were informed by the OU Police Chief that the president would be busy in meetings for the rest of the day. One protester addressed the crowd and suggested they march to the new Baker University Center in search of the president or any other OU administrative officials. A vote was taken, and the crowd agreed to march to Baker and gather in the Baker Center Ballroom. The president was not there, but the Dean of Students arrived and was presented a list of demands from the SDS group. "We ask that you cease and desist all threats to students who organize on campus," the student read aloud. SDS’s demands called for the end of restrictions on public expression and to allow more "shared governance" in the running of OU. The Dean of Students listened but did not comment (Ludwig 2007).

As a result of this February 2 protest event the free speech zone issue escalated to community-wide debate. The administration asked the Student Senate to review the existing ‘use of outdoor space’ policies and make any recommendations deemed

necessary for improvement. A *Free Speech Committee* was then formed, comprised of undergraduate and graduate student leaders. In April-May 2007 United Campus Ministries (UCM) organized a series of three panel discussions. The Dean of Students, faculty from the Philosophy, Religious Studies, and Political Science departments, local activists and student-activists participated in this debate of the policy and the philosophical and spiritual implications of dissent and the regulation of speech.

The debate first anchored on the letter received by the activist-student and the events that provoked it. Students aware of the letter argued that the administration singled-out one individual and that the policy in place was selectively enforced upon groups not in line with the goals of the administration. Participants in the discussion questioned the Dean of Students on those 'logical connections between place and speech'. Many people present at the panel discussion felt the administration unjustly accused the student activist who received the letter. The second session examined the philosophical and spiritual side to speech and dissent. The last session addressed dissent and examined what is considered permissible speech in our society. Discussions centered on the 'culture of mistrust', the perception of what could be dissent, and sought to find a consensus about what is allowable in the Ohio University community.

The Dean of Students also posted an explanation of the university's free speech policies on the OU Web site. In an electronic mail correspondence, the Dean of Students responded to my inquiry regarding the free speech zone issue by stating the following:

> This policy lists the outdoor places that you can reserve to have an event. If you read the policy you'll also see that students or others' rights to protest any activity or function at the site of that activity/function on campus is protected and requires no reservation (only that it not be disruptive).

> So to say that spaces that can be reserved for an event are "free speech zones" suggests that these are the only places students can express themselves -- which is not the case. I call them "reservable spaces" that can be used for expression of all sorts. And, they are not the only "reservable spaces" -- there are classrooms, meeting rooms, event spaces, etc. -- nor are they the only places free speech is allowed.
>
> There have not been conflicts over use of reservable spaces because of the policy and procedure we have in place (which has been in place for many years and has its roots in the post-Viet Nam protest era where students demanded that their rights to access space be committed to policy). The policy has been refined over time to provide greater access in terms of numbers of reservable spaces, times when events can occur, etc. On a very regular basis, people who want to organize some sort of expression at a campus space, call to find out what is already scheduled and then pick a date/time for their event that doesn't conflict.

The Dean of Students was referring to Ohio University's 22 'reservable spaces' or what activists disparagingly call the "free-speech zones" (see Figure 5) located across campus. These zones include volleyball courts, tailgate areas, meditation gardens and many other locations not conducive to generating public dialogue. There are, however, five zones, according to Free Speech Committee members, which serve groups looking to engage the greater community in public social and political interaction. These five are highly visible places in high traffic areas and all are on or near the College Green.

Nationwide, university administrators have introduced similar policies that place geographical restrictions on speech activities by regulating where these activities take place. Free speech zones on campuses across the country have received national attention in the last decade in the popular press as well as in scholarly writing (Kohn 2004; Mitchell 2003; Zick 2006; Kellum 2005). Students across the country have challenged their respective universities' speech codes and, in some cases, have won in court or settled out of court. Coincidentally, the two flagship public institutions of higher

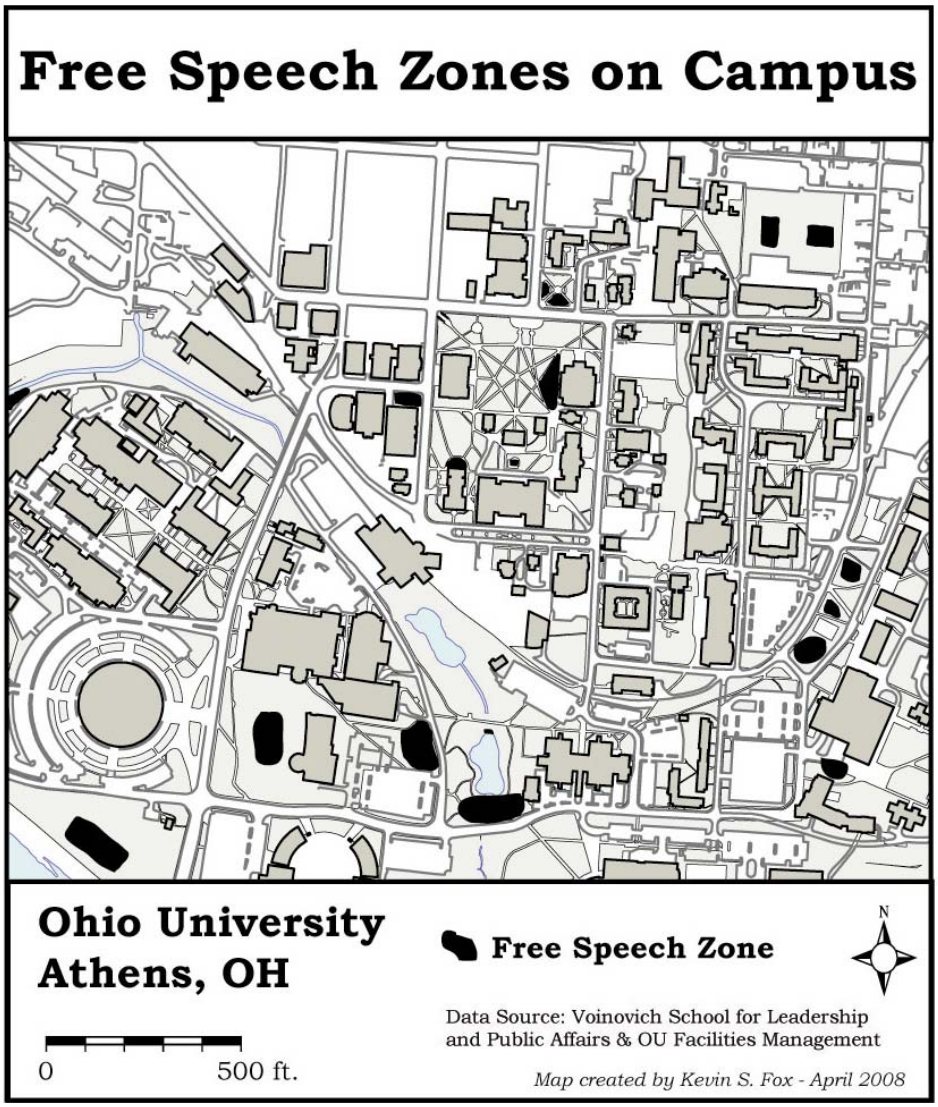

Figure 5. **Map of 22 free speech zones** (Cartography by author).

learning in the neighboring states of West Virginia and Pennsylvania have both thrown out similar policies because of popular pressure against the restrictions on their campuses.

Most notably is the case of West Virginia University (WVU). A coalition of student organizations was formed back in February 2002 to protest the policy at WVU. *The Free Speech Coalition of WVU*, as it was called, sued the university over the policy which allowed for seven free-speech zones claiming it violated students' First Amendment rights. In their complaint, *Free Speech Coalition of West Virginia University v. Hardesty*, they described the fact that the appointed zones constitute barely 5% of the total campus area (Hudson 2007). They also argued that the policy prohibited student demonstrations in the very places that would most likely have the greatest impact (i.e. high traffic areas, symbolic areas).

The Pennsylvania State University (PSU) also rescinded their controversial speech and assembly policy. In the Summer of 2006 University administrators reached an agreement with a student involved with the College Republicans and the Young Americans for Freedom. The policy change came as part of a settlement that PSU reached with this student and the Alliance Defense Fund (ADF) [7], a Christian legal group based in Arizona. The student filed litigation in February 2006 that alleged several university policies violated his constitutional rights to free speech. PSU students and activists were limited to using 12 different areas on the State College campus for speech activities.

The zones, established under PSU's policy AD 51, had been in place seven years. But in this legal agreement Penn State quietly eased up on the controversial rule. Student organizations still can reserve one of the 12 designated areas for their events, including

[7]David French, director of the ADF Center for Academic Freedom, confirmed that a June 28 revision to AD 51 - the free-speech-zone rule - was included in the settlement. Further, Penn State paid about $15,000 in legal fees to the ADF (Smeltz 2006).

the Old Main front patio, to guarantee access and avoid the first come, first serve confusion. Those zones, however, are no longer the only places where Penn State will permit a rally or demonstration. According to the revised policy, the whole campus is now, in effect, a "free-speech zone." Demonstrators only need to comply with the university's rules and regulations - and not interfere with university business (Smeltz 2006).

1.4 Summary and Purpose of Research

According to a survey of the OU student body taken as part of preliminary research of the topic in February of 2007, over 70% of respondents (n=1885) chose the College Green as the symbolic center of campus (Fox 2007; see Appendix B for survey questions). Respondents also stated that if they were to choose to use any public space on campus that 57% of them would use College Green. This has always been *the* place where students could get their message out to the rest of the student body. Unfortunately, University policy only allows registered organizations the right to reserve certain spaces on College Green (West Portico of Memorial Auditorium, Alumni Gateway) to assemble for group events. The Civil War monument or the green proper are not on the list of those spaces. By the 'green proper' I am referring to the grassy area east of Chubb Hall, west of Memorial Auditorium, north of Cutler Hall and south of Class Gateway (see Figure 2). This type of policy that creates 'free speech zones' has been criticized for 'chilling' the speech environment nationwide.

The empirical content of this research focuses on the evolution of policy implemented at Ohio University that regulates the use of outdoor spaces for purposes of speech. Specifically, this research examines how the free speech zone policy has affected College Green. This thesis demonstrates that the College Green serves as the *genius loci* (Harvey 1997; Norberg-Schulz 1979), or spirit of place, of the Ohio University campus. It is the historic and symbolic center of campus. The Green, as the *genius loci*, has its meaning rooted in American history – first, as part of the post-Revolution expansion to the west, and second, as part of the tumultuous student unrest of the 1960s-1970s. By looking at place and figuring it into the discussions about public space and public forum I use the story of College Green at Ohio University to illustrate how regulatory policies not only curtail First Amendment protections but circumscribe this '*genius loci*' – the spiritual center of student emancipatory politics at OU.

The questions guiding the research included: *What, if any, are the historical roots of the contestation of the space around the War Monument and the College Green in general? Have public spaces, public forum and places of social and political interaction been shrinking on Ohio University's campus since the 1960s?* I specifically examine the College Green and the evolution of rules governing its use as a public forum. *What role does a space like the College Green play in the overall mission of the university?* Through interviews I explored how the community understands the purpose of this space in terms of its contribution to the goals of higher education. I suggest that the 'shrinking' of the public forum is a dialectical process between increased regulatory practices through the 'campus public order management system' (Zick 2008) and the struggle (or

lack of struggle) for space by committed student-activists. Lastly, by focusing on the ways different actors have negotiated the changing meaning and significance of the College Green, I explore in my conclusion: *If the College Green is the genius loci - the historic and symbolic center - of the University community, and specifically the student voice, what might be the end result or effect its regulation has on students wishing to exercise their right to assemble and speak freely?*

Thus, in chapter two I discuss geographic research dealing with public space, public forum, place, and the university campus. In chapter three I discuss my methods and methodology. In the fourth chapter I begin the body of my thesis with a history of the Green as a contested space and an analysis of the evolution of speech policies at OU. In the fifth chapter I analyze interview data regarding the mission of the institution and the importance of maintaining public spaces on campus. In the sixth chapter I explore, as a discussion and conclusion, the effects of speech regulation on students and, in turn, the 'production of citizens' at Ohio University. I will also conclude this paper with lessons learned through the research and ideas for future topics. This research will fill a gap as the university campus and the issue of speech zoning has been under-emphasized in the public space literature coming from the discipline of geography.

CHAPTER 2 - LITERATURE REVIEW

This project critically evaluates different bodies of literature. First, I contribute to a body of work on public space and public forum. Much of the existing critical literature on public space has developed in the urban context dealing with issues of homelessness and protest (Mitchell 1995, 2003). Little has been written specifically about the University campus (Mitchell 2003; Kohn 2004). The public forum literature explores First Amendment issues within the context of regulation (Kellum 2005; Zick 2006; Langhauser 2003; Davis 2004). Recently, scholars (Zick 2006, 2008) have incorporated the geographer's study of place in their work. I will also add to the discussion of public forum doctrine and its application on the college campus.

Second, I contribute to the long line of existing literature (Cresswell 1996, 2004; Tuan 1977; de Certeau 1984; Harvey 1996) that examines the socially constructed nature of place and the ways in which space and place are used to structure normative landscapes. This is important because our intuitive understanding of what constitutes the 'public' and 'private' spheres has been challenged in recent years (Kohn 2004). Places on University campuses (specifically at Ohio University) that were considered to be appropriated by students during the 1960s-1970s are no longer seen as such. Regulation of place has been created through the current 'zoning' policy.

2.1 Public Space

The concept of public space has evolved and means different things to different people in different times and contexts. Planners (Carr 1992) may define public space as

the "common ground where people carry out the functional and ritual activities that bind a community, whether in the normal routines of daily life or in periodic festivities". Carr et al (1992) provide an analytical framework for defining how 'public' a place is that includes five spatial rights. *Access* refers to the right to enter and remain in a space. *Freedom of action* is the ability to carry on activities there. *Claim* is the ability to take over the space and the resources in it. *Change* refers to the ability to modify the environment. *Ownership* is the ultimate form of control.

Kohn (2004) calls for a definition of public space to embody three components: ownership, accessibility and intersubjectivity. "A public space usually refers to a place that is owned by the government, accessible to everyone without restriction, and/or fosters communication and interaction" (Kohn 2004, 11). Public spaces are the places that allow for and create the backdrop for unplanned contacts between people, both friends and strangers. Public spaces like the National Mall in Washington D.C. and Central Park in New York City (NYC) have been long considered important stages for political activity. According to the courts "places such as city streets, squares, and parks are traditional public forum" (Kohn 2004, 12). In *Hague v. CIO (1939)* the Court held that "streets and parks…have immemorially been held in trust for the use of the public and have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens" (Kohn 2004, 12). The literature cites this case as a watershed event in the treatment of public space issues by the Court (Mitchell 2003b; Kohn 2004).

It is not a simple task to see how a public space might meet Kohn's three criteria, or two of them for that matter. *Exclusivity* may be difficult to assess. Are these places accessible to everyone and under what pretenses? *Intersubjectivity* describes the kind of encounters that are able to happen in a public space. Some places foster certain kinds of interaction with other people and some do not. In stadiums and theaters, for example, where most attention is focused on a central object, interaction with people is limited. Public spaces are places where exchange happens and where people are positioned to be co-creators of interactions, thus allowing for a greater possibility of encountering different people with different opinions (Kohn 2004). Public space is a "crucial site for civic engagement, encounters with difference and the emergence of alternative claims to public standing" (Blomley 2007, 1698 from Mitchell 2003).

According to Setha Low and Neil Smith:

> [Public space] envelops the palpable tension between place, experiences at all scales in daily life, and the seeming spacelessness of the Internet, popular opinion, and global institutions and economy. The dimensions and extent of its publicness are highly differentiated from instance to instance. Legally, as well as culturally, the suburban mall is a very different place from the National Park or the interior of a transcontinental airliner. Clearly, then, the term has a broad definition (Low and Smith, 2006, 3).

J.B. Jackson (1984) wrote what many consider to be the first geographic article about 'public space'. Jackson describes the difference between the traditional public space with the contemporary public space. He argues that two centuries ago it was still widely believed that we were *already* citizens when we appeared in public (to the extent that we qualified as citizens). We were familiar with our rank and place in society and the structured spaces around us merely served to confirm that status. Now, however, Jackson argues, we believe the contrary – that we *become* citizens by certain experiences,

private as well as public. "Our variety of new specialized public spaces are by way of being places where we prepare ourselves – physically, socially, and even vocationally – for the role of citizen" (Jackson 1984, 55).

In the Western context the idea of public space has its roots in Greek antiquity. The ancient Greek *polis* and *agora* parallel today's public sphere and public space, respectively, and are not so different to how we see public space now. Jurgen Habermas, in his *The Structural Transformation of the Public Sphere* (1989) describes the public sphere as the collection of institutions and activities that mediate the relations between society and the state. The public sphere is where the 'public' is organized and represented. In this sphere all types of social formations should find access to the structures of power within a society. According to Habermas, *public space* represents the material location where the social interactions and political activities of all members of 'the public' occur. His public sphere is egalitarian because it allows free participation (Avritzer 2000). The public can be part of 'setting the agenda' because new issues can enter into political debate there. The theory of the public sphere not only opens space for political participation, it also grounds that participation in the process by which modern societies are constituted (Avritzer 2000).

The Greek agora functioned as a place for citizens. It was open space where public affairs were conducted. Blending politics, commerce, and spectacle, these places were for meeting strangers, citizens or not. One would encounter there the voices of difference – different perspectives, experiences, and affiliations (Mitchell 1995 from Fraser 1990). Contrary to the positive nostalgia frequently associated with antiquity and

the agora, its 'publicness' was "circumscribed and stratified as an expression of prevailing social relations and inequalities" (Low and Smith 2006, 4). The Greek agora was not open to women, slaves or foreigners. It is important to note that a true public space, where plurality of ideology and social standing are evident and represented, did not exist in antiquity just as it does not exist today (Low and Smith 2006; Domosh 1998).

In the geography literature we have seen much of the discussion of public space coming from the critical or radical traditions. As such, the critical writing examines the power structures involved in the definition of this space (Mitchell 1995; Low and Smith 2006; Creswell 1996). For many, "public space [is] an unconstrained space within which political movements can organize and expand into wider arenas" (Mitchell 1995, 115). For others it "constitutes a controlled orderly retreat where a properly behaved public might experience the spectacle of the city" (Mitchell 1995, 115). These are the two sides of the debate in most contemporary cities and this represents the current debate on many University campuses. "Public space is the product of competing ideas about what constitutes that space – order and control or free, and perhaps, dangerous, interaction – and who constitutes 'the public'" (Mitchell 1995, 115).

Mitchell's arguments have become the cornerstone of the debate around public space. His *The End of Public Space? People's Park, Definitions of the Public, and Democracy* article (1995) is perhaps the most widely read and widely cited work about public space today. In it he outlines his ideal for public space where democratic and unmediated interaction takes place in a forum open to all. Anything goes there – even homelessness and protest. Mitchell's article examines the debate over the use and users

of People's Park near the University of California-Berkeley campus. He describes how two main groups emerged as a result of the struggle over control of the park. One group was comprised of activists and homeless persons. They envisioned the park as "a space marked by free interaction and the absence of coercion by powerful institutions" (Mitchell 1995, 115). The other group was comprised of representatives of the University and city. They envisioned the public space as "an open space for recreation and entertainment, subject to the usage by an appropriate public that is *allowed* in" (Mitchell 1995, 115, emphasis in original).

Mitchell describes two distinct kinds of public space. The first is an inherently politicized space for protest. It risks disorder because its function is a stage for political actors. The second space is planned, orderly, and perceived to be safe. Unplanned activity and political action are unacceptable (Mitchell 1995). These two normative ideals define public space and "drive political activity and the nature of spaces we call 'public' in democratic society" (Mitchell 1995, 116).

A constant friction exists between different groups who envision the use of these university spaces in different ways. Mitchell's ideal public space is based off the work of Henri Lefebvre (1991) from his *Production of Space*. Lefebvre's work "provides a conceptual framework through which the spatial practices of everyday life, including violence and protest, can be understood as central to the production and maintenance of physical spaces" (McCann 1999, 168).

Lefebvre distinguishes between *representational space* and *representations of space*. Mitchell interprets *representational space* as space that was appropriated, lived,

and in-use. It is the space of everyday life (Merrifield 1993). This is the kind of space People's Park served as for the homeless and activists. *Representations of space* are planned, controlled and ordered spaces. They are abstract space and correspond to the vision of the city (i.e. planners) or University for how a space is to be used. It is discursively constructed space, dominant and tied to the relations of the 'order' in society (Merrifield 1993).

Public space often originates as a *representation of space* (courthouse, plaza, public park) but as people use these spaces they also become *representational spaces*, appropriated in their everyday use. "Whatever the origins of any public space, its status as 'public' is created and maintained through the ongoing opposition of visions that have been held, on the one hand, by those who seek order and control and, on the other, by those who seek places for oppositional political activity and unmediated interaction" (Mitchell 2003).

It is within this dialectic that *spaces for representation* are formed and where public space is a place for political movements to thrive (Mitchell 2003, 129). Marginalized groups can represent themselves to the larger public and insert themselves and their claims in the political discourse in these *spaces for representation* (McCann 1999). Mitchell suggests we think about public space in terms of the processes of inclusion and exclusion created by these social and legal processes of control.

2.2 Public Forum Doctrine and Free Speech Zones

Mitchell's article (1996b) in Urban Geography's special issue on public space details a legal construction of this space through the relationships of legal discourse and public use. He states that public space is legally constructed through law. At the same time, however, the law is constructed through social struggles for inclusion and exclusion in public space. Mitchell argues that public space laws exist mainly because of the social struggles such as the radical suffrage movements in the nineteenth and twentieth centuries, the fights for free speech rights by the Industrial Workers of the World in the 1910s and 1920s, the right-to-picket-and-assembly cause fought for by the workers of the 1930s, the spatial strategies of the civil rights movements in the 1950s and 1960s, and student and feminist activism in the 1960s and 1970s (Mitchell 1996b).

Different authorities labeled these groups and their struggles as 'violent' because their ideas challenged the status quo and the power of the state and the rich. The protests threatened the conventions of order of those in control, so laws were enacted to exclude these groups from the public forum and public space and thus from the public sphere for the 'safety' of the public (Mitchell 1996b). According to Mitchell:

> The law treats all equally, but all are not equal, and such equal treatment may serve to reinforce unjust social relations. The law has no way to recognize that in order to be represented in public, dissident groups have had to make their claims in a manner that does not conform to norms of rational discourse – that needs of those who wish to use public space as a public forum may not at all align with the images the Court holds of an orderly, rational discourse. The guarantee of the *right* to speak in public forums is quite different from the question of effective access to that forum by those who *need* to speak in the street. Orderliness can quite easily serve as power (Mitchell 1996b, 171, emphasis in original).

The situation becomes such that, for groups to exercise their right to use the public forum and public space and exercise their freedom to assemble and speak, certain laws meant to 'secure' these rights must be broken. For this, material public space is required for voices to be heard (Mitchell 1996b, 2003). This material public space has been protected (or circumscribed) by the Courts through the use of public forum doctrine.

The public forum doctrine is widely discussed in the law literature regarding free speech zones (Davis 2004; Langhauser 2003; Mitchell 1996a, 1996b; Zick 2006a, 2006b). In fact, it is discussed in all law journal articles pertaining to free speech zones. In this doctrine, government property can be categorized in different ways: as a traditional public forum, a designated public forum, or a non-public forum. The literature (Davis 2004; Langhauser 2003) suggests that any real challenges to University free speech zone policies have examined the nature of public forum doctrine. The *traditional public forum* is much like a place described in the *Hague v. CIO* language. They are "places such as city streets, squares, and parks…and have immemorially been held in trust for the use of the public and have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions" (Kohn 2004, 12). College campuses are places that have traditionally been the focus of free speech activities. The *designated forum* is one created by governmental action – or in this case by policy that guarantees that a space may be used for speech activity upon approval, much like the free speech zones do. And the rest would be considered *non-public* – or in this case not available for public speech activities. These might include airports, movie theaters, and malls.

Legal scholars argue about the nature of free speech zones. Some claim that the zones should be abolished and suggest steps that communities can take to pressure universities to address the issue (Zick 2006a, 2006b; Davis 2004). Other scholars recommend that, while each individual case is unique, universities should consider using free speech zones as a means to maintain normal and rational discourse on campus (Zeiner 2005; Langhauser 2003). At the crux of this debate are differing opinions as to the role of the university in US society. Also, some (Zick 2006b) suggest that the public forum doctrine is blind to the variability of place – that notion that place is constantly in flux and redefining itself.

A main critic of the public forum doctrine, legal scholar Timothy Zick (2006a&b) argues that the doctrine makes the categorization of property as 'public' or 'non-public' the dominant issue for many speech claims. Considering the work of human geographers on 'place' he proposes that a place-based reading of the 'expressive topography' of speech, whereby the emphasis is placed more on the nature of the expressive act rather than on the property itself. Zick calls for a fundamental reconsideration of 'place' as a First Amendment concept. He proposes that instead of the binary 'public v. non-public' designations that we look at six different expressive spatial types: embodied, inscribed, contested, tactical, non-places, and cyber-places.

Embodied places implicate the competing interests of a speaker to reach an intended audience by invading their 'personal' space and privacy. One example might be a preacher speaking outside an abortion clinic where women are entering. *Inscribed* places are those that have been closely identified over time with the exercise of speech

and assembly. These are the highly symbolic, almost sacred, places. Good examples of this type are the Mall in Washington D.C. and Central Park in New York City. *Contested* places may be the most common spatial type. They involve the claim on the part of the speaker to inhabit a particular place and express him/herself there, partly because that very place is part of a specific political contest. *Tactical* places are the product of the government's use of space as a means of control. They include prisons and schools. They also include the cages, buffers, and free speech zones now used by authorities to discipline and control expressive activities. *Non-places* are locales like airports, malls, and public transportation where public expression is highly regulated. Lastly, *cyber-places* are the various locales in cyberspace which include blogs, chat rooms, and websites.

Zick believes a shift from a property to a place-based reading of forum by the Court will make more room for the dissenting voice. Based upon the work of human geographers and anthropologists, his argument looks to incorporate place in the legal discussions of the problem of making sufficient space for speech. In doing so, he contends, "we can preserve the discussion of matters of public concern in public places" (Zick 2006b, 505).

This place-based approach is supported by Kellum (2005) whose article *If it Looks Like a Duck…Traditional Public Forum Status of Open Areas on Public University Campuses*[8] challenges public university administrators "who struggle to either discern or acknowledge the traditional public forum status of open areas on campus" (Kellum 2005,

[8] See Kellum 2005 for an extensive discussion of the various court cases treating traditional public forum issues on college campuses.

55). University administrators claim speech to be subject to their ownership of property. Under this guise they create 'reasonable' speech codes, including the zoning of speech. Unfortunately there is little direct precedent on the issue. Kellum suggests that administrators, filling this void in legal precedent, create their own rule of law and do not respect the *Hague v. CIO* definition of a traditional public forum.

Zick's (2008) recent contributions fill a gap in the research on free speech zones on the college campus. In his chapter, *Places of Higher Learning*, he argues that much more attention needs to be paid to the campus as a public space. Most of the legal scholarship, he claims, has dealt with speech codes rather than speech zones. While college campuses have become "mirror images of the expressive topography outside campus gates", public universities are now "governed by *public order management systems*" (Zick 2008, 216). These management systems exist in the very same places that not only created the stage for the Free Speech Movement in the 1960s but are where students today often experience their first encounters with public liberties (Zick 2008). In a sense the campus public space represents the future of public liberties in this country. But due to the management of space for public expression, Zick sees that there is "less and less breathing space for robust public exchange of ideas" (216).

As part of public order management systems, spatial tactics represent the "use of space as a strategy and/or technique of power and social control" (Low and Zuniga 2003, 30). University administrators have used these tactics as a way to control and discipline expression on university campuses. Zick (2006a) traces the genesis of 'free speech zones' back to the 1980s. During the 1980s and 1990s many universities adopted speech

codes to combat sexual and racial harassment. These codes were invalidated by courts because of their vagueness as well as for their selective enforcement and their apparent goal of suppressing certain viewpoints. Because this did not eradicate the existence of harassing or disturbing expression on campuses University administrators sought other means to suppress these ideas and limit and control such expression. Many universities, including West Virginia University, turned to 'spatial tactics' and implemented free speech zones instead of free speech codes. The government (or University, in this case) sought to quell social and political interactions, or even unrest, by turning to place and location (Zick 2006a). The literature (Street 2001) highlights these controversial zones and the delicate balance between the right to free speech and needing to run an institution of higher learning.

Don Mitchell (2003b) discusses how regulation of location (or place) of the free expression of ideas has replaced the regulation of content. "As the Court has moved away from a regime that penalizes what is said – in essence liberalizing free speech – it has simultaneously created a means to severely regulate where things may be said, and it has done so in a way that more effectively silences speech than did the older regime of censorship and repression" (Mitchell 2003b, 6).

In *Permitting Protest: Parsing the Fine Geography of Dissent in America*, Mitchell and Staeheli (2005b) discuss how public space is where dissent becomes visible.

> The politics of public space are in part struggles over how these exclusions take place and who they affect. In part, though never entirely, publics are therefore *constituted* in public space, and where these public spaces are located can be decisive. In this sense, political exclusion can be effected by banning political activities in particular places while allowing the same activities elsewhere. By closing key sites to protest, permit systems can have the effect of silencing dissident voices while at the same time giving the appearance that

> public space is politically inclusive. The politics of public space is thus a politics of location: *where* voices are silenced makes a huge difference as to *which* voices are heard. The politics of public space, therefore, can shape the nature of politics in public space (Mitchell & Staeheli 2005b, 798).

Many researchers from the radical tradition see public space issues at the core of democratic politics. The loss of public space is very critical to the further development of a democracy where the 'demos' is actually everyone and not just the 'normal' public.

Scholars (Kohn 2004; Sorkin 1992; Ross 1999) have argued that the disappearance of material public space has been caused, in part, by privatization. On a basic level this means the sale of state-owned assets to private individuals or corporations. Since the late 1950s we have also witnessed the redefinition of public space forms. Malls have replaced the old public square as the center of communities, the place where people go for public interactions – where they go to be seen (or to be heard). Downtown pedestrian malls, town trails, and corporate plazas have emerged. Zoning laws have allowed for private developers to build large buildings in urban centers in exchange for building plazas that are privately owned and privately policed 'public spaces'. The shopping mall is the new typical example of the public/private gray area. This privately owned space creates its own rules of public engagement. Security guards at malls enforce the rules of a private ownership. Privately owned places are not obligated to allow religious activities or political speech (Kohn 2004).

McCarthy and McPhail (2006) discuss how protest events occur both in historical time and geographical place. In the US some places are now constitutionally privileged with respect to citizen access and free assembly and speech. These venues are known as the traditional commons or the traditional public forum. It is their contention that in

recent years these spaces have been shrinking in number, citizens have experienced increasing difficulty in gaining unrestricted access to them, and such venues are no longer where most people typically congregate in large numbers.

When citizens gathered to express dissenting views toward the government at the turn of the 20th century they overwhelmingly chose spaces in the public forum to do so. In their study, McCarthy and McPhail looked at the locations of protest. Where do people congregate? Where do people protest? They contend that if we total up, in square miles, the size of traditional US public forum, (their analysis suggests) it would be shrinking as a result of privatization, with the consequence that *the number of places where citizens can expect the greatest constitutional protection for their dissident messages are fewer than they were fifty years ago*. The privatization of public space separates citizens from each other and decreases the opportunities for accepting differences. The college campus is no exception and has not been immune to the shrinking of the public forum. Campuses have been vital stages for revolutionary thought and change in the past. They are symbolic centers of dissent. This research has serious implications as we struggle to continue the process of democratization of our institutions and US society, in general.

2.3 Campus Space as Public Space

Yanni (2006) expresses the importance of having communal spaces on university campuses. "Public spaces encourage faculty and staff members and students to fully participate in the university. Otherwise, academic life devolves into disparate,

meaningless episodes – a lecture, a walk from class to class, a retreat into dormitory" (Yanni 2006, B21). Using the University of Oklahoma as a case study, Gumprecht (2007) examines the multifaceted role of the campus as a way to demonstrate the centrality of the campus to college town life. It serves as an environment for learning and as a public space. The college campus is a hub of activities that serves not only students and staff, but the larger population of a town and region.

The two sides of the public space debate manifest themselves on the University campus as well (Kohn 2004). One side says that all campuses (even public ones) are private property and are subject to regulations of public speech. Accordingly they claim that administrators do not need to permit students to demonstrate or protest in quads or, in our case, the College Green. Activities that disrupt the academic or educational mission of the University can be prohibited (Kohn 2004).

The other side, according to Kohn and echoing Mitchell's ideal, is based on the work of John Dewey (1961). It states that "universities – particularly public universities – were originally founded as schools of citizenship in which students learned to become competent participants in democratic governance" (Kohn 2004, 41). This suggests that part of the overall mission of public education is to foster the development of citizens who will participate in the democratic dialogue throughout their adult lives. This may include engaging in protest or rally activities.

Kohn (2004) and Street (2001) trace the link between university property and protest activity to 1765 when Bostonians debated the Stamp Act on Harvard Yard. Campuses were home to the Free Speech Movement of the 1960s. They have played an

important role in the shaping of US society. These spaces have a long tradition of being a forum for idea exchanges and a vibrant nerve center for activities contributing to and shaping the course of the overall educational mission of the university. Public spaces on campuses are just as vital to the University community as they are to an urban citizenry in the downtown of a city.

In his *Unsightly Huts: Shanties and the Divestment Movement of the 1980s* Martin (2007) discusses the appearance of shanty towns on college campuses in the 1980s as a response to university investments in apartheid South Africa. He argues "that the shanties were constructed in spaces chosen to achieve maximum symbolic power and often succeeded in spatially transforming campuses into public forums that heightened students' capacity to affect the institutional decision-making process" (Martin 2007, 329). These shanties represented an appropriation of public space. The activists transformed the campus space in a way that approximated Habermas' idealized version of public space as an inclusive and accessible space for wide-ranging discourse (Martin 2007). Martin argues that:

> The transformation of campus space into public space involves understanding space as a continuum that ranges from one pole at which campus space is the most private and exclusive in terms of its level of political discourse to another pole that approaches Habermas' ideal, wherein the space is accessible for expression and symbolic action. This conceptualization of public space obviously moves beyond and reaches a more nuanced level than the zero-sum game of regarding physical spaces merely according to their legally constructed status as emphatically 'public' or 'private' (Martin 2007, 331).

As conflict arose because of the shanties, college administrators wanted to get rid of these 'unsightly' constructions in order to preserve their campuses as spaces of learning, scholarship, and higher education and maintain them in a way that remained

aesthetically pleasing to alumni and prospective students. Student protesters attempted to disrupt the very same spaces in order to bring attention to their movement. Echoing Mitchell (1995), what fundamentally makes a space public is not some preordainment but rather that it occurs through the actions of a group who claim the space and make it public out of necessity (Martin 2007). This spatial dialectic between the needs of university administrators and the needs of student activists recalls Lefebvre's notion of the city as a work (oeuvre) in progress in which all citizens participate (Martin 2007). Through the transformation of the campus spaces, the shanties made students into citizens in a body politic. The positioning of the shanties in highly symbolic centers, or hubs, on campus not only allowed student activists to publicize their university's investment policies but it also allowed them to exercise their 'right' to a specific space (Martin 2007).

Don Mitchell and Lynn Staeheli (2005) argue that the most contested places are many times the ones that are the most symbolically important. Therefore, they are the most regulated, especially when the space is meant to be 'public' and when different 'publics' have access or a 'claim' to that space (Mitchell and Staeheli 2005). In their *Turning Social Relations into Space: Property, Law and the Plaza of Santa Fe, New Mexico,* Mitchell and Staeheli examine a number of controversies involved with the Plaza space located in the heart of the New Mexican capital. Different 'publics' have a claim to the space with a "differential relationship with regard to access to that space and different conceptions of what their rights are" (Mitchell and Staeheli 2005, 364).

2.4 Place and the Genius Loci

Place, according to Harvey (1996), is a social construct. As a construct we must look at the social processes that create place. Place can be "a) a mere position or location within a map of space-time constituted within some social process or b) an entity or 'permanence' occurring within and transformative of the construction of space time" (Harvey 1996, 294). The difference between these two meanings can be illustrated by the following: Imagine we took the coordinates for Athens, Ohio (39° 19′ 45″ N, 82° 5′ 46″ W) and placed them on a map. This would tell us something about the area. But, if we named the place 'Athens' on that map, this named entity suggests a greater permanence because of it bounded nature (in this case a political boundary) at a given location and therefore tells us more about that area. Harvey suggests that the different processes flowing through this bounded 'permanence' contribute to the undermining of spatio-temporal orderings and to its overall meaning as a place.

Harvey suggests we examine place as the locus of social processes; as 'imaginaries', or moments of thought, fantasy, or desire; as 'institutionalizations', or the organization of political and social relations; as configurations of 'social relations', or structures, divisions and hierarchies of class, age, race and gender; as 'material practices', or the nexus between experience and knowledge; as forms of 'power' fundamentally embedded within social processes; and as elements in 'discourse', coded and representing the world (Harvey 1996, 78-79). Through this dissection of place we uncover hidden meanings – meanings which can contribute to a better understanding and, perhaps, 'resacralization of place' (Harvey, 306 from Sale 1985).

Harvey discusses the work of Norberg-Schulz on the *genius loci*[9] – or spirit of place – because it helps illustrate how social, symbolic, psychological, biological, and physical relations interact in place and form part of its identity (Harvey 1996). Norberg-Schulz (1979) states that meanings which are gathered by a place constitute its genius loci. The dissolution of place, then, amounts to a loss or change in perception of this identity. Norberg-Schulz's work addresses such historical and symbolic places like St. Peter's Square in Rome and the Acropolis in Athens, Greece.

In Loukaki's article (1997) *Whose Genius Loci? Contrasting Interpretations of the 'Sacred Rock of the Athenian Acropolis'* the author states that the *genius loci* is "a place's fingerprint, but produced with similar ink as that of other places" (308). Loukaki describes the discursive controversy between archeologists and art historians over how to understand the genius loci of the Acropolis and examines who gets to decide which meanings or qualities of the place are represented and projected to the public.

By looking at exclusionary processes like the zoning of speech and assembly we must take into consideration the meaning of place. Creswell (1996) argues that ideas about what is right, just, and appropriate are transmitted through space and place. Something may be appropriate in a given place but inappropriate in another. Different meanings applied to a place create conflictive opinions as to the proper use of that space. The geographical setting of actions plays a central role in defining our judgment of whether actions are good or bad. It is through the transgression that marginalized groups can inform us about the 'normal' and require us to rethink, or re-map, ideology on space and place (Cresswell 1996).

[9] For a summary of the different ways 'genius loci' has been used in the literature see Loukaki 1997.

Cresswell highlights a process by which the meaning of a place can change due to the actions of the transgressors. First of all the act needs to be identified as something 'out of place' and inconsistent with the proper meaning of that place (i.e. war protest at the War Monument). The implications of this may produce the following changes:

> 1) If the transgression continues, the meaning of the place will change. 2) If the meaning of the place changes, the place itself will change. 3) The new meaning will be *their* meaning (the meaning of the [transgressor]). 4) The place in question will become *their* place (the place of the [transgressor]). (Cresswell 1996, 60).

Within these social relations is the struggle over identity and the discursive controversy over who defines how a symbolic place is to be used and memorialized. Harvey (1996) references Loukaki's (1997) article in order to demonstrate that, because different groups interpret the genius loci in different ways, political power struggles, the authenticity of different collective memories and contested readings of history contribute to the contestation of place. Harvey states,

> To release a different imaginary concerning the past is to release a different imaginary as to the possibilities in the future. The *genius loci* is open to contestation, both theoretically (as to its meaning) and concretely (as how to understand a particular place). The absence of active political controversy can then only be taken as a sign of the domination of some hegemonic power (1996, 309).

Harvey finds Loukaki's Acropolis example interesting because it not only reveals claims based on class and Greek national sentiments but it also shows how the Western world, in general, stakes a claim on this monumental landscape as a symbol of Western civilization. "The burden that the Acropolis bears is that it simultaneously 'belongs' to radically divergent imagined communities. And the question as to whom it 'truly'

belongs has no direct theoretical answer: it is determined through political contestation and struggle and, hence, is a relatively unstable determination" (Harvey, 310).

In the literature free speech zones have been addressed from a property and rights based approach in the past (Mitchell 2003). There is a need to address this issue from a place-based approach that recognizes the mosaic of meaning ascribed to certain traditional public spaces. Each college campus is different in some way. A town formed around OU. Other campuses might have been built in existing cities. These factors shape how that space functions in their given communities. It also defines, to an extent, who uses the space.

CHAPTER 3 - RESEARCH CONTEXT, STRATEGY & METHODS

3.1 Introduction

During the twelve month period between January 2007 and January 2008 I collected data on the campus of Ohio University in Athens, OH. For the primary source of data I conducted 40 active interviews with administration, faculty (retired and current), staff, students (former and current), and local townspeople. My data collection also relied on over 20 hours of participant observation on College Green, over 100 hours of archival work, and two different questionnaire-type surveys to supplement the interviews. The purpose of this chapter is to provide background information on my study area and to explain and justify my data collection and analysis methods. First, I provide an overview of the research site, followed by a discussion of why I chose this topic and the specific study area. I then contextualize my data collection choices and methods of analysis within my overall research paradigm. Finally, I consider limits to my approach and how this influenced the outcome of the research project.

3.2 Study Area

Ohio University (OU) is a public university located in Athens, a small rural city (pop. 21,342 - 2000 Census) situated in the Appalachian foothills of southeastern Ohio (See Figure 7). Athens serves as the seat of Athens County (pop. 62,223) and, given the fact the city grew around OU, it is considered by many to be a typical college town. According to the 2000 Census, the median income for a household in the county was $27,322. About 14% of families and 27% of the population were below the poverty line,

including 21% of those under age 18. Athens County ranked highest in poverty rate for all Ohio counties in 2000.

Figure 6. **Ohio University is located in the southeast corner of the state of Ohio** (Map by author).

OU was founded in Athens in 1804 and is the oldest public university in what was once considered the Northwest Territory – lands east of the Mississippi and between the Great Lakes and Ohio River. This area is present day Ohio, Indiana, Illinois, Michigan and Wisconsin. The university currently enrolls over 20,000 students at its Athens

campus with undergraduates making up roughly 87% (17,500) of that total. Graduate students account for 10% (nearly 2,000) of the total for the 58 Master's level programs of study and 2% (or over 600 students) for the 31 doctoral programs (2007 Ohio University Fact Book).

Ohioans make up 86% (17,207) of the student body while nearly 10% (1,895) of students are from out-of-state. Currently, international students account for 5% (1,044). The student-faculty ratio in 2006-07 was 20:1, while the student-faculty/TA ratio was 15:1. Although there are no formal statistics, representatives from the Campus Life department estimate that 50% of the student body participates in the over 350 registered student organizations (2007 Ohio University Fact Book).

Ohio University was named by the Carnegie Foundation for the Advancement of Teaching as a *Doctoral/High Research Activity* institution to reflect its growing number of graduate programs. Other public universities in Ohio with this classification are Bowling Green State University, Kent State University, Miami (OH) University, the University of Akron, the University of Toledo and Wright State University. OU also regularly relies on comparisons to peer institutions in other states for their strategic planning. These 'peer' universities include: Auburn University, Clemson University, Indiana University – Bloomington, University of Connecticut, University of Delaware, University of Missouri – Columbia, University of New Hampshire, University of North Carolina – Chapel Hill, University of Tennessee Knoxville, and Washington State University (2007 Ohio University Fact Book). The US News and World Report in 2007

ranked Ohio University 52nd amongst public universities (Source: 2007 Ohio University Fact Book).

OU's campus of 1800 acres borders the Hocking River, a tributary of the Ohio River. The campus buildings are typified by red-brick Georgian architecture. The buildings are arranged in proximity to four "Greens": the East, West, and South residential Greens and the central main College Green consisting of certain historic administrative facilities. "The College Green is the center of Ohio University's Athens campus. With its brick walkways and shade trees, it has provided a quiet respite to Ohio University students for over 190 years" (OU Student Handbook).

3.3 Choice of Research Topic and Study Site

I chose to examine the College Green and the free speech zone issue at Ohio University for a variety of reasons. First, and foremost, I wanted to write the 'geographical biography' of one small place and examine how global issues affected its meaning and its functions. For me this research was ideal. I was already examining the perceptions community members had pertaining to the spatial dynamics of OU's campus. For a Quantitative Methods course project I began to analyze how the January 2007 opening of the new $65 million John Calhoun Baker University Center (not called the 'student center') affected student's use of campus space, specifically College Green. The new Baker Center was presented and marketed as being the 'heart of campus'. Since my arrival to Athens as a graduate student in August 2006, I heard numerous stories about how the College Green was actually considered the heart of campus. Recognizing the importance and significance of such places for how they potentially serve as community

forums for social and political interactions, College Green, on the surface at least, was no exception. The Green represented the center, the spirit of campus – *the genius loci*.

I continued to explore this topic as a research paper in a Social Geographies course. Instead I began then to focus on the public space literature and the issue of free speech zones and contested space on the College Green. This work would later become my preliminary research for this thesis. Because of a growing commitment to researching the local[10]– in this case a national phenomenon at the local scale – I chose to research College Green and the free speech zone debate further. With the ongoing and heated debate on campus about the speech zone issue I found timeliness and relevance in the topic. I found the intersection of place and speech policies important to examine. There is a gap in the literature concerning the discussion of public space issues in the University campus context. Most research on campus free speech zones ignores place and this is another important reason why I chose to pursue this research.

Ohio University's history as an 'active' campus (Hollow 2003) during the late 1960s and early 1970s (and since) makes it an excellent choice to be a case study for the free speech zone issue. Activist events have historically taken place on the College Green. Although there are 22 free speech zones located around the entire campus, I am only interested in the zones located on or around the Green. By looking at the Green as a

[10] Bill Bunge's work on the Detroit and Toronto Geographical Expeditions and his books *Fitzgerald: Geography of a Revolution* and *The Canadian Alternative: Survival, Expeditions and Urban Change* served as both an inspiration (and motivation) to address a 'local issue' and as a model for engaging the community in the discussion of a relevant topic affecting that same community. Reading *Fitzgerald* gave me the idea to look at a small-scale place and consider the geographical biography as a way to explore the roots of current issues.

place and the zones as part of the Green (instead of looking solely at the 22 zones) this project embraces the study of place as it intersects with ideology.

In the shadow, perhaps, of the more 'notable' activist campuses which have received much attention in the literature (i.e. Berkeley (Mitchell 2003); Cornell, Columbia or Dartmouth (Martin 2007)), OU is not the most decorated activist university nor is it a private, elitist Ivy League institution that has traditionally received attention. OU is a mid-size public university situated between the Midwest and Appalachia, not in the liberal Bay Area or New York. I thought by choosing what I considered a university with a noted, but not 'iconic', history of activism that it might portray a somewhat different picture of campus space – something I hope is more representative of US campus space as a whole and perhaps more indicative of the current role universities and campus space play in the public sphere.

If the campus, in general, is to be a place where the rules of discourse are challenged then we need to look at individual campuses that might represent other campuses nationwide. I think the following results better represent what might be happening at, say, the University of Florida or the University of Connecticut. By looking at universities, namely Berkeley, that carry with them deeper meanings because they served as the *avant garde* of student emancipatory politics, I argue that the results speak more for that *avant garde* than anyone else. I chose to look deeply at the changes in public space and forum at one university as opposed to doing any comparison work. I felt that I was able to explore different nuances in depth by devoting more time to one

place – different nuances that I do not think would have surfaced had I done a comparison with such limited time.

3.4 Research Paradigm: Explanation of Methods

This project's overall research paradigm has been influenced by the concept of social constructivism. Barnes (2000) states that social constructivism is the idea that knowledge is constructed relative to a social setting. This social setting is made up of assumptions and different rules and practices that influence first the research process and then, consequently, the knowledge that is being constructed (Barnes 2000). My choices for data collection tools and methods of analysis are related to this paradigm. "Data collection and analysis are issues of method. Methodology is a more encompassing concept that embraces issues of method, but has deeper roots in the bedrock of specific views on the nature of 'reality' (ontology), and the grounds for knowledge (epistemology)" (Hoggart et al 2002, 1). While working within the framework of social constructivism is not an acceptance that absolute truth does not exist, it must be noted that is difficult (or impossible) to access the absolute truth through any research methods.

As a researcher I recognize and accept the political nature of research and that it is my responsibility to be aware of (or at least reflect upon) its implications on the knowledge produced and on society, in general. Qualitative research situates the researcher in the research process, emphasizes that everyone has their own situated knowledges, and accepts that the process is subjective – thus making it crucial for each researcher to be aware of their own positionality (Denzin and Lincoln 2000). Qualitative

inquiry offers an approach concerned with "elucidating human environments and human experiences" (Hay 2000, 3). As such,

> Qualitative researchers stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational constraints that shape inquiry. Such researchers emphasize the value-laden nature of inquiry. They seek answers to questions that stress how social experience is created and given meaning (Denzen and Lincoln 2000, 8).

Qualitative research, in its nature, utilizes a multi-methodological approach (Flick 1998). My research involved archival research, active interviews with research subjects, surveys, and participant observation in order to develop an in-depth analysis of College Green as a place, an understanding of the essence and factors that lead to the contestation of the College Green space, and a description of how groups use this space. These forms of research allowed me to situate myself within the processes being investigated. This did not require the use of statistical software to analyze data sets. Fuller and Kitchen (2004: 1) have called the statistical approach a predominantly "sterile and peopleless quantitative geography." This research, on the other hand, sought to give voice to a number of different people. As Duncan and Duncan suggest, the approach is hermeneutic, "making paramount the interpretations of [the] informants" (2001: 401). The qualitative researcher places him/herself in the world and looks to describe processes as others ascribe meaning to them (Perkins 2006).

I used qualitative methods to triangulate (Flick 1998; Fontana and Frey 2000) information collected from this combination of data gathering techniques. Denzin and Lincoln (2000: 6) suggest that "triangulation is the display of multiple, refracted realities simultaneously". This strategy provided me with a better representation and

understanding of the processes investigated. This approach represented an effort to better understand the social and political forces influencing how public spaces are used and managed as public forum on University campuses.

Rather than seeking definitive explanations which can be reproduced or verified, qualitative research employs a vast array of concepts and methods and places more importance on understanding. This research rejects the tenets of positivism and gives space to multiple voices and ways of knowing. It balances a fine line between the "examination of processes and structures on the one hand and of individuals and their experiences on the other" (Hay 2000, 5). The nature of this inquiry leads the researcher to 'answers' that are always partial and disputable to a certain degree. But, in fact, it is in the partial and changing that the research and researcher might elucidate significant meanings and understandings.

From this inquiry I was able to produce a comprehensive and in-depth description of the College Green and its role as a public forum at Ohio University. Interviews and observations allowed me to read subtle nuances not visible in archival work. Active interviews activated narrative production and engaged the respondent in addressing the questions by provoking them to consider different positions within the debate (Holstein & Gubrium, 1995). I sought to find people's beliefs, attitudes, and opinions about the College Green and present them as part of an in-depth analysis and understanding that highlights the mosaic of meanings ascribed to this place.

Since our world is socially constructed and, therefore, has multiple realities, it is necessary for the researcher to implement and use research methods that allow for those

different realities to be illumined. It is important to acknowledge that both researcher and researched only have partial knowledge of the world around them. Research should, therefore, be inclusionary by giving voice to people no matter where they fit along the axes of gender, age, ethnicity, class, life experience, and sexuality (Haraway 1997).

Data collection methods need to be flexible and researchers need to be open to the possibility of new issues or relevant data that might not have been considered when designing the research protocol. For example, semi-structured, in depth interviews are a method that provides a flexibility that allows the researcher to study the different meanings people assign to their everyday lives (Perkins 2006). It is therefore important that existing theoretical frameworks only be used as a guide and not dictate the data collection and analysis, because issues that are not covered by these frameworks might go overlooked and any contributions to 'push along' the theory diverted (Charmaz 2000). Semi-structured interviews, where questions are prepared with room for discussion and for new questions that arise, serve as a way to allow the researcher to still be flexible while conducting research in a structured way.

3.5 Data Collection Methods

At Ohio University I focused on collecting data on the perceptions community members have of the College Green as a public forum for social and political interactions and how the space contributes to the overall mission of the university. I also explored the idea of free speech zones and the ongoing debate regarding their enforcement on campus. I relied on the public space, public forum, and place and ideology literature and my preliminary research as a guide in developing my methods. Data were collected through

active, semi-structured interviews with administration, retired and current faculty, staff, current and former students, and local townspeople. Supporting data were also collected through participant observations on College Green, two different surveys of students, and archival work (for a schedule of research events see Appendix D).

My justification for the different methods is as follows: The first and second research questions - *What, if any, are the historical roots of the contestation of the space around the War Monument and the College Green in general? Have public spaces, public forum and places of social and political interaction been shrinking on Ohio University's campus since the 1960s?* - required historical analysis through archival work in order to trace the evolution of the policy over time. I also bridged the gap between the 1960s and 1970s with today by interviewing retired Faculty, former administrators and student activists from that era.

The third research question - *What role does a space like the College Green play in the overall mission of the university?* An examination of the friction between different groups wanting to use the space in different ways required observations on the Green and interviews with actors engaged in this debate. Archival work provided historical background to this ongoing friction.

For the fourth research question I also asked - *If the College Green is the genius loci - the historic and symbolic center - of the University community, and specifically the student voice, what might be the end result or effect its regulation has on students wishing to exercise their right to assemble and speak freely?* Answering the last research

question required communication with the very people who use the Green. Interviews and surveys allowed me to access this data.

3.5.1 Interview Sample, Design and Analysis

I conducted 40 active, semi-structured interviews with key actors from various positions within the University community. Through my preliminary research in spring 2007 I made contacts with various actors in the free speech zone debate at the UCM panel discussions. I also developed further contacts through referrals to other actors. My approach to finding interviewees relied on referrals to generate additional subjects (Gilchrist and Williams, 1999). Important in this process were the archivists at the Robert E. and Jean R. Mahn Center for Archives and Special Collections at the Ohio University Library. Their historical knowledge of the campus community proved invaluable in identifying key people to interview.

Interviews with OU Administration, both past and present, allowed for further exploration of the contexts in which the speech policy has evolved. I interviewed retired professors who were present during the late 1960s- early 1970s. They were able to give first hand accounts of the events at OU in May 1970 after the Kent State shootings. Their insight also helped piece together a timeline of how the Green has been used during the last 40 or more years and how policies affecting its use have developed over this time. Above all they have witnessed many changes on the OU campus.

I also interviewed students who were activists during the 1970s, 1980s, and 1990s and students who currently use the Green as a stage for their activities. Discussions with

activists revealed other instances when the use of the Green for political speech was contested. I interviewed current Faculty and staff from different departments, including Philosophy, Geography, Political Science, Religious Studies, Cultural Studies and History. Current students involved in the free speech zone debate were interviewed as well as students who were not actively involved in the debate but used the College Green space for their activities. I had not decided on the number of interviews I would conduct for each category (faculty, student, etc.) at the outset. I interviewed people from each category, however, until I felt I had reached saturation, or reached a point where I was gathering no new data and augmenting nothing more to the potential analysis. After doing 25 interviews I began to hand pick people based on their fit into a number of categories (See Table 1).

Table 1

Participants in Semi-Structured Interviews

Category	*Number of Interviews*	
1) Administrators		**11 (Total)**
Former	**5**	
Current	**6**	
2) Faculty		**11 (Total)**
over 30 years on campus	**7**	
under 30 years	**4**	
3) Students		**13 (Total)**
Former	**5**	
Current	**8**	
4) Athens Community		**5**
Total Participants		**40**

I contacted all potential participants via email first to briefly explain my study. I asked if they would be available to meet at a place and time of their choice to discuss their views on the College Green as a place and the free speech zone debate. If interested I forwarded them an Institutional Review Board (IRB) (See Appendix F) approved consent form in order that they be fully informed of the interview process. Each consent form was signed and collected before the interview. I contacted roughly 75 potential participants.

Interviews generally lasted 45 minutes. However, some lasted more than 2 hours and others less than 30 minutes. I maintained contact with 3 different key actors throughout the year and revisited some of the themes with them on a monthly (or quarterly) basis. I taped each interview with the consent of the participants. Each participant had the choice to permit my inclusion of their name in this thesis linked to their comments. Those who wished not to be linked agreed to use their general titles instead of their given names (i.e. 'student activist', 'senior administration official'), thus maintaining a certain degree of anonymity. (That said, I decided in the end to leave almost all names of interviewees out of the analysis.) At the end of each interview I asked the participant if he or she could think of someone who they thought would be a potential contributor to the study. I asked to use their names as someone who recommended I contact them. This process gave me a 'foot in the door' with many potential respondents. Most often I was given at least one name and I pursued them as I did the other interviewees.

For the interviews I used structured questions and allowed for open-ended discussions, thus utilizing the semi-structured approach. Many times I would bring up questions that had arisen in previous interviews. This process allowed me to engage the interviewees to participate in a larger conversation whereby I served as intermediary. The key questions guiding the structured interviews were (see Appendix C for complete Interview Protocol):

1. How does a place like the College Green fit into the overall educational mission of a public university?
2. What is the history of the College Green as a public forum?
3. Do the current rules/restrictions on the Green affect the overall mission of the University?
4. Has there been an 'enclosure' of the spaces available for public speech activities?
5. What is the 'proper' behavior around the War Memorial?
6. How should College Green be used by the community?

Each interview was transcribed and uploaded to NVivo[11] software for qualitative analysis. Transcribing the interviews allowed me to revisit my dialogue with the participants and see the different themes and threads that started to emerge from the data. Each interview was coded according to 18 different categories based off the interview

[11] NVivo is "qualitative research software that helps people to manage, shape and make sense of unstructured information. It doesn't do the thinking for you; it provides a sophisticated workspace that enables you to work through your information. With purpose built tools for classifying, sorting and arranging information, qualitative research software gives you more time to analyze your materials and discover patterns, identify themes, glean insight and develop meaningful conclusions" (http://www.qsrinternational.com/what-is-qualitative-research.aspx).

protocol and the data was again analyzed within these groupings to find similarities, disagreements and contradictions. The following are the different codes I used:

> University mission, College Green as part of mission, characterization of Green as place, ideal use of College Green, spiritual effects of restricting speech, speech policy, tumultuous period of 1970s, SDS, public forum doctrine, limiting interactions, importance of public space, history of Green as public forum, general history of Green, space used to potential, shrinking public forum, administration restricting speech, other instances when proper use of Green was a question, and war memorial.

From these categories I was able to sort through the different responses made to the questions from the interview protocol and make conclusions. Similar responses were grouped together and reported in this thesis as well as 'outlying' comments.

3.5.2 Archival Research

I conducted my archival research at the Robert E. and Jean R. Mahn Center for Archives and Special Collections at the Ohio University Libraries, the Athens County Historical Society and Museum, the Athens News Photo Archives, and the Athens County Courthouse Law Library. I worked with Bill Kimok and George Bain at the Mahn Center, Joanne Prisley at the Athens County Historical Society, Ed Venrick at Athens News and Ed Kruse at the Law Library. The archival work was crucial in identifying key moments of change in speech policy at OU. It informed my interview questions and, most importantly, gave me background for the discussions with older or retired faculty and former administrators.

The main questions guiding the archival work were:

1. When, how and in what local and global context did speech policy change and develop into its current form at Ohio University?

Through my preliminary research I followed the evolution of speech policy at Ohio University – especially where it pertained to College Green. Through this archival research I was able to identify key turning points in the formation and further bureaucratization of speech policy. I analyzed copies of official documents, minutes from committee meetings that took place after the post-Kent State riots at OU, presidential papers, and copies of Student and Faculty Handbooks dating back to the 1930's.

2. Has the meaning and significance of the College Green changed over time? What are the different ways the College Green has been used as a social and political forum throughout its history?

I analyzed the depiction of the Green in past *Athena* yearbooks, planning documents and campus master plans, Alumni newsletters and various collections at the Mahn Center. I searched through archived copies of *The Post*, the student newspaper, and *The Athens News*, an alternative bi-weekly local newspaper to see how the Green was portrayed in photographs. The student handbooks proved, again, to be a great source of data for comparisons between different eras.

3. What is the legal precedent for OU's current (2006-07) policy that zones speech activities?

In preliminary interviews the case *Spingola v. Ohio* was referred to as the legal footing for the current policy. I researched this case and similar cases which involve

public forum doctrine to see how the University has been treated in comparison to the city. I also contacted the office of the local Representative to the Ohio General Assembly, The Honorable Jimmy Stewart, to explore House Bill 1219, a campus disruption and disorder law that was passed after the Kent State massacre in 1970. I was referred to the Legislative Service Commission for details regarding 1219.

3.5.3 Survey Design, Sample and Analysis

This project's genesis was a questionnaire survey taken of the student body inquiring about their perceptions of the 'functional' and 'symbolic' centers of campus (See Appendix B for this survey protocol). I used an online survey provider called *Survey Monkey*. Data from that survey was used in this thesis to characterize student perceptions about the Green. The second survey posed different questions to a specialized group of students – those who have guided campus tours. This group is the first to characterize the Green for many newcomers to OU. For the tour guide survey I contacted the Undergraduate Admissions office and asked to forward my survey questions to each student-guide. 42 students were sent the survey and asked to respond. Although the actual respondents only totaled 7, their responses shed light on how different each tour guide represents the College Green on the campus tours. The questions for this survey were as follows:

1. How many years have you been studying at Ohio University?
2. How many years have you been giving tours?

3. Please describe the College Green the same way you would to a group on one of your tours.
4. Do the groups you lead ask questions regarding the Green? If so, please list some examples.
5. My study is looking at the College Green as a forum for social and political interaction. Do you ever tell stories about rallies, protests, demonstrations or speakers who have come to the Green to speak? If so, which events?

Overall, these surveys corroborated my interview and archival data about the Green. The first survey represented a larger sample of the population and thus confirmed the level of significance people placed on the Green as a place. The tour guide survey sought, by exploring the different ways students described the Green, to understand if an 'official' description of the Green existed. I also was interested in understanding better the kinds of stories that were told about the Green during campus tours (i.e. protests, livestock grazing, elm trees). Both surveys sought to find how the Green is remembered and characterized by different groups.

3.5.4 Participant Observation

This project also relied on a schedule of observations as a means to examine the different uses of the Green. College Green certainly has its high seasons of usage. Due to the climate in SE Ohio, April-May and September-October are the busiest times on the Green. I spent over 20 hours observing activities during the spring and fall of 2007, not to mention my daily walks through the Green to and from Clippinger Labs, the home of

the OU Geography department. I set up a stratified random schedule of observation times and places. I wanted to get a fair sample of events and, by observing the Green at different times of the day from different locations, I was able to better understand the different nuances (Low 2000).

The main themes guiding my observations were:

1. What were the many different activities on the Green?
2. What categories of activities existed (i.e. social vs. political interactions vs. private use) at the Monument as well as the Green proper?
3. Are spaces being used in a manner (i.e. for certain events) which should fall under the University policy regulating free speech but currently do not?

Observations gave me first hand knowledge of the actual uses of the Green and helped to corroborate ideas and themes which were emerging from interviews and the historical research.

3.6 Issues and Problems with Data Collection Methods

This project, at its outset, sought to answer the proposed research questions with a variety of methods. For the interviews I did not feel like I encountered many difficulties. My consent form was straightforward and each participant made every effort to meet as soon as they could. Roughly speaking I interviewed more than 50% of the people I contacted as potential respondents. Due to the success of the interviews and the wealth of archival documents found I felt any further significant (campus-wide) surveys would not be necessary for triangulating data and answering these research questions.

Being aware of your own positionality as a researcher is a difficult part of the qualitative research process (Rose 1997), because a researcher is subjective and sees the world through a certain lens (or lenses). I have no doubts that in some way my own positionality influenced the research. Unfortunately I do not have the means to measure this effect. I was very open when I met with participants about the research and how it attracted me. Although I do not agree with everything the SDS Chapter at OU did during this time, I still sympathized with their use of the public space for their activities. Also, I do not agree with the regulation of this space when it limits the potential for interaction between students. But, at times, I related to the difficulty administrators face in 'managing' the campus life. I do not know to what extent this affected my research.

Qualitative research is criticized often for its reliability and validity. Because multiple realities exist a qualitative researcher (or any researcher for that matter) is not able to provide a true, objective, all-encompassing representation of the truth (Nast 1994, Cope 2002). As mentioned earlier, the world is socially constructed and research, while it might not access the absolute truth, can help us to better understand the world around us. One way to evaluate qualitative research was accomplished by triangulating (Silverman 2000), or combining the different kinds of sources of data (interviews, archival work, observations, surveys) in order to compare findings with each other.

The following findings will not be generalizable (in the quantitative sense) to larger populations or different areas (Silverman 2000, Schofield 2002). I do not think another researcher following my protocol would come up with the exact same findings. In some ways this research sought to demonstrate how unique each campus setting is and

how different its story is from other campuses. I think that my findings will be able to explain some of the reasons why and how other campuses nationwide are dealing with this issue. I hope that people reading the research will take ideas from it when exploring similar situations at other campuses. Above all, or at the very least, I am leaving a document that outlines the transition of the speech and assembly policies of OU and a record of the debate that has occurred during my year of fieldwork. Perhaps some young activists in the future will read it and know about this struggle and realize how cyclical the debate has been at OU.

CHAPTER 4 - PLACE, POLITICS, AND COMMUNITY: THE PRODUCTION OF THE MEANING OF COLLEGE GREEN

> Place is space which has historical meanings, where some things have happened which are now remembered and which provide continuity and identity across generations. Place is space in which important words have been spoken which have established identity, defined vocation, and envisioned destiny. Place is space in which vows have been exchanged, promises have been made, and demands have been issued (Brueggemann, cited in Harvey 1996, 304).

In this chapter I explore the social constructedness of place and how different people see the College Green in different ways. How is this place remembered? How is it understood now? Who defines it? Whose *genius loci* is it (Loukaki 1997)? I explore the different ideas and understandings groups have of the Green. In a preliminary study my research sought to ascertain perceptions students had about campus space. I asked what students thought was the symbolic center of campus and the College Green was chosen by a huge margin. What the survey did not examine was why students chose it as the center of campus. This chapter answers this question and demonstrates how different groups have competing understandings of the meaning of this place. These competing understandings are important to analyze with the free speech zone issue.

The first part, in order to introduce the Green, explores what it means to different people. The second part investigates the unique history of the Green in order to demonstrate that this space has a long history of contestation. I look to the historical development of this place to begin to create a narrative that explores why this space is currently contested. Lastly, the third part examines the evolution of speech and assembly policies for College Green from the 1950s to the present, thus highlighting the implementation of a campus public order management system. Previous studies on free

speech zones have not gone into the depth of detail provided here. Those studies (Street 2001; Mitchell 1995, 2003) have ignored place and assumed a generalizability between different campus settings. I also begin to explore how changes in the representation of the Green as an historical artifact contributed to its management regime.

4.1 College Green: Place and Meaning

When asked to characterize and describe what the College Green means to the university community respondents shared the following thoughts. One current student said:

> *I would refer to it as the heart and soul of the University because it's a place you can go day to day to enjoy it but then it is also a place where people from the University can come together and share their ideas largely because people do go through it so much, criss-crossing from east to west, south to north green. That makes it the heart of campus because that draws other people there specifically to express themselves.*

A current faculty member thought:

> *it is a surprisingly handsome place. It has an architectural style that has been maintained over the centuries. That tone is set on the College Green. There is this nice green space which most colleges have in one form or another but the nice thing about this one is that it was I walked through it everyday. That is one of the reasons that I didn't seek to leave this place. It is very handsome. It [also] has its history and its diciness.*

Many newcomers to Ohio University are introduced to the campus by a student tour guide who walks them through the different Greens and shares history and anecdotes about the university. For the prospective student, the first descriptions of the College Green initiate the process by which one assigns meaning to the space and starts to look at it as a 'place'. Seven of the forty-two (20%) tour guides responded to a set of questions regarding their presentation of the Green to the people they guide. Most of the responses

reveal that tour guides center their discussions on the Green as an historical link to the OU past:

> *I take my tours to the center of the green and ask them to turn around. I then tell the history of the three oldest buildings on campus: Wilson, Cutler and McGuffey.*
>
> *…the most historical part of campus, where Ohio University first began back in 1804. Cutler Hall is the oldest building on campus. This is where the Professors and Students both lived and studied. Everything operated out of this single building.*

Tour guides also make mention of the fact that the College Green space has different uses or purposes:

> *I mention that College Green is the notorious site for student rally and protest. A lot of history has been made in this location, and it is great to see student involvement and passion for their education.*
>
> *If someone asks about rallies on the Green I would probably tell them about the events on 9/11 or the candlelight vigil after the problems at Virginia Tech.*
>
> *I might mention rallies or protests but I would never get into specifics. It might be offensive, for example: I think it's funny to talk about the evangelist who tells everyone we are going to hell, but how do I know there isn't someone on my tour who believes that as well? I think it's cool that Hillary Clinton came here, some wouldn't want there kids going somewhere that she would go. Best to leave that rock unturned.*

Undergraduate Admissions celebrates the Green for its place in US history. Since an historical description of the Green appeared in the 1986-87 Student Handbook, the University has promoted the Green as an historical monument, in itself, with connections to the past of the university and the nation. The Green has been registered with the National Registry of Historic Places since 1979. OU celebrates the College Green for its historical importance, not only to the University but to the town, region (Northwest Territory), and nation. This scalar stepping is also important to the argument that this

space serves as a forum for students to 'step up' as well to different scales of discourse (i.e. international issues of war).

Sam Crowl, Trustee Professor of English Literature at OU, who each year speaks to incoming freshman about the history of the University at their orientation, wrote a paper entitled *Ghosts on the Green*, outlining how the Green is linked to early American history. Crowl's short paper gives us a convenient framework with which to view the Green. He begins by describing its symbolic importance:

> All who have spent time on the Ohio University campus understand that it is a special place defined by its landscape and legacy. The College Green is the heart of Ohio University. Each time I walk up the brick path from Court Street and confront those three handsome buildings (Cutler flanked by Wilson and McGuffey) presiding over the Green in their forthright Colonial simplicity, I am reminded once again how significantly connected Ohio University is with the early history of the nation.

Crowl discusses how the first settlers of Athens, Ohio, men who fought in the Revolutionary War and their families, were granted land in accordance with the Northwest Ordinance of 1787. This was successful legislation modeled after a failed attempt by Thomas Jefferson to honor wartime promises three years earlier. OU's founder, Mannaseh Cutler, "much like Jefferson, Hamilton, Madison, and Monroe, was a remarkable example of the American Enlightenment". He fought in Washington's army and later negotiated the terms of the Northwest expansion.

> Cutler was a product of the age of Enlightenment and he had the foresight to see that education would be as crucial to the life of the individual citizen in a democracy as it would be to the development of the nation as it expanded westward. Ohio University is the product of Cutler's visionary spirit. That spirit, which also animated the early history of the United States, is reflected literally and symbolically in those three venerable buildings on the College Green. For me they reflect America's historical commitment to public higher education and they are haunted by the ghosts of Washington and Jefferson and Franklin and Cutler (Crowl 2008).

Ghosts on the Green allows us to see the historical mosaics that contribute to our interpretation of place. The next section of this chapter explores the Green for more ghosts.

4.2 An Historical Geography of College Green as a Contested Space: 1800-1950s

Property issues have long been part of the tension between Ohio University and Athens, Ohio. Town-gown relations were strained first by the University's role as landlord and later by a series of property claim disputes over the space on the north side of the College Green. Although the university currently maintains ownership of this parcel, this was not always the case. In this section I explore this property issue to shed light on how this space was considered a public square in the past. The Supreme Court, since its *Hague v. CIO* ruling in 1939 has given these public spaces (squares, greens) the most protection in terms of First Amendment speech and assembly rights. Property is, by far, the basis for the Court's decisions in these matters. In the following I explore how the present-day Green has shaped into its current form.

4.2.1 The Early Years on College Green

Sometimes a space becomes a place by some royal edict or government mandate. The same could be said about public property. When we give a boundary to space and give a name to that bounded area we, even through the name we choose, give meaning to that space and create a 'place' (Tuan 1977). College Green, through the enactment of legislation in 1800 and the subsequent plat map of Athens, became a place, in this sense,

carved out of the forests of the Northwest Territory. Rufus Putnam was chief surveyor, charged with the duties of "lay[ing] off a town, in the most convenient place… for the uses and purposes of an university, *which should be so laid as to contain a square for the colleges***"** (Hollow 2003, emphasis is mine).

The College Green of Ohio University was first laid out between 1800 and 1804. According to that first plat map (by Rufus Putnam), the 94 foot wide 4.2 acre strip of land on the north side of the Green, separating the town of Athens and the University, was considered a 'Parade or Public Open Square' (see Figure 7). The town of Athens was

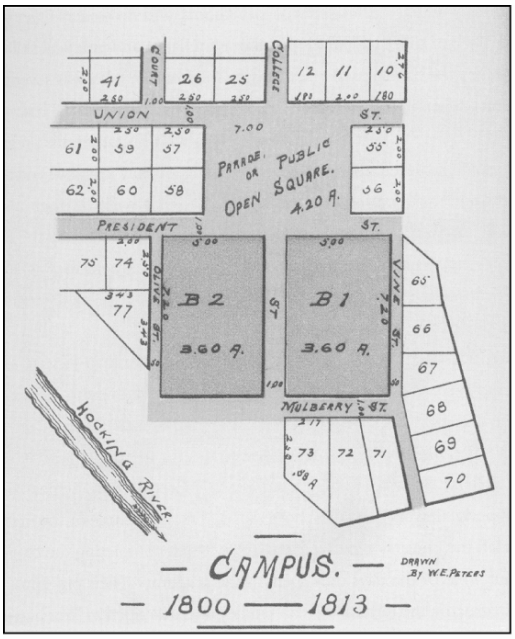

Figure 7. **A drawing of Rufus Putnam's first plat map of Athens.** Notice the "Parade or Open Public Square" portion on the north side of what is the present-day Green. (Source: Peters, William. Legal History of the Ohio University).

built around the University. Athens' first town square was part of the present-day Green. Although townspeople used this space to graze their pigs and cows in the earlier days it

had served as a public square and thus would be granted by the Court First Amendment protection through the public forum doctrine.

In 1828 President Robert G. Wilson (OU) began a 10-year effort to enclose the Green entirely. This would include the Parade or Public Open Square (or 'Public Square' from here forward), the wide strip of lawn running along Union Street where Athens townspeople would hitch their horses and allow their livestock to graze. Wilson argued that an enclosure would enable the University "to prevent the accumulation of filth about our doors from sheep, hogs and cattle, and would present a view to the passing traveler, calculated to impress him favorably toward literature, taste and advantages of the Institution" (Hollow 2003, 28). From the earliest days of the University competing interests sought to define what was appropriate in the space around the College Green.

In 1833 the Trustees were poised to change the appearance of the Green but were left with no recourse because Rufus Putnam's original plat of Athens had been lost. The loss of the map left them with no legal means of appropriating the College Green but "recommended that in order to preserve tranquility and even the very existence of the present College as a place of study, the faculty must have control of the Green and be able to repress disorders on it" (Hoover 1954, 54). This is the first documented instance of the university's exertion of control over this public space. It was suggested that the Trustees seek approval from the legislature to vacate the Public Square area.

William Holmes McGuffey became the 4th president of the University in 1839. His presidency marked some of the tensest times between the town and the university, especially with the College Green property issue. During his first year in office he not

only raised eyebrows but infuriated many townspeople by planting 17 young elm trees on the Green parallel to East Union Street, thus delineating a line, at least symbolically, between university and city property. Although they were planted far enough back towards campus and off what was considered the Public Square, when McGuffey erected a fence to protect the trees townspeople stormed his office and demanded that the fences be taken down. He refused and the friction between townspeople and the University over the Public Square continued. Today, a plaque on the Green memorializes the famous "McGuffey Elms". As late as 1939 the boundary created by the elms between town and campus was evident in aerial photos (see below Figure 8). In an interview with Charles Ping, OU President Emeritus, he shared:

> *The first effort to regulate the use of the [College Green] space was by President McGuffey in the 1840s. It caused such brouhaha because he chose to fence in the College Green because the cattle and the hogs that were running wild were causing such a mess. They were angered by the fencing of the Commons. The story goes McGuffey would ride about town in his buggy with a pistol and a whip handy only because he was under constant threat. Eventually the Green was fenced in to protect it from the kind of mess that was being made. But there was always a sense that there was still the same sort of tradition of a Green, meaning a Commons. This was enhanced with the decision to move the Civil War Monument to campus. The University agreed to assume responsibility for its relocation and continued maintenance. So, people have come to the Green even to this day and in summer one of the delightful parts of the summer is the community orchestra that plays concerts on the Green in the evenings. And I think there has always been sense it is University land but it is a Commons.*

President William Henry Scott gave more attention to the College Green – especially the hitching ground – and began to pressure the trustees to take action and reclaim the area. As noted, this space had been used for years as a place for "hitching

horses, piling posts and rubbish, and occasionally as a site for traveling shows" (Hoover 1954, 151). Scott, in 1878, had even described the Public Square as "unsightly and

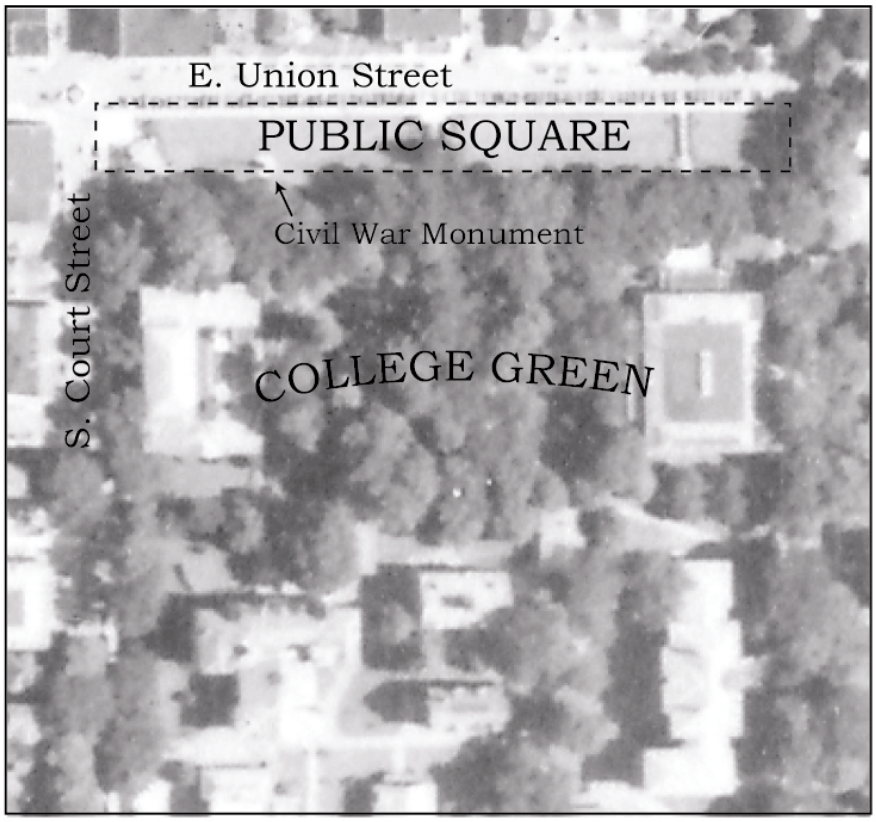

Figure 8. **1939 aerial photo of College Green.** Note the line of elm trees located at the boundary of the 'Public Square' land and the College Green. In 1939 there were no trees in the Public Square. Today, trees fill the public square land. (Source: Michael Gregorio and Athens County Soil & Water Conservation District)

unhealthy, an offense against taste and wholly at variance with the proper associations of a place to study" (Hoover 1954, 151). Any attempt to clean up the area failed in the past. However, the representation of the Green, as a symbol of the institution, to the public

continued to be a serious issue with OU presidents. In an 1875 print the Green is enclosed and no sign exists of livestock or hitched horses.

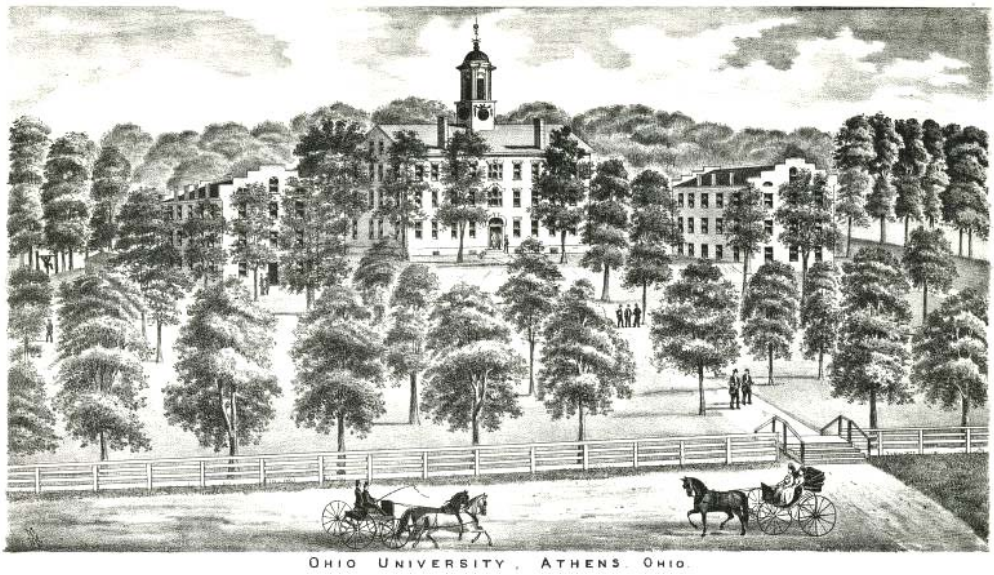

Figure 9. **1875 print shows a 'civilized' Green** (Courtesy of Ohio University Libraries. Mahn Center for Archives and Special Collections).

During Scott's tenure the Public Square remained to be an eyesore for faculty and administration, "resist[ing] reclamation and renovation" (Hollow 2003, 78). Finally, however, Scott's pressure on the trustees brought about some action. The trustees had been in contact with the Columbus Golden Post of the Grand Army of the Republic. This veterans group had offered to "lease the land, fence it with a neat and substantial fence, and erect a soldiers' monument there" (Hoover 1954, 151). Excited about the prospect of cleaning up the Public Square, the board accepted this proposal immediately, seeing the Monument as the perfect solution to a decades old problem.

Unfortunately, the Golden Post failed to keep its side of the agreement. Still intent on enclosing the area, the trustees sought to arrange a friendly agreement with the Town Council. Scott, like some of his predecessors, tried futilely to enclose it with a fence. In fact, town marshals tore down the beginning of the fence he had erected. Although the trustees were authorized to take legal action, nothing happened until 1886. Control over the Public Square remained in the hands of the 'public' at least for then.

In 1888 the President and Trustees of the University brought a suit (case No. 4070) against the town of Athens in order to secure possession of the Public Square (Peters 1910). In doing so they thought they would be able to finally resolve the nuisance and filth of the space's use as a hitching ground by the townspeople and recover possession of the grounds in question. Unfortunately, "the court of common pleas held that the plaintiff had no valid claim to the property and the circuit court upheld the decision" (Super 1924, 43). The court found that the 'Parade, or Public Open Square' laid down on the original plat (1804) for the town still remained

> legally dedicated to the public…and that the possession and control thereof, for the purposes of police regulation, are in the defendant [the town]; that, as to the residue of the premises in controversy, the defendant has had, and maintained, open, notorious and exclusive possession for more than twenty-one years prior to the bringing of the action; and that there was no abandonment thereof by the defendant; and so held against recovery of the possession of any part of it by the University (Peters 1910, 110-11).

4.2.2 The Enclosure of the Green

On April 10, 1889 the commissioners of Athens County were authorized by an act of the legislature to levy a tax on county property in order to raise $10,000 for the "purpose of procuring a site and building a monument to the memory of the soldiers,

sailors and marines who served from, and to the credit of, said county, for the preservation of the national government in the late civil war" (Peters 1910, 111). The Athens County Monument Association's decision was to locate the monument upon the western part of the Public Square, for which, on July 27, 1891 the Athens Town Council, by ordinance, granted power to the Association and its successors "the authority and power to enclose, ornament, occupy and keep in repair that certain parcel of land in said [Town], bounded on the east by the walk leading from Union Street to the Ohio University, on the west by Court Street, on the north by Union Street and on the south by the College Campus, for the purpose of rendering such ground suitable, and erecting thereon a soldiers' monument, and using and ornamenting it for that purpose" (Peters 1910, 111-12).

On July 4, 1893 the 65-year dispute over the College Green was resolved (to some extent) when this group of Civil War veterans, who formed the Athens County Monument Association, erected the monument (see Figure 10) in honor of the 2,610 men who fought for the Union. Both town and university leaders approved the memorial site – the corner parcel of the Public Square near Union and Court Streets. The dedication ceremony was "attended by seven thousand people who came to see the impressive monument with its sentry topping the forty-five foot shaft and its life size bronze statues of an infantryman, a cavalryman, and a sailor standing guard at a base decorated with informational and scenic plaques" (Hollow 2003, 85).

The rest of the northern section of today's College Green, the original public square of Athens, was handed over to the university. By an ordinance dated May 4, 1896

the Athens Town Council permitted the trustees of the University "to occupy, or rather, take possession of the eastern half" (Super 1924, 43) of the Public Square, provided that they kept it orderly and in proper condition. The Council granted and leased the tract of land bounded by the monument ground, Union Street and Campus for the period of

Figure 10. **Post card of the Civil War Monument and Alumni Gateway from the 1920s** (Source: Ohio University Libraries. Mahn Center for Archives and Special Collections).

ninety-nine years, renewable forever (Peters 1910). "As the University secured possession of the disputed area between the line of McGuffey elms and Union Street, the north end of campus was regraded, soil being added and grass planted" (Daniel 240-41). With this final transfer of property to OU First Amendment maximum protection for the right to speak and assemble under the public forum doctrine no longer applied to this space. No longer would this Public Square space fall under traditional public forum

status, but it would become a forum designated only by the administration and Board of Trustees.

In 1913 the original Class Gateway, a gift from the Class of 1912, was placed on the north end of the Green on what used to be the Public Square near the 'T-intersection' of College and East Union Streets. A brick path leads straight from the Gateway to Cutler Hall. In 1915 the Alumni Gateway was built to mark the 100th anniversary of the first graduating class of OU and the first in the Northwest Territory. A gift from the Class of 1915, the gate's archway features Latin inscriptions borrowed from similar inscriptions on the main portal to the University of Padua in Italy. When one enters they read: *So Enter That Daily Thou Mayest Grow In Knowledge Wisdom And Love,* and upon departing: *So Depart That Daily Thou Mayest Better Serve Thy Fellowmen Thy Country And Thy God*. With the construction of these archways the University had successfully (and finally) physically enclosed the Green and called it its own.

Figure 11. **1926 Commencement on the Green** (Photo courtesy of Robert E. and Jean R. Mahn Center for Archives and Special Collections at the Ohio University Libraries).

The College Green was used for ceremonial purposes in the past. Commencement was held on the Green until the 1960s, when it was moved indoors. During the 1940s the Kissing Circle became popular among students. This intersection of paths on College Green roughly formed a circle where any man, so the tradition went, could kiss any woman who was passing through at the same time. The Kissing Circle evolved from its beginning in the late 1940s and became the spot where one would leave a painted message for their sweetheart. The Kissing Circle could be painted at any time, but paint had to be limited to the circle, and a warning needed to be posted to prevent accidents and to inform people of fresh paint. Later, the Circle became the spot where groups made meeting announcements much like the Graffiti Wall does today.

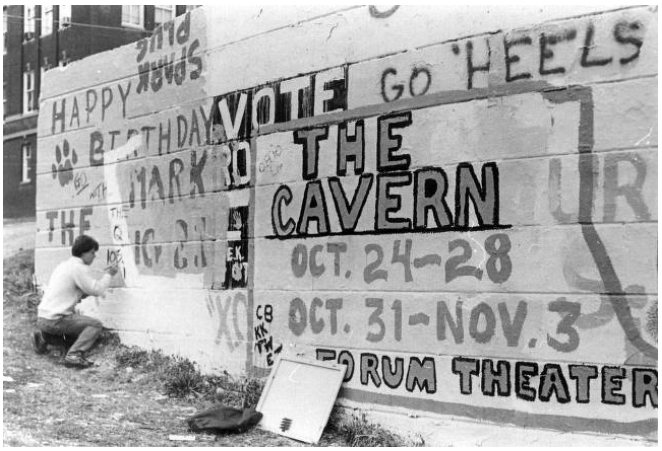

Figure 12. **Graffiti Wall.** A student is seen here painting on the wall. A smaller version of this wall still exists behind the Bentley Annex as a place for students to express themselves with paint (Photo courtesy of Robert E. and Jean R. Mahn Center for Archives and Special Collections at the Ohio University Libraries).

To President John Baker the Circle was relatively innocuous compared to the public displays of affection he and his wife Elizabeth witnessed from their Court Street

apartment. From their window they could see outside Howard Hall, "where courting couples necked in the few minutes before the ten o'clock curfew" (Hollow 2003, 155). The Bakers found this extremely inappropriate and decided to intervene. Instead of lecturing the students on virtue, Baker invited campus leaders (including students) to draft an acceptable code of student conduct. Part of this code would allow for campus police to speak to couples seen lying on the Green (Hollow 2003).

4.3 Speech on the Green – the Evolution of a Campus Space Management System

While the first 150 years at OU saw little in the form of specific spatial regulation of speech events on College Green, it was not until the end of the 1950s that the beginnings of a formalized campus public order management plan began to appear in student publications such as the Student Handbook. Retired administrators suggest that, although many rules were published in handbooks, many times the guidelines for demonstrations and the use of public spaces were not necessarily set in stone and were, therefore, rules 'in practice' as opposed to any formalized rule. The following relies more heavily on the Student Handbooks as a record of fact. Interview data here, based on memory, serves to elaborate on those facts.

4.3.1 The Origins of Formalized Speech Policy (1959-1969)

The first official regulation of the College Green space appeared in the *1959-1960 Student Government Handbook of Information and Procedure for Extracurricular Life.*

It outlined procedures and rules for the use of official bulletin boards – one at the Alumni Gateway and the other at the Class Gateway on College Green.

> PUBLICITY ON BULLETIN BOARDS – There are six official Bulletin Boards under the jurisdiction of the Service Bureau.
> Main [Alumni] Gateway [located on the Corner of the Green]
> Ellis Hall Plaza
> College Street Gateway [now called Class Gateway]
> OU Baker Center
> East Green
> Court Street between Library and Ewing Hall
> The Bureau will post any notices regarding campus or student activities – size 8 1/2 x 11. The Bureau not only places these notices but also prints them if requested. The labor charge for printing is $1.50 per hour. Posting is done between 9 and 10 A.M. daily.

It was not until April 1962, however, that the issue of free speech caught the serious attention of the university community. Statewide, this issue first erupted on the Ohio State University (OSU) campus in Columbus. That university denied the right to appear on campus to three different outside political speakers (Shostak 2005). Because of OSU's 'gag rule', as it came to be known, OU President Vernon Alden was asked by students in the fall of that year to make a statement and take a position on the issue of outside speakers coming to the Athens campus. His words, published in subsequent student handbooks, formed the basis of OU's formalized speech policies. Interviewees agreed that OU administration believed they could be better than the "other Ohio school" by embracing a wider range of ideas allowed on campus. The following is an excerpt:

> The Constitution of the United States very explicitly guarantees the right of free speech to all citizens. It is a very precious principle in a truly free society. It is a profound part of our heritage. Many wise and courageous Americans have fought strenuously to establish and to preserve this right of free speech.
> A warning – such freedom is NOT a free gift. It is NOT a right to be taken lightly. It must be won; it must be fought for. It carries with it sober responsibilities – the responsibility of honest inquiry and dispassionate judgment. It demands that citizens examine an idea with depth and perception. To deserve the right of free speech, a person

> must be able to recognize the superficial, the ill-founded, and the deceptive.
> At Ohio University, we believe that freedom of inquiry and discussion is essential to a student's educational development. We recognize the right of our students to engage in free discussion, to hear speakers of their choice, and to speak and write without fear of administrative action….

In 1963, in the spirit of OSU's 'gag rule', the Ohio State Legislature granted each public university's board of trustees the power to withhold the use of university facilities for meetings or speaking purposes from persons who were members of the communist party or persons who advocated the overthrowing of the government of the United States. The law also granted trustees the right to ban from campus persons whose politics were not conducive to "high ethical and moral standards" or the primary educational purposes and orderly conduct of the functions of the institution (Ohio Code 3345.021 – Control of use of college facilities for speaking purposes). This code is still on the books today but my research found no application of it in the last two decades.

Two important events in 1964 at OU marked turning points in the use and regulation of the Green space. First was a speech made by President Johnson (LBJ) from the West Portico of Memorial Auditorium, where he announced the Great Society and War on Poverty on May 7, to thousands of students packed on the Green. As a result of this event the University community was reminded how functional the Green space was as a public forum.

Figure 13. **LBJ speaks to the Ohio University community on the College Green about his vision for a 'Great Society'** (Photo courtesy of Robert E. and Jean R. Mahn Center for Archives and Special Collections at the Ohio University Libraries).

The second event, in the fall of that same year, was a protest on the Green. (While it may be the case that this was not the first protest on the Green at OU, it will be used as our first in this project as it is the first to be identified in Hollow's (2003) bicentennial history). Students protested crowded dorms and classrooms caused by an over-enrollment.

As the 1960s advanced more formal policies began to emerge. At first they were only minor restrictions on conduct. The 1964-65 Handbook for the Men of Ohio University entitled '*You The College Man*' stated that the college experience is "more than reading, textbooks and taking exams. Ohio University strives to make good citizens of its students by teaching them 'to grow in knowledge, wisdom, and love'. A substantial part of your learning experience takes place outside the classroom as you live and work with your fellow students". These standards called for OU men to "conduct themselves in a manner befitting the future leaders of their country". As part of the regulations imposed on OU men, under the heading *Riots* it stated that, "the participation in,

Figure 14. **1964: The first protest on the Green?** One of the posters reads "Good Schools are run for the students." (Photo courtesy of Robert E. and Jean R. Mahn Center for Archives and Special Collections at the Ohio University Libraries).

incitement of, and/or aiding and abetting a riot or demonstration may result in immediate suspension of the student(s) from the University." Clearly, any dissent in the form of a public demonstration was not tolerated. The room for political expression was certainly limited. During the early 1960s, however, that restriction did not come in the form the regulation of material space.

By 1965-66, with growing tensions on distant campuses (i.e. California-Berkeley), OU administration redefined their position and under the heading 'riot' stated:

> [t]he University believes that all students should have the right of free assembly and should be provided the opportunity to express their views openly in public without fear of administrative reprisal. Such public display must be in accordance with the laws of Athens community and with society at large, and must be consistent with the objectives and purposes of Ohio University. In supporting these rights, the University maintains that their utilization can only become meaningful when they

> are exercised in a responsible and mature manner. Thus, the qualities of responsible citizenship must be observed at all times.

This added language reflected a growing attention paid to campus activism nationwide. Although the OU campus was a few years behind places likely Berkeley in terms of student use of public space for political purposes, rules began to become fully codified by the mid-60s. These developing rules became more and more entrenched in legal vocabulary and contributed to a growing need to manage the public order.

By 1966-67, however, this same entry was titled 'Riots and Disturbances' and, for the first time, an entire Appendix was attached to the Handbook which outlined regulations for demonstrations on campus. The policy outlined appropriate steps students should take when organizing an event. Administration recognized "there have been occasions when large groups of students have gathered for a parade, protest, demonstration, or for some undefined reason; and it therefore seems appropriate to clarify the limitations for this kind of activity". Students were encouraged to use the different available avenues to "air [their] views" by using student newspapers and through the student government – both considered by the administration the viable and more appropriate forums for political and social discourse.

The language of this policy outlined the climate the university wished to create in terms of speech and the exchange of ideas.

> The University believes that students should have **the right of all US citizens of free assembly and should be provided the opportunity to express their views openly in public and without fear of administrative reprisal**. Such public display must be in accordance with the laws of the Athens community and with society at large, and must be consistent with the objectives and purposes of Ohio University (emphasis is mine).

With this climate, however, came the expectation that public displays could not interfere with the rights and privileges of others, pedestrian traffic should not be impeded, no gathering could take on the character of a riot, as defined by the 1965 edition of Black's Law Dictionary, and student groups needed to put one member in a position of responsibility for the group's actions.

Each year the Student Handbook outlined regulations on how a group's message could reach the general student body. In the form of event restrictions or rules for posting signs and posters administration began to implement a developed *public order management system* (Zick 2008). In the 1968-69 handbook guidelines for reserving the Alumni Gateway table and banner space first appear. This reservation-system style of management for the use of public spaces continued to evolve into the current system of reserving 'free speech zones' for events.

By 1968-69 the handbook regulations even reflected a growing concern for the aesthetics of campus space and rules, in part, were justified on those grounds. The University did not permit any kind of painted, printed or other signs, posters or banners on the outside of buildings, on doors, windows, walks, walls, trees, lamp posts, or archways. These standards and policies existed because of aesthetic reasons, possible harm to trees and existing city ordinances. Use of loudspeakers was limited to certain times so as not to interfere with classroom, library and study periods. The College Green was specifically mentioned:

> Historically, the College Green has been the "front yard" of the campus, and is the part of campus which visitors first see. For this reason, all are asked to remove any papers which they bring there. All are also reminded that a large number of people pass this area, so that active games which could cause harm to pedestrians are not permitted

> there. Similar regulations, as apply on East and West Green, apply to the College Green. Active sports are provided for on the playing fields (1968-1969 Ohio University Information for Students).

Throughout the interview process the question arose about what was the most appropriate representation of the Green, or how should that representation be projected to the general public. Most interviewees agreed that the University uses the Green as a symbol of 'the brand' of OU. The images of Cutler Hall and the Green are seen on university publications and official letterhead. Current administrators echoed this idea that the front yard of the University should best project the image of the institution - a sentiment not very different from the disgust with 19th century grazing issues on the Green. While many student and faculty respondents agreed that the space should represent 'our best', their understanding was that open public dialogue and political engagement on the Green could best represent the university to a general public.

4.3.2 Students Appropriate the Green (1969-70)

As the situation in Vietnam and at home worsened students began to use the campus space more for political engagement. The academic year 1969-70 was, by far, the most active in terms of using the Green as a stage for the student voice (Hollow 2003). The fall of 1969 saw thousands gather on the Green for the Vietnam War Moratorium. A series of teach-ins and sit-ins that addressed the war, the draft, student power and other social issues took place on the Green. Father Thomas Jackson, the director of United Campus Ministries (UCM) at that time remembered how the events of that year created an atmosphere where students took risks, spoke up, and spoke out. He

recalled that the College Green space served as a stage for all of the dialogue and, later, the violence.

> *In the past it had been pretty low key, sort of let's have lunch on the grass, enjoy the weather and that sort of stuff. As it segued into politics I'd say that mindset just began to grow and blossom in the sense of 'well if we can say this on the Green why can't we say that on the Green.' Initially in my perception at least, there was no sense of we were going to get punished for this. There was no sense of limits. You know whatever happened, happened. On the other hand, let me be honest enough to say that no one was planning anything extreme at the beginning. So, yeah, it was this wonderful space.*

By the Spring of 1970 college campuses nationwide became increasingly active and violent when President Nixon sent troops to Cambodia. The National Guard was sent to Kent State University (also in Ohio) where, on May 4th, 4 students were shot and

Figure 15. 1969 rally at the West Portico (Source: Photo courtesy of Robert E. and Jean R. Mahn Center for Archives and Special Collections at the Ohio University Libraries).

killed when troops tried to restore order. That afternoon thousands of students gathered on College Green at OU to strike peacefully. Ten days later OU would be shut down

after riots took over the Green and confrontations between police and 'rabble rouser'[12] students escalated to brick throwing, tear gas, and billy-clubs (For an in-depth account of these events see Hollow (2003) pages 211-17). Jackson sums up the tense situation of that era in our following exchange:

> ***JACKSON*** *I remember a big standoff between the students and the National Guard. Well actually it was State Police and the Guard came in the next day. But this again was in the middle of winter. Anyway there had been a lot of protests and the president of the university cleared the Green and said there wouldn't be anymore stuff for awhile and it was not their decisions, the students' decision. It was the administration's decision. Anyway, of course there was a confrontation from that and he called in the State Police and a whole bunch of them showed up. And you know I was still young enough and innocent enough that I thought 'well, gee, I'm this wasp priest' and they really won't attack each other [if I'm in the middle]. That was my first confrontation with a billy club. And – wow. Because I vividly remember that there was this phalanx that they formed and they just started to sweep the Green. The students were dropping back and dropping back. I stayed out in the middle. This officer that was closest to me and as he got right up to me I thought well certainly he's going to understand that I'm trying to bring peace and love. He just whacked me. Sort of lower ribs towards the back. It was probably there because I was probably turning to run. It brought me down and it was the stupidest thing he could have done because I was out in no-man's land. It just totally isolated the students from any possibility of quieting down, getting off the Green whatever.*

[12] Throughout the interview process the term 'rabble rouser' was used frequently. Although this has some negative connotations it was used mostly in jest, or as a celebration of student rebellion.

SPECIAL ISSUE, AUGUST 1970

OHIO UNIVERSITY
ALUMNI JOURNAL

A Special Edition Devoted to the Spring Disturbances

Students begin to move toward the campus from the intersection of Court and Union Streets as tear gas drifts their way. The scene was Thursday evening, May 15. Soon the student-police battle erupted and by morning Ohio University had been closed.

Month of Campus Tension Results in Violent Closing

The following Monday, May 4, a peaceful noon demonstration on the College Green protesting American entry into Cambodia swelled with

June Workshop Produces Over 100 Recommendations

Figure 16. **A special edition of the Alumni Journal highlights the events of the spring of 1970.** Confrontations between police and students ended in tear gas. (Source: from the Ohio University Alumni Journal, courtesy of Robert E. and Jean R. Mahn Center for Archives and Special Collections at the Ohio University Libraries).

KF *It just riled them up?*

JACKSON *- Oh yah – you know and half of them could have cared less about me or wanted me dead anyways so we're talking the real radical crowd. So they persevered, they stayed on the Green and they got whacked too. They ended up in jail or the medical center or whatever. It was all stupid. But so much that happened back in those days everywhere was stupid. But you know there weren't plans. It was just sort of whatever happens in the next 4 minutes is what happens. Anyway, I gave up a lot of my heroism that day. The other thing that comes to mind was there was a lot of gassing at the Green or around the Green. Especially the bombing of Cambodia, especially after Kent State. Actually about four days after Kent State and the days just before Kent State happened. And I'll never forget what they used, old Captain Cochran had this old Chevy, four door that he had fixed up as a gasser. We would be down standing opposite the Green cattycorner from the Student Union right there at Court and whatever street that was at the Green. Excuse me College Avenue. Tom and some other Clergy and I would stand in that corner. The students got so they expected that and they would sort of watch for signs of what they should do and anyway all of a sudden there was Captain Cochran and other officers with bullhorns saying clear the area, a curfew has been imposed, get off the streets, get into a building, go to your dorms, whatever. People were just sort of loitering. There wasn't a lot of movement. There were some catcalls and all that. But all of a sudden*

> *from way back on the south side of the Green up beside where the Episcopal church is came this Chevy and it was just barreling and we saw it – why on earth is this Chevy coming at us and all of a sudden the back doors open and gas just poured out of there. I don't know how human beings stayed in the car but they did and they used really good stuff. I mean it was terrific pepper gas and they came up to that corner, hung a left going west, just went around. All the streets they just kept going around and I really, I guess that their only plan was to cover as much of Athens with pepper gas as they could. And man it lingered for days, I mean clouds of it.*

Figure 17. **Ohio National guardsman stands at his post at the Class Gateway.** OU was shut down ten days after the Kent State shootings in May 1970 (Photo courtesy of Robert E. and Jean R. Mahn Center for Archives and Special Collections at the Ohio University Libraries).

While President Ping, who was not at OU at the time but was on another Ohio campus, reflected upon the nature of the dissent and questioned the violence involved with the events of that era.

> *You have to remember that the 1960s was a period not just of dissent, but there was arrogance in the dissent. Speakers were drowned out and silenced and really thoughtful public debate was denied. There was a sense that our cause is right and therefore you have no right to speak. I remember on another campus, the first night, marching in a silent candlelight vigil to protest the war. The next night all hell broke loose and people trashing the buildings, grounds. A total disregard of*

> *what others had given. I think it was a time when the very nature or the matter in which dissent was expressed jeopardized the University as a community in the sense that, this arrogance of red spray paint that can't be removed easily, the arrogance of shouting to drown out what anyone is saying, or disrupting simply to disrupt, shook to the very foundations the nature of University life. And I think that was true here, and it was true on a great many campuses. I think it was more dramatic here in part because, and again this is a factual thing you ought to rely on factual archives rather than fallible memory, the campus was apparently overrun with people who came to ensure that this campus would close as others had already closed.*

Many respondents - including students, alumni, administration and faculty - traced back to the events of May 1970 as the watershed event in the evolution of policy implementation. Although certain rules were in place, a fully codified management system only became necessary after the violence and riots of May. A former student-activist who graduated in 2000 commented:

> *I think about how the police responded back in the early-70s, late-60s. I guess that was 1970 when that happened. And I think that's why a lot of these policies are in place [now] just because student activism was so powerful during the civil rights movement, the women's movement, the anti-war movement of the late 60s early 70s and I wonder about how that's maybe why the police at the University are careful about circumscribing student activism right now because they ended up having to shut the University down and the National guard came here just like Kent State. The National Guard was called in, I mean every 20 feet up and down Court Street and Union Street and all around College Green there were National Guard soldiers with rifles. And people talk about how that event really changed things here at this University. Activism has always been a part of this community but it was almost after that things really shifted and the University really wanted to protect the educational mission of the University by limiting where that activism could happen. I think there is a huge liability for them.*

During the summer of 1970 the Ohio University community examined the events of May and came to terms with the consequences of those violent days. President Sowle issued a task force, called the Presidential Workshop, with the responsibility of creating policy to

ensure safety on campus. Part of the outcome of the Workshop was the publication of the 1970-71 Policies, Rules and Regulations Handbook.

4.3.3 The Post-Kent State Era

The new policy reminded students that the university was open to rational discussion and to the preservation of the freedom of its members. The free expression of opinions and positions was important "so far as public order and the rights of others [were] not infringed". The University shared its belief that all members of the academic community had the right of United States citizens of free speech and assembly and that "all should be provided the opportunity to express their views in public and without fear of administrative reprisal". But with this right existed a "corresponding duty to act in accordance with the laws of the nation, the State of Ohio, the Athens community and the regulations of the university itself". The new policy further enforced already evolving permission schemes (i.e. Alumni Gateway) where interested groups wishing to use places like the Green for events should contact the University before-hand. According to a student-activist from this era one of the main issues of contention was the use of amplification for speeches and rallies. Part of this newly implemented policy outlined very specific guidelines for the time, place and manner of the sound amplification.

The Ohio Legislature also reviewed the events of May 1970. Statewide riots, unnecessary deaths, and school closings created a need to address safety and security issues. The result was House Bill 1219. Effective on the 16th of September, 1970 the Bill provides (it is still in place as of this writing) any student, faculty, administrator or

employee arrested and charged with a serious offense at a state-assisted college or University shall be dismissed if he or she is convicted of any of the enumerated trigger offenses (rioting is one) and if such offense occurred "on or affecting" persons or property of such college or University, or in the "immediate vicinity" of a college or University. The law requires notice and hearing after an arrest, and provides that a person may be suspended from the University prior to conviction if a University hearing officer determines that the person committed the offense. According to the 1970-71 Policies, Rules and Regulations 1219 was clearly designed to prevent disruptions at state supported institutions of higher learning and provided a clear message from the state legislature that it would not tolerate again actions similar to those of May 1970.

The federal government also implemented a new policy whereby, under Section 504 of Public Law 90-575 of the Federal Government, any student who was convicted in any court of record of any crime involving 'substantially disruptive activity' at a college or university shall have any federally financed or financial aid withdrawn. This law covered all federally financed aid, including the College Work-Study Program and National Defense Loans. What was difficult to gauge was how the authorities measured 'substantially disruptive activity'. Both at the state and federal level rules for demonstrations were put in place that threatened the potential demonstrator with denial of access to tuition funding. The stakes became much greater for students who continued to challenge the authority and use public space as a forum for the exchange and potential blossoming of their ideas.

OU's position on the changing state of affairs between the institution of the university and students as a result of student activism through the 1960s and 1970s was evident in the introduction to the first issue of *The Word on Student Rights and Responsibilities*[13] distributed to students in September 1972. It reflected the acceptance of a redefinition of the relationship between the administration (or authority) and the student body. Moving beyond the precepts of *in loco parentis*, the University promised to work together with students to further build upon their newly emerging relationship where students had a greater voice in the governance of universities.

In loco parentis, or in Latin, in place of parent, refers to the legal responsibility the university as an institution takes on to replace parental responsibilities. In the past at US colleges this meant curfews for women, rules regulating off-campus speakers coming to campuses, and codes of conduct for couples and public displays of affection. Nationwide, as the college campus became a forum for politicized events University administrators exercised their legal responsibility by barring different issues from the

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[13] IN THE BEGINNING… the judge wrote the words: "University and college authorities stand *in loco parentis* concerning the physical and moral welfare and mental training of students and to that end may make any rule or regulation for their government or betterment that a parent could use for the same purpose." (Gott v. Berea College, 156 Ky 376, 161 S.W. 204). And when he was done, the judge said it was good.
Thus, for half a century more, did universities and colleges enjoy their surrogate parental role with students, providing a secure, protected environment for their sons and daughters. *Alma Mater, Fraternity Brother* and *Homecoming* weren't just phrases that happened, but warm and natural expressions of kinship among people with a quasi-familial relationship.
The winds of change have swirled about the countryside, however, and continue to erode the time worn doctrine of *in loco parentis* to its educational base rock. The shape of that new emerging relationship between colleges and students has not taken its full shape yet, although it is moving toward two other relatively permanent kinds of socio-legal relationships; the contract and the community. To a greater degree today more than ever, students shop for and bargain with universities for what they want in academic and personal development services; thus the contract. Likewise students are demanding and having greater voice in the governance of the universities they attend; thus the community. The courts have recognized and encouraged this emerging relationship and again, the judges are saying it is good. (From the first issue of *The Word on Student Rights and Responsibilities*. September 1972. Office of Co-Curricular Activities, Ohio University. Athens, OH.)

campus forum. This doctrine allows administrators to act in the 'best interests' of the students. Many times, however, those best interests were considered violations of civil liberties.

By 1974-75 regulations were fully codified and Student Conduct rules outlined the following restrictions that carried with them the maximum penalty of expulsion from the University: a) unauthorized entry to or use of University facilities, including both buildings and grounds; b) obstruction or disruption of teaching, research, administration, disciplinary procedures or other University activities, including the University's public service functions or of other authorized activities, on University-owned or –controlled property; c) obstruction of the free flow of traffic, both pedestrian and vehicular, on University-owned or –controlled property; d) participating in demonstrations which interfere with the rights and privileges of others or with the orderly conduct of University affairs; and e) disorderly conduct, breach of the peace and aiding, abetting or procuring another to breach the peace on Ohio University-owned or –controlled property or at University-sponsored or supervised functions.

These codes drew clear lines that, depending on their enforcement and/or the tolerance of administration and university police, regulated dissent and created an environment where the access to the public forum (and public sphere) became a much more difficult situation for student-activists. By using the implementation of the public order management system, specifically the codes of conduct above, as an indicator for the success of the '*post-in loco parentis*' era, by 1974-75 this experiment failed to redefine student-activist access to the public forum. Student ability to exercise freedoms of

speech and assembly on campus without 'fear of administrative 'reprisal' was circumscribed. Increasingly, the University stressed that student government and student newspapers were the most appropriate channels for intra-institutional dialogue. OU was still recovering from riots that shook the foundation of campus. Rules were in place to insure public order. In retrospect, these rules probably made sense to most people. The State of Ohio did not want to even approach the brink of another Kent State and lose four more students. But access to the outdoor public forum changed forever.

As the 1970s advanced the University continued to recover from the events of May 1970. Part of this recovery process included, I argue, reclaiming the Green by honoring its historical attributes and redefining, or reshaping, what the space meant to the community. By doing so the University sought to reclaim, or re-appropriate, the genius loci. By focusing on the 175 year history of the Green, the OU community, led by Mrs. Claire Oates Ping (wife of Dr. Ping), competed, however innocently, with the notion that students had completely appropriated this space earlier in the decade. In 1978, in preparation for the terquasquicentennial celebrations the '*Campus Green Historic District*' was added to the National Register of Historic Places. In the application to the National Park Service, the agency involved with historic registry, OU described the Green in the following way:

> The Campus Green offers a peaceful, academic environment. Ohio University was the first land grant college established west of the Allegheny Mountains, and the first in the Northwest Territory. The campus or College Green has undergone many changes and now differs significantly from its original plan. These changes were brought about by various reasons and at different times from the first laying out of the property and the period of time from 1813-1844. The first laying out was in 1804 and the College Green consisted of two tracts (3.6 acres each). The last parcel of property to become part of the College Green

> was the Hitching Ground (1896). The City of Athens gave this last parcel on condition that it be seeded and remain well taken care of.

The university did not mention the Green's role as a public forum and center for student activism throughout the 1960s and 1970s. However, as mentioned in the Introduction, the Class of 2005 recently commemorated the 'Student Voice' with the plaque sitting near the War Monument. These two competing representations of the Green play a significant part in how different actors think about the free speech zone issue.

Throughout the 1970s the role of the Green as a forum continued to evolve, but not only as a stage for protest. In 1979 'Take Back the Night' started as an annual tradition that continues today. Memorial events for Dr. Martin Luther King, Jr. took place at the Class Gateway. Speakers continued to use the West Portico space as their stage. Brother Jed, an evangelical preacher, came each spring to admonish college students for their 'evil ways'. A hellfire and damnation preacher, Jed started showing up on the College Green in the late 1970s. The University's policies were much more tolerant to outsiders using the Green as a forum back then (see Figure 18). Today preachers are relegated to the city sidewalk.

Figure 18. **Photo of Brother Jed, a traveling preacher, was permitted in the 1970s, 1980s, and early 1990s to preach on the Green near the West Portico** (Source: Athena, 1979 OU Yearbook).

To this day veterans use the War Monument as a ceremonial site for Veterans Day celebrations. A tradition started in 1872 when Ohio University students used the Green for a Decoration (Memorial) Day ceremony to honor Civil War veterans, today's veterans form a parade that files through downtown Athens and ends at the Monument space where a ceremony takes place at the 11th hour on the 11th day of the 11th month of each year.

4.3.4 The 1980s

Through the 1980s the speech policy did not change. Student Code of Conduct offenses mentioned above still carried the maximum sanction of expulsion (although I am unaware of the enforcement of the policy on any protesters post 1980). An historical

piece about the College Green, celebrating its role in US history, first appeared in 1986-87 and is still published in today's handbooks. OU's Mission Statement read:

> OU is a public university providing a broad range of educational programs and services. As an academic community, OU holds the intellectual and personal growth of the individual to be a central purpose. Its programs are designed to broaden perspectives, enrich awareness, deepen understanding, establish disciplined habits of thought, prepare for meaningful careers and, thus to help develop individuals who are informed, responsible citizens.

Figure 19. **Athens County Veterans use the War Monument space on November 11 of each year** (Source: Photo by author).

By the mid 1990s a preface about the 'Community Expectations' appeared as an addition to the Student Code of Conduct. It outlined expected behavioral standards necessary to be part of the OU community. They included respect for differences of culture, lifestyle and religion; that the acceptance of the freedom of ideas and expression, and civility in disagreement were paramount to the community's status as an open forum

for the free exchange of ideas; and that students respect and use responsibly the university's facilities, including outdoor spaces like the Green. But what were the expectations of student-citizens on the University? What did students want? The university moved beyond the *in loco parentis* doctrine and sought out to redefine the new emerging relationship between institution and student body during the 1970s. However, by using the speech policy as an indication of the rules of engagement for the discourse surrounding that relationship, by the 1990s with the strict codes of conduct, it was evident that the atmosphere of the free exchange of ideas that the administration thought they were creating was circumscribed by the public order management system. Their idea of idea exchange was completely ordered and controlled and stifled any nascent student movement, no matter how small, before it had a chance to blossom.

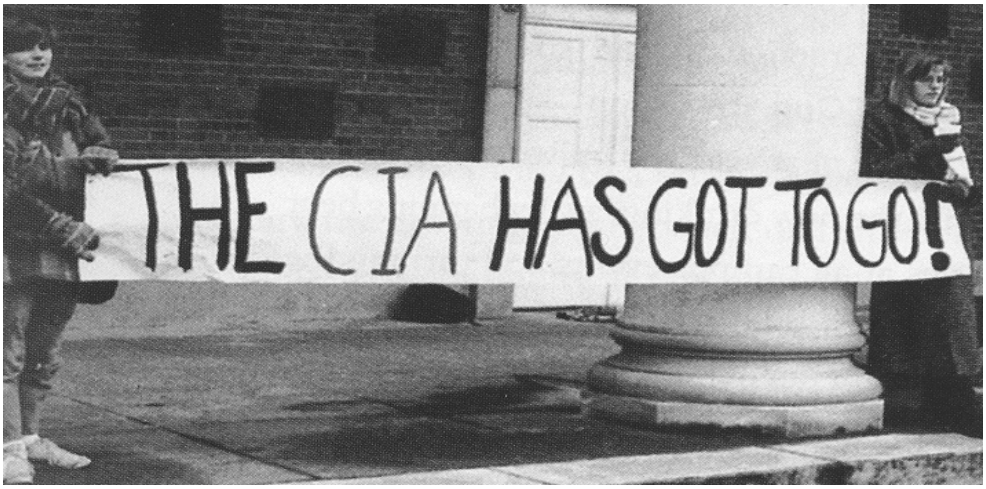

Figure 20. **CIA Protest at West Portico.** During the 1980s students protested the CIA during recruitment visits to campus (Source: 1990 Athena Yearbook).

4.4 Free Speech Zones and the *Genius Loci*

Through the late 1990s and early 2000s the policy generally stayed the same. However, a very key event took place in 1999 at the Civil War Monument that, to this day, informs the current policy and strengthens the administration's claims that the Monument space is not a public forum, thus circumscribing the *genius loci*. Charles Spingola, a traveling evangelical preacher and colleague of Brother Jed who used the College Green space for many years, was arrested for trespassing on campus. In many interviews the precedent of *State v. Charles Spingola* was mentioned as a legal footing for the university's current zoning policy. According to one student who was familiar with the case, Mr. Spingola's rhetoric, like many traveling preachers, was anti-homosexual and anti-drugs and one day, while speaking by the War Monument, "he pushed the line and became a real nuisance". His message angered many who were watching (read participating) and verbal confrontations heated up. As the situation became unruly Spingola was asked to leave by OU Police. When he did not do so he was arrested.

He argued in court that as a taxpaying citizen he could use College Green as a public forum, like Brother Jed had done for so many years. However, the court ruling was in the University's favor. The University's contention was that the College Green was not necessarily an open forum but that there were certain spots on it, such as the Alumni Gateway and West Portico of Memorial Auditorium, which were conditional (or designated) public forums that you could reserve. Everything else was a closed, or non-public, forum where private, not public, speech was allowed. In speaking with the Dean

of Students who was present at that time he stated that the Spingola decision strengthened the University policy. While administrators believe the current policy would stand up to a challenge in Court, the problem that many students and faculty have is with where this relates to College Green – the closest representation of a traditional public forum on campus, where the rights and liberties of the people are most protected.

In 2006, the same year the memorial plaques were placed on the Green, the Dean of Students drafted the current 'Use of Outdoor Space' policy (see Appendix A). This policy has been at the core of the debate on OU's campus from 2006-2008. While the House Bill 1219 rule is still in effect, the 'free speech zone' policy has provided student-activists with a context through which they have challenged the authority of the University and the legality of the policy. On the map above in Figure 5 (page 22) I highlighted the 22 different free speech zones. Because the main focus though, in this project, is on College Green I provide a close-up view of the Green area (see Figure 21).

The free speech zone policy developed from what seemed a common sense approach to managing the table and banner space at the Alumni Gateway. Rules for this space date back to 1968. A popular site for getting a group's message out, reservations for this space normally require an advance time of 2-3 weeks. Over time, administrators implemented similar reservation systems for other spaces. By 2006 the 'Use of Outdoor Space' policy (again, they don't call them free speech zones) was codified as a way to centralize decision making and the management of space. To administrators involved it was a way to oversee group activities, whether this meant a bake sale or a political demonstration, and to make accessibility equal to all. Perhaps an unintended

consequence was that spontaneous speech and assembly have been restricted. Although the content of speech was not being regulated it is 'the where' of the speech that is designated and ordered. Mitchell (2003b) has argued that the regulation of the space of speech has replaced the regulation of content.

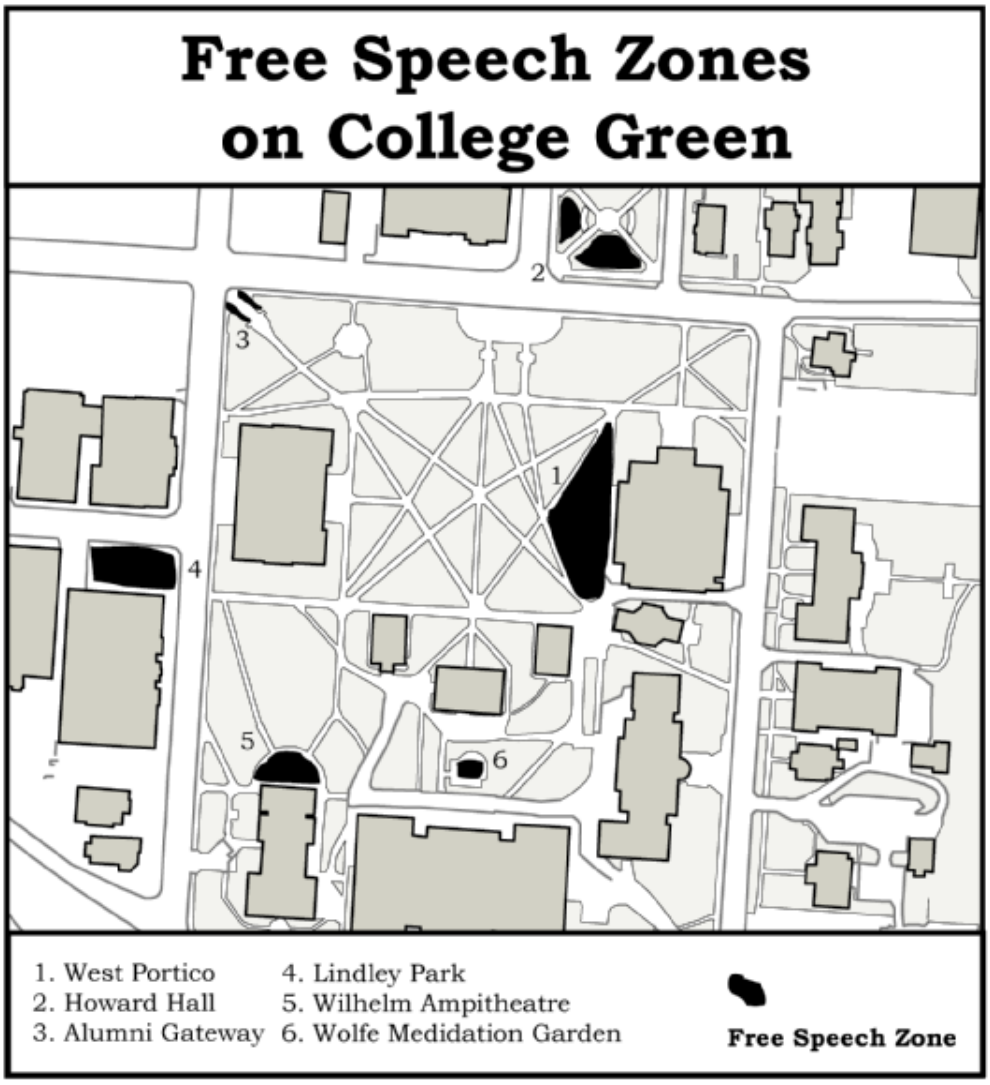

Figure 21. **Free speech zones on College Green.** The zones are in solid black. (Source: Cartography by author).

On the Green, two specific areas that were once sites for protest in the past were circumscribed by the current policy. The first, the Civil War Monument, has been at the center of this debate. Under public forum doctrine, the Court ruled in the *Spingola* case that the Monument space was a designated public forum – available for events only by special request to the OU administration. The other space, the West Portico, was interestingly enough, made one of the 22 zones because it had been a place of protest in the past. The administrator who wrote the policy explained that the intention was to respect the historical connection to the Portico. Unfortunately, the policy still defines and delineates a small zone around the Portico thereby limiting the space to contain what I estimate as three hundred people. Events spilling beyond the drawn lines are then subject to code violations. The West Portico space had no such boundaries in the late 1960s and early 1970s.

In this thesis I argue that the College Green space has a unique history of contestation - not only through contested property issues with the town, but contested meanings as well. By incorporating the historical and *place* into an analysis of public space and public forum we move beyond looking at this as just a rights issue by examining the symbolic meanings inscribed in the those places. The issue of free speech zones brought to light the competition between different understandings as to the nature and purpose of the Green in the mission of the university. The administration, by circumscribing the *genius loci* of the student voice, has committed an offense on the student body. This is not just about free speech zones. The Green is what Zick (2006b) calls an *inscribed place* – where free exchange of ideas has been the norm in the past. Its

identity as a forum is embedded in its colored history. Zoning regulations restrict the free flow of ideas. On the Green these restrictions offend the genius loci.

In summary, the data proves that the material space available on College Green for public interactions, including rallies and protests, has shrunk over time due to the implementation of policies and regulations that limited these activities to designated areas. Furthermore, the reservation of these 'zones' has become a privilege for registered student groups (see Appendix A). According to Campus Life staff, an estimated 50% of the student body was part of a registered student organization in 2007. This factor further limits the access that Joe or Susie Student is 'afforded' to the public forum on campus. Entrenched in the enforcement of policies are ideas about the meaning of place, property claims, and competing understanding about the spirit of place.

The meaning of the Green has been celebrated differently by different groups. The plaques on the Green were placed there by the Class of 2005 as a gift to the OU community. The plaque near the War Monument places the role of the student voice on the Green and commemorates an era when the student body had appropriated the Green as a space for dialogue and change. The plaque referring to the McGuffey Elms recalls an era when property claims drove the town-gown relations to a halting stop. In 1979 the Green was recognized by the National Register of Historic Places for its place in US history as the first college of the Northwest Territory. By 1987, the University began to market the Green as an historical artifact that connected this 'place' to the American Revolution and the first years of the nation.

Competing understandings of the spirit of this place have had an effect on how different actors perceive how this space should be used. So, too, have the competing understandings of its history as well as competing interests in defining the day-to-day purpose of the Green. In the next chapter I will explore the complexity of the issue of the shrinking public forum by analyzing interview data pertaining to how the OU community feels a space like the Green should be used.

CHAPTER 5 - THE COLLEGE GREEN AS PUBLIC SPACE: AN ANALYSIS

During the United Campus Ministries-sponsored panel discussions concerning 'free speech zones' in April-May 2007 participants concluded that the rules governing public spaces like the College Green should reflect the community's needs for that space. Much like Mitchell (1995) described in People's Park, a major rift was evident between those who wanted ordered and controlled space, albeit as a forum for the exchange of ideas, and those who wanted a space completely open to different possibilities, encounters, and unmediated exchanges of ideas. This chapter explores how a public space like the Green contributes to the mission of the institution. What role does a space like the College Green play in the overall mission of the university? This examination connects the data from this case study to the theoretical foundations of this thesis and further uncovers different layers of the social construction of the Green.

While transcribing and reviewing the interviews I noticed the emergence of different themes and I wanted to present them together here. The responses presented in this chapter are grouped according to the different topics discussed in the semi-structured interviews. This chapter's organization reflects my goal to explore and highlight how the community feels about the issue. I bridge their insights back to the theoretical foundations of the paper where appropriate. I thus use direct quotations for each category to connect the reader to the respondent. The themes are presented in the following way: a) the mission of the University; b) how a place like the College Green contributes to that mission; c) the importance of public space on campuses; d) if OU's zoning policy restricts free speech or limits interactions; e) if the public forum on campus has been

shrinking; f) if the Green is used to its potential as a public forum and g) the ideal use of the College Green.

5.1 The Mission of the University

Different people envision the mission of a democratic liberal arts education in different ways. Inevitably, this informs how they think about the free speech zone issue and the shrinking of the public forum. Kohn's (2004) work on public space on the campus established that how one perceives the mission of the university ultimately dictates what level of tolerance or acceptance they have of student's use of public space for social and political goals. By examining the ways in which different actors perceived the mission I saw that the free speech zone debate was more much complex and nuanced than if taken solely as a First Amendment rights issue. Most people I interviewed did not think that the rights of individuals were seriously threatened by these policies. In fact, many agreed that we all have freedom of speech in this society, including at the OU campus. The number of different sides taken by interested actors in the free speech issue required further analysis of their perceptions not only of the College Green but of the mission of the public university in US society as well.

Most of the interviewees agreed that the mission of the University was two-fold. On one hand it is a place of personal growth where students expand their experience, broaden their interests, and stimulate their ability to think critically and to engage in their communities. As an institution of higher learning it can help "open new doors, get people to explore intellectual boundaries that they probably haven't been exposed to in

the past". It gives individuals the opportunity to grow in a lot of different ways. A current student-activist who has been involved in the free speech zone debate saw the mission as part of a holistic process, "a place where you can determine what kind of values you're going to have in your life. It's the place where some of the more important framing goes on because you have a lot of time to really engage in it - whether it's your work or things outside of work".

A former student-activist who graduated in 2000 felt that the university should be a center for critical learning and personal growth – "a place [for students] to find their identity, find their politics, and find their place in the world." The university is a place that fosters and encourages that exploration. "It is a nexus of different experiences, world views, backgrounds coming together…a blender for ideas and practice to come together and create new things, keep pushing the envelope. It needs to continue to be a space where people are pushing the envelope."

The liberal arts university's function is not only to create skeptical and functioning members of society but, "as a technical mission, to educate next generations of engineers, scientists, attorneys, and practitioners" and, in general, to serve as a training ground for career-minded individuals. This second aspect of the mission gives students the practical tools to live productive lives. A former student who now works as an activist in Athens saw this double purpose as sometimes contradictory in that the goal of training middle-class professionals and instilling middle-class values sometimes goes against the broader intellectual exploration that is the goal (or one of them) of the

University. As evidenced by the November war vigil, dissent was not tolerated because it did not fit, physically, within the bounds of normal political interactions on campus.

Most often this contradiction leads to the University administration making key policy decisions that affect the student body as a whole. Some policies, while they attempt to protect the student body, inevitably protect the rights of some individuals, in this case a majority, over others. One senior administrator involved in forming the policy thought the purpose of public higher education was to serve society - that it is a process of training individuals to become prepared to be productive citizens. Although he acknowledged the benefits of personal growth, it was the benefit to society that outweighed the individual one. "[It is] the training of individuals to be critical thinkers and to have certain skills and capabilities that allows society to continue to move forward". In the balance between these dual purposes is where differing opinions became most evident. No clear delineation between administrator and student or faculty and student emerged. However, most of the respondents, regardless of their position in the community, recognized this two-fold mission with many finding the personal growth aspect more important than the effective training of future professionals. The opposite was also evident, as well as different variations of the balance between the two goals.

Apart from these two sometimes complimentary, sometimes contradictory goals of the mission, respondents added that the appreciation of differences was a key variable in the purpose of the university. A former administrator who devised and enforced speech policy in the past saw the college experience as "an opportunity to learn from one another and to appreciate the differences". He also commented that he "used to get very

angry with the staff when they would tell [him] that one of our purposes is to teach people to tolerate. That's a minimal expectation. To appreciate differences is a whole different story." While the current administration states that they support the appreciation of difference, it is no coincidence that, through the selective enforcement of their policies, groups with messages leaning to both the left and right ideologically (SDS and evangelical preachers), became marginalized. SDS's subsequent use of the Green as a forum was a transgression and statement against the administration's absolute control.

The student-activists rendered 'out of place' by the zoning policy sought not only to occupy the War Monument space but to change or redefine the meaning of the place. Cresswell (1996) argues that this is the transgressor's first step in claiming a place as their own. If the meaning of a place changes, the place in question becomes the place of the transgressor. SDS fought not only to reclaim the Monument as a space open to protest but to insert their voices in Habermas' public sphere and the different political discourses on campus and beyond. Martin (2007) also highlighted these two outcomes of the shanty towns – student insertion in the public sphere and the reclamation of space.

Lastly, a student involved in drafting recommendations for a new speech policy recognized the production of responsible citizens as a main mission of the public university. J.B. Jackson described public spaces, perhaps even on campuses, as spaces "where we prepare ourselves for the role of citizen" (Jackson 1984, 55). In the coming years "more educational institutions need to consider ways to allow us to start seeing each other as people and people that we not only need to tolerate but accept and get along with on some level. I would like to hope that that is part of the university's mission – to

create an atmosphere that makes that more, and not less, likely". Marginalized groups can inform us about what is normal (Cresswell 1996) and thereby force us to rethink public space as a space for transformation on many levels. I would argue that the potential for this transformation jumps scales from the individual (i.e. the protester) who takes a chance and exposes themselves in the public forum; to the group level where, through solidarity, many people exercise their right to a space by projecting a collective vision to an audience; the audience who might be informed about an issue, or, as Cresswell (1996) suggests, informed about 'the normal'; and lastly any effect this engagement in political discourse and entrance to Habermas' (1989) public sphere has on the greater public good (i.e. anti-apartheid divestment shanties).

With tight control over who has access to the public forum, what kind of citizen is produced at a public university in the US? How is that part of the mission? The residential college experience is one of transformation for many students. Leaving home for the first time (for most) students encounter new ideas, perspectives and experience a new communal way of life on the campus. While most, if not all, interviewees agreed that the college experience is one of personal, intellectual, and political growth for students, the main differences in opinion lied in how these interested actors envisioned this growth taking place. Under what model? Under what control? By examining the College Green as a public space I looked deeper at the mission of the university.

5.2 College Green's Role as Part of the Mission

Each respondent was asked to elaborate on their ideas about the mission of the university by addressing how, spatially, a place like the College Green could benefit the community by contributing to the goals of the institution. What role does a place like College Green have in the overall educational mission of the university? Generally, the respondents agreed that education not only happens in the classroom but outside of it as well. Because the residential college experience creates an environment where students live, study, and socialize all in the same space, the college campus is a place where different learning experiences can happen that transcend previous life experiences. It has the potential for being the place for personal and intellectual transformation.

Respondents referred to the College Green space as "sacred ground", a place that represented the history of the institution. As described in Chapter 4 this history is contested and those different understandings contribute to how different community members perceive this space. Most see the Green's purpose as multiple-faceted. It is a space for students to congregate, meet, communicate ideas, and to, literally, cross paths. It is "the germ, the essence, the symbolic beginning of our campus". It is also "what we look like, what our brand looks like, and how are brand compares to other brands". Overall, this space is very symbolic and has deep meaning for the community. During the UCM panel discussions this question arose: What does the OU community need this space to be? How and by whom is that decided?

The Green has played a number of roles but, overall, the main one was as a public gathering space. A campus administrator involved with drafting the free speech policy

recognized that it is both symbolically and practically a place where exchanges occur that "contribute to the learning that leads to the public good". It is a place where the community can debate the issues of the day, hear thoughts and ideas of individuals who choose to speak and have social gatherings. "It is a place for community building". At the same time the College Green space allows individuals to use public space in ways that "advances their performance as a student or learner and therefore contributes to the public good".

There is community-wide agreement that the space has been traditionally used in this way. It has been a forum for the exchange of ideas. There is no doubt that the community understands the role of this space as such. While most administrators agreed, in principle, with the need for this space, they did not, however, agree, as stewards of public property, that public interactions can be left unmediated and without regulation. However, most administrators actually thought they were preserving its status as a forum through the zoning policy measures they enacted. The Dean of Students alluded to the fact that earlier reservation systems arose and were supported by activists in the 1970s as a way to *guarantee* access to a space in the post-Kent State political climate, where the exercise of dissent in public space became highly regulated.

Administrators, students, faculty and alumni agreed that education ought to be more than just what goes on in the classroom and places like the Green serve to enrichen the college experience. One former student-activist commented that the space is conducive to public gatherings where community dialogue and growth can be fostered in a positive way.

> *[T]hat is why having those kind of spaces fits with the mission of the University and for them seems like an important part of it that is worth defending or fighting for or raising the issue of how we are utilizing it, even if it is not a good or bad, its 'let's look at this, let's assess what we are doing with it'. What happens when you lose the commons or the commons stops functioning as a commons and just becomes another space like a parking lot and loses its symbolic value, its social value. That is when I think it really becomes important in a university context – what are the needs of the university community? What are the needs for public space? How do those two overlap?*

By limiting access the zoning policy creates rules which redefine the value of the commons. With only half of the student body eligible to reserve a space, can we call it a commons if it excludes half of the 'public'? Perhaps then the College Green is much like what Low and Smith (2006) said about the agora – where your status as citizen decides your access to the public space and public sphere. Much like the agora, access to the Green reflects existing social structures where dominant and mainstream thoughts are privileged over any alternative ones.

A big part of a college education is seeing how students interact outside of their towns and families by throwing them into a mix of different people and interacting in an environment that is committed to the exchange of ideas and communication of thoughts. A professor who has experience organizing rallies thought a place like College Green is an open space that provides excellent opportunities for chance encounters and observations. He listed three main functions of the Green. One, it provides space for transit, walking across to get from building to building; two, a place to sit down and eat some food with friends; and three, a place for an impromptu meeting or gathering or as a multi-use space for the community. It also serves as a gathering point for spontaneous activity. It is a "landmark and there is enough room for people to congregate, it's

centrally located, and it's one of the easiest places for media and other groups to get to on campus".

The Green is also "a geopolitical space". A current professor argued that the Green is connected to the social relations and political discourses of our society. Cutler Hall, the power center of the university which houses the offices of the president and the deans of the colleges, overlooks the Green. An undergraduate student thought that the Green served the university as a physical center point and, as far as a place to gather, agreed that the West Portico of Memorial Auditorium was one of the most popular places to have an outdoor speech or rally. The West Portico is one of the 22 free speech zones on campus. Student groups have used it as a stage for political activities since the 1960s (see Figure 22). Students looking to get attention for their cause or hoping to get their group's message out to the public have traditionally used the West Portico to do so. The West Portico, the Civil War monument, and the Green in general represent the power center of the student voice on campus. These spaces, inscribed (Zick 2006b) with deeper meaning and symbolism, deserve more attention because their significance is much greater than if we were talking about some parking lot where an administrator created a 'free speech zone'.

Figure 22. **West Portico** (Photo by author).

The College Green space has a symbolic and metaphorical role in the mission of the university. It is a place where hundreds of students cross paths with each other walking through on their way to classes. For incoming freshmen the Alumni Gateway serves as a symbolic entry way to the Green and the University. The same gateway serves as an exit way for graduating seniors. A senior administrator said, "it's sacred to the institution so I think it's more than just a space. I would say it is many things to many people. That's the beauty of it". It is a multi-purpose space that is used by different groups of people. Its multiple meanings have created and perpetuated the free speech zone debate.

On the other hand, one current graduate student who was involved in the debate appreciated that the Green was "a forum that is not strictly defined." To him that was the most important part of it.

> *I think it is maybe a lack of a definition that is its biggest attribute in some ways. You essentially have a space that hasn't necessarily been predetermined to a specific anything, in a large sense, in a way that other spaces are. The volleyball courts in front of South Green serve a functional purpose. College Green stands out from that. It is a place where crazy street preachers go to spew their hate. It is place where the vegan kids come and eat dinner every Tuesday night. It is a place where there is going to be an anti-war or pro- free speech or pro-union rally. It is a place where, when there was a pretty charged political atmosphere last Spring, you saw everybody that was politically motivated on campus showing up there.*

The traveling preachers are not affiliated with the university, and thus have difficulties using the Green as a forum. Although the preachers used the Green throughout the late 1970s and 1980s (even as late as the 1990s), ever since the Spingola incident at the War Monument in 1999 they have been relegated to the city sidewalk. According to the policy they could reserve the West Portico but even the preachers agreed that the War Monument space had higher visibility and attracted larger crowds. A former student-activist agreed that outsiders, like the preachers, contributed to the variety of experiences possible on the Green.

The more the community perceives this space as a real commons, the more open they could be to outsiders using this space to engage in dialogue. Even if their evangelical rhetoric takes on a shocking effect for some people, students might be exposed to radically different ideas and ask themselves, "why is this guy preaching hellfire and damnation?" Preachers draw larger crowds than many other campus activities. The debate that is generated between the preachers and students, although heated at times, does not happen in the classroom. But the potential contribution from outsiders is not limited to them. "It could be people walking on a tightrope and juggling firesticks or someone making an impassioned speech about banning abortion rights".

These experiences have the potential to open one's eyes to the diversity of ideas in our society. Limiting interactions in this space then has a direct effect on the educational experience of students.

A professor who was involved in the UCM-organized panel discussions realized that public spaces are critical to the mission of the University. "When I go out there and I see students throwing Frisbees around and talking and protesting, all of that to me is critical to a college experience. It doesn't matter at what level they are engaging with one another. I think it's critical". But, contrary to Mitchell's (2003) claim that public space is where different people can exchange ideas, this professor believed that students in this space were more likely to hang out with like minded students and not experience any cross-fertilization of ideas. "There is some interaction but I'm sure the more intimate interactions are really taking place between people who already knew one another. It's for groups of people. That's how I see it. Not so much as intersecting groups. I'm not sure how much groups intersect when they are out there". Apart from the different politicized events held on the Green in the last year, I would agree, based on my own observations, that the day-to-day function of the Green, in general, is for defined groups to interact with each other and not for a cross-group exchange of ideas. However, this cross-group exchange does happen, resembling the *intersubjectivity* that Kohn (2004) referred to as one of the main criteria for a space to be public.

From my observations I concluded that intersubjectivity happened between different groups more effectively when the attention drawn to those groups was minimal. For example, when SDS had protest events they were widely publicized and brought the

attention of police, senior administrators and what I characterize as a wide range of students (gender, race, age). In my opinion, these events took the form of 'spectacle' more than as a forum for the exchange of ideas. The 'quieter' and smaller day-to-day exchanges happened and engaged people as well. In one example I watched a student invite individuals or groups of two or three people who were scattered around the Green to finger paint on old shower curtains just feet from the War Monument. The idea was to engage people in discussion about the recent Virginia Tech shootings. This was a spontaneous way to encourage dialogue between students who were strangers to each other. This space, not one of the 22 designated zones, served as a forum for that exchange without any administrative involvement. Material public space is vital for this exchange to happen. Without it, I argue, finger painting activities and inter-group interactions would be limited on this college campus.

The literature (Mitchell 2003) suggests that material public space is necessary as a stage from which political movements can start. Current student activists affiliated with SDS commented on how important material public space was to their goal of creating a more democratic campus. While such on-line social networking forums (i.e. Facebook[14]) may increase the effectiveness of getting a group's message out to a larger number of people, the need for a physical presence in the space by protesting or demonstrating will never be completely replaced by the internet forum. One SDS activist explained that their demonstrations on the Green were the most visible ways the group could express

[14] Facebook is an online social networking service that connects people with friends and others who work, study and live around them. People use Facebook to keep up with friends, upload an unlimited number of photos, share links and videos, and learn more about the people they meet. (www.facebook.com/about.php - accessed 4/25/08)

themselves. Other methods like flyers and Facebook "help drive the point home. But College Green is like a stage, where everything else is just practice". Beyond just the idea of protest, this space serves as a forum for the general exchange of ideas.

In the past when other forums, namely the digital, did not exist the need for public space might have been greater. Fr. Tom Jackson was involved with United Campus Ministries (UCM) during the tumultuous period of the late 1960s and early 1970s. His high level of involvement with students gave him an important insight into how students negotiated the campus space for their political goals. When asked what he thought of the democratic implications of public space in the campus context and how important it was for students to have that space, he commented that it was extremely important, "not only as physical space but as a mindset".

Jackson explained that this mindset developed when students felt that the College Green space was theirs. Many other respondents agreed that the Green was appropriated by the student body during the spring of 1970. "As it segued into politics I guess I'd say that mindset just began to grow and blossom in the sense of 'well if we can say this on the Green, why can't we say that on the Green'". College Green served as the home base of the student movement throughout the 1960s and 1970s. Appropriation of space carried along with it a sense of ownership or the mindset that the space was open to the possibilities. Carr (1992) introduced using the metric of five spatial rights to determine the 'publicness' of a space. Students in the 70s certainly experienced *access*, the *freedom*

of action[15], and were able to *claim* the space as their own. Although I would argue that they did not change the physical area (but the grass was constantly trampled) nor did they gain ownership (although they probably felt it), students today barely experience *access*. SDS has fought the assembly rules and sought out *freedom of action*. Unfortunately, with a strong police presence at all of their events, they were unable to act freely. The current spatial restrictions have redefined the College Green space and how it contributes to the overall mission of the university.

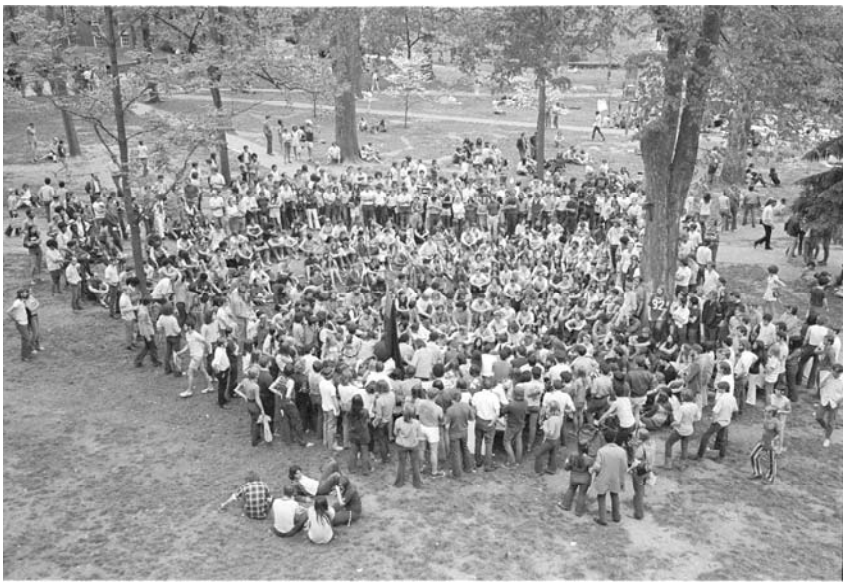

Figure 23. **1970: Students gather on the Green for a political rally** (Source: Photo courtesy of Peter Goss Collection, Robert E. and Jean R. Mahn Center for Archives and Special Collections at the Ohio University Libraries).

[15] Freedom of action was experienced to a certain degree. Although some actions resulted in violent confrontations between students and police, students in the 1960s-70s were more able to do what they wished on the Green (i.e. sit-ins, teach-ins, and large scale rallies) than their year 2007 counterparts.

5.3 The Importance of Public Space on Campuses

Many scholars (Mitchell 2003; Kohn 2004) have commented on the importance of public space in cities. Most, if not all, interviewees acknowledged that public spaces are just as important on college campuses as they are in cities. Martin (2007) examined how these public spaces on college campuses could serve a greater good by bringing attention to issues like apartheid in South Africa. The main difference between respondents rested clearly between those whose responsibility it is to manage the campus spaces (i.e. administrators) and those who want to use the space in an unmediated fashion. Administrators saw these spaces as important to the educational mission of the institution but, because they are responsible for the welfare of an entire university population and the balancing of diverse needs, they preferred an orderly approach to the management of space. This was, in their minds, the best way to accommodate those needs.

Policymaking administrators agreed that it was very important to the educational process of those who want to take advantage of using this space for extracurricular activities. Referring to the SDS protest in November of 2007, one senior administrator recognized that students participating in protests learned something doing it. Although he did not agree with them on the issues this administrator was excited that students were engaged in something so passionately. The Green "provides an opportunity for people to express themselves".

Spaces like the Green are where ideas are debated, where intellectual conversation engages people socially and politically in our society. A member of the faculty stated that "this is what a public space should be about in the first place. You're supposed to

have these little intercedes, pockets where there can be some intellectual as well as political discussion." A student-activist involved with SDS recognized how vital the College Green space was to the mission of their group. As the center of campus, "it drives dialogue on campus. Without it, it would be hard to raise awareness about anything. It would be hard to build solidarity". To groups like SDS the community needs this gathering place to be a stage for this dialogue.

There was agreement that it is very important in order to create opportunities for students and others to have spaces where they could speak out, protest, and demonstrate. But as stewards of public property administrators, whose charge it is to protect the rights of all community members, agreed for the need to respect the other people who are working and are going to class in order to keep some activities away from those areas. There is a balance, a very delicate one. "Everybody has rights so what our role is on campus is to try and balance the rules and regulations so that you protect and guarantee the rights of everyone". Unfortunately, in this balance, some groups become marginalized and excluded from the use of these material spaces. The 'best interests' of the students may affect the civil liberties of those students (*in loco parentis)*. That, in turn, affects their access to the public sphere and political discourses of the day.

This space provides a stage that contests the dominant thinking on an issue and allows for alternative ways of thinking to be heard and reflected upon. One former student-activist stated that public space on campus is important for one major reason. From a theoretical standpoint, he recognized that marginalized groups with marginalized messages need a space where their voices can be heard. It allows them to use the public

forum to get their message out. Echoing Mitchell (1995), without this space these groups are not legitimized in the pubic sphere.

> *Any discouragement of public interaction, public discourse, that general atmosphere that this is a place where people come, socialize and communicate and interact with each other - when that gets marginalized or the idea of the commons being enclosed then it become an issue of where does that public forum then take place if it is not in the Greens, the parks, the formally designated public space and the College Green is probably the best example that is easily accessible for everyone within the city proper.*

Interestingly, a senior administrator commented that in the past there was discussion amongst faculty and administration to create a 'speaker's corner' on campus where, at a designated time (and place), people gathered around to listen to different members of the community express their views on any number of topics. It would be an activity in which students might even look forward to participating. Although it would be 'designated' it could have the benefit of consistently getting an audience at the same time each week because it was a 'programmed' student activity. This administrator drafted the current zoning policy. He realized the difficulty for an administrator to develop such a program, especially given the current debate around free speech zones.

Unfortunately, the climate on campus has been such that this would be deemed as a limitation to speech. Indeed, if it was presented in a way that mandated the 'speaker's corner' as the *only* space available for students to hold a political event, then it would go against everything that has stirred this debate. But if it was somehow promoted as an event where people took turns speaking and opened up dialogue on campus then the community might benefit from such a programmed event. Just as long as the policy still allowed for other protest venues. The main opposition people have is that the administration wants to 'program' far too much of the interactions between students.

This public space is extremely important on campus because it is where unmediated interactions could take place. (I do not mean violence).

Although in the past this space has been the stage for violence, one graduate student in political science saw the connection between the historical role and importance of this space and the current debate about regulations. He recognized that the Green has traditionally served as a public forum and that keeping the space 'public' has been a priority for students for decades. That history can not be ignored. "There's a historical tradition of these spaces being utilized I think it's very important when considering whether an institution has an obligation to keep them around". This same student brought home how the historical or, if the Court was addressing the issue, the traditional public forum status affects how we not only view the space but how our rights in the space are protected. This issue would be different if we were talking about some area that was created to be a forum. The College Green space has been part of the university since its beginnings in 1804. In other words, this is an *inscribed space* (Zick 2006b) with different layers of meaning. It is also the closest representation of a traditional public forum in the city of Athens.

A community member currently involved with United Campus Ministries recalled a time when, in 1987 while at Indiana University (IU), a protest among students successfully influenced the University to divest of its investments in South Africa. A shanty town was constructed on Dunn Meadow. This space was roughly the equivalent to College Green. Inevitably, demonstrations eventually wound up there. In the case of the shanty, the university was embarrassed by the spectacle. However, even though they

found it to be a public relations nightmare, the University still allowed the students to set up their blue tarps and houses made of cardboard.

Activists involved had conversations with the university to work out the limits of their actions. For example they were not allowed to have camp fires. But, in the end, they reached an agreement and both sides respected the place as a public space, "not just in terms of physical space but in terms of political, ideological, and philosophical space. You have to have these ideas out here. If we can't have them at this university, where can we have them?" The university (OU) is concerned that the Green is the front yard, or front door, of the campus. It is the showpiece. But why not show it all? Should protest events be an embarrassment? During the year of observations I wondered why the administration never thought to 'spin it' in a way that benefited the University by proclaiming that everyone mattered at OU - marginalized groups and all. Instead of ostracizing groups who need to use public space as their only means of entering the political discourse, the university could have celebrated the fact that they were open to dialogue – in whatever form it takes. During the last year there were only 4 or 5 events that warranted administrative attention. This was not a weekly occurrence (as it was in 1970) that seriously affected the 'aesthetics' of the Green.

Most, if not all, respondents acknowledged the fact that students used the public forum less now than they did in the 1960s-1970s. One respondent, a faculty member who has been at OU for 25 years, wondered what would happen if that space was taken away. Even if twenty years passed without having a serious demonstration, eventually an issue would be raised that became a serious problem that a lot of people began to feel the

need to speak about. "What happens then if it is not legal for them to do it, then the legal structures feel constrained to punish good people for doing their civic duty. So, it's hugely important to maintain the right to democratic free speech so as not to co-opt the judicial and police functions to set them at odds against constructive democratic action".

In the end, what is permissible? What is a good use of public space? This is a difficult question to answer but it seemed that the community could agree that the space should be open to a number of different uses. The main difference lied, however, in how each respondent saw the management of this multi-purpose space. On one hand, many felt that the space should be allowed to be more 'fluid' in the sense that, if a form of self-regulation (if we would call it that) followed a more natural, community-driven or community-defined set of parameters, the space could be open to more unmediated interactions. For example, if a group of students spontaneously held a rally during the lunch hour at the War Monument they could do so and the people who might be there could either watch or move. Most likely, the next day the quiet atmosphere would resume for lunch-goers.

On the other hand, administration (and others) wanted stricter control of the physical space by parceling off where certain interactions could take place. They believed this approach was the best way to balance multiple interests. Spatially, they addressed this as a property issue and found that certain behaviors were appropriate only in certain *Cartesian* zones. At the core of this lie competing conceptualizations of space. The administration prefers a Cartesian approach by placing physical lines delineating where certain actions take place – thereby compartmentalizing the actions of students.

This can happen here. This cannot take place there. While others conceptualize a space that is constantly changing in order to fulfill the needs of the community. This space is free and undetermined. It is not scheduled. It is fluid and addresses the need for a multi-purpose space in a different way. Paralleling Martin's (2007) work, by moving beyond treating this space solely as property to an acceptance that it could be a fluid and ever-changing space, in an abstract sense, the possibilities of creating a space where existing sociopolitical barriers could be broken becomes much more of a reality. Embracing a conceptualization of public space that moves beyond regarding physical spaces merely according to their legally constructed status as 'public' or 'private' (Martin 2007) could redefine how the college campus as a space and the university as an institution insert themselves in political discourse.

5.4 Does the Administration's Policy Restrict Speech

Apart from the different perceptions respondents had about the mission of the university and the function of public space as part of that mission, I wanted to examine how they felt about the specific speech zoning policies. Do the free speech zones really restrict speech activities? Does this Cartesian approach eliminate the potential emancipatory qualities of public space and thereby restrict 'access' to Lefebvre's *spaces for representation*, where movements can take off from? Can SDS students find and create a space that falls outside of what Merrifield (1993) called discursively constructed and dominant space – tied to the relations of the order in society?

The rules are put in place in order to have a predictable, organized way of doing things. An administrator not involved with speech policy-making did not think that the administration, in general, intentionally placed restrictions on the Green. This respondent saw it as a consequence of "running a business". She did not think the intention was to violate student's rights. "I really don't believe that motive is there. It's not malicious, it's not a motive to hurt people or not let them talk. I think it's a different way of organizing. And the byproduct or the fallout of that is [speech] gets compromised. But that's not the intent. I really don't feel that". A former senior administrator saw the policy as an appropriate way to orderly control the use of public space on campus. "I can't believe that any committed University person would want in any way to limit free speech".

The rules have created a "chilly climate" for free expression on College Green. The same community member who recounted the shanty story from Indiana thought that the administration would like to restrict speech – especially when that speech opposed their policies and programs. However, he stated, freedom is something that one needs to safeguard. We look around for people to try and take it away from us. The degree to which we resist is the degree to which we are free. "I think the SDS students risked a little bit and were a little bit freer as a result. They had consequences. They were pretty minor consequences. You know, they got a letter. What were the consequences? A letter! Waahhhhhh!"

Most faculty and administration agreed that the zoning rule was not a deliberate way for the administration to 'dam public speech'. In fact, a current senior administrator

very closely involved with the issue expressed that the administration did not place restrictions on speech. He reminded me that they do not regulate protest. If you are a registered organization you can have access to all 22 zones. If you are not, the university makes two spaces available to you. Cutting through the rhetoric of free speech, one faculty respondent emphasized that the issue was more a question of the right to assemble than it was the right to speak. What has been regulated is who can use the space, not what they say. SDS was threatened by the administration because they were not a registered group. In fact, only 50% of the student body is a member of a registered group. Therefore, the policy limits access to all areas of the public forum to 50% of students. That 50%, when given no other alternative, needs to find a space outside of the discursively constructed spaces of authority. This puts students in a predicament where for groups to exercise their right to use public space and exercise their freedom to assemble and speak, a defiance of the policy meant to 'secure' these rights must take place (Mitchell 1996b). This, I argue, is an extremely chilly speech climate.

Low and Zuniga (2003) describe how spatial tactical strategies like free speech zones are part of what Zick (2006a) calls the public order management system. The implementation of spatial regulations is a technique of social control. A political science faculty member who contributed to the year-long debate reminded me that these regulations are forms of social control. When the University regulates speech like this, the University is demonstrating its power over students. It is an assertion of its authority. "There is a notion that you can speak, but don't ever forget that there's some authority back here keeping an eye on you." In that sense it affects the educational mission of the

university. Interestingly enough, this professor saw something positive that has cropped up as a result of the regulations. Her sense was that the regulations gave rise to more speech and more constructive political discussion than there would have been last year without the zoning debate. She did not think the regulations were really restricting speech. Perhaps, then, as a byproduct of the SDS protests, the year-long debate proved to bring to the table the issue of First Amendment rights and responsibilities to campus.

The debate around free speech zones has, from the start, focused on the selective enforcement of the rules by the administration. Although many people felt that the restrictions were not egregious, what was disconcerting was the room for abuse in enforcement. By balancing multiple needs how does the administration discern what is most important to the good of the community? One student commented that the threat to arrest students using the War Monument space was quite a "chilling restriction". If the enforcement of the policy takes the form of arrests or even just threats of arrest, it creates a restrictive environment. This student noted, however, that for day to day expression by students the policy has very little restriction. Where it has an effect is on any impromptu or spontaneous events like the November vigil. By far the SDS protests attracted the most attention from police and administration on the Green.

Some respondents were not opposed to zones where certain things were allowed to happen that would not happen elsewhere. A professor on campus for 40 years supported the idea of a speaker's corner – not in the regulatory sense but as a 'fun' way to engage fellow students. For him, this was better than the notion that "I'll do this where I damned well please. Who the hell are you to tell me I can't. Who are you to tell me

what is a University academic activity and who is to tell you whether it is more important that a Shakespeare class is interrupted by my bullhorn or what my bullhorn has to say".

Within the framework of Cartesian conceptualizations of space, where certain activities are deemed appropriate in actual material places bounded by lines, the restrictions seem to have, at most, a chilling effect on the use of the public forum as a stage for the exchange of political and social ideas. Most interviewees saw the restrictions as minimal but did not agree with selective enforcement. In a Lefebvrian framework, where the fluidity of actions in space is paramount, idea exchange under the current regulation is limited, and I argue, in a serious way, by restricting the potential transformative and emancipatory communication between human beings. Theoretically this zoning policy, if enforced at all times, eliminates the possibility of chance encounters (groups) and therefore is one tool the administration's uses in their exercise of total social control. But, in this study, two things needed to be examined. First, which I mentioned before, was how the day-to day events were, perhaps, more productive in facilitating exchange. Michel deCerteau (1984) reminds us of the power of the small, everyday *tactics* when countering the hegemonic influences in our daily lives. I argue that most of the tactics, or subtle actions subverting the regulation, I witnessed on the Green were not necessarily directed tactics but actions stemming from ignorance of the rules. These tactical activities occurred on many occasions. Second, and maybe most important, is the elephant in the room – do students today actually use the public forum as a platform to achieve their political goals? In the next section I make it clear that they do not use the

space. But when addressing the 'shrinkage' of the forum we need to analyze the lack of use.

5.5 Is College Green Used to its Full Potential as a Public Space?

In order to continue to gauge how the community felt about the rules restricting interactions I asked about how they felt the Green was being used. Did respondents feel that the Green had much more potential as a public forum? The interviewees generally felt that the College Green space could be used more to encourage a sense of community – not only with the university but the greater Athens community as well. Generally, respondents felt that the Green was used plenty and as much as it could be used. However, some respondents felt that the Green could be used much more as a stage for political and social events. Within the mission of the institution this space could redefine how, or prove again that, the campus has a huge potential as a place for political discourse at different scales.

While everyone agreed that the space was used much more for political reasons in the 1960s and 1970s, one former senior administrator enjoyed the fact that the community used the Green as much as they do. "One group playing guitars and another group tossing Frisbee and another group walking dogs. And that's good." A former student-activist thought that overall the Green was not being used to its potential as a place for interactions. However, he suggested that this was a function of a lack of student initiative to use it more than it was a formal administrative policy leading to it being used less. The Green gets more use during the spring and fall months when the weather

permits. "When I was an undergrad here it seemed like more people hung out on the Green than they do now. I don't know why that change has taken place."

It is important to note that the community sees this space as multi-functional and that the exchange of ideas is not limited to political rallies. Another former student-activist commented that he did not see as many activities as he would like to see on the Green. He mentioned, though, that it goes beyond just rallies - that it is nice to see professors having classes there, discussion groups meeting out there and seeing people handing out literature and public speaking. "I think all of that is very positive and integral to the kind of education the University would at least give lip service to saying it supports. I would like to see College Green much more utilized for that purpose than it is now".

Interaction between the greater Athens community could match very well with educational mission of the University. Unfortunately, the University makes little effort (besides the *Under the Elms* concerts) to encourage it. An Athens community member believed that the University could invite people to College Green by publicizing the space as an asset or a resource for the community – as 'the place' where things happen. "Having a space that is not only designated but proclaimed as that sort of forum or community resource is a plus".

It should be the mission of the university to make policy that actively encourages and celebrates that sort of engagement on the parts of students (and the greater community). A current member of the faculty also saw the potential of interactions in this space as part of the mission of the university. By challenging the Dean of Students to

encourage more student political demonstrations by allowing them to shift around as freely as they wanted to, this professor hit on the idea that protests and political engagements are part of the general educational mission of the University. Feeling that the Green was underused in this way, he was not willing to attribute it all to a restrictive University policy. Instead it has much more to do with the times and the relatively low levels of engagement with public discourse in the country.

The interviews certainly revealed different opinions regarding the use of the Green. Many interviewees believed that fewer people are using this public forum as a stage for political and social interactions. However, many respondents felt that the regulatory policy was not the main reason for the decline. A student not involved in the free speech zone debate believed that the Green was not used to its full potential. He agreed that it is used on a regular basis but the events are not that large. He attributed this to the students on college campuses these days rather than to the activists putting on events. "Large activities don't seem as well populated as they were in the 1960s and early 1970s. Of course we can have more presentations, more rallies, but ultimately for those to be successful you need people to be interested in them. Interest on campus for things like that has fallen off nationwide."

An active SDS member thought that the only part of the Green that was used enough was the Alumni Gateway itself where people are allowed to put up banners and set up tables. "But that's really just advocating – it's just like the capitalist way of getting attention or getting people together. They're always selling something. They're not exchanging ideas. They're like come to this and it cost $5." She agreed that it should be

more about the exchange of ideas and a dialogue between students about what is going on a variety of scales. "I don't think they know or even care that there are these rules. They don't realize that it's strange that it has to be like that."

This student's point was one of the most insightful comments I found through the interview process. What do twenty-year olds know about the public forum and their rights of access to public space? Scholars (Kohn 2004; Mitchell 2003) have addressed the privatization of public spaces in the US during the past 50 years and its consequences on our democratic processes. What I argue is that someone growing up in an age where this public space, or specifically, the legal public forum, has been shrinking (due to privatization and other factors) that their limited knowledge of that space and of their rights to access it both undermine their ability to enter the public sphere to participate in it and seriously affect the evolution of US democracy. The campus public forum is only one example. Echoing the comment from the SDS activist I argue that students are not familiar with their rights, as citizens, to access and use the public forum. As part of my original survey, 55% of students responded (n=1885), when asked if they were "familiar with the current debate here at OU concerning 'free speech zones' or 'reservable spaces' for expression" that they were *not* aware. Most students I spoke with who were not involved in free speech protests saw no problem with a reservation system. In fact, one student commented that waiting for a space would help eliminate "useless, emotional responses" to issues (i.e. spontaneous protests) and thus encourage rational dialogue on campus. I found most people to be firm supporters of 'rational dialogue', but I still regard this reservation policy as a barrier, however small, to the ability and potential for

the student voice to affect change in our society. By limiting student movements (again, however small they may be) to Lefebvre's (1973) planned, ordered and controlled *representations of space*, restrictive policies undermine the potential for students to access the all-important *spaces for representation* where they can insert their claims in political discourse.

While the Green has been utilized less in recent years, its importance to the University community has not been diminished. It is still a place for students. One student involved with rewriting the policy said that "it is used how it is used and the students could dictate that usage". In terms of policy he commented that there is an antiquated notion, the idea that an institution of higher education follows some egalitarian ideals, completely different from all other institutions, where some greater conversation takes place to make us better people. Although he expressed hope for such a place, he felt that the people that are actually running institutions have not thought that for a long time. That said, this respondent still believed that the space was there for the students' taking. Whether or not students followed the mandates of the policy, groups (marginalized or not) have taken this space when they needed it. After all, SDS students were never arrested or expelled from the university.

Perhaps the nature of the Green has been evolving over time. On campus since the early 1970s, one senior administrator celebrated the fact that the Green is used by the mainstream of the community.

> *[If] you go to a downtown park the only people that are there is everyone but the mainstream, there's homeless, there's poor, there's politically extreme. The community activity that attracts folks who, in a broad sense and not to be stereotypical, would be viewed as middle*

> *class citizenry from wide walks of life don't typically gather in public spaces in urban areas.*

These comments typify the administration's goal, under this policy, to create an environment that respects multiple interests. What seems more like an attempt at tolerance, the management of this space excludes groups whose ideas are on the fringes of what is deemed normal. Again, a more open reading of the space could allow for multiple interests to share it in a spirit of understanding.

5.6 Do Free Speech Zones Limit Interactions?

Students may be less active now than they were 30 or 40 years ago. But how much of a chilling effect do speech zones have on campus? Do the free speech zones restrict or limit the potential of social and political interactions on the College Green? A former senior administrator expressed that "to the degree to which it does that would be very sad." But he also commented that it makes good sense to regulate public space to insure that those "intrusive or abusing" uses do not affect the general population in a negative way. He was referring to riots and violence but, again, different people make different judgments about the 'intrusiveness' or 'abusiveness' of different uses. "For the same reason, heaven help us, if we traveled the streets without red lights and green lights."

By addressing the Alumni Gateway table space a former student-activist who graduated in 2000 thought that the policy, to a degree, limited interactions. He questioned how the policy tried to address the question of logistics – creating a reservation system for hanging a banner – while also managing how speech activities

occur. To this former student-activist these are two separate issues but are all lumped together in the policy. He suggested that the University separate those two things – the purely logistical concerns from the free speech issues. Doing so, he contended, would allow for a better examination of the usefulness and need for guidelines on the Green.

The idea that fewer interactions take place on the Green because of sociological reasons (i.e. students' lack of participation) became part of my line of inquiry as the interview process evolved. A community leader involved with UCM who maintains a high level of involvement with students did not think that the policy suppressed student initiative to use the Green for activities. Groups who are organized would take the necessary steps to reserve a 'zone' for an event. Student apathy may be more of a cause for less usage of the Green as a forum but the policy does not make it completely 'open'. While I could not measure what interviewees agreed was an increased level of student apathy it is interesting to note that regulations on campus space have, in general, become much more codified during the same time levels of use of the public forum have declined. There is no doubt in my mind that public order management systems have had a direct impact on how one perceives their right to access the traditional public forums. This change in perception, I argue, makes Cartesian zoning easier to get away with and easier to justify.

It is fair to say that all respondents believed in the potential benefits from interactions on the Green. However, each respondent saw that happening in different ways. One current senior administrator expressed that he hoped that the policy created no limitation on interactions. "Part of the education for college students is the

interaction, the very interaction you have with peers alike and not alike. That's the beauty of higher education." However, if certain interactions were disrupting the educational process, that would be cause for concern. "I think while I may not agree with someone or a group who is protesting, I certainly agree with their right to do it. And frankly it is part of the educational process that helps people see things differently, to debate issues. That's really the essence of college and higher education to me."

A senior faculty member saw the campus as one of the few places in the world where free speech, in general, is alive and well. He did not see any limitation and expressed that many of the discussions in classrooms would never happen in other institutions (i.e. corporate America). "We get away with murder. It's fun. That is what we are here for. I don't sense that there is some despotic power that is keeping [speech down]." Overall the community did not see that the zoning restrictions were severe. In the end, SDS reclaimed part of the public forum on campus by undermining the policy's ban on the use of the War Monument. Their protest events tested to see if the administration would publicly defend an unpopular, and perhaps unconstitutional, policy. Never did the administration take a stand on the zoning rules. No student ever got arrested. In the end, SDS students learned something about how marginalized groups must take the public forum to make themselves heard.

Lastly, a former senior administrator who wrote the policy agreed that it had an effect – but a *positive* one. He explained that the policy was written with the understanding that it could be tweaked as needed over time. The idea was for the space to be multipurpose and multifunctional. If people wanted to sit and read on the Green

they could do that. The idea of the policy was to make it so that the Green would not be "shut down to allow for the overwhelming use of the space for one purpose. There is a fine balancing of interests represented in public space. I think it comes back to this fundamental notion that stewards of public property are obligated to provide a framework that best balances the key interests. I think that's sort of our guiding". If the key interests were in some way countered by students' use of the forum it would be too convenient for administration to enforce their policy when they saw the need.

5.7 Has the Public Forum Been Shrinking on Campus?

While this question has been addressed by looking in depth at the evolution of speech policies in the last chapter, the following comments serve to add to that discussion. A student involved in the debate thought that the policy produced competition for various areas. Even though there are 22 different spaces that can be reserved (22 spaces equally distributed throughout campus) students wanting to hold a rally in a centralized point on campus were limited to 4 or 5 spaces now - Alumni Gate, Howard Hall, West Portico, Lindley and maybe Scripps Amphitheatre. Other than that, the other 17-18 spaces are superfluous if your intent is to reach a wide audience. They are outside of high traffic areas and are thus not suited for events which have as their main goal to attract attention from a multitude of people. So, yes, in those terms, the public forum has shrunken due to the implementation of a public order management system that relies on reservations from officially recognized groups to use a limited amount of space. Mirroring what McCarthy and McPhail (2006) stated about the

traditional public forum shrinking nationwide, places on campus where students can expect the greatest constitutional protection for their dissident messages are fewer than they were [40] years ago. But the idea that the material space is shrinking is only part of a dialectical process where student activism is in decline as well.

As mentioned above, the use of the public forum, in the material sense' has been in decline. A senior faculty member did not think the material space has been shrinking. He commented that it just has not been used as much in recent years.

> *Those spaces only get used when there are provocative issues that make them necessary and the University, in some ways, tries to provoke that sort of thing. When the moment is a crisis, when the social reality demands it then we use those spaces or we try to find ways….and when there isn't the dynamic to call for them then they may shrink because they shrink in our imaginations because we are not using them. But it is not some space planner who says, there aren't those spaces. It is also then true that when you do get, when the space expands for the sort of dialogue that you are talking about…in those days it expanded into the classroom where events in the world spilled over in the classroom and it was probably more of the younger ones of us who were wiling to do that than the older ones. That's natural. A lot of that space was then wasted with crap. Kids who just wanted to just sound off and talk were not very bright kids who were passionate but didn't have anything really to say and weren't about to read anything to try to shape their passion, either. So there are plusses and minuses all the time.*

By reclaiming the War Monument, I argue that SDS opened up and 'expanded' the public forum, enlarging it in their minds and on the cognitive topography of interested parties watching on. This space 'expanded' because of their actions. This process of shrinking can not be looked at solely as a product of speech policy. I argue that the forum has shrunken. But students have not used the Green for political goals as much as they did 3-4 decades ago. This fact is just as important in this analysis. Students need to force the issue and reclaim that space, make it expand again, in order to preserve it for the next group of students.

That said, faculty members need to take part in this process as they, too, are members of the university community. Interviewees remembered how professors supported the use of the forum more so in the past than they do now in the present. Faculty members sponsored sit-ins and teach-ins and were much more involved in the discourse on campus and beyond. A student involved in re-writing the policy criticized the faculty for not involving themselves in the process. The public forum, after all, is theirs, too. The forum is something to appropriate and, as the above quote suggests, it shrinks in our minds just as easy as it does on the material landscape.

It is interesting to note that this system of zoning has been implemented during an era of low political interaction. There are no mass demonstrations against the war like there were in 1969-1970. These zones would have been challenged (read laughed at) during the Vietnam era. The challenge against the zones has until today stayed out of Court. A resolution was drafted by the Free Speech Committee and subsequently passed (with minor revisions) by the administration and implemented in April 2008. Unfortunately, this might only serve to delay any real debate of the issue on a national level. Bringing this debate to a higher court would set a needed precedent on the issue,from which future speech policy might be informed.

5.8 Ideal Use of the Green

For the last question I asked what each respondent felt was their ideal use of the Green. I wanted to see after our discussion of the preceding questions how members of this community might decide how the space should be used. One former senior administrator recalled an anecdote from one of the handbooks published years ago where

the author said that he walked the College Green and described how the sense of history and brick walks really moved him – that it was "a place Socrates would have loved". Did he mean the agora? This space, he commented, should be (ideally) a place where people can meet, talk, debate, examine issues and explore. That said, "the presence of a College Green helps, at least in a small way, to preserve that very important forum".

The idea that this space has multiple functions gets interpreted in different ways. A current faculty member expressed that it should be used for however people want to use it.

> *I remember white haired Floyd, the unicyclist guy, there would be three or four guys out there learning how to ride unicycles and he's a juggler, too. There would be other jugglers and every once in a while they stretched a tight rope and worked on walking the tight rope. People playing Frisbee with their dogs and little kids running around, screaming and chasing squirrels. Lovers snuggling together. People listening to music and then when it gets down to serious business, and there is a need to talk about serious things or even stupid things like Brother Jed. Go for it. That is how communities function.*

Many respondents addressed the question by polarizing the need for quiet space on campus with the need for a public forum. One respondent, a current faculty member, commented that he did not see these two uses as being opposed to each other.

> *I would say that if you leave the space unregulated, 99.9% of the time you are going to have quiet picnic lunches and people playing Frisbee and hacky-sack and doing all that stuff. Every now and then you are going to have a group of students gather and they are either going to be small enough that's an amusement while you eat your lunch or they are going to be large enough that it's gotten to be a level of importance where your lunch should be disrupted. So I believe a public forum is a public forum.*

This approaches a more fluid conceptualization of the space – one that, I argue, is more open to the kind of dialogue students can take part in on the college campus. A current member of the faculty thought the Green should be used for what people want to

use it for. "That decision should be made pragmatically. No one should say what it is used for. It should just be used. And what happens, happens. And if it becomes disruptive then we stop it. Just put the space there and see what happens."

Again, the exchange of ideas in the 'public square' does not always take the form of political rallies. Two students not involved in political demonstrations felt that the space needs to reflect the diversity of the community. The Green is a "good venue for gatherings and for the purpose of that interpersonal fellowship." One thing that seemed strange to one of the students was the administration's position that opening up the Green to protests (and other events, too) would create an atmosphere where there would be endless protesting day in and day out. This student thought a balance would naturally happen and would be more in tune with the needs of the community. If there is something that people (citizens) feel strongly about there is a need for space where they can express themselves and people will hear it. Those who wish not to hear it can leave. The juggling of different interests, while it may be difficult, can be approached in different ways. To say that you are protecting the quietness is always excluding the rights of those who do want to protest or say something whereas if you leave it open both people have their interests protected because those who want to come protest, when they want to they could do that. When they are not, the other people who want to enjoy the quiet will be able to do so.

Administrators, in general, recognized the need to manage this multi-purpose space in a way that accommodates the needs of the community. I argue that balancing those purposes and needs is an undesirable task – one I would not want to take on myself.

Who decides which purpose is more important? On what grounds? How does the decision reflect the greater mission of the University? As far as the administration saying that it is more of a multi-purpose space, one former student-activist commented that administrators want to keep space quiet because "people like to eat their lunch there and they don't necessarily want to be disturbed. It is fine people should be able to eat but is that the primary educational goal of the University?"

By keeping the College Green space open to the possibility of more chance encounters administrators will take part in allowing students who wish to engage themselves in larger political or social conversations on campus access to the forum to do so. Regardless of the decline of student political engagement, maintaining a free and open forum for students is still extremely vital - even if it is not used. My interest in the topic has been to protect that space.

As McCarthy and McPhail (2006) suggest the traditional public forum is shrinking nationwide. Their analysis highlighted that the places where people tend to congregate has changed in the last fifty years. Maybe people will use the Green less in future years. But what will replace the Green as the new traditional public forum? How will it redefine the nature of political discourse on campus if, say, the indoor Baker Center venue replaces the open, outdoor space of the College Green? With the memorialization of the student voice on campus by the Class of 2005 gift, has the traditional public forum become memorialized, too? Is it something lost in the present but remembered for its role in the past?

CHAPTER 6 - CONCLUSION

> *There is no better incubator for democratic values than a university campus. For most of us, college is a practice field for the responsibilities and opportunities that come with living in a free society. Your campus is a haven of free speech and free thought, a collective meeting point for men and women of different attitudes, interests, opinions and aspirations. And it's a place where one has to learn how to strike a balance between the rights and needs of individuals and those of the larger community.*
>
> Hillary Rodham Clinton, Commencement Speech at OU June 1997

In his forthcoming book *The People Out of Doors* legal scholar Timothy Zick presents a powerful argument about the implications of speech regulation on college students. In most cases, he suggests, the college campus serves as the stage for many students' first experiences with issues of public liberty. Therefore, the campus, where, he argues, one encounters less and less space for social and political interactions, deserves special attention. What is the First Amendment lesson students leave with from their college experience? Campuses have served as a stage and starting point for social movements in the past. Does the parsing of the expressive topography on campuses undermine this potential in the future?

In this conclusion I explore the last of my research questions: if the College Green is the *genius loci* - the historic and symbolic center - of the University community, and specifically of the student voice, what might be the end result or effect its regulation has on students wishing to exercise their right to assemble and speak freely? In my estimation the administration's control over the use of the symbolic and historical center of the student voice (the Green) presents a dangerous future for the campus as a potential

center and staging ground for political transformations at both the individual and societal levels. By restricting groups to small zones for political events the administration seriously limits the potential of the college experience to, at times, be an unmediated marketplace of ideas. Parceling the College Green is just one way to 'divide and conquer'.

6.1 Public Liberties 101

On September 28, 2007 a dozen or so students from the Latino Student Union (LSU) met at the Alumni Gateway at OU to protest a recent "unreliable, offensive, thoughtless, unchecked, discriminatory and inaccurate editorial content in The Post, the student newspaper" (Ludwig: 1 Oct 2007). The editorial was a column written by a Post staffer published in September that likened the U.S. immigration policy to a house party where someone at the door was checking ID's. "Once they are in, these party crashers are bringing down the party. Jobs that once belonged to loyal, hardworking Americans now belong to this scum…The only solution is to stop letting people into our party…When will capitalism supercede fun, leaving the party no choice but to cheaply employ a Mariachi-playing maestro" (Yonker 2007)? The content of this editorial became a hot topic and was debated amongst the OU community – in classrooms and through the student and local newspaper op-ed sections. Some argued that the content was meant to be satirical (think Archie Bunker) while others saw it as blatant racism. Regardless of the position one takes (the author of the piece was not fired as many wished) the issue of free speech was at the center of it.

Students who showed up to protest the editorial were calling for the dismissal of the student-author. As offensive as the editorial was the author had protection under the First Amendment. Strangely enough it was the group of protesters at the Alumni Gateway that found themselves in a gray area for First Amendment protection. According to a protester I spoke with, an OU senior administrator approached the group and asked if they had reserved the Alumni Gateway table space for their event. The group had not done so. The group was in violation of OU Policy *24.016: Use of Outdoor Space on the Athens Campus* and was asked to leave. Use of the city sidewalk a few feet away was, however, under protection of the First Amendment and they were asked to move the 10 feet to that spot (See Figure 24).

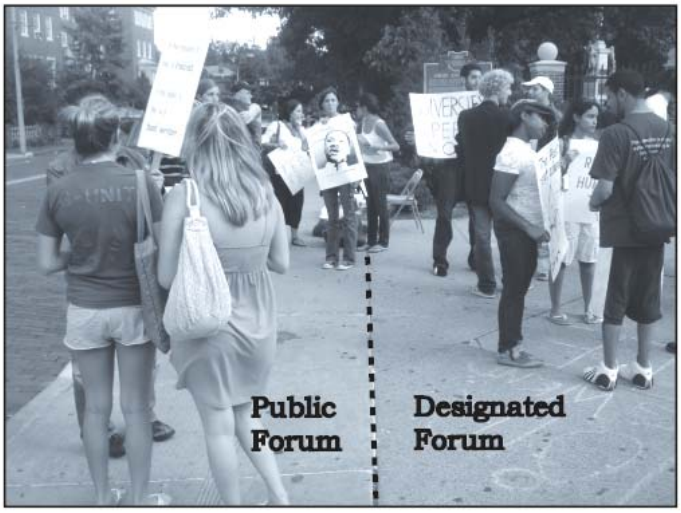

Figure 24. **The 'expressive topography' - the line between First Amendment protection and no protection** (Source: Photo by author).

That same afternoon just about 75 feet east of the gateway, at the Civil War Monument on the College Green, SDS students joined the College Democrats and

striking workers from Local 1699 of the American Federation of State, County and Municipal Employees (AFCSME). The demands of the protest included the abolition of the free speech zone policy, a re-writing of the Vision OHIO plan to incorporate more student input, and the re-hiring of 24 union employees recently laid off by the university (Ludwig 1 Oct 2007). OU senior administrators and OU Police were on hand to watch the event. Several police officers were stationed around the Green. The Chief of Police watched the rally but did not intervene.

After leaders from each group spoke from the elevated steps of the monument the group then marched to Cutler Hall to present their demands to the President. The Chief of Police met them at the front door[16] and "informed the crowd that the protest was un-permitted, but he had decided not to take any action to stop it because 'it wouldn't be prudent'" (Ludwig 1 Oct 2007). The Chief also mentioned that a room in the new Baker University Center was reserved for them to meet with the Provost if they wished to do so. The students took a vote and decided to march along to the Baker Center and waiting (already) was the Provost in Room 242.

The Provost's press conference-style reception[17] allowed the students to voice their concerns and state their issues in a neatly controlled forum, with police officers still on hand waiting outside the conference room (capacity 150). Students took advantage of the opportunity to address the issues of laid off custodial staff and the free speech zones.

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[16] This October 2007 protest sounds very similar to the February 2, 2007 Free Speech Zone protest. The students involved followed the same 'script' in both events – speech at the Monument, march to Cutler Hall, meeting with Police Chief, vote, march to Baker Center.

[17] The University has held similar 'Town Hall' meetings in the Baker Center that, in my opinion, resembled press conferences for the OU Administration rather than university-wide discussions and community debate.

While the Provost paid careful attention to each student's comments, no real policy changes were brought about by the debate. The major coup of the event for the students was to have an audience with a senior administrator. In speaking with some of the SDS students they realized that, without their demonstration and the attention they brought to themselves, they never would have had the opportunity to discuss the issues face to face with the Provost. However, the major coup of the event for the administration was that the dialogue took place entirely on their terms and in *their space*.

The students, although they volunteered to do so, were 'displaced' from their symbolic source of power – the Civil War Monument on the College Green. Not only in the course of the year long debate about free speech zones but also in the past the Civil War Monument, and College Green in general, has served as the power center for the student-activist voice. This space, I argue, is their *genius loci* – the place with most meaning for activists. Memorialized as such by the Class of 2005 plaque, the Green, until now, has been the focal point for student demonstrations and protests over the course of the last four or five decades. No one knows if that will change. Perhaps *the place* of protest will be different in 10 years. But, as history suggests, it will most likely stay on the Green.

By implementing spatial restrictions the administration has created a chilly climate for free speech on campus. The attention groups like SDS have brought to the issue helped create an atmosphere of reflection whereby students and faculty were engaged in debate over the necessity, legality and potential consequences of a public order management system. Through the interview process I attempted to cut through

much of the rhetoric that pervades the free speech issue. As a geographer I wanted to address the changing (shrinking) *expressive topography* on campus. Most, if not all, people I spoke with agreed with the sanctity of free speech. After all, it is a pillar of our democracy. But by looking beyond this issue as one of 'free speech' and instead, addressing it, spatially, as one of free *assembly*, or the *who* and *where* of speech (not the content), the picture revealed a different story. Mitchell (2003b) has argued that our focus needs to shift to this analysis.

The policy limits access to registered student groups who have faculty advisors. As mentioned earlier, administrators estimated that 50% of the student body belonged to a registered group. By reserving a block of time for the use of one of the 22 available assembly areas, these groups experience the most protection under the First Amendment, more so than any other students on campus. An individual has less recourse. For non-registered groups or individuals there were two zones where they had protection under the law. Most people agreed that the issue was more about assembly than speech. But many could not find justification to analyze the two rights separately. Time and again administrators stood behind their statements that they were not limiting free speech. In many ways they did not think they were doing so, at least in terms of content. Throughout the year-long debate no one ever pressed them to defend whether or not the policy protected the freedom of assembly – or *who* was allowed to protest *where*. As flawed as the policy may have been, it was someone's attempt at organizing and managing a public space to accommodate the needs of "a middle class citizenry" and not the "politically extreme" (his own words). This administrator's Cartesian approach to

parceling the Green was a total disregard to half of the student body and, through its selective enforcement, a tool to keep marginalized views off the Green.

Ohio University currently enrolls roughly 20,000 students. All students, to some degree, have limited First Amendment protection on campus. 10,000 of those students have even further limited access to the public forum due to the regulatory nature of the speech policy. As mentioned in the introduction students at other campuses nationwide have forced their respective universities to reevaluate their positions on speech zoning policies. Even with a downsized level of mainstream activism these spaces, and the protection of them, are still vital to maintaining a spirit of democracy within our most important institutions. Even at universities like UC-Berkeley which have been the staging grounds for national student movements in the past, restrictions have created a less than robust climate for expression. I argued in this thesis that more attention should be paid to lesser known centers of activism (like OU) to be able to assess the zoning issue, I hope, on a more generalizable level. Berkeley is an exceptional case. But because of this, it too deserves attention because the Berkeley campus is considered by so many to be the *genius loci* of all student protest in this country.

According to the US Census Bureau 15.9 million students were attending US colleges and universities in 2005. Other campuses have adopted similar restrictions to speech and assembly. Jumping scales then, if only 50% (to use the OU example) of the 15.9 million students nationwide enjoyed First Amendment protection for assembly on their college campus, nearly 8 million of them would be with limited or no protection. The 'protected' 8 million may very well be in danger of losing their expressive freedoms

as well. Throughout my field work I was constantly reminded of those 8 million without protection. Unfortunately, I cannot measure the impact this might have on our democratic institutions. I could only guess and say that what students learn on campus in Public Liberties 101 they will accept as a model for the rest of their lives.

Beyond the numbers, though, is the point I am making in this thesis – that the places of protest, at least at OU, have been re-appropriated by the university in a subtle and quiet way through the implementation of these policies. The creation of zones has put lines where no line existed before. With that has come an expectation that the space be used in an ordered and controlled way. Now more than in the 1970s, the climate could be summed up by the title of Father Jackson's memoir, "Go Back, You Didn't Say 'May I'" and perhaps with it, a return to *in loco parentis* doctrine.

In another event on the Green on May 11, 2007 students reserved the West Portico space for an anti-OU president rally where students and faculty expressed their concerns about the administration and its vision. Another rally was taking place simultaneously at the reservable Howard Hall space across Union Street, visible from the Green. Aware of the event for days, that morning administration officials called leaders from both camps in to discuss guidelines for how the rallies would take place. That afternoon both groups took their places in their respective zones and began their events – one calling for the resignation of the President and one in complete favor of his policies. Shortly after, the pro-president group, with the permission of the Dean of Students, approached the triangular free speech zone around the West Portico and lined up, with

their posters and signs, along the southern edge of the zone as a way to protest the anti-president rally.

Within minutes, after different students aired their opinions in this open microphone forum, the pro-president camp was asked to share their thoughts on the issues. As different students spoke from different camps and a dialogue developed, there was a sense that the forum was working. University administrators circled the area to watch and make sure things went smoothly. Later, one administrator expressed to me that the ordered and controlled way in which these two events took place was exactly the intention of the policy and would serve as a template for future events of this nature.

This arranged and ordered approach was conducive to an administration that wanted to keep interactions under control. However, this ordered exchange of ideas is only one way that people might debate issues or bring attention to injustices. Protests controlled in this fashion, in theory, keep students from accessing Lefebvre's *spaces for representation*. If the space is as highly controlled and monitored how could anything subversive (or not) stem from it and grow? This order eliminates the room for any dissenting alternatives and co-opts the counter-message by keeping the event within the administration's control. The students had appropriated this space in the early 1970s. But now it is the administration's space to lend out for a few hours when an appropriate group or 'public' asks permission to do so.

In the following photos (Figures 25&26) not only am I trying to show the fact that fewer students are using the public forum but that the space has been regulated in different ways. In the first photograph from 2007, we see the pro- and anti-presidential

rallies negotiating the boundaries of the designated West Portico forum. Notice the students in the background with posters and placards. They are lined up along the edge of the zone.

Figure 25. **2007 anti- and pro- OU President rallies at the West Portico space** (source: photo by author)

Figure 26. **That 'wonderful space' – 1970 rally at the West Portico** (source: Peter Goss Collection, Ohio University Archives, Mahn Center for Archives & Special Collections).

In what Fr. Jackson referred to as that 'wonderful space' the 1970 photograph shows, in the same West Portico lawn, much more participation and no real compliance with any spatial regulation. Students chose to use this West Portico space. It was not one on a list. No doubt there were some rules that these students were following but, as I have demonstrated in this thesis, it was not the strict circumscription of the public forum that is in place in 2008.

Imagine if the federal government decided to ban protest on The Mall in Washington, D.C. Or, better yet, if they decided to limit protest, as a form of political discourse, to a small bounded area near the steps to the Lincoln Memorial. The Mall is an inscribed place with such a symbolic importance to US democracy. This space is iconic. By placing strict regulations on its use, the government would be regulating how democracy works. I argue that the Green has been this space for the OU community and any strict regulation has serious implications on students who are learning to negotiate themselves through the public and private spheres. The college experience, for some, is a training ground for learning the rules of engagement of political discourse in the public sphere. Maybe the SDS students, amongst others, are learning what it is really like in the 'real world'. I stopped at times to reflect upon this notion – that this learning for them is invaluable. Without a doubt I saw their actions for their capacity-building potential, for students to consolidate their 'marginalized' views with other students and, not to mention, the quick course in First Amendment rhetoric. In the end, the OU administration's policy seriously affected how students and others (see Figure 27) could access the traditional space of public dialogue on campus.

Figure 27. **Preachers relegated to city sidewalk** (Photo by author).

6.2 Lessons and Final Thoughts

Throughout the fieldwork process I reflected about the different motivations for pursuing and conducting this research. First of all, I have never participated in protests or rallies. The closest thing I have done that resembles any overt political participation besides voting was perhaps when I organized a voter registration campaign as part of my undergraduate studies in Political Science. So, I do not feel a direct connection to the idea of protest or to protesters, in general. I do, however, have this very strong conviction that for democracy to function at its ideal best there needs to be spaces where the marginalized voice can be heard and where the flow of idea exchange is not regulated. Many times this requires material space. These are the places I am very

interested in studying how they function and maintain their accessibility to the public. And it is on campuses where this access to the public space, in my opinion, should be most protected and encouraged.

Furthermore, my interest lies in inscribed places. When I first walked on the Green I sensed that it had some higher purpose in uniting a community. I admit I may fetishize the plazas, greens and squares for their potential and possibilities. But these spaces have served as the traditional public forum in the past. When I saw that OU was promoting the newly constructed Baker University Center as the 'heart of campus' I questioned not only how they thought they could build the 'heart' but why they would steal that designation (however unofficial) from the College Green. I wanted to know if it was possible to reinvent the genius loci. And, most importantly, how might this redefinition affect how the Green was used as a central gathering point – a place outdoors where students could exchange ideas outside of the confines of classroom 'political correctness'. Where will the new 'student space' be if the Green is so highly regulated and the new 'Student Center' does not have the word 'student' in it?

This research proved to be an interesting challenge as I, an insider to the OU community, navigated through administrative and faculty offices and with meetings with students in the Alden Library, the new Baker University Center and on the Green. The topic was engaging and the response from the OU community was excellent not only for the participant's interest levels in free speech but for their love of the College Green as well. I spoke with dozens of people and appreciated that they shared their thoughts with me.

One lesson I take from this research project is that I do not need to collect as much data as I did in order to analyze different group's perceptions. That said, in casting a wide net I was able to rely less on the theory and explore a number of minor themes throughout the fieldwork process. If I had not cast this net I might have disregarded, for instance, the archival findings related to the history of this place and how they relate to the competing understandings of the meaning of the Green and, in turn, how this affects policy.

I think future research might address and analyze how the perceived level of access to the public forum has shifted in the minds of 20 year-olds in the last 50 years. I think that, although I demonstrated in this thesis that the material forum has shrunken, the perceived accessibility of the forum is a better measure – more nuanced, perhaps, and revealing. How would this perceived shrinkage affect our ever-evolving American democratic experiment?

I also would revisit a respondent's comment about how this policy is just a consequence of 'running a business' and not a deliberate silencing of the student voice. Scholars (Readings 1996) have commented on the corporatization of the US university where the "overall nature is corporate rather than cultural" and "whose functions (products?) is the granting of degrees" (Readings 11). This shift as well as the changing position of the university as an institution in US society may help illuminate reasons for restrictive speech policies as well as reasons for a very silent objection to those restrictions.

College Green is seen as a post card image for alumni, students, parents and visitors to enjoy. It is the 'front yard' of campus and should best represent the University and "present a view to the passing traveler, calculated to impress him favorably toward literature, taste and advantages of the Institution" (Hollow 2003, 28). The Green is 'our brand'. This corporate mentality of producing a brand has an effect on policy making. Financial decisions have become more and more complex as the public university becomes ever more privatized. Administrators need to balance different interests when trying to finance and run an institution of higher learning. Image and brand are more important now. There is no doubt in my mind that this informs speech and assembly policy. More research and analysis of this might prove fruitful.

As a final note I want to revisit Martin's (2007) work on the divestment shanties. As a potential space for serious political engagement, the campus has proven in the past to influence and precipitate actions which led to global changes. In the photo below the shanties are placed on Dartmouth College's College Green. Even though the shanties went against the notions of what was proper, not only at Dartmouth but elsewhere, the use of the campus space affected university investments in Apartheid South Africa. If the campus space has such potential, do free speech zones take away this ability of students to engage in global political discourses? And what effect does this have on the global community and *the infinite possibilities of democratic interaction*?

***Figure 28*. The possibilities. Shanty Town on Dartmouth's College Green** (Photo: Dartmouth College Library, Rauner Special Collections)

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APPENDIX A - OHIO UNIVERSITY POLICY 24.016:

Use of Outdoor Space on the Athens Campus (Approved on June 30, 2006)

Purpose

This policy provides guidelines for use of outdoor spaces on the Athens campus and ensures that activities may be held on the campus in a manner that does not disrupt the operations of the University. It provides guidelines for use of:

Alumni Gateway Table Space
Alumni Gateway Banner Space
Aquatic Center Picnic Grove
Emeriti Park
Emeriti Park Overlook
Howard Park Program Space
Howard Park Table Space
Lindley Park
McCracken Basketball Courts
McCracken Field
Morton Field
Oasis Table Space
Ridges Auditorium Lawn
South Green Amphitheater
South Green Basketball Courts
South Green Volleyball Courts
Stocker Picnic Grove
Tailgreat Park
Walter Hall Lawn
West Portico of Memorial Auditorium
Wilhelm Amphitheatre
Wolfe Garden

Plan

Ohio University will allow registered student organizations and University departments the use of certain outdoor spaces on the Athens campus for activities that are not disruptive to any University activity and meet the guidelines noted herein for each particular location. Spaces other than those defined herein may only be used by special permission.

Ohio University will allow registered student organizations and university departments to display banners at the College Gate, subject to the provisions herein.

Ohio University designates the West Portico of Templeton-Blackburn Alumni Memorial Auditorium (the concrete area immediately adjacent to the west side of the auditorium and the adjacent grassy area that falls within the triangle formed by the two closest brick walkways) as the location on campus where any person or group unaffiliated with Ohio University may speak or distribute information, subject to the provisions that follow, including that the activity is not disruptive to any University activity.

Ohio University will allow protest and other expression as guaranteed by the Constitution of the United States at or near programs, events, or other activities on its property so long as such protest is not disruptive to any University activity.
It is the responsibility of the Director of Baker University Center to administer the provisions of this policy and procedure in consultation with and with the assistance of appropriate administrative officers.

Ohio University reserves the right to place reasonable time, place, and manner restrictions on any activity conducted on the campuses of Ohio University. Any questions or concerns about this policy should be directed to the Director of Baker University Center. Misuse of or illegal conduct on Ohio University property may result in the loss of use privileges, referral to University Judiciaries or prosecution under applicable laws.
In addition to the general policy statement here, specific policies and procedures apply to each site, as delineated below.

All food uses must comply with relevant Office of Environmental Health and Safety policies and procedures.
All income-generating activities of student organizations must comply with relevant policies and procedures of the Office of Student Activities and the Office of the Bursar.
The Director of Baker University Center in consultation the Vice President for Student Affairs and affected departments may grant exceptions to any provisions of this policy and procedure. Decisions to grant or deny exceptions may not be based on the content of the proposed activity, nor on the viewpoints advocated by the participants.
Use of alcoholic beverages is prohibited at the sites delineated below, except in accordance with Ohio University Policy and Procedure 24.001, "Alcoholic Beverages on University Property and in Fraternity and Sorority Houses."
Any proposed commercial activity will be limited to Baker University Center and be consistent with Baker University Center policies and procedures.

Policies and Procedures

I. Overview

A. Application Process

Those desiring to reserve a space covered by this policy should review the guidelines for use of each space and then apply to the Baker University Center Administration Office, using the Outdoor Space Reservation Request Form. The information provided on the form must specify the following:
A detailed description of the activity that is proposed.
Beverages and food to be served or sold.
Equipment to be utilized (chairs, tables, platforms, food service, etc.)
Set-up and clean-up procedures and timetable.
Date and time of event.
Organization sponsoring the event.
Name, address, phone number, and email address of a contact person.

Those desiring to display a banner at the Alumni Gateway (also known as the Campus Gate) should review the guidelines for use of that space and then apply to the Baker University Center Administration Office, also using the Outdoor Space Reservation Request Form. The information provided on the form must specify the following:
Dates requested.
Organization sponsoring the event.

Name, address, phone number, and email address of a contact person.

B. Sound Systems

For the spaces below that specify that a sound system "may be used with permission, subject to the standard restrictions," those restrictions are as follows:
The sound system may be used only during the hours of 12 - 1 p.m. and 5 - 7 p.m. Monday through Thursday; 12 - 1 p.m. and 5 - 11 p.m. Friday; 12 - 11 p.m. Saturday; and 12 - 7 p.m. Sunday (unless other hours are specified for a particular space).
Such use must not interfere with adjacent University operations.
Volume must be limited so as to cover only the reserved space.
The director of Baker University Center or his or her designee (including officers of the Ohio University Police Department) will have sole discretion in determining the overall volume level of the sound system.

II. Alumni Gateway Table Space

The Alumni Gateway (also known as the Campus Gate) is the brick and stone archway at the corner of Court and Union Streets. Table space is on the concrete walkway, in front of the bushes on either side of the archway, but not blocking the center archway.
Use of the Alumni Gateway is restricted to activities that are small in nature and will not disrupt the flow of pedestrian traffic.
Space may be reserved for up to three consecutive days and for no more than six (6) total days per quarter per organization.
A maximum of two activities are permitted at any one time.
At no time shall passersby be verbally harassed, involuntarily stopped, or deterred.
No sound system is permitted.
No signs, equipment, or other items may be taped or otherwise attached to gate, bushes, trees, light poles, or permanent signs.

III. Alumni Gateway Banner Space

The Alumni Gateway (also known as the Campus Gate) is the brick and stone archway at the corner of Court and Union Sts. Two spaces are available for banners, one located on either side of the central archway.
Banner space is available subject to approval, on a first-come, first-served basis through the Baker University Center Administration Office. Banner space may be reserved for no more than three (3) consecutive days and no more than six (6) days per quarter by any one organization. Banners can be no larger than 36" high and 48" wide. Blank banners can be obtained from the Baker University Center Administration Office. Banners must be received by the Baker Center Information Desk no later than 8:00 am of the day of the reservation. Baker Center staff will hang banners by 9:00 a.m. of the day of the reservation. Nothing may be otherwise fastened to the Gate, bushes, light poles, or permanent signs.
Banners identifying a particular political candidate, party, or side of a ballot issue may not be displayed at this site. This includes student, local, state, and national elections. General statements encouraging participation in elections are permitted.
Banners that do not meet the requirements of this policy or that violate state or federal law are subject to removal.

IV. Aquatic Center Picnic Grove

The Aquatic Center Picnic Grove comprises the grassy area bounded by Oxbow Drive, the Aquatic Center, the Aquatic Center service driveway, and Parking Lot 134.
Use of the Aquatic Center Picnic Grove is restricted to activities that will not interfere with adjacent classroom, recreation, and office activity. Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.
A sound system may be used with permission, subject to the standard restrictions, stated above.

V. Emeriti Park

Emeriti Park is the space bounded by Oxbow Drive, South Green Drive, the Lower Grounds Maintenance Building lot, and the pond at the center of Emeriti Park.
Use of Emeriti Park is restricted to activities that will not interfere with adjacent classroom and office activity.
No vehicles or heavy equipment are permitted on this site.
Activities shall not impede pedestrian traffic.
Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.
A sound system may be used with permission, subject to the standard restrictions, stated above.

VI. Emeriti Park Overlook

Emeriti Park Overlook comprises the concrete and brick covered patio, overlooking the pond, at the north end of Emeriti Park.
Use of Emeriti Park Overlook is restricted to activities that will not interfere with adjacent classroom and office activity.
No vehicles or heavy equipment are permitted on this site.
Activities shall not impede pedestrian traffic.
Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.
A sound system may be used with permission, subject to the standard restrictions, stated above.

VII. Howard Park Program Space

The Howard Park (also known as Howard Hall Site) program space comprises the grassy portions of the open space at the northeast corner of East Union and College Streets.
Use of Howard Park is restricted to activities that will not interfere with adjacent residence hall, classroom, and office activity.
No vehicles or heavy equipment are permitted on this site.
Activities shall not impede pedestrian traffic.
Nothing may be attached to bushes, trees, brick walls, light poles, or permanent signs.
A sound system may be used with permission, subject to the standard restrictions, stated above.

VIII. Howard Park Table Space

The Howard Park (also known as Howard Hall Site) table space is the brick-covered space at the southwest corner of the lot at the northeast corner of East Union and College Streets, in front of the low brick wall and adjacent to the public sidewalk.

Use of Howard Park table space is restricted to activities that will not interfere with adjacent residence hall, classroom and office activity.
Space may be reserved for up to three consecutive days and for no more than six (6) total days per quarter per organization.
Activities are restricted to the small brick area at the corner of College and Union Streets and shall not impede pedestrian traffic.
Nothing may be attached to bushes, trees, brick walls, light poles, or permanent signs.
No sound system is permitted.

IX. Lindley Park

Lindley Park is the space bounded by Lindley Hall, the alley on the east side of Bentley Hall, and the public sidewalks on the north and east sides of the park.
Use of Lindley Park is restricted to activities that will not interfere with adjacent classroom and office activity.
No vehicles or heavy equipment are permitted on this site.
Activities shall not impede pedestrian traffic.
No sound system is permitted.
Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.

X. McCracken Basketball Courts

McCracken Basketball Courts comprise the paved courts behind McCracken Hall.
Use of McCracken Basketball Courts is restricted to activities that will not interfere with adjacent residence hall, classroom, and office activity.
Priority scheduling of McCracken Basketball Courts shall be provided to Campus Recreation.
No vehicles or heavy equipment are permitted on this site.
Activities shall not impede pedestrian traffic.
Nothing may be attached to bushes, trees, brick walls, light poles, or permanent signs.
A sound system may be used with permission, subject to the standard restrictions, stated above.

XI. McCracken Field

McCracken Field comprises the grassy area north of (behind) McCracken Hall, bounded by Parking Lot 41, the Sculpture Studio, Parking Lot 43, and the paved set of basketball courts.
Use of McCracken Field is restricted to activities that will not interfere with adjacent classroom and office activity.
Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.
A sound system may be used with permission, subject to the standard restrictions, stated above.

XII. Memorial Auditorium West Portico

This space is defined as the concrete-covered portico and walkway area directly west of Templeton-Blackburn Alumni Memorial Auditorium and the adjacent grassy area that falls within the triangle formed by the two closest brick walkways.

A. University-Affiliated Persons or Groups

Use of the West Portico by persons or groups affiliated with Ohio University is restricted to activities that will not interfere with adjacent auditorium, classroom, and office activity and are consistent with the nature of the College Green.

Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.
A banner related to an event at this site may be temporarily affixed to the wall of the West Portico during the time of the event.
A sound system may be used with permission, subject to the standard restrictions, stated above.

B. Unaffiliated Persons or Groups

Use of the West Portico by persons or groups not affiliated with Ohio University is restricted to activities that will not interfere with adjacent auditorium, classroom, and office activity and are consistent with the nature of the College Green.
This space is available for use 10 a.m. - 7 p.m. Sunday through Saturday.
Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.
A banner related to an event at this site may be temporarily affixed to the wall of the West Portico during the time of the event.
A sound system may be used with permission during the hours of 12 - 1 p.m. and 5 - 7 p.m. Monday through Friday and 12 - 7 p.m. Saturday and Sunday, subject to the standard restrictions, stated above.
Reservations will be on a first-come, first served basis except that priority will be given to University Departments, registered student organizations, and other official University functions. Reservations of individuals or groups unaffiliated with the University may be moved to accommodate official University functions. In cases where the West Portico is unavailable due to other University operations, the University will designate an alternate site.

XIII. Morton Field

Morton Field comprises the grassy area bounded by N. McKinley Ave, E. Mulberry Street, Stewart Street, and Race Street. It sits between Morton Hall and Crawford Hall, in front of the "Front Four" residence halls.
Use of Morton Field is restricted to activities that will not interfere with adjacent residence hall, classroom, and office activity.
Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.
A sound system may be used with permission, subject to the standard restrictions, stated above.

XIV. Oasis Table Space

The Oasis Table Space is outside the Oasis Restaurant at the top of Morton Hill on University Terrace. The space is east of the public sidewalk and south of the restaurant, on the north edge of the brick Morton Hill walkway.
Use of the Oasis Table Space is restricted to activities that can occur at a single table of maximum 30" by 72" and will not disrupt the flow of pedestrian traffic.
Space may be reserved for up to three (3) consecutive days and for no more than six (6) total days per quarter per organization.
A maximum of two activities are permitted at any one time.
At no time shall passersby be verbally harassed, involuntarily stopped, or deterred.
No sound systems are permitted.
Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.

XV. Ridges Auditorium Lawn

The Ridges Auditorium Lawn comprises the grassy area bounded by N. Ridge Drive, E. Circle Drive, and Parking Lots 200 and 201.

Use of Ridges Auditorium Lawn is restricted to activities that will not interfere with adjacent Ridges Auditorium, classroom, and office activity.

Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.

A sound system may be used with permission, subject to the standard restrictions, stated above.

XVI. South Green Amphitheater

South Green Amphitheater comprises the concrete "stage" south of Nelson Dining Hall, in the corner of the area bounded by New South Green residence halls, and the adjacent grassy area.

Use of South Green Amphitheater is restricted to activities that will not interfere with adjacent residence hall activity.

Priority scheduling of South Green Amphitheater shall be provided to South Green Residence Life.

Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.

A sound system may be used with permission, subject to the standard restrictions, stated above.

XVII. South Green Basketball Courts

South Green Basketball Courts comprise the courts in the grassy area bounded by North McKinley Ave., East Mulberry Street, Stewart Street, and Race Street.

Use of South Green Basketball Courts is restricted to activities that will not interfere with adjacent residence hall activity.

Priority scheduling of South Green Basketball Courts shall be provided to (in order):

Campus Recreation

South Green Residence Life

No vehicles or heavy equipment are permitted on this site.

Activities shall not impede pedestrian traffic.

Nothing may be attached to bushes, trees, brick walls, or light poles.

A sound system may be used with permission, subject to the standard restrictions, stated above.

XVIII. South Green Volleyball Courts

South Green Volleyball Courts comprise the sand courts in the grassy area bounded by North McKinley Ave., East Mulberry Street, Stewart Street, and Race Street.

Use of South Green Volleyball Courts is restricted to activities that will not interfere with adjacent residence hall activity.

Priority scheduling of South Green Volleyball Courts shall be provided to (in order):

Campus Recreation

South Green Residence Life

No vehicles or heavy equipment are permitted on this site.

Activities shall not impede pedestrian traffic.

Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.

A sound system may be used with permission, subject to the standard restrictions, stated above.

XIX. Stocker Picnic Grove

Stocker Grove comprises the grassy area across the street from the northwest side of Stocker Center bounded by Oxbow Trail, Parking Lot 110, and the Oxbow Creek.

Use of Stocker Grove is restricted to activities that will not interfere with adjacent residence hall, office, or classroom activity. Priority scheduling of Stocker Grove shall be provided to the College of Engineering and Technology.

No vehicles or heavy equipment are permitted on this site.

Activities shall not impede pedestrian traffic.

Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.

A sound system may be used with permission, subject to the standard restrictions, stated above.

XX. Tailgreat Park

Tailgreat Park comprises the grassy area bounded by the Hockhocking Adena Bike Path, Richland Avenue, S. Shafer St., and the Visitors Center and Parking Lot.

Use of Tailgreat Park is restricted to activities that will not interfere with adjacent office activity.

Priority scheduling of Tailgreat Park shall be provided to Intercollegiate Athletics (for pre-football game activities).

Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.

A sound system may be used with permission, subject to the standard restrictions, stated above.

XXI. Walter Hall Lawn

Walter Hall Lawn comprises the grassy area bounded by sidewalks adjacent to the west side of Walter Hall.

Use of Walter Hall Lawn is restricted to activities that will not interfere with adjacent classroom and office activity.

Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.

A sound system may be used with permission, subject to the standard restrictions, stated above.

XXII. Wilhelm Amphitheatre

Wilhelm Amphitheatre comprises the brick-covered portico on the north side of Scripps Hall and the adjacent grassy amphitheatre seating area.

Use of Wilhelm Amphitheatre is restricted to activities that will not interfere with adjacent library, classroom, and office activity.

Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.

A sound system may be used with permission, subject to the standard restrictions, stated above.

XXIII. Wolfe Garden

Wolfe Garden is the park-like area enclosed by the low stone wall and located between Cutler Hall and Alden Library.

Due to its proximity to Cutler Hall, Alden Library, and academic buildings, the availability of this space is limited to activities which would not generate noise above conversational level.

Nothing may be attached to trees, bushes, benches, light poles, or permanent signs.

No sound system is permitted.

Reviewers

Proposed revisions of this policy should be reviewed by:

President
Provost
Cabinet
Vice President for Student Affairs
Director of Baker University Center
Director of Campus Safety
Director of Legal Affairs
Policy and Procedure Review Committee

Forms

The following forms are specific to this policy:

The "Outdoor Space Reservation Request Form" is available through the Baker University Center Administration Office.

The "Application to sell or use Alcoholic Beverages at Ohio University" form is available through the Baker University Center Administration Office.

APPENDIX B - WHAT IS THE CENTER OF CAMPUS?

SURVEY PROTOCOL

1) What category best describes your relationship with Ohio University?
    a) Faculty
    b) Staff
    c) Student
    d) Athens Resident
    e) Other (please specify)

2) How many years have you been attending or working at the University?

3) Where do you work or have most of your classes on campus? If you work at OU please give your office location. If you study at OU where is your department / where are most of your classes?

4) Where (on campus) do you spend most of your time outside of the classroom, workplace, and home?

5) What do you consider to be the functional center of campus? Please choose one of the following:

    a) Alden Library
    b) College Green
    c) Sport Fields
    d) Court Street
    e) Baker Center
    f) Ping Center
    g) Other (please specify)

6) What do you consider to be the symbolic center of the OU campus? (this might not be a place you frequent but best represents the image of OU). Please choose one of the following:

    a) Alden Library
    b) College Green
    c) Sport Fields
    d) Court Street
    e) Baker Center
    f) Ping Center
    g) Class Gateway
    h) Other (please specify)

7) In the future how often do you plan to use Baker Center?
    a) Daily
    b) Weekly
    c) Monthly

8) Have you ever wanted to protest or participate in a public demonstration on campus?

9) Are you familiar with the current debate here at OU concerning 'free speech zones' or 'reservable spaces' for expression that has been reported in the Post, the campus newspaper?

10) If you were to make use of public space on campus for a particular reason where would you feel compelled to go? What place seems most fitting?

11) How old are you?

12) Where do you live? Please give dorm or street name (not room or house number) for Athens only. If you live outside of Athens please give name of town/city.

APPENDIX C - INTERVIEW PROTOCOL

Start with explanation of project. See if they have any questions. Ask about their background:

How many years affiliated with OU?
Position at OU:
Involvement level with students outside classroom:
How often do you use the Green?

1) What do you consider to be the overall educational mission of the Ohio University, or any public university for that matter?
2) What do you think is the purpose of the College Green in the context of the overall educational mission of the University?
3) What do you know or think about what many have called 'the tumultuous period' in the early 1970s at OU?
4) What do you know of the history of the College Green, in general?
5) What is the history of the College Green as a public forum? How has it been used historically?
6) Are you aware of the current debate/restrictions? (Explain current restrictions.) Do you think the current rules/restrictions have an effect on the overall educational mission? Have the current restrictions affected you, and if so, how?
7) Do you think there should be restrictions beyond 'disrupting the academic mission' language?
8) Have you witnessed a shrinking or 'enclosure' of the spaces available for public speech activities?
9) Do you think College Green is used enough to maximize the possibility of public interaction? Is its potential met?
10) What do you think, has the administration placed restrictions on free speech on college green?
11) Do you think it is important to a campus, or city, to maintain and preserve public places where public speech is unmediated?
12) How do you think a place like College Green should be used?
13) Can you remember other instances when the 'proper use' of the Green was an issue?
14) How would you characterize the Green? How would you describe it to someone who is learning about it for the first time?

APPENDIX D - RESEARCH SCHEDULE

My research plan included five phases:

Phase I: (Winter - Spring 2007) Conducted background research on the nature of 'free speech zone' policy and surveyed the campus community for their opinions on the symbolic places on campus. This included informational interviews with key stakeholders.

Phase II: (Summer - Fall 2007) Conducted archival research to ascertain the history of the College Green and how it has been traditionally used as a forum by the University community.

Phase III: (Fall 2007) Engaged in interviews and organized and collected survey data from members of the University community. Also, I conducted participatory observations during the September /October period, as this was a "high-use" time period of the College Green.

Phase IV: (Winter 2008) Transcription, organization and analysis of data gathered during my fieldwork phase. I selectively combined information obtained from interviews, surveys and observations together with the data from archival research for data analysis.

Phase V: (Winter – Spring 2008) Writing phase of thesis.

APPENDIX E – INSTITUTIONAL REVIEW BOARD (IRB) APPROVAL

OHIO
UNIVERSITY
Office of the Vice President for Research

07E014

Office of Research Compliance
Research and Technology
Center 117
Athens OH 45701-2979

T: 740.593.0664
F: 740.593.9838
www.ohiou.edu/research

A determination has been made that the following research study is exempt from IRB review because it involves:

Category 2 - research involving the use of educational tests, survey procedures, interview procedures or observation of public behavior

Project Title: Finding the Center of Ohio University's Athens Campus

Project Director: Kevin Shane Fox

Department: Geography

Advisor: Jeff Ueland

Rebecca Cale 1/29/07

Rebecca Cale, Associate Director, Research Compliance Date
Institutional Review Board

The approval remains in effect provided the study is conducted exactly as described in your application for review. Any additions or modifications to the project must be approved by the IRB (as an amendment) prior to implementation.

OHIO
UNIVERSITY

Office of the Vice President
for Research

07E154

Office of Research Compliance
Research and Technology
Center 117
Athens OH 45701-2979

T: 740.593.0664
F: 740.593.9838
www.ohiou.edu/research

A determination has been made that the following research study is exempt from IRB review because it involves:

Category 2 - research involving the use of educational tests, survey procedures, interview procedures or observation of public behavior

Project Title: The Contested Spaces of Symbolic Places: Is Ohio University's College Green a Public Forum?

Project Director: Kevin Fox

Department: Geography

Advisor: Harold Perkins

Robin Stack 7/12/07

Robin Stack, C.I.P., Human Subjects Research Coordinator Date
Office of Research Compliance

The approval remains in effect provided the study is conducted exactly as described in your application for review. Any additions or modifications to the project must be approved by the IRB (as an amendment) prior to implementation.

OHIO UNIVERSITY
Office of the Vice President for Research

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A 07E154

The amendment, detailed below, and submitted for the following research study has been approved by the Institutional Review Board at Ohio University. Approval date of this amendment does not affect the expiration date of the original approval.

Amendment: Additions to original proposal necessary to allow for better data collection from wider sample; adding survey questions.

Project: The Contested Spaces of Symbolic Places: Is Ohio University's College Green a Public Forum?

Project Director: Kevin Fox

Advisor: (if applicable) Harold Perkins

Department: Geography

Robin Stack

Robin Stack, C.I.P., Human Subjects Research Coordinator
Office of Research Compliance

9/11/07
Date

APPENDIX F - INTERVIEW CONSENT FORM

Title of Research: **The Contested Spaces of Symbolic Places: Is Ohio University's College Green a Public Forum?**
Principal Investigator: Kevin S. Fox
Department: Geography
Federal and university regulations require signed consent for participation in research involving human subjects. After reading the statements below, please indicate your consent by signing this form.

Explanation of Study

Purpose of the research

I am conducting a study of the evolution of public forum on the campus of Ohio University (OU). Because of its historical and symbolic importance to the University community, I have chosen the College Green (the grassy square bounded by Union Street, Chubb Hall, Cutler Hall, and Templeton-Blackburn Memorial Auditorium) as my focus of study. I am researching the changes in its use by students and its regulation by administration. I will be comparing this regulation to other universities' policies as well researching its history and importance to the overall educational mission of OU.

Procedures to be followed

Upon agreement to be included in this study you will be asked to participate in an interview, where I will ask you 15 to 20 questions concerning the historical and current uses of Ohio University's College Green. It will pertain to its use as a public space and public forum. Some questions will deal with the issue of free speech on campus. The interview should take between 30 to 60 minutes to complete. With your permission, I would like to record the interview for transcription purposes. I will not record it without your permission. Your participation is strictly voluntary and you can decide to leave at any time without penalty. I would appreciate your participation in this study as it will assist me in understanding better the role of public forum in the overall educational mission of the public university.

Risks and Discomforts

There are few risks associated with your participation in this study. However, if you feel that answering a question might compromise your confidentiality, you may at anytime decline to answer, or you may leave the interview at anytime without penalty. Unless you give me your expressed consent to use your name in my paper for quotations by checking the first box below, your responses to the interview questions will be treated confidentially. If you do NOT want your name to be linked to your responses in resulting publications, please check the second box.

☐ **I hereby authorize the investigator to use my name in conjunction with my responses in any publication that may result from this interview.**

☐ **I DO NOT authorize the investigator to use my name in conjunction with my responses in any publication that may result from this interview.**

Benefits

Your participation in this study will help clarify some of the issues concerning public space, public forum and free speech on college campuses. The results of this study will add to a growing literature concerning the enclosure of public spaces by restrictive policies and its effects on the overall educational experience of college students. Your insight can help inform free speech policy at OU's Athens campus. This research may also serve other University communities that are facing similar issues on their campuses.

Confidentiality and Records

My thesis advisor, Dr. Harold Perkins, and I will be the only people with access to the responses generated in the interview. Data from this study will be published as part of my Master's thesis. It may also be submitted for journal publication. Your signing of this consent form will allow me to do so. *Be reminded – you do not have to participate. You can withdraw from this study at anytime for any reason. There is no penalty for withdrawing.*

Compensation

There is no compensation for participating in this study. However, I will be glad to pass on the results to this study upon your request.

Contact Information

If you have any questions regarding this study, please contact

Kevin S. Fox

102 Clippinger Labs

Ohio University

Athens, OH 45701

Email: kf195706@ohio.edu

Phone: (740) 593-1141

Or

Dr. Harold Perkins

105A Clippinger Labs
Ohio University
Athens, OH 45701
Email: perkinsh@ohio.edu
Phone: (740) 593-9896

If you have any questions regarding your rights as a research participant, please contact

Jo Ellen Sherow, Director of Research Compliance, Ohio University, (740)593-0664.

I certify that I have read and understand this consent form and agree to participate as a subject in the research described. I agree that known risks to me have been explained to my satisfaction and I understand that no compensation is available from Ohio University and its employees for any injury resulting from my participation in this research. I certify that I am 18 years of age or older. My participation in this research is given voluntarily. I understand that I may discontinue participation at any time without penalty or loss of any benefits to which I may otherwise be entitled. I certify that I have been given a copy of this consent form to take with me.

Signature_____ Date_____

Printed Name_____