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KNOWLEDGE ABOUT THE FIRST AMENDMENT?

**THE FIRST AMENDMENT:
HAVE COLLEGE STUDENTS RETAINED KNOWLEDGE ABOUT THE FIRST
AMENDMENT?**

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ABSTRACT

The goal of the research was to ponder a theory that college students did not know their First Amendment rights due to ignorance and lack of learning of the First Amendment from pre – college life. The research question to be answered was *Have college students retained knowledge about the first amendment?* As it turns out, the results show that college students do not know their First Amendment rights. The method used was a journalistic conversational approach. Through conversations with thirty-seven other college students it was concluded the confirmation of the theory. Most students were only able to list one right provided by the First Amendment being Freedom of Speech. Only a couple were able to answer all five correct rights with exactness. All the while very few people had exposure to the First Amendment before their college career. This sad prospect needs to change. The gap in the literature proved that there are no studies within this subject area pertaining to college students and First Amendment knowledge.

Keywords: First Amendment, college students, US Constitution

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INTRODUCTION

As the Founding Fathers completed the United States Constitution, many felt that several important freedoms were not included. The Amendments to the Constitution were written due to the need to address additional freedoms in the 18th century. These additions along with the Declaration of Independence was written to have set in stone freedoms with no changes being made. The First Amendment to the Constitution is meant to instruct what freedoms, primarily verbal freedoms, that are meant to prevent censorship and prevent the silence of certain things people can do. The First Amendment states:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” (U. S. Const. art. IV, § 1).

This Amendment provides the Freedoms of Religion, Speech, Press, Assembly, and Petition as a cornerstone of American democracy, and students, like all Americans, are entitled to its protection. Are students aware of their Constitutional rights?

American public schools are a “meeting ground of democracy and free speech” (Buss, 1988). Over the years a student attends public school in the United States, he/she is exposed to civic lessons incorporated into the social studies curriculum. Students begin to learn about the government around fourth grade and the learning progresses each year through high school. For example, *We the People, The Citizens, and the Constitution* is (U. S. Const. art. IV, § 1) an organization that offers a detailed curriculum to teach students about their First Amendment rights in elementary, middle, and high school. A study completed by *We the People* included 822

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program participants to 735 students in matching high school government courses. The students using the *We the People* curriculum scored higher in political knowledge.

The First Amendment is important for all Americans to know and to retain the rights it provides and the freedoms those rights give Americans. As a student progresses to college, knowledge about their First Amendment rights are important. College students have been taught about the First Amendment throughout their school years, yet, college students do not understand the freedoms the First Amendment provides.

This journalism capstone project will address the research question:

RQ: Have College Students Retained Knowledge About the First Amendment?

Ignorance truly is bliss after all. Now, that I have stated my theory, I will show you the blood, sweat, and tears I put into arduous searching and tearing through data and literature. Additionally, I looked at previous surveys about college students and their knowledge of the First Amendment. Reading the surveys helped me to author my own which attempted to glean data about what college students' knowledge base is about the First Amendment. That being said, the end product of my findings are the fruits that are the contents of this capstone project.

The purpose of this capstone project is to show the knowledge retained by college students about the First Amendment. of just how many students out of 26 students have retained their First Amendment rights information. I will also see how a potentially significant, yet dangerous action leads to this result. This action I speak, that is not retaining the lesson taught in grades 5, 7, and 11 in a United States Public School, will affect future children, and the future of the United States of America. So, read this paper if not as a college capstone, then as a warning.

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LITERATURE REVIEW

Pending college students may be aware of their First Amendment rights and should be cognizant of what behaviors might cross the line on a college campus. The college student may be unaware due to their lack of First Amendment knowledge. The First Amendment does not protect all behavior on campus. One part of the First Amendment is Freedom of Speech. Within college campus restricted speech like targeted harassment or threats may create a hostile environment. If the student does not know what their First Amendment rights entail, they may be subject to undue reprimanding. The Literature Review will illustrate how First Amendment rights change from high school to college.

One court case that is used as a benchmark for Freedom of Speech is *Hazelwood School District v. Kuhlmeier*. The court case illustrates high school students who knew their First Amendment rights and felt that their published articles should not have been censored from the school newspaper, *The Spectrum* (Administrative Office of the U.S. Courts, 1988). The principal of Hazelwood East High School deleted the pages that contained stories about peers' experiences with teen pregnancy and the impact of divorce. The students claimed that the school violated their First Amendment rights. Had the students not retained knowledge about the First Amendment, the students would not have deemed that the action of the principal may have been inappropriate in regards to censorship.

Another example of a student who retained knowledge about the First Amendment is noted in *Brown v. Li*. The thesis committee would not approve a graduate student's these because of content that was deemed objectionable (Martin, 2003). Here, we see Brown's knowledge of the First Amendment was retained because he felt that his rights were violated. Although the court ruled in favor of the censorship, Brown should be applauded for his knowledge.

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High school is a place to gain knowledge about many subjects. The First Amendment is an important to retain because in high school, students are a minor. Parents advocate for you to ensure the protection of your First Amendment rights. This is not the case in college. College students who are eighteen and older are considered adults and parents are unable to intervene without a Family Educational Rights and Privacy Act of 1974 (FERPA) waiver. FERPA is a law that governs access to educational information and records (U. S. Department of Education, 2018). As a student if you do not waive your FERPA rights upon entering college, you are the only person permitted to view your college transcripts, grades, speak to your professors, and defend yourself. So, the jump from high school to college means that a student is now advocating for themselves. Therefore, the college student should be fully aware of what their First Amendment rights are to protect themselves.

The gap in the literature is obvious. During the literature gathering for this research project, there were many peer-reviewed articles regarding specifically Freedom of Speech. However, there is virtually no peer-reviewed articles regarding whether college students were aware of their First Amendment rights. The researcher developed questions for conversations with college students to decipher whether the research questions was valid. The research intends to add to the literature by answering the following research question:

RQ: Have College Students Retained Knowledge About the First Amendment?

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METHODS

The methods for this research project came in two phases. Phase I included the systematic literature search for peer-reviewed and resources. Phase II included having conversations with my peers who are college students to determine whether they know their First Amendment rights. I constructed a survey to determine whether or not college students knew their First Amendment rights. The survey asked where they learned about the First Amendment in their childhood, be it middle school, high school, the media, or a mix of all possibilities.

The Methods for this study were conducted in two parts. For the purpose of this research, Phase I was a library systematic search for resources. The Purchase College Library was utilized. The research search was conducted using the Library database. Academic Search Premier was search for peer-reviewed articles using the keywords: First Amendment, United States Constitution; college students First Amendment rights; First Amendment rights; First Amendment knowledge, First Amendment ignorance. Additionally, Google Scholar was searched using the identical keywords. The searches produced 2 relevant articles from the Google Scholar search. Another search was conducted on WestLaw to find relevant First Amendment rights articles. Six articles were most relevant.

The second part of the Methods, Phase II was conducted through directed conversation with college peers through specific questions. The 37 peer participants were chosen from a pool of peers at a local suburban diverse public college approximately 25 miles from New York City. The peer participants were asked the same questions during a conversation about the First Amendment of the Constitution.

The following questions were asked of each peer participant:

Q1: *How old are you?*

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Q2: Please circle the rights provided by the First Amendment from the list.

Q3: Define the First Amendment in your own words.

Q4: How did you learn about the First Amendment?

Q5: If you did learn about the First Amendment, please provide any specific details about what you learned.

Q6: Presently I am enrolled in a public or private college?

Q7: What academic year are you currently in at college?

The responses were scripted and transposed to tables. Each peer participant was asked if they would engage in a conversation about the First Amendment to the US Constitution. The participants were told that this was voluntary and during the conversation they had the right to end it at any time. At no time were the peer participants subjected to physical harm, nor psychological distress or discomfort. The peer participants were told that their conversation responses would be held in confidence. The script would be locked in a filing cabinet in a secure location under lock and key.

RESULTS

The analyses focused on the 37-peer participant’s conversation about the First Amendment to the Constitution. Seven questions were asked based on demographics and knowledge about the First Amendment. The goal of this research is to answer the research question: *Have College Students Retained Knowledge About the First Amendment?* Using the information from the conversations with peer participants who have attained recognition as Juniors and Seniors in college, the result is 28 Seniors and 9 Juniors.

Table 1 has the results for the question *Q1: How old are you?* Of the 37 peer participants, all were over the age of eighteen. Only one of the peer participants did not acknowledge their age. The demographics for age was more varied than expected. The ages ranged from 19 to 60-years- old. Of those participating there were 24 peer participants between the ages of 19-23; 11 peer participants between the ages of 24 - 30; and 2 peer participants between ages of 53-60. There were no participants between the ages of 31 - 52.

Table 1

Q1: How old are you?

Age	Response Total
N/A	1
19	1
20	3
21	6
22	10
23	3
24	4
25	1
27	1
28	1
29	3
30	1
53	1
60	1

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Table 2 has the results for *Q2: Please circle the rights provided by the First Amendment from the list*. The list had the correct answers along with intended incorrect answers to see if the peer participant could choose the correct options. The options were: Freedom of the Press, Right of Assembly, Right to Bear Arms, Freedom of Religion, Right of Citizenship, Right to Vote, Freedom of Speech, Right to Petition, Right to a Lawyer, All of the Above, and None of the Above. The correct answers are: Freedom of the Press, Right of Assembly, Freedom of Religion, Freedom of Speech, and Right to Petition. Of the peer participants that answered this question, only 5 could choose the correct answer. I was shocked at the fact that only five peer participants were able to accurately choose all the rights of the First Amendment. Even more startling, only four peer participants answered all five rights correct and chose an additional response that was incorrect. Freedom of Speech was selected more times than any other option by the peer participants. The most startling was that four peer participants chose the All of the Above options. This implies that they had some knowledge of Amendments of the Constitution but were unable to delineate which ones were attached to the First Amendment. Freedom of Speech was chosen 11 times more than the other possible answers.

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Table 2

Q2: *Please circle the rights provided by the First Amendment from the list*

Choice	Response Total
Freedom of the Press	21
Right of Assembly	18
Right to Bear Arms	2
Freedom of Religion	16
Right of Citizenship	0
Right to Vote	2
Freedom of Speech	33
Right to Petition	22
Right to a Lawyer	1
All of the Above	4
None of the Above	0

Table 3 which can be found in Appendix A had Q3: *Define the First Amendment in your own words*. The peer participants were asked to define the First Amendment. The variation was extensive ranging from very specific definitions to very vague or admitting to having no knowledge of the definition. Peer Participant 35 has the most accurate definition saying: *Amendment guaranteeing what are deemed the most important rights of citizens - free speech, assembly, freedom of religion, freedom to protest and petition the government*. Peer Participant #2 knew that we have 5 basic rights under the Bill of Rights in the US Constitution. Although simplistic, Peer Participant 6 was vague but knew that the First Amendment gives us our *basic defined rights*. Peer Participant 28 admitted to not knowing the answer and admitted to guessing about Q2. Out of the 37 Peer Participants, 10 guessed only the right to Freedom of Speech.

To analyze the responses for Q4: *How did you learn about the First Amendment?* the Peer Participants were able to select any response that applied. Table 4 can be found in Appendix B Several Peer Participants learned about the First Amendment during various stages of their

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schooling. Middle School curriculum involving the First Amendment received the most responses at 25 Peer Participants. High School curriculum was chosen second coming in at 22 Peer Participants learning the information during this school year. One Peer Participant learned about the First Amendment while attending an International School. Additionally, 3 participants responded that they *really did not know anything about the First Amendment*. One participant answered that they learned about the First Amendment in all three levels listed within their school years.

Table 4

Q4: How did you learn about the First Amendment

Choice	Response Total
I learned it in middle school social studies	25
I learned it in high school social studies.	22
I learned about it in both middle school and high school.	15
I really don't know anything about the First Amendment.	3
I learned about the First Amendment on my own through reading.	6
I learned about the First Amendment through media.	9
International means	1

Table 5 located in Appendix B contains the conversation with peer participants reviewing the question: *If you did learn about the First Amendment, please provide any specific details of what you learned*. The peer participants answered the question very basically regarding the First Amendment rights knowledge. The answers were not directly answering the question posed. An

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answer containing poor knowledge was from Peer Participant #12, who said: *Just freedom of speech*. Of the participants, six were unable to answer Q5 showing that the participants did not retain knowledge of the First Amendment.

Table 6 contains the responses to the statement: *Presently, I am enrolled in a...* The option was public college or private college. Oddly enough all the students choose public college. The researcher was surprised at this demographic statistic because the conversations occurred on at a private college and a public college.

Table 6

Q6: Presently, I am enrolled in a...

Choice	Response Total
Private College	0
Public College	37

Table 7 contains the demographic breakdown of what college level the peer participants attained. The breakdown showed 28 seniors and 9 juniors.

Table 7

Q7: This is my _____ year.

College Year	Response Total
Freshman	0
Sophomore	0
Junior	9
Senior	28

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The results of the conversations show that the level of knowledge of the First Amendment is bleak at best. Many of the participants retained little knowledge from their school years prior to college. As the researcher, I venture to say that the peer participants were heavily lacking enough knowledge to be able to potentially protect themselves if need be should their First Amendment rights be challenged in college.

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DISCUSSION

The importance of having conversations with college peers about the First Amendment is not a question of simply knowing it but a question of being able to protect yourself. It is not something you should know for a show like *Who Wants to Be A Millionaire?* But knowing the First Amendment is something that has been given to us by our Founding Fathers as a fundamental right for our own protection. As a college student who does know his First Amendment rights, it makes very sad to witness the lack of knowledge. The lack of knowledge could be chaotic and potentially manipulative for the college student who leaving high school is thrown into self-advocacy on the college campus. If you do not learn the First Amendment in secondary school, you could be in a position in college where your rights were silenced.

A recommendation for the future generations is that schools should continue to teach the United States Constitution during the early school years. Repetition is important so that more advanced lessons should be taught during the middle and high school years. Students should be encouraged to attend extra-curricular activities that help to advance their knowledge so that through a lot of exposure will help to retain knowledge of the First Amendment in their long-term memory. Schools should have interdisciplinary courses that allow all the brain to be exposed to the First Amendment. For examples, songs, physical activities, intellectually stimulating scenarios, and library displays of books about the U.S. Constitution.

The last statement I will make about this to not sound like a broken record is this:

Learn your First Amendment rights and you will be 5 steps into being a leader or advocate, rather than a follower to a cause you may know nothing about or think you know something about, yet really do not.

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REFLECTION

Reflecting on the process of writing the Capstone, I must say that it was rather very time consuming. This took up a lot of hours for a lot of days in a lot of weeks. Yet, I have to add that it was somehow efficient due to the prescriptive nature of the writing. On the other hand, I would be remiss if I did not think it was difficult. The Capstone helped me to not only expect the unexpected, but to expect exactly what I would expect as well. I grew in knowledge and now know from writing this paper in the sense that I know now that college students truly do not know their First Amendment rights. I also gained the know how to improvise when there are not current studies on the subject in question.

One of the biggest challenges was getting started on the paper. A close second was finding sources where there was little available. The challenge and the knowledge gained made this journey all worthwhile.

Reflecting back on the process, I would not do anything differently. The Capstone writing was a great experience. I am looking forward to graduate school with the knowledge I have gained here at Purchase College.

APPENDIX A

Table 3

Q3: Define the First Amendment in your own words.

Peer	Definition
Participant	
1	The First Amendment protects many basic civil rights imperative to the functioning of the American republic. Some of these rights such as the right of assembly create other penumbral rights such as the implicit right of privacy created with the rest of the bill of rights.
2	The First amendment provides us with our 5 basic rights.
3	The First Amendment is the right to have freedom of speech.
4	The First Amendment and the Bill of Rights lists freedoms guaranteed by the constitution.
5	Basically, the right to practice whatever you want and say whatever, being that we live in what myself and others call a free country.
6	Our basic defined rights.
7	The First Amendment aims to protect the public from government abuses.
8	From what I remember the First Amendment outlines rights as a citizen like the bill of rights. They are rights that are not to be taken from you. Freedom of the press is to make sure citizens can report and investigate fairly so everyone can access information. Freedom of speech is so you can't be jailed for opposing government. Right to petition is a right to protest I think.
9	N/A
10	A list of rights given by the government to all. Not actually "free" because it contains some conflicts.
11	The First Amendment is supposed to guarantee that you have freedom of speech. You have the ability to see how or when it does not cause harm to

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- others. You are subject to believe in what you want and worship what you want.
- 12 Freedom of speech
- 13 The statement defends a citizen's right to speak freely and openly unfortunately threats have been co-opted by a bunch of assholes.
- 14 The right to be able to express your opinion or political views without putting yourself in danger.
- 15 Right to free speech unless it poses potential harm or harmful consequences.
- 16 Protection of rights granted to citizens.
- 17 Freedom to articulate or express ideas or concerns without fear of legal punishment (assuming the ideas / concerns do not directly threaten the lives of others).
- 18 Freedom of speech, religion, assembly, press and the right to petition. Explains what type of speech is protected for the press.
- 19 The freedom to speak your mind and practice what you believe in.
- 20 It's the freedom of speech.
- 21 Gives citizens the power to express thoughts, values, critique of the government. Protects the citizens from being censored by the government.
- 22 The right to free speech.
- 23 The freedoms of speech, verbally and physically.
- 24 Freedom of speech, allows U.S. citizens to openly speak their truths about a particular situation. The government, or any other citizen have the right to free will to say what they want.
- 25 I am primarily interested freedom of the press.
- 26 Grants freedoms including freedom of the press and freedom of speech. I think it says that "all men are created equal." What about the woman?
-

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- 27 The First Amendment - Freedom of Speech allows you divulge any information you would like. However, you cannot spread any information that can be considered slanderous, unless it is a fact.
- 28 I'm not sure. The answer above was a guess. The freedom to do something. So sorry.
- 29 The thing that stands out the most to me is freedom of speech. Though I know that's not the only right.
- 30 Being able to express any beliefs you have as long as no one gets hurt during the process.
- 31 Right to protect our freedoms of speech, press, and of freedom to peaceful assembly and religion.
-
- 32 Freedom of expression.
- 33 N/A
- 34 Freedom to have basic civil rights. Speech, press, gather, religion.
- 35 Amendment guaranteeing what are deemed the most important rights of citizens - free speech, assembly, freedom of religion, freedom to protest and petition the government.
- 36 The First Amendment is the right to have free speech.
- 37 Freedom of speech means one is able to vocalize their thought, feelings, etc., about whatever they want. The First Amendment allows everyone to be entitled to their opinions, but within this liberty are some limitations such as if a person were to shout a phrase that would cause a frenzy like danger, explosives, shootings, etc.
-

APPENDIX B

Table 5

Q5: If you did learn about the First Amendment, please provide any specific details of what you learned.

Student	Response
1	I learned about the text of the amendment, the importance of the rights, and landmark loses regarding the First Amendment.
2	I remember learning about the freedom of speech and freedom of press the most.
3	It is the first of many amendments that took place a long time ago.
4	I learned how and why it was made. The reason for each freedom.
5	I like to learn more about the amendments so I research them all on my own. I know its basic meaning.
6	That is our basic rights.
7	Freedom of speech applies to everything. There are rare exceptions called fighting words. The First Amendment is generally to protect citizens right to criticize government without fear of retribution.
8	I learned the Amendments briefly in both middle school and high school but specific details have not learned them well enough to give specific details.
9	I can't remember specific details.
10	It has one of the questions I studied for naturalization test.
11	I learned that you have the freedom to believe in whatever religion you want. You have the right to say what you want if it does not potentially cause harm to others. You can't go into a movie theatre and yell "fire". You'd get in trouble for that. If you get under arrest, you can remain silent and ask for an appointed lawyer.

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- 12 Just freedom of speech.
- 13 The breakdown of the rights previously listed.
- 14 I don't remember. I'm not sure what the first amendment is or if im correct about it.
- 15 Provides freedom of speech, but you cannot yell "fire" in a crowded area if it is untrue.
- 16 First Amendment is found in the Constitution and the Bill of Rights. It discusses what rights are protected from government interference.
- 17 I'm not entirely sure how I learned about the First Amendment. I just know school and media helped cultivate my understanding on the matter. Some prevalent examples include Law & Order SVU, Philip DeFranco (Youtuber) and rap lyrics.
- 18 I learned about clear and present danger, fighting words, hate speech. Type of speech that is protected for the press.
- 19 In my journalism class two semesters ago, we had to memorize word for word the First Amendment.
- 20 I really don't remember what I learned. I just know we went through things in social studies and you always hear the phrase "my First Amendment rights."
- 21 While learning about the First Amendment I have learned that cases involving the First Amendment are met with strict scrutiny of the courts to determine if violations have taken place. Laws which ban content or are aimed at the message of speech are at times unconstitutional.
- 22 I learned that the First Amendment involves the right to speak freely.
- 23 I took censorship in college and learned in middle and high school.
- 24 I studied the First Amendment right along with all other U.S. citizens Bill of Rights, and the Constitution.
- 25 There is no intelligent right to privacy in the First Amendment (or any specific Amendment). There are situations to all the rights. None are absolute.
- 26 I learned that Thomas Jefferson thought that a free press was more important than government. Freedom of the press serves as a necessary

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- check on government and is a basic pillar of american rights.
- 27 My teachers of the first amendment never really went in depth in a way that it would stick. I just remember what it is, not the specifics.
- 28 I don't remember.
- 29 barely anything aside from the fact that it exists and does not extend to shouting "fire" in a crowded movie theatre.
- 30 What i learned about the First Amendment was extremely brief. I need to go back and refresh my knowledge on all of my existing rights.
- 31 Same as question 3.
- 32 I learned about the First Amendment from the english class in my community college: through readings. We had to write papers about freedom of speech in some colleges (mainly readings were about appealing to abolish discrimination of black people.
- 33 N/A
- 34 Freedom of speech, religion, press, gathering, etc.
- 35 Why it is the first Amendment made, why the founding fathers made it encompass so many rights, how British rule made us need what what the founding fathers wanted to protect, and how it is being applied and interpreted today.
- 36 N/A
- 37 I learned that it is the right all Americans have to express whatever they want. However, i do feel that school did not provide students with the limitations. I learned more about that during high school and the beginning of my college career.
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