

The Nation

Free Speech Curbs Attacked at Another University

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(CNSNews.com) - Most of the nation's college students have already abandoned their campuses for the summer, but the battle for student free speech continues - highlighted by the recent lawsuit against Texas Tech University for restricting its campus "free speech area" to a small gazebo.

The Arizona-based [Alliance Defense Fund](#) (ADF) and the Texas-headquartered [Liberty Legal Institute](#) (LLI), two organizations dedicated to protecting civil liberties, are representing Texas Tech student Jason W. Roberts in arguing that the university's speech code is unconstitutional.

The lawsuit, filed June 12, criticizes Texas Tech's campus speech policy as "overbroad, vague and involving content-based and viewpoint discrimination," all of which, the suit alleges, served to "unconstitutionally restrict student speech."

Texas Tech has designated the gazebo, located next to the Southwest Collections Library, as the only "free speech area" on campus where administrative approval is not required to speak. Further restrictions include a six-day waiting period for a speech application to move through the appropriate channels.

In May, Roberts asked and was denied permission by the university to speak outside the campus bookstore and express his view that "homosexuality is a sinful, immoral and unhealthy lifestyle." He also wanted to pass out leaflets.

Liberty Legal Institute spokesman Hiram Sasser questioned whether someone wishing to voice his or her support for homosexuality would have met the same opposition from the university.

As quoted in the complaint, the Texas Tech Academic Facilities office in the Center for Campus Life initially denied Roberts' request, saying: "The use of University grounds, as stated in the University policy, is encouraged for activities which are intended to serve or benefit the entire University community. It is the view of the committee that your request is the expression of a personal belief and thus is something more appropriate for the free speech area (the gazebo)."

On appeal, Roberts was granted permission to speak. However, he had to move across the street from the bookstore.

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Thor Halvorssen, executive director of the [Foundation for Individual Rights in Education](#) (FIRE), accused Texas Tech officials of "insufferable hypocrisy" and for being part of the generation of university officials who previously fought for freedoms of speech, but "now in power, seek to restrict the powers of this generation."

This year alone, FIRE has challenged speech codes at Shippensburg University in Shippensburg, Pa., and Citrus College in Glendora, Calif., having already convinced the latter to abandon its code.

"These speech codes all seek to control the content of your speech, and when that is not enough, they (university administrators) seek to control the location of the speech," Halvorssen said.

The Texas Tech code, which prohibits speech that might "intimidate" or "humiliate" another person, is also being criticized in the lawsuit for being vague and for giving university administrators too much discretion in judging what constitutes a violation.

The problem with speech codes like the one at Texas Tech is "in the way these things are drafted," said ADF attorney Kevin Theriot. "They're drafted so broadly, and when it comes to free speech, you've got to draft any kind of legislation very concisely and use the proverbial surgeon's scalpel instead of a machete."

Students must also have prior permission to distribute any printed materials in virtually all areas of campus.

Donald Downs, a University of Wisconsin professor of law and political science, noted that campus speech codes are losing their popularity and that advocates of the speech codes "are clearly on the defensive."

Texas Tech University's vice chancellor for news and public affairs, Cindy Rugely, admitted Thursday that prior to the lawsuit, university officials were looking at revising the Student Affairs Handbook, the source of the speech code, for the upcoming school year.

She also said the university "will be adding five new areas for this free speech area." They will be called "forum areas" and not "free speech areas."

Repeated attempts to obtain comment from Texas Tech University Chancellor David R. Smith regarding this story were unsuccessful.

Downs said universities continue to implement various speech codes because "they're so concerned with having the proper campus climate to protect the sensibilities of groups.

"The principles of liberal education and freedom have been marginalized by other kinds of agendas," he said.

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