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Educ. Advocacy Group Finds School's Excuses for Censorship Attempt Suspicious

By Jim Brown
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(AgapePress) - The University of California at Santa Barbara (UCSB) has backed down from an attempt to prohibit a critic's expression of dissent. UC's legal counsel has announced the school will no longer pursue legal action against a website that points out problems on its campus.

The university recently threatened parent James Baron with criminal sanctions if he did not remove the university's name from his website -- "www.thedarksideofucsb.com" -- through which he accuses UCSB administrators of responding poorly to security problems and a high crime rate on the campus. However, an academic freedom and civil liberties advocacy group came to Baron's defense.

According to David French, president of the [Foundation for Individual Rights in Education](#) (FIRE), UCSB was relying on a blatantly unconstitutional California law that makes it a crime to use the name or initials of a university, even in a protest. He says the university administrators claimed they "feared that someone would think thedarksideofucsb.com was an official UCSB website -- although that's ridiculous."

Obviously, French says, a university would hardly create a website such a name as "The Dark Side" of that very university, so he has doubts about the UCSB officials' justifications for their actions. "In reality we believe they were just simply attempting to stifle this person's expression," he says.

FIRE sent a letter to the school on James Baron's behalf, warning the administration against violating his free-speech rights. However, the same day the civil rights group sent its letter, the university dropped the matter, deciding not to seek criminal sanctions against the dissenting parent after all.

French feels the UCSB administrators knew they were on shaky legal ground. "I think the school decided to back down because they realized that they were threatening this individual under an unconstitutional law and if they persisted in doing so, the law would be struck down in court," he says.

In a letter to FIRE, an attorney for the university claimed that UCSB officials decided not to pursue the matter further, having determined that Baron's website "does not at this time pose a potential for confusion that the site is affiliated with the campus." The letter also alleged that misuse of the campus name occurs fairly regularly, and that had been the administration's reason for concern.

However, French suspects the university chose to back away rather than risk seeing the law on which its initial complaint was based struck down in court. According to FIRE research, courts have already determined that so-called "cybergripping" websites, which are often dedicated to criticizing businesses and may use the businesses' names or trademarks, are usually to be considered constitutionally protected speech.

Jim Brown, a regular contributor to *AgapePress*, is a reporter for [American Family Radio News](#), which can be heard online.

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