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NEWS

Law student sues Texas Tech over free speech zones

Plaintiff claims First Amendment rights were violated by university

By Delaney Hall (Daily Texan Staff)
 June 13, 2003

An organization has filed a lawsuit on behalf of a Texas Tech student who claims Tech officials violated his First Amendment rights by limiting free speech to a gazebo on campus.

Texas Tech, a university of 28,000 students, limits free speech to just one area of campus, said Greg Lukianoff, director of legal and public advocacy with the Foundation for Individual Rights in Education, or FIRE. The Alliance Defense Fund, a member of the FIRE legal network, filed the suit.

The "free speech area" is a gazebo, approximately 20 feet in diameter, Lukianoff said.

"Free speech zones are so absurd," said Lukianoff. "The gazebo is only about 280 square feet. The rest of the university is considered a censored zone."

The suit was filed in Lubbock federal court and lists Donald Haragan, Tech's interim president; Chancellor David R. Smith; the university's nine regents; Michael Schonrock, vice president for student affairs; and Mary Donahue, assistant director of the Center for Campus Life as defendants.

The plaintiff, Jason Roberts, is a third-year Tech law student.

According to the suit, Roberts applied in May for a permit to speak about his views against homosexuality, but his request was denied.

"The ideal university is a kind of chaotic paradise," Lukianoff said. "It's a place where you routinely have viewpoints challenged. It requires that things will sometimes be loud and will sometimes be offensive. But universities shouldn't begrudgingly accept free speech, they should embrace it."

The suit cites other examples of Tech's restrictive speech policy, calling it "overbroad" and criticizing the "content-based viewpoint

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discrimination" that it exhibits.

Pat Campbell, vice chancellor and general counsel at Tech, said a committee was formed within four days of receiving notice of the lawsuit, and began looking to expand the number of free-speech locations on campus to five instead of one.

Trevor Smith, a graduate student at Tech, said he has faced similar obstacles trying to organize anti-war rallies on campus.

"The policy boils down to this: be involved, be interested, but only in the gazebo," Smith said. "We value your involvement enough to give you the gazebo. That's just ludicrous."

Smith contacted FIRE, which is now involved with the lawsuit, Lukianoff said.

Similar speech code confusion has occurred at the University.

In February 2001, the UT administration asked Justice For All to remove a 15-foot display of a dead fetus from the West Mall.

The controversy eventually led to the creation of the Task Force on Assembly and Expression, a group chaired by Douglas Laycock, a research professor at the UT Law School.

The Task Force assessed the free speech code on campus and offered revisions.

"To speak colloquially of 'free speech zones' implies that free speech is prohibited in all other places on campus, which is obviously absurd," read a portion of the report the Task Force presented to the UT Board of Regents in October 2002.

Universities need to do away with their prohibitive speech restrictions, said Lukianoff.

"The idea that the primary function of a university is to create a comfortable environment - that's an incredibly patronizing stance adopted by the administration," he said. "Maybe administrators would enjoy a peaceful and quiet campus. But peace and quiet is a whole lot less interesting than heated debate."

The Associated Press

contributed to this report.

