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Judge says CSU speech policies raise serious constitutional concerns
Orders injunction against code while lawsuit proceeds
Christian Examiner staff report

OAKLAND — A federal judge has ordered that the speech policies for all 28 schools in the California State University system be suspended or limited while a First Amendment challenge works its way through the courts.

U.S. Magistrate Judge Wayne Brazil issued the preliminary injunction Oct. 31, saying that the policy contains serious constitutional problems. A written order on the matter was still pending at press time.

“The university is supposed to be the ‘marketplace of ideas,’ but these speech codes, with few exceptions, are selectively applied against Christian and conservative students,” said David Hacker, staff counsel for Alliance Defense Fund, which brought the suit on behalf of several students. “Knocking those codes down, however, benefits everyone who cherishes their First Amendment rights. Today thousands of students throughout the California State University system are more free to speak without fear of punishment by agents of the government.”

ADF attorneys filed the lawsuit, *College Republicans at San Francisco State University v. Reed*, in the U.S. District Court for the Northern District of California, Oakland Division last year, in conjunction with the Foundation for Individual Rights in Education.

Administrators at SFSU investigated several members of the College Republicans after they stomped on replica Hamas and Hezbollah flags during an anti-terrorism rally on campus. Some of the replicas, painted on butcher paper, contained the name “Allah.” The students maintain they were just copying Arabic script when they made the flags and did not know the letters spelled Allah. A student complaint of intimidation and incivility led to the investigation although campus officials declined to take action against members of the Republican club.

In addition to the San Francisco case, ADF is also litigating cases of what it is calling “discriminatory non-discrimination policies” at San Diego State University and California State University, Long Beach.

According to ADF the universities’ “nondiscrimination” policies force Christian groups to abandon their Christian beliefs as a condition to gain access to the benefits recognized student groups enjoy, including meeting on campus, receiving university funding, and accessing the primary channels for communicating their message on campus.

In the discrimination cases, ADF is representing Every Nation Campus Ministries, the fraternity Alpha Gamma Omega and the sorority Alpha Delta Chi at San Diego State University and the Every Nation chapter at CSU Long Beach. All four of the groups require that officers profess a faith in Jesus Christ. In addition, three of the groups extend the same requirement to its membership. Existing campus policy would require the groups to admit anyone who was interested, regardless of their faith or spiritual beliefs.

“ADF has challenged unconstitutional speech codes at universities across the nation, and the Cal State universities seem more interested in enforcing an ideology than protecting students’ First Amendment rights,” Hacker said.

For more information, visit www.telladf.org.

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