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Lawsuit claims Tech curbing free speech

UH group's lawyers spar in Lubbock

By **BETSY BLANEY**
Associated Press

LUBBOCK -- Texas Tech University's free speech policy violates students' constitutional rights by restricting where they may speak and requiring permission to speak elsewhere, according to a lawsuit filed Thursday by two civil liberties groups.

The suit claims the one location that Tech designates as a free-speech zone -- a 20-foot-wide gazebo that can hold about 40 people -- and a policy that requires a permit for speech at other campus locations are restrictive and violate students' rights under the First and Fourteenth Amendments.

The restrictions are on their face "overbroad, involve content-based and viewpoint discrimination and unconstitutionally restrict student speech," according to the suit filed by Liberty Legal Institute of Plano and the Alliance Defense Fund of Scottsdale,

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The suit was filed in Lubbock federal court in cooperation with The Foundation for Individual Rights, a Philadelphia group that targets speech policies at higher education institutions that they allege are unconstitutional.

"They are using a machete rather than a surgeon's scalpel," said Kevin Theriot, an attorney with the Arizona group. "When it comes to free speech you have to be very precise in the way you regulate."

The Phoenix group also represented students who sued the University of Houston, where on Wednesday officials said they will eliminate some restrictions on campus speech and pay \$93,000 in attorneys' fees to settle an anti-abortion student group's lawsuit. The school will amend its free speech policy by June 30.

"Universities are not black holes where only orthodox views are allowed to shine," Benjamin Bull, an attorney representing the Pro-Life Cougars student group and who works for the Alliance Defense Fund, told the Houston Chronicle for Thursday editions. "Students are entitled to learn the truth about all difficult issues, including abortion."

A similar lawsuit has been filed the University of Texas at Austin and is ongoing.

At Texas Tech, Pat Campbell, vice



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chancellor and general counsel, said the university got a letter from the foundation Feb. 6 that criticized the university's free speech zones. Within four days, a committee met to begin looking at expanding the number of free-speech locations on campus to five. On March 22, school officials approved adding the five zones to the university's student handbook for the 2003-04 year.

"We beat them to the punch," Campbell said. "We had done what they had asked us to do and started the ball rolling four days after the (February) letter."

Free-speech zones, created in the 1960s in an era of massive student activism, began being actively enforced on campuses in the 1980s as a means to permit expression without disrupting learning. In recent years, however, they have come under increasing attack with students and activists saying that to limit speech to a few designated areas is unconstitutional because it effectively bans speech everywhere else.

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