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## Federal Judge Throws Out 'Free-Speech Zones' at Texas Tech

By [SCOTT SMALLWOOD](#)

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A federal judge has struck down "free-speech zones" at Texas Tech University, ruling that the policy of requiring students who wish to give speeches to stay within the designated areas is unconstitutional.

Judge Sam R. Cummings of the U.S. District Court in Lubbock ruled on Thursday that a public institution could not limit speech to such zones.

The case was brought by Jason Roberts, a law student who had sought to speak about his view that "homosexuality is a sinful, immoral, and unhealthy lifestyle." He asked administrators for permission to give the speech outside the designated zone -- a 20-foot-wide gazebo that can hold about 40 people.

According to the lawsuit, officials turned down the request, saying that it was "the expression of a personal belief and thus is something more appropriate for the free-speech area, which is the gazebo area." With the help of several civil-liberties groups, Mr. Roberts then sued the university.

Hiram Sasser, one of Mr. Roberts's lawyers and litigation director of the Liberty Legal Institute of Plano, Tex., described the ruling as a "sweeping victory."

"Everyone should be happy about striking down speech codes because these rules will always be used to silence those that aren't in power," Mr. Sasser said.

Mr. Sasser said he had not yet been able to contact Mr. Roberts, who graduated in May. Attempts to reach university officials for comment were unsuccessful.

The lawsuit was also supported by the Foundation for Individual Rights in Education, which has fought such speech zones at several colleges. In 2003, after the foundation, which is commonly known as FIRE, first sent a letter to Texas

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Tech about the restrictions, the university created a committee to examine the issue and later increased the number of zones from one to five.

A year ago, FIRE prevailed in a similar case after suing Citrus College, in California, over its free-speech policies. A student there said administrators had refused to let him hold a "pro-America rally" outside the designated free-speech zones unless he did it as part of a registered club. The college repealed the policy the day before lawyers were scheduled to appear in court to defend the speech code (*The Chronicle*, June 27, 2003).

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Background articles from *The Chronicle*:

- [Shippensburg U. Agrees to Change Conduct Code in Settlement With Advocacy Group](#) (3/5/2004)
- [Citrus College Dodges Court Date by Dropping Speech Code](#) (6/27/2003)
- [War of Words](#) (5/23/2003)
- [Anti-Sweatshop Protesters Say 'Free-Speech Areas' Violate Their First-Amendment Rights](#) (4/12/2002)

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