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**SECTION:** State and Regional

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**HEADLINE:** Federal judge blocks free speech zones at Texas Tech

**DATELINE:** LUBBOCK, Texas

**BODY:**

A federal judge has struck down a policy at Texas Tech requiring students to make public speeches in special free-speech zones.

The ruling by U.S. District Judge Sam Cummings stemmed from a lawsuit filed in 2003 by two civil liberties groups on behalf of Jason Roberts, a former law student who has since graduated.

The lawsuit claimed that the one location that Tech designated as a free-speech zone - a 20-foot wide gazebo that can hold about 40 people - and a policy that required a permit for speech at other campus locations were restrictive and violated students' First and Fourteenth Amendments.

Roberts was a third-year law school student in May 2003, when he applied for a permit to speak about his view that "homosexuality is a sinful, immoral and unhealthy lifestyle."

He wanted to give his speech at a location other than the gazebo and also sought to distribute a leaflet citing scripture that is the basis of his belief.

The request was denied and Roberts was informed in a letter that his "request is the expression of a personal belief and thus, is something more appropriate for the free speech area which is the gazebo area."

Roberts, of San Antonio, appealed. He eventually received permission to speak but at a different location than he originally requested.

The suit also alleged that the school's speech code was restrictive. It prohibits speech that "intimidates" or "humiliates" but does not include rules or regulations in school publications to guide university officials in determining whether a student's speech does either.

In Thursday's ruling, Judge Cummings said it was unconstitutional for a public institution to designate free speech exclusively to such zones.

Free-speech zones were created at schools across the nation in the 1960s in an era of massive student activism. They 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.

"I think it's a big victory for us," Hiram Sasser, one of Roberts' attorneys, said in Saturday editions of the Lubbock Avalanche-Journal. Roberts graduated in May and could not be reached by his lawyers for comment.

University officials either did not return telephone messages or were unavailable for comment, according to the newspaper.

In his ruling, the judge was clear to say that Roberts was never denied his Constitutional rights because "the bottom line remains that the university never ultimately denied him permission to engage in constitutionally protected speech on campus."

The lawsuit was filed in cooperation with The Foundation for Individual Rights, a Philadelphia group that targets higher education institutions' speech policies nationwide they allege are unconstitutional.

The judge's decision blocks the free-speech zones, which were expanded to five locations after the school worked with the foundation and formed a committee to examine the issue.

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**Document 1 of 1**