

Pro-Life Group Charged \$650 for 'Free Speech' on University Campus

A pro-life student group filed a federal lawsuit Friday against the University at Buffalo for charging the group unconstitutional fees in order to exercise its **freedom of speech**.

University officials charged the group nearly \$650 for security officers—one of which spent his time reading a newspaper—because it deemed an **abortion** debate that the group sponsored “controversial.” The university has no guidelines for such a designation and leaves it to the whim of officials, a practice the U.S. Supreme Court has found to be unconstitutional in other cases, according to Alliance Defending Freedom (ADF), which is representing the group in the lawsuit. The university did not assess such fees to a group holding a similar event on campus in the same building at the same time.

“Public universities should encourage, not stifle, the free exchange of ideas,” says ADF senior legal counsel David Hacker. “University officials cannot arbitrarily decide to deem an event ‘controversial’ and then weigh down students with burdensome fees to engage in constitutionally protected free speech.”

Here’s the backstory. UB Students for Life, an officially recognized student organization at the University of Buffalo, reserved space for a debate in April on the topic of abortion. The university required the group pay for campus security officers at the event because school officials anticipated the event would be “controversial.” At the same time and in the same building as the debate, another campus organization was

hosting a debate between a Christian and an atheist; however, the university did not levy security fees for that event.

No major disruptions occurred at the **abortion** debate, which approximately 225 people attended. The total bill to UB Students for Life was \$, about \$150 more than the entire amount of funding that UB Students for Life receives from the Student Association each year. The fees will cause the organization to cancel some of the expressive activities it had planned for this year.

ADF attorneys argue in the lawsuit that the university's security fee policy and practice violates the First Amendment "because they grant UB officials unbridled discretion to discriminate against speech based on its content or viewpoint" and "provide no narrow, objective, or definite standards to limit the discretion of UB officials in deciding whether to require security at a student organization event." As the complaint explains, they "create a system in which speech is reviewed without any standards, thus giving students no way to prove that a denial, restriction, or relocation of their speech was based on unconstitutional considerations."

Attorney Patrick D. Krey is local counsel in the case, *UB Students for Life v. Tripathi*, filed in the U.S. District Court for the western district of New York.