



Written by [Dave Bohon](#) on July 3, 2013

Pro-Life Groups Sue NY University Over Free Speech Infringement

A campus pro-life group has [filed a federal lawsuit](#) against New York State's University at Buffalo (UB) for what it claims are "unconstitutional fees" the school charged the group when it hosted a debate on abortion on campus April 18.

UB Students for Life, a pro-life group that has been an approved student organization on the UB campus since last year, claims it was forced by the college to pay university police officers to attend the event, at a total cost of nearly \$650, after the university determined that the event was "controversial" in nature. The group said that the charge exceeded the \$150 funding the university provided it as a member of UB's Student Association, forcing it to cancel other pro-life activities it had planned.

The lawsuit, filed on behalf of the student group by the conservative legal advocacy group [Alliance Defending Freedom](#) (ADF), charges that a public university like UB "is commonly known as the 'marketplace of ideas.' That marketplace depends on free and vigorous debate between students — debate that is silenced when university policies regulate speech based on content and viewpoint and vest administrators with unbridled discretion to impose fees for the exercise of speech."

The pro-life group noted that more than 200 people attended the debate and no disruptions were recorded, even as one of the high-priced campus security guards sat by reading a newspaper. And while UB Students for Life was forced to pay the hefty security bill, similar fees were not levied against two other student groups, InterVarsity Christian Fellowship and the UB Freethinkers, when they hosted a Christians-versus-atheists debate on the campus.

ADF attorneys in the case argue that the UB security fee policy and practice is a violation of 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." According to the complaint against the university, the policy creates "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."

"Public universities should encourage, not stifle, the free exchange of ideas," said ADF Senior Legal Counsel David Hacker, adding that 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."

While UB officials declined to comment on the case, observers noted that the university launched a





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“Freedom of Expression” webpage on April 16, just two days before the pro-life event. The site insists that the University of Buffalo “strives to create an environment in which diverse opinions can be expressed and heard. As a public university, it is a fundamental value of UB that all members of the campus community and their invited guests have a right to peacefully express their views and opinions, regardless of whether others may disagree with those expressions. This includes the right of protesters to oppose the views or opinions of others, but not in such a way as to limit or prevent the speaker’s freedom of expression or interfere with university operations.”

That explanation may have been prompted by another pro-life event days earlier on the UB campus — one that sparked a riotous protest by pro-abortion opponents of the event’s sponsors, and led to another lawsuit against the school. According to the American Freedom Law Center (AFLC), which filed the suit on behalf of UB Students for Life and the California-based Center for Bio-Ethical Reform (CBR), UB Students for Life had invited CBR to campus to exhibit its giant pro-life [Genocide Awareness Project](#) (GAP) photo-mural, which effectively compares abortion to other notorious genocide campaigns, including the Holocaust. “The GAP display uses graphic images to demonstrate the irrefutable truth that abortion is a violent act that results in the death of an innocent human life,” noted an AFLC press release.

But over the two days that the mural was legally exhibited on campus under an agreement with the university officials, an increasingly unruly mob of pro-abortion protesters blocked the mural from being viewed by passersby, all in violation of the university’s own regulations regarding free speech rights and responsibilities of the university community. During the entire two-day episode, the AFLC argued in the lawsuit, the campus police did nothing to intervene, thereby facilitating the pro-abortion protesters’ violation of the pro-life groups free-speech guarantees.

Commenting on the lawsuit, Robert Muise, senior counsel for the AFLC, said that “through the discriminatory enforcement of their own regulations, university officials legitimized and encouraged students to resort to disruption rather than reason as the default means of resolving disputes.... Indeed, by allowing the protestors to engage in disorderly and disruptive conduct to silence our clients’ pro-life message, university officials effectively joined the hecklers and as a result censored our clients’ speech.”

Muise added that even as the lawsuit moves forward the pro-life groups were planning to return to campus with the mural display. “This suit is about protecting and preserving free speech,” he insisted.



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