

The *Chemeketa Students for Life* Case

Case Name: *Chemeketa Students for Life v. Chemeketa Board of Education*

Case Status: Federal lawsuit filed in U.S. District Court, District of Oregon, Eugene Division

Significance: Whether a public university can allow administrators to discriminate against groups for their political or religious beliefs.



Background: Marcos Sanchez and Emma Howell lead the Students for Life chapter at Chemeketa Community College in Salem, Ore. Marcos, Emma, and their fellow group members hope to peacefully engage and persuade their peers, while supporting pregnant and parenting classmates. Unfortunately, the school's so-called "Free Speech Guidelines" makes these goals almost impossible by forcing Students for Life to obtain permission two weeks in advance just to speak in one of two tiny "speech zones." Available from 8:30-4:00 p.m. on weekdays, the two outdoor speech zones make up only 2% of the 100-acre campus. Marcos and Emma have firsthand experience with these onerous restrictions. For instance, even though Students for Life was granted permission to host a conversation on physician-assisted suicide, they found they could not advertise for the event because they needed a separate permit two weeks in advance to do so. To make things worse, the policy also forces peaceful, non-disruptive speakers to estimate and pay for security to control disruptive and even violent protests meant to drown out their message.

In 2011, Chemeketa College changed its so-called "Free Speech Guidelines" after it was warned that its policy violated the First Amendment. Yet, in 2019, the college reverted to this discriminatory policy, allowing administrators to pick and choose who can speak on campus and prompting the lawsuit from Alliance Defending Freedom.

Key Facts

- Pro-life students—like their peers—have the freedom to share messages of hope and healing without first asking college administrators for permission to speak.
- Public universities cannot pick and choose which speech to allow. Defending pro-life free speech in its 2018 *NIFLA* decision, the Supreme Court declared: "[T]he people lose when the government is the one deciding which ideas should prevail."
- Chemeketa College is forcing students to estimate and then finance their opponents' heckler's veto. That's not just wrong; it violates the First Amendment.
- The U.S. Supreme Court has made it clear: Public universities can't enact policies that stifle free speech simply because administrators fear protestors might show up or students might be offended. The Supreme Court has specifically stated that security fees, such as the ones Chemeketa College charges, aren't constitutionally permissible.

The Bottom Line: The only permit a student needs to speak freely on a public campus is the First Amendment. Students don't give up their constitutionally protected freedoms when they step onto campus or hold a specific viewpoint.