

F O U N D A T I O N F O R I N D I V I D U A L R I G H T S I N E D U C A T I O N

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April 29, 2009

President Alex Johnson
Community College of Allegheny County
800 Allegheny Avenue
Pittsburgh, Pennsylvania 15233

Sent via U.S. Mail and Facsimile (412-237-4420)

Dear President Johnson

As you can see from the list of our Directors and Board of Advisors, the Foundation for Individual Rights in Education (FIRE; www.thefire.org) unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, academic freedom, due process, freedom of speech, freedom of conscience, and freedom of association on America's college campuses.

FIRE is deeply concerned about the threats to freedom of speech and freedom of association posed by the Community College of Allegheny County's (CCAC's) hostile response to a flyer distributed by a student seeking to establish a Students for Concealed Carry on Campus student organization at CCAC.

This is our understanding of the facts; please inform us if you believe we are in error. Earlier this month, CCAC student Christa Brashier created flyers to distribute to her classmates regarding a potential Students for Concealed Carry on Campus (SCCC) student organization at CCAC. (A copy of the flyer is enclosed.) The flyer states that SCCC "supports the legalization of concealed carry by licensed individuals on college campuses." She personally distributed copies of the flyer. The flyer noted that SCCC "is not affiliated with the NRA, a political party, or any other organization." Instead, she identified herself as a "Campus Leader" of the effort to start the SCCC chapter, as follows:

Christa Brashier
Campus Leader

Students for Concealed Carry on Campus
Community College of Allegheny County

Email: CommunitySCCC@gmail.com

On Friday, April 24, 2009, Jean Snider, Student Development Specialist at CCAC's Allegheny Campus, summoned Brashier to a meeting that day with Snider and Yvonne Burns, Dean of Student Development at CCAC's Allegheny Campus. According to Brashier, she asked Snider if she was in any "trouble," and Snider replied that she was not.

At the meeting, according to Brashier, Dean Burns did most of the talking. Deans Burns and Snider (primarily Dean Burns) told Brashier that passing out these non-commercial flyers was prohibited because it was "solicitation." They told Brashier that trying to "sell" other students on the idea of the organization was prohibited.

They also told Brashier that identifying herself on the flyer as a student at CCAC was prohibited, and that use of the words "Community College of Allegheny County" on any printed material or website was prohibited, even if it was clear that the words did not imply endorsement by CCAC. They insisted that Brashier destroy all copies of the pamphlet and any other information that mentioned CCAC in the context of her efforts to start a SCCC chapter at CCAC. They highlightms "CotnrTw(T)-4tct

attached to the expenditure of Government funds is restricted by the vagueness and overbreadth doctrines of the First Amendment”); *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools’”) (internal citation omitted); *Widmar v. Vincent*, 454 U.S. 263, 268-69 (1981) (“With respect to persons entitled to be there, our cases leave no doubt that the First Amendment rights of speech and association extend to the campuses of state universities”).

Federal case law regarding freedom of expression does not support the transformation of public institutions of higher education into places where constitutional protections are the exception rather than the rule. Federal courts have repeatedly held that “time, place, and manner” restrictions must be “narrowly tailored” to serve substantial governmental interests. *Ward v. Rock Against Racism*, 491 U.S. 781 (1989). Such restrictions on speech also must be content-neutral and viewpoint-neutral. The several bans on Brashier’s oral and written expression, as reported above, focus almost entirely on the content of her expression and plainly violate her constitutional right to freedom of speech.

In addition, Deans Burns and Snider appear to have violated CCA

public property; however, public property in this context does not include college property.

This policy is essentially incoherent and likely unconstitutionally vague. In order to comport with constitutional norms of due process, regulations such as CCAC's solicitation policy must

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see V. Adams, 111