



October 27, 2006

B. Jean Floten
President
Bellevue Community College
3000 Landerholm Circle SE
Bellevue, WA 98007-6484

Re: Free Speech Violations at Campus-wide Event

Dear President Floten:

Our office received a disturbing report that students were barred from attending an on-campus presentation by United States Senator Barack Obama simply because they were wearing t-shirts supporting senatorial candidate Mike McGavick. Based on what the students have told us, it appears that Bellevue Community College (BCC) has violated the students' constitutional right to freedom of speech.

As we understand it, BCC rented its gymnasium to the Senator Maria Cantwell Campaign for an event which featured a speech by Senator Barack Obama at 10:30 a.m. on October 26. The campaign may have presumed the event to be private since it rented the facility. When a BCC official sent a campus-wide email welcoming all students to attend the event, however, BCC turned it into an open forum. The event was also widely publicized around the campus through posters and other media. Some professors gave students time out of class to attend the speech, and others made attendance a class requirement that would affect students' course credits.

According to the reports that we received from people who witnessed the incident, a large group of students stood in line waiting for the gymnasium to open. Many of them wore t-shirts supporting Senator Maria Cantwell. A small group of five or six students wore t-shirts supporting her opponent, Mike McGavick. Personnel from the Cantwell campaign pulled the students with McGavick t-shirts out of the line and said the students would not be allowed to enter. A college vice president and the dean of students were called to the scene, and they sided with the Cantwell campaign staffers. At one point, the vice president offered to let the students into the event if they agreed to stand in the back of the gymnasium and refrained from making any noise or disruption, but ultimately the students were denied entry to the event

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altogether. Witnesses informed us that some of the students denied entry were attending in order to earn class credits.

The students who were barred were not carrying weapons or noisemakers and were not planning any disruption. They were simply wearing t-shirts supporting their favored candidate. Students wearing t-shirts supporting Senator Cantwell were not barred from the event.

Bellevue Community College is a public institution. The Constitution does not permit government officers (including the security staff and administrators of BCC) to decide which political viewpoints may be publicly expressed on campus and which may not. Further, barring political expression is not in keeping with the mission of a public institution of higher learning. Because this campus event was a forum open to all BCC students by invitation of BCC officials, the College may not impose viewpoint distinctions within that population.

Moreover, the Obama event was part of the curriculum for many classes. Students are allowed to wear armbands, buttons, or t-shirts that express political viewpoints in the classroom. BCC could not bar students from a political science class simply because they wore t-shirts opposing the political views of the professor or a guest speaker. The same principle applies here, because the Obama event was an integral part of the curriculum for many BCC students. The College should seek to facilitate intellectual exchange, and it should not make a habit of closing campus doors on students eager to explore and learn about competing ideas.

Today, we discussed these allegations with Laura Saunders, the Vice President of Administrative Offices, and she confirmed that certain students were not allowed to attend the event. We further understand from Ms. Saunders that Bellevue Community College is investigating the incident.

We ask that you report back to us on your findings and your plans for the future. In particular, the students who were barred from the Obama event must not be academically penalized in any way for their inability to attend. BCC security and administrators should receive training about free speech rights at public events, and a written policy should be put into place if one does not exist already. BCC should also ensure that its rental contracts for campus facilities do not allow the renters to bar otherwise eligible audience members on the basis of political opinion, and do not require the college to enforce such discrimination if the renter requests it. Our legal staff would be happy to review any such policies that you develop.

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I look forward to hearing your response on or before November 17. Feel free to call with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Taylor", followed by a horizontal flourish.

Kathleen Taylor
Executive Director

cc: Laura Saunders, Vice President of Administrative Offices
Sarah Dunne, ACLU-WA Legal Director