



17 June 2013

Via U.S. Mail & Facsimile at (931) 540-2507

Dr. Janet Smith
Office of the President
Columbia State Community College
1665 Hampshire Pike
Columbia, Tennessee 38401

Re: First Amendment Violations in Dr. Brunton's Psychology Class

Dear President Smith,

Recently, several Columbia State Community College (CSCC) students contacted us after receiving an assignment that violated their First Amendment free speech rights. By way of introduction, Alliance Defending Freedom is an alliance-building legal ministry that defends and advocates for free speech, religious freedom, and other fundamental rights. We are dedicated to ensuring that religious and conservative students may exercise their rights to speak, associate, and learn on an equal basis with all other students.

This spring, Dr. Linda Brunton, the lead faculty member in CSCC's Psychology Department, required her General Psychology students to wear Rainbow Coalition ribbons for at least a day and to express support for the homosexual community while doing so. Thus, she blatantly violated principles at the very "heart of the First Amendment," namely that "each person should decide for himself or herself the ideas and beliefs deserving of expression, consideration, and adherence"¹ and that government may not "compel affirmance of a belief with which [a] speaker disagrees."² We write to inform you of her illegal acts so that you may ensure that they do not happen again.

FACTUAL BACKGROUND

Sometime during the spring semester, Dr. Brunton distributed rainbow ribbons to her students in Psychology 1030 and instructed them to wear these ribbons whenever they went for at least an entire day. If anyone asked why they were wearing these ribbons, Dr. Brunton directed students to explain that they were showing support for the homosexual community and its political agenda. They were then to

¹ *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994).

² *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Group of Boston*, 515 U.S. 557, 573 (1995).

observe how people responded and to write a paper about how they were allegedly “discriminated against” because of their support for homosexual conduct.

This assignment posed serious problems for students who did not wish to convey this message and particularly for those—like the ones that contacted us³—whose religious convictions prohibit them from supporting conduct their faith teaches is unnatural and immoral. Dr. Brunton brushed off these concerns, making it clear that students had to hold themselves out as supporting the demands of the homosexual movement in order to receive credit. Their own beliefs and viewpoints on the issue were irrelevant, even when they wrote their papers. For she prohibited them from defending or explaining any other views regarding homosexual conduct (something she dismissively referred to as “throwing Bible verses” at her).

Throughout the semester, Dr. Brunton essentially turned her General Psychology class into a semester-long clinic on the demands of the homosexual movement. When students objected to how she was pushing her personal views on the class, she explained that it is her job “to educate the ignorant and uneducated elements of society” that oppose this movement’s demands and to correct their “hateful and close-minded” views. This assignment was just a method of doing so. She explained that she wanted students to see that those who support the traditional definition of marriage are just “uneducated bigots” who “attack homosexuals with hate.” She hoped that this assignment would open their eyes to this “fact,” as it supposedly had done to students in prior semesters.

LEGAL ANALYSIS

Dr. Brunton’s assignment violates decades clearly established law by compelling students to support in public views they either do not wish to advocate or find abhorrent. Wearing the rainbow ribbon—just like pledging allegiance to the flag—“requires the individual to communicate by word and sign his acceptance of the political ideas it thus bespeaks.”⁴ So her assignment requires students to “affirm[] . . . a belief” and reflect “an attitude of mind”⁵ of supporting the demands of the homosexual movement. This the First Amendment will not allow. For not only does the “Bill of Rights . . . guard[] the individual’s right to speak his own mind,” it also prohibits government officials from “compel[ling] him to utter what is not in his mind.”⁶

Fundamentally, the “First Amendment protects the right of individuals to hold a point of view different from the majority and to refuse to foster . . . an idea they find morally objectionable.”⁷ Dr. Brunton transgressed this principle when she compelled her students to affirm beliefs and viewpoints with which they disagreed and

³ Fearing recriminations and intrusive scrutiny, none of the students who contacted us wish to be identified.

⁴ *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 633 (1944).

⁵ *Id.*

⁶ *Id.* at 634.

⁷ *Wooley v. Maynard*, 430 U.S. 705, 715 (1977).

to utter particular messages that she—a government official—favored.⁸

Of course, Dr. Brunton remains free to express her own views and even to give “devil’s advocate” assignments, where students articulate views they may not hold as an academic exercise in class. But outside the classroom, the First Amendment gives each student “the autonomy to choose the content of his own message,”⁹ and it also ensures that her student’s “choice . . . not to propound a particular point of view . . . is presumed to lie beyond [her] power to control.”¹⁰ Likewise, it prohibits her from commandeering or “interfer[ing] with [student] speech for no better reason than promoting an approved message or discouraging a disfavored one, however enlightened either purpose may strike [her].”¹¹

For at least seven decades, the Supreme Court has consistently ruled that the government may not compel a citizen to say what he does not want to say. It cannot compel students to pledge allegiance to the flag during wartime, force candidates to affirm a belief in God, require professors to take loyalty oaths, command bar applicants to reveal their personal beliefs, compel drivers to display “Live Free or Die” on their cars, or coerce parade organizers to include homosexual advocates in their parade.¹² So a community college professor certainly cannot compel her students to declare support for homosexual conduct by requiring them to wear rainbow ribbons.

CONCLUSION

As you know, “state colleges and universities are not enclaves immune from the sweep of the First Amendment.”¹³ Indeed, it is at our universities where “free speech is of critical importance because it is the lifeblood of academic freedom.”¹⁴ Hence, not only has the Supreme Court observed that the “essentiality of freedom in the community of American universities is almost self-evident,”¹⁵ but it has also outlined what the First Amendment specifically prohibits on campus: policies that “cast a pall of orthodoxy over the classroom.”¹⁶

We are gravely concerned at how Dr. Brunton’s assignment violates the clearly established rights of CSCC students. In fact, if we learn that students are subjected to this assignment at any point in the future, we will pursue every method at our

⁸ See *Hurley*, 515 U.S. at 573 (noting that the state “may not compel affirmance of a belief with which the speaker disagrees”); *Turner Broad.*, 512 U.S. at 641 (ruling that “[g]overnment action that . . . requires the utterance of a particular message favored by the Government[] contravenes” a citizen’s First Amendment right to “decide for himself or herself the ideas and beliefs deserving of expression, consideration, and adherence”).

⁹ *Hurley*, 515 U.S. at 573.

¹⁰ *Id.* at 575.

¹¹ *Id.* at 579.

¹² *Barnette*, 319 U.S. at 642; *Torcaso v. Watkins*, 367 U.S. 488, 489–90, 495–96 (1961); *Keyishian*, 385 U.S. at 602–04; *Baird*, 401 U.S. at 5, 7–8; *Wooley*, 430 U.S. at 715, 717; *Hurley*, 515 U.S. at 579–80.

¹³ *Healy*, 408 U.S. at 180.

¹⁴ *DeJohn v. Temple Univ.*, 537 F.3d 301, 314 (3d Cir. 2008).

¹⁵ *Keyishian v. Bd. of Regents of Univ. of N.Y.*, 385 U.S. 589, 603 (1967).

¹⁶ *Id.*

disposal to protect their priceless First Amendment freedoms. But right now, we are sending this letter in a spirit of cooperation. It is our hope that you will investigate this matter promptly, ensure that this assignment is not repeated, and take immediate action to discipline Dr. Brunton and order her to apologize to the students whose rights she has so blatantly violated. If you share our desire to resolve this matter amicably, please inform us on or before July 5, 2013 of the steps you have taken to secure your students' liberties.

Sincerely,



Travis Christopher Barham
Litigation Staff Counsel
ALLIANCE DEFENDING FREEDOM

Cc:

Mr. Kevin H. Theriot
Senior Counsel
Alliance Defending Freedom
15192 Rosewood
Leawood, Kansas 66224

Representative Sheila Butt
rep.sheila.butt@capitol.tn.gov

Senator Joey Hensley
sen.joey.hensley@capitol.tn.gov