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Susan McGeean
Hubbard Mastery School
104 W. Hubbard Avenue
Columbus, OH 43215
Smcgeean1322@columbus.k12.oh.us

Dear Ms. McGeean

We are residents of the city of Columbus as well as lawyers and law professors. We are writing this letter in our personal capacity as city of Columbus residents.

As you know, on March 23, 2017, two community members, standing on public sidewalks outside of Hubbard Mastery School, tried to hand out leaflets in Spanish to parents after school had ended. You came out to the public sidewalk and told these community members that they could not hand out the leaflets and that you would call security to have them removed if they persisted. The community members had requested that parents roll down their passenger-side window to receive a leaflet from the public sidewalk, as their cars were idled waiting to pick up their child. The leafleters did not disrupt the flow of traffic. They never entered school property. They never stood on the street itself.

One of the community members used a voice record to record the conversation with you. The recording reveals that you never offered any content-neutral reason for asking the leafleters to leave the public sidewalk. Instead, you argued with the community members about why it was a bad idea to inform the parents about the potential presence of ICE in their neighborhood.

The First Amendment protects both freedom of speech and freedom of peaceable assembly. The Supreme Court has explicitly protected leafleting as "the essence of First Amendment expression."¹ When the government threatens to regulate expression on the basis of its content or viewpoint, that regulation is almost always unconstitutional. The First Amendment also protects freedom of assembly. The government cannot punish "mere participation in a peaceable assembly and lawful public discussion."² Even neutral, publicly

¹McCullen v. Coakley, 134 S.Ct. 2518, 2536 (2014)(quoting McIntyre v. Ohio Elections Comm'n, 514 U.S. 334, 347 (1995); Schenck v. Pro-Choice Network of W.N.Y., 519 U.S. 457, 377 (1997) ("Leafletting and commenting on matters of public concern are classic forms of speech that lie at the heart of the First Amendment").

² De Jonge v. Oregon, 299 U.S. 353, 365 (1937).

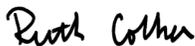
available breach of the peace laws cannot "make criminal the peaceful expression of unpopular views."³

As principal, you are not entitled to threaten to use security guards to forcibly remove leafleters from the public sidewalk. You especially cannot do so solely because you disagree with the viewpoint they express. We live in a very dangerous time when undocumented immigrants, like Maribel Trujillo, are picked up on the public street and deported to Mexico. We understand that ICE recently detained a parent after he dropped his child off at Hubbard School. Various local immigration groups are currently working to inform people of their legal rights to avoid ICE detention. It is crucial that all free speech avenues be available to communicate with community members, including peaceful leafleting on the public sidewalks near Columbus schools.

We are terrifically disappointed with your unconstitutional response to the leafleters in front of Hubbard School. Rather than threaten to remove them from the public sidewalk, we would have hoped you would have used this experience as an opportunity to talk to the children about the importance of free speech activity in the United States. Across the country, many schools are inviting community members inside schools to educate parents and their children about immigration law. If any Columbus schools would like to arrange such meetings, we are happy to suggest people who could help engage in such educational activity.

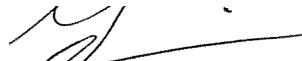
We would like to meet with you as soon as possible to discuss the free speech and free assembly rights of leafleters in the hope that the Columbus schools can develop a policy consistent with the First and Fourteenth Amendments to the United States Constitution. Please contact Ruth Colker at rcolker@me.com or 614-519-9801 to arrange such a meeting.

Sincerely yours,



Ruth

Colker



Margot Kaminski

cc: Dan Good, Ph.D., Superintendent of Columbus Schools, cpscustomerrelations@columbus.k12.oh.us
Scott J. Varner, Executive Director for Communications and Community Engagement, svarner@columbus.k12.oh.us
Gary L. Baker, II, Board President, gbakerii@columbus.k12.oh.us
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³ Edwards v. South Carolina, 372 U.S. 229, 230-31 (1963).