



February 24, 2025

Via Email Only

Dr. Brent Calvin
Superintendent/President,
COLLEGE OF THE SEQUOIAS
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Re: Violation of YAF's First Amendment Rights
Client: Young America's Foundation/Young Americans for Freedom

IMMEDIATE ACTION REQUIRED

Dear President Calvin:

This firm represents Young America's Foundation and the Young Americans for Freedom chapter (collectively "YAF") regarding recent concerns involving the chapter at College of the Sequoias ("COS" or the "College"). Despite repeated efforts to secure a venue for their guest speaker, Vince Ellison, YAF has encountered delays and procedural challenges that have hindered its ability to move forward with the event. At the same time, the chapter has faced uncertainty regarding policies on expressive activities, including sidewalk chalking, which has led to confusion and inconsistent enforcement. Additionally, public calls to limit YAF's activities—particularly from student groups seeking administrative action—raise concerns about the fairness and neutrality of the College's approach to student organization rights.

These challenges have left YAF in a state of uncertainty regarding its ability to operate on an equal footing with other student organizations. The lack of a clear, viewpoint-neutral process for reserving space and the absence of written guidelines on chalking and related activities have made it difficult for YAF to function effectively. We seek to address these matters in a constructive manner, ensuring that all student groups are treated fairly and that COS's policies are consistently applied.

We respectfully request immediate clarification and resolution of these concerns to avoid unnecessary escalation and to ensure that all students, regardless of viewpoint, are afforded the same opportunities to engage in expressive activities on campus.

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I. BACKGROUND

A. YAF's Attempt to Secure a Room for Its Speaker

On February 11, 2025, Reagan O'Hara, Chair of the YAF chapter at the College, spoke to Adrieana Garcia in the Student Activities Office about the process for reserving a 160-seat room for a speaker event. He was told that the College would not provide availability information for the room.

Later that day, Garcia emailed Reagan regarding room availability. Shortly after, Analisa Martinez from the Facilities Office responded, stating that the room was reserved during that time and asked whether a classroom would work instead.

Hoping to secure a suitable venue, YAF's faculty advisor, Dr. Holly Peltzer, submitted a formal request to COS Facilities on February 13, 2025, requesting HR 134, an 80-seat lecture hall, along with a private meeting space for the speaker. She also asked that if HR 134 was unavailable, COS suggest another large-capacity room.

For several days, the College failed to provide a clear answer. On February 19, 2025, the Facilities Office informed YAF that HR 134 was unavailable and that no rooms accommodating more than 40 people were open. However, the College did not provide a list of available rooms, instead requiring YAF to submit room requests without knowing which spaces were available. When YAF again asked for a list of available rooms, no response was provided.

B. YAF's Chalk Messages and Administrative Retaliation

On February 18, 2025, Reagan O'Hara went to the Student Activities Office to ask whether sidewalk chalking was permitted. Garcia told him there was no policy prohibiting chalking and noted that another student group had recently used chalk for a Valentine's Day event. She asked Reagan when his group planned to chalk. Reagan told her "ASAP," which she orally acknowledged. She also said that William Hobbs, Director of Student Activities, would follow up via email with further clarification. However, no response from Hobbs was received.

That evening, ten YAF members, including the chapter's executive board, chalked messages in the COS quad to promote the event. The chalking remained entirely on concrete walkways and included event details, political statements, and viewpoints aligned with YAF's mission.

At one point, a campus police officer walked past the area, observed the chalking, and continued without taking action. Later, the same officer approached the group, asked who was in charge, and questioned Reagan. The officer took Reagan's name and date of birth and suggested that the

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chalking could be considered vandalism. Reagan explained that chalk is temporary and that the sidewalks were public property. The officer left without issuing a citation or taking further action.

C. COS's Inconsistent Enforcement and Retaliatory Actions

By the following morning, the College had destroyed all of YAF's chalk messages. Reagan sent an email to Student Activities requesting clarification on the College's policy regarding sidewalk chalking. In response, Wil Hobbs acknowledged that COS had no written policy prohibiting chalking but stated that YAF should have sought approval before proceeding. He compared the chalking to toilet papering a house and stated that Facilities staff considered it graffiti.

Meanwhile, YAF continued to face obstacles in securing a room for its event. On February 19, the Facilities Office reiterated that HR 134 was unavailable but did not offer any alternatives, instead asking whether YAF could change the event's date, location, or attendance size. Despite repeated efforts, YAF was never given a list of available rooms.

D. Retaliation Through Advisor Resignation & Event Interference

On February 19, 2025, Dr. Holly Peltzer, YAF's faculty advisor, expressed frustration about not having been informed of the chalking beforehand. Reagan responded by assuring her that the chalking was neither illegal nor against school policy and that YAF's legal team was reviewing the situation.

Later that afternoon, Dr. Peltzer resigned as YAF's faculty advisor, stating that she no longer wanted to be affiliated with the group. Since the College requires student organizations to have a faculty advisor, her resignation effectively paralyzed YAF, preventing the group from submitting room requests or holding events.

That same day, Dean of Student Services Juan Vasquez advised Reagan in an email that sidewalk chalking was not permitted but did not explain why the College enforced this rule inconsistently. He also warned that students could be subject to the College's Resolution and Advocacy process for discipline if they continued chalking.

E. MEChA's Efforts to Suppress YAF's Speech and Student Senate Disparities

Following YAF's chalking event, MEChA and its supporters launched a coordinated effort to pressure COS into taking action against the group. On February 19, 2025, MEChA began circulating an online Change.org petition titled "Call for Accountability and Reform: Young Americans for Freedom Hate Speech," characterizing YAF's messages as "hate speech" and, later, "fascist," and accusing YAF of spreading harmful and dangerous rhetoric. The petition demands that COS (1) review and discipline YAF for its speech; (2) enforce stricter policies on student

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groups with similar viewpoints; and (3) ensure YAF is prevented from freely expressing its views on campus.

Shortly after the petition began circulating, according to MEChA's Instagram page, the Student Senate invited MEChA representatives to speak at its meeting tomorrow, Tuesday, February 25, 2025, where they are expected to be given an opportunity to voice their concerns about YAF. However, YAF was not extended a similar invitation and was not informed by the Senate of any opportunity to defend itself or respond to the accusations.

Reagan O'Hara only learned about the Student Senate meeting and its focus on YAF when he was contacted by the student newspaper, The Campus Journal. In a direct message, the newspaper stated that it was writing a story about the "recent backlash" against YAF and the upcoming Senate meeting. The exclusion of YAF from this process, despite it being the subject of the discussion, raises serious concerns about fairness, due process, and institutional bias against the organization.

If the College ratifies MEChA's demands by taking administrative action, it would constitute an unconstitutional heckler's veto—a situation where the government suppresses speech due to opposition from third parties. The College's failure to ensure equal representation of viewpoints in a forum where disciplinary action against YAF may be considered only deepens these constitutional concerns

II. LEGAL VIOLATIONS COMMITTED BY THE COLLEGE

A. The College Has Created a Designated Public Forum and Cannot Discriminate Based on Viewpoint

Public universities, including College of the Sequoias, contain a variety of forums for speech. While certain areas may be considered limited public forums, when a university opens its facilities to student groups for expressive activity, it creates a designated public forum, where restrictions are subject to strict scrutiny. *Arkansas Educ. TV Comm'n v. Forbes*, 523 U.S. 666, 677 (1998).

The College permits other student organizations to host events and access campus facilities, meaning these spaces constitute a designated public forum. *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995). Content-based restrictions in a designated public forum are unconstitutional unless narrowly tailored to serve a compelling government interest. *Pleasant Grove City v. Summum*, 555 U.S. 460, 469–70 (2009).

Viewpoint discrimination is presumptively unconstitutional in any public forum, including limited public forums. *Matal v. Tam*, 582 U.S. 218, 243 (2017). The College has allowed other student groups to host events, chalk messages, and reserve rooms, but has unreasonably restricted YAF's ability to do the same. If other groups have been permitted to reserve space or chalk without the

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barriers imposed on YAF, the College's actions are unconstitutional. *Christian Legal Soc'y v. Martinez*, 561 U.S. 661, 679 (2010).

In a similar case this firm has handled (against the University of Washington ("UW")), the principles underlying a student organization's right to express itself free of unconstitutional constraints were elegantly summarized as follows:

[C]ollege and university campuses are where many students encounter, for the first time, viewpoints that are diverse and different from their own. For this reason, "the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools." *Healy v. James*, 408 U.S. 169, 180 (1972) (citation omitted). Allowing the UW to enforce its Security Fee Policy would infringe not only the rights of the College Republicans, but also the rights of others—including supporters and protesters—who wish to attend the Freedom Rally. This cannot be condoned, as preventing violation of constitutional rights is "always in the public interest." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citation omitted).

College Republicans of U. of Washington v. Cauce, No. C18-189-MJP, 2018 WL 804497, at *3 (W.D. Wash. Feb. 9, 2018).

Similarly, allowing COS to enforce an unwritten policy that forbids chalking or speech that may offend ideological adversaries not only infringes upon the rights of YAF in this instance, but also the rights of supporters and those who wish to attend Mr. Ellison's speaking engagement.

B. The College's Unwritten or Arbitrary Policies Constitute an Unconstitutional Prior Restraint on Speech

The College's failure to provide clear, written policies for student event approvals and chalking rules constitutes an unconstitutional prior restraint. Prior restraints on speech are heavily disfavored under the First Amendment. *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963). Public officials cannot impose vague, unwritten, or arbitrary rules that inhibit free speech. *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 153 (1969). If an unwritten or selectively enforced policy is being used to prevent YAF from exercising its speech rights, it is unlawful. *Forsyth County v. Nationalist Movement*, 505 U.S. 123, 133 (1992).

Sidewalk chalking is a widely recognized form of student expression on college and university campuses across the country. It serves as a simple, cost-effective, and temporary way for students to promote events, express viewpoints, and engage in public discourse. Universities routinely allow student groups to use chalk to advertise meetings, publicize events, and express political, social, or ideological messages.

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Legally, sidewalk chalking is protected speech under the First Amendment when conducted in designated public forums, such as campus sidewalks and open areas where students traditionally express themselves. The College has no written policy prohibiting sidewalk chalking. YAF members were explicitly told by Adrieana Garcia, the Student Activities Secretary, that there was no rule against chalking and that other student groups had done so without issue, including a recent instance for Valentine's Day. Despite this, COS administrators later singled out YAF's chalking for removal and enforcement actions, threatening the group with potential disciplinary measures. This inconsistent application of an unwritten rule raises serious concerns about viewpoint discrimination and selective enforcement, particularly since other groups' chalking activities were left undisturbed.

C. **The College's Conduct Violates California's Leonard Law (Cal. Educ. Code § 94367)**

California's Leonard Law explicitly extends First Amendment protections to students at both public and private colleges, prohibiting schools from disciplining or restricting students for speech that would be protected off-campus. The College's requirement that YAF obtain an advisor signature to function as a club, after the advisor resigned in protest, directly obstructs their ability to operate and host events. By creating bureaucratic barriers that disproportionately burden YAF, the College is engaging in illegal censorship under state law. The Leonard Law prevents public colleges from imposing restrictions on speech that would be impermissible if imposed by the government in a public setting.

D. **The College's Conduct Unconstitutionally Ratifies a Heckler's Veto**

The denial of YAF's event, combined with the burdens placed on the group, suggests that the College is attempting to prevent controversy rather than uphold neutral policies. The government may not restrict speech because it anticipates or fears negative reactions from others. If the College is refusing to approve YAF's event due to anticipated protests or controversy, this constitutes an impermissible heckler's veto. *Seattle Mideast Awareness Campaign v. King County*, 781 F.3d 489, 502–03 (9th Cir. 2015).

E. **The College's Unlawful Interference with Contract**

The College's actions may constitute tortious interference with contract under California law. YAF has a valid and enforceable contract with Vince Ellison for him to speak at the College. By deliberately obstructing YAF's ability to secure a venue, failing to provide a transparent and viewpoint-neutral process for reserving space, and imposing unjustified restrictions on YAF's ability to operate as a student organization, the College has substantially interfered with YAF's ability to fulfill its contractual obligations.

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If YAF is unable to hold the event due to the College's obstruction, YAF could suffer financial losses, reputational harm, and other damages, for which the College may be held liable. California law provides for monetary damages in cases of wrongful interference with contractual relationships. Other legal theories are also implicated.

III. IMMEDIATE DEMANDS FOR COMPLIANCE

Given these legal concerns, the College must take immediate corrective action to avoid further legal escalation. Specifically, we request:

1. A written response explaining why YAF has been denied the ability to reserve a room for Vince Ellison's appearance and what specific criteria they must meet to do so;
2. An immediate explanation as to why the College has refused to provide a list of available rooms, while requiring the chapter to submit blind requests;
3. A clear, written statement of the College's policy on student event reservations and chalking, including whether other student groups have been subject to the same restrictions;
4. A commitment that YAF will not be subject to further unconstitutional barriers to hosting speakers or organizing events;
5. An acknowledgment that any requirement for an advisor signature will not be used to obstruct the group's activities, particularly given that their previous advisor resigned after siding with the administration.

These actions must be taken immediately to avoid potential legal consequences. The College's delay tactics have already harmed YAF's ability to exercise its rights.

If we do not receive a satisfactory response by **Monday March 1, 2025**, we will immediately initiate legal action. Additionally, if the Student Senate proceeds with a hearing concerning YAF tomorrow or at any time prior to resolving this matter, we will take appropriate legal action against all parties responsible for violating our client's due process rights.

We hope to resolve this matter amicably and without further escalation, but time is of the essence. Please confirm receipt of this letter and provide the requested information without delay.

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Sincerely,



William J. Becker, Jr., Esq.

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