

July 13, 2006

School Board of Pinellas County  
301 4<sup>th</sup> Street S.W.  
P.O. Box 2942  
Largo, FL 33779-2942

RE: Veterans For Peace – Access to Pinellas County Schools

Dear Pinellas County School District Workshop Participants:

The Pinellas Chapter of the ACLU of Florida has agreed to represent the local chapter of Veterans for Peace (“VFP”) in VFP’s quest to be allowed access to present Pinellas County students with information about career alternatives to the military. The purpose of this letter is to present the workshop participants with information about the legal framework that controls the First Amendment free speech rights involved.

The First Amendment prohibits the government, including the Pinellas County School District, from denying access to a speaker solely to suppress the point of view he or she expresses. When the schools open their doors to one type of speech, such as the career information presented by military recruiters, they cannot bar the doors to others who seek to present the same type of information – but from an alternative viewpoint that may not receive favor. In other words, once the school creates a limited public forum, it cannot discriminate in who’s allowed access based on the content of the speech.

Federal law (section 9528 of the “No Child Left Behind Act”) requires you to grant military recruiters the same access to students that is given to prospective employers or post-secondary educational institutions. 20 U.S.C. § 7908(3). Therefore, once you grant access to job or college recruiters, you must grant access to military recruiters. And, courts have ruled, you cannot then bar the door to others who wish to present alternative career information to students on the same basis as is granted to the military.

The Eleventh Circuit Court of Appeals, the federal court whose interpretations of the law binds any federal court in Florida that may ultimately host lawsuit on this issue, has held that school officials violated First Amendment rights of peace groups when they denied access to Career Day and refused to display information from groups on bulletin boards and in guidance counselors’ offices, while allowing military recruiters access. *Searcey v. Crim*, 815 F.2d 1389 (11<sup>th</sup> Cir. 1987). The court ruled that when schools open their doors to outside groups, including the military, for job recruiting or information about careers, the schools cannot refuse to allow other groups to participate based on the their viewpoint. *Id.*

In *Searcey v. Harris*, a continuation of the *Crim* case, the court determined that a requirement that presenters be presently affiliated with the entity offering employment

was unreasonable. The court rejected the school board's argument that students could not handle receiving both positive and negative information. Indeed, that type of censorship would be unlawful viewpoint discrimination. *Id.* at 1324.

Please understand that we are very cognizant of the district's primary responsibility to provide a safe, healthy learning environment for the students confided to its care. We are not asking the School Administration to allow anything that would disrupt or interfere with the vital education of our children. To the contrary, the VFP's request is intended to broaden and deepen your students' critical thinking about their career options. Our students do not need to be protected from the respectful and factual presentation of career options and alternatives. Such presentations are, indeed, directly relevant to, and in harmony with, the practice of providing students with career information. As the Eleventh Circuit noted, "It is almost axiomatic that a valid decision is one made after weighing pros and cons. Students certainly cannot be expected to make important career choices based only on positive information. This applies with special force when one is making a decision about a career in the military because unlike other dissatisfied employees, a soldier cannot quit," *Id.* at 1323.

So that the intent of VFP's request is clear, we provide the following information:

1. They wish to be allowed to have access to students as is given to military recruiters;
2. It is their intent to present positive, factual information about vital career options that are wholesome and oriented toward serving society, both at home and abroad (Americorps, the Peace Corps, international development, as well as domestic opportunities in forests, parks, education, health care, etc.);
3. They do not intend to denigrate or to criticize the military as a career choice. It is their intent, however, to provide students with information to allow them to compare alternative career options.

VSP has sincerely sought to meet any legitimate concern that the School Administration could have about being given equal access to present their career information to students within the school district.

Thank you for your attention to this matter. It is our sincere hope that this workshop will enable the parties to come to an agreement that would give Pinellas County students the tools to make fully-informed decisions about their futures.

Sincerely,

Rebecca Harrison Steele