



Written by [Joe Wolverton, II, J.D.](#) on January 31, 2017

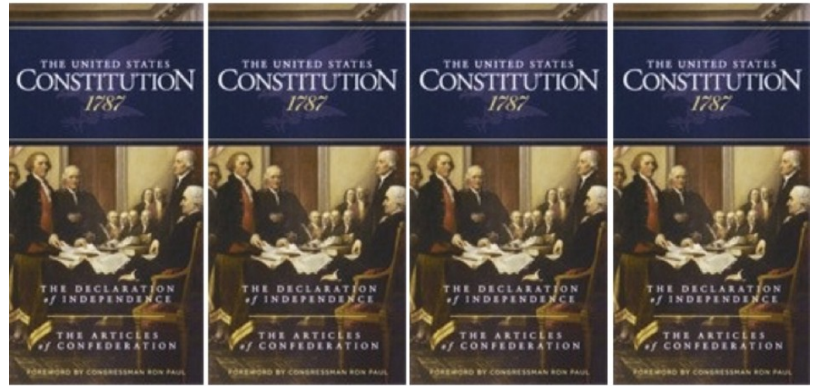
ADF Files Lawsuit for Michigan Students Jailed for Handing Out Pocket Constitutions on Campus

“Do you like freedom and liberty?”

Asking this question of some of their fellow students landed three college kids in jail.

Here’s the story.

Back in September, members of the Young Americans for Liberty (YAL) were handing out pocket copies of the Constitution to their fellow students at Kellogg Community College (KCC) in Michigan trying to build up the club’s membership.



Later, campus police approached the kids, questioned them about their activities, handcuffed them for “trespassing” and locked them up in the county jail for seven hours!

On January 18, the Alliance Defending Freedom (ADF) filed a lawsuit on behalf of the three YAL members who were arrested and jailed by the college’s law enforcement.

Here’s ADF’s account of the events that occurred that day and how the kids ended up in jail for passing out copies of the Constitution:

Brandon and his group were outside on a campus walkway talking to passing students and handing out copies of the Constitution when two KCC officials approached them. First an administrator and then the Manager of Student Life told them that they must have a permit from the Student Life Office in order to be “soliciting.” The Manager also said that they could not use this walkway for their activities.

The group calmly explained that they had a constitutional right to be there. While the administrator conceded, the Manager of Student Life did not. He even went so far as to say that, by asking questions and handing out Constitutions, they were “obstructing” the education of the students with whom they spoke.

Later, members of KCC campus security, including the police chief, ordered them to stop engaging in “solicitation” or they would be arrested for trespassing. Brandon complied with the order, leaving to wrap up some other items on campus, while the other three members of the group reiterated their right to be there.

That’s when the students were arrested and taken to jail.

Adding insult to ignorance, when asked what harm the three YAL members were causing to their fellow students, a college administrator identified as Drew Hutchinson, explained that students from “rural farm areas ... might not feel like they have the choice to ignore the question.”

In other words, according to the administration of Kellogg Community College, people who live on a farm are too backward to realize that when someone asks them a question, they are free to answer the question or ignore it.



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Seriously.

Additionally, the YAL members who were arrested report that Hutchinson told them that the question they were asking (“Do you like freedom and liberty?”) was too “provocative.”

Hutchinson also allegedly told them that the rural kids “are growing up on a farm, or they don’t have Wi-Fi, they don’t have internet, you know it’s a very different situation, they were brought up in a very different manner.”

Without Wi-Fi, farm kids are just “brought up” not knowing what to do if someone offers them a pocket Constitution or asks them a question.

Now, in fairness to KCC, the school does have a Solicitation Policy that was in place prior to YAL’s activities.

The [Solicitation Policy](#) reads: “Soliciting activities on campus are permitted only when the activities support the mission of Kellogg Community College (KCC) or the mission of a recognized college entity or activity. Non-College organizations may conduct solicitation activities on campus only when lawfully sponsored by a recognized College entity. All organizations desiring to conduct soliciting activities on campus must adhere to College policies and procedures.”

The policy then goes on to lay out the process a group must follow before being allowed to distribute literature. The school claims that the three YAL students violated the policy and thus were arrested and jailed.

One of the arrested students recalls the activities of another on-campus group that were not held to strict obedience to the Solicitation Policy. Here’s the story as told by Brandon Withers, one of the jailed YAL members:

Withers says in the lawsuit that he has witnessed other students violating KCC’s free speech and solicitation policies without incident.

He said that a year prior to his encounter, he saw members of an LGBT student organization distributing literature in the Student Center while freely walking around and not confined to sitting quietly at a table. Withers also alleges he has seen students asking for petition signatures around other areas of campus without prior approval to do so.

The ADF sees several violations on the part of KCC of the YAL students’ constitutionally protected civil liberties.

First, they argue that the school’s solicitation policy affords unconstitutionally broad discretion to school administrators, allowing them to approve or reject petitions according to their own whims.

Next, the lawsuit claims: “KCC maintains an unwritten speech zone policy limiting student expression to one location on campus. If students express themselves on campus without a permit or in any other location, KCC deems them to be violating the Code of Conduct for Students, which exposes them to a variety of sanctions, including expulsion.”

There is no doubt that that United States has become a land where speech must be approved and when approved must be spoken only in designated zones set aside for that activity.

Moreover, just because you have the “right” to speak, you must make sure that the words you say are not offensive to anyone (even in the slightest degree, the so-called “microaggressions”) or you may have such “rights” taken from you and you may be subjected to severe punishment for failing to remain



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safely and mutely inside your government-approved speech zone.

“All public colleges—which are supposed to be the ‘marketplace of ideas’—have the duty to protect and promote the First Amendment’s guarantee of free speech,” declared [ADF Legal Counsel Travis Barham](#).

“Ignoring this duty, KCC arrested these club supporters for exercising this freedom, and, ironically, for handing out copies of the very document—the Constitution—that protects what they were doing,” he added.

There is a specter of suppression of speech that is not completely in concert with the upholding and obeying of the regime. One unable to restrain himself from criticizing the central planners will be summarily subjected to a denial of liberty, regardless of the erstwhile protections offered by some musty old “parchment barrier.”

As so eloquently stated by Ron Paul, “In the empire of lies, truth is treason.”



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