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December 7, 2021

Amy M. Hass, Esquire
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UF Dept. of Housing & Residence Life
PO Box 112100
Gainesville, Florida 32611

RE: Interference with Student Protest at Maguire Village

Dear Amy:

This office has the privilege of representing [REDACTED], a student activist opposed to the University's plans to demolish Maguire Village and University Village South. I know the University of Florida has its hands full with First Amendment issues at the moment. Unfortunately, I must call your attention to another violation of speech rights on campus.

On October 22, 2021, [REDACTED] was handing out leaflets along with several other students in the commons area outside his apartment at Maguire Village. The leaflets consisted of a small strip of paper listing a website where interested persons could find out more information concerning their efforts to save Maguire Village. See, SaveUFGradHousing.com. [REDACTED] and others distributed the leaflets during the course of a social gathering celebrating Halloween. I am told that they were polite and that no one at the gathering was offended or objected to their activities.

The only disgruntled individual was Mr. Calvin Mosley, who is employed by UF's Department of Housing. Mr. Mosley apparently objected to the distribution of the leaflets because of the identity of the activists – namely those opposed to his Department's future plans for demolition of their homes. Mr. Mosley ordered my client to leave. [REDACTED] politely declined. Mr. Mosley then called the University Police.

Amy M. Hass, Esquire
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██████████ and his colleagues, feeling threatened by Mr. Mosley and the arrival of the police, moved to the parking area for a brief period of time and then disbanded. Approximately three (3) UPD officers responded to the call. After meeting ██████████ near the parking lot, they directed him to stay away from the commons area and to limit his leafletting to the parking area. As a result, ██████████ and his colleagues were unable to continue their speech activities at a time and place and in a manner clearly protected by the First Amendment.

I write to suggest that this matter was not handled properly by the University in the following respects:

1. The Housing Official should not have ordered peaceful activists handing out literature to leave the premises – particularly where the activists were distributing their materials in a commons area outside their own residences.

2. Upon arriving at the scene, the UPD officers should have upheld the rights of citizens engaged in First Amendment expression and told the Housing Officer to cease his efforts to censor the students' speech. I know that the first instinct of every law enforcement officer is to preserve order and that they generally follow the path of least resistance to promote order. In this circumstance, however, police are called upon to uphold the rights of the speaker and to avoid imposition of a heckler's veto. While my client does not claim that the UPD officers were aggressive or unprofessional, they were apparently intimidating enough to cause the students to abandon their speech activity.

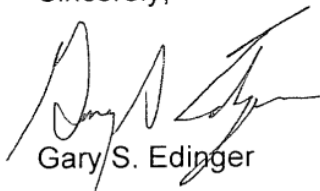
Ordinarily I would not write to protest a one-off event which did not involve arrests. However, ██████████ and his colleagues intend to conduct similar events in the future. There remains a real risk that UPD officers will again be called out and will again interfere inappropriately with students' speech rights. It is the likelihood of repetition and the possibility that litigation may ultimately be required which motivates me to write today.

I know that you hold the First Amendment in high regard and am confident that this incident was not a reflection of University policy. Nonetheless, the University can do better. It would be helpful if General Counsel's Office reminded UPD of its obligation to support non-disruptive speech rights on campus. It also seems that Mr. Mosley could use some instruction in basic civil rights and a reminder that his authority does not extend to censorship of speech which he finds personally disagreeable.

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I appreciate your attention to this matter.

Sincerely,



Gary S. Edinger

/gse
cc: Client