



April 3, 2026

Clifford Anderson  
Director of Public Safety  
Anoka-Ramsey Community College  
11200 Mississippi Blvd. NW  
Coon Rapids, Minnesota 55433-3470

*Sent via U.S. Mail and Electronic Mail (Clifford.Anderson@anokaramsey.edu)*

Dear Mr. Anderson:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit that defends free speech, is concerned with Anoka-Ramsey Community College’s restrictions on expression and assembly for non-affiliated organizations and individuals.<sup>1</sup> As Anoka-Ramsey is a public institution, its actions—including its treatment of non-affiliated individuals—must comply with the First Amendment.<sup>2</sup> Yet its ban on proselytizing is flatly unconstitutional, while its one-week notice requirement and restrictive designated expression and assembly areas both raise serious First Amendment concerns.

### ***Ban on Proselytizing***

Anoka-Ramsey Community College’s rules say “[n]on-affiliated organizations may distribute materials but may not solicit or proselytize” yet fail to define what constitutes “proselytizing.” The absence of any definition or limiting language makes it is reasonable to understand the term consistent with its ordinary meaning: “to induce someone to convert to one’s faith” or “to recruit someone to join one’s party, institution, or cause.”<sup>3</sup> The rule therefore prohibits non-affiliated individuals from advocating *in favor* of an ideology or cause—especially religious ones—while allowing them to express any other view, including harshly arguing *against* an ideology or cause. Any such ban that applies only to encouraging others to adopt a viewpoint or to join a

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<sup>1</sup> *Policy 5L.1 Expression and Assembly*, ANOKA-RAMSEY CMTY. COLL., <https://www.anokaramsey.edu/about-us/policies-disclosures/policies-procedures/policy-5l1-expression-and-assembly/>.

<sup>2</sup> *Bowman v. White*, 444 F.3d 967 (8th Cir. 2006).

<sup>3</sup> *Proselytize*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/proselytize>; *Burns v. Alcala*, 420 U.S. 575, 580–81 (1975) (referencing “the axiom that words used in a statute are to be given their ordinary meaning in the absence of persuasive reasons to the contrary”).

cause amounts to viewpoint discrimination, which is unconstitutional in any forum.<sup>4</sup> The U.S. Court of Appeals for the Eighth Circuit—whose decisions bind Anoka-Ramsey—has held that a school district engaged in unconstitutional viewpoint discrimination in excluding a group from an after-school program because “prayer and proselytizing” took place during its meetings.<sup>5</sup> The court rejected arguments that the district had a compelling interest in excluding the group in order to avoid violating the First Amendment’s Establishment Clause.<sup>6</sup>

The Establishment Clause does not require—and does not justify—public entities restricting religious speech, and it is well-established that religious speech—including proselytizing—does not receive lesser protection.<sup>7</sup> Although the Establishment Clause limits what the government *itself* may sponsor, such limitations do not apply to private actors’ speech: “When a government does not speak for itself, it may not exclude speech based on religious viewpoint; doing so constitutes impermissible viewpoint discrimination.”<sup>8</sup> For this reason, courts have routinely held the government cannot single out speech promoting religion for disfavored treatment.<sup>9</sup>

That the ban on proselytizing pertains only to non-affiliated individuals does not save it from constitutional scrutiny, as whatever authority the college possesses to regulate speech by non-affiliated organizations, it does not include the power to discriminate based on viewpoint. To comply with its First Amendment obligations, the college must immediately rescind its ban on proselytizing.

### ***Restrictive Designated Expression and Assembly Areas***

Anoka-Ramsey Community College restricts access to both its campuses for non-affiliated individuals. At the Coon Rapids campus,<sup>10</sup> non-affiliated individuals are limited to two areas, as the college describes on its website:

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<sup>4</sup> *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001) (a “restriction must not discriminate against speech on the basis of viewpoint”); *Child Evangelism Fellowship of Minn. v. Minneapolis Special Sch. Dist. No. 1*, 690 F.3d 996, 1000 (8th Cir. 2012) (“Even in a nonpublic forum, restrictions must be viewpoint neutral”); *Ctr. For Investigative Reporting v. SEPTA*, 975 F.3d 300, 313 (3rd Cir. 2020) (“viewpoint restrictions are impermissible in any forum”).

<sup>5</sup> *Child Evangelism Fellowship of Minn.*, 690 F.3d at 1001.

<sup>6</sup> *Id.* at 1002–03.

<sup>7</sup> *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 839 (1995) (“More than once we have rejected the position that the Establishment Clause even justifies, much less requires, a refusal to extend free speech rights to religious speakers”).

<sup>8</sup> *Shurtleff v. City of Boston*, 596 U.S. 243, 258 (2022) (cleaned up).

<sup>9</sup> See, e.g., *Good News Club*, 533 U.S. at 102 (holding religious club must be allowed to use public school facilities), *Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753 (1995) (holding a cross must be allowed on Ohio state capitol grounds), *Kiesinger v. Mex. Acad. & Cent. Sch.*, 427 F. Supp. 2d 182 (N.D.N.Y. 2006) (holding school must continue to display bricks with religious speech written on them), *Flamer v. City of White Plains*, 841 F. Supp. 1365 (S.D.N.Y. 1993) (holding a menorah must be allowed to be displayed in a public park).

<sup>10</sup> Although this letter addresses only the Coon Rapids campus in detail, the same constitutional standards discussed in this section apply to the Cambridge campus. Anoka-Ramsey should ensure its policies at both campuses comply with the First Amendment’s reasonableness standards as discussed in this section.

- Area on southwest corner of Mississippi Boulevard and College drive, adjacent to the electronic sign<sup>11</sup>
- Sidewalks adjacent to the east parking lot, up to but not crossing College Drive (literature distribution only)

Additionally, in the rules for “Dissemination of Written Materials,” which apply to both campuses, the college’s website instructs that:

Non-affiliated organizations and individuals have the freedom to distribute information and products on outdoor college property that is defined “public” by law. This includes sidewalks along the service roads and outwards through parking lots to streets. “Public” does not include the grounds between college buildings and sidewalks, sidewalks leading to entrances, nor the buildings themselves. Non-affiliated organizations are limited to four individuals distributing information or products at a time on college sidewalks.<sup>12</sup>

Read together, these rules establish the area on the corner of Mississippi Boulevard and College Drive as broadly open for expressive activity by non-affiliated individuals while some (but not all) sidewalks are available for literature distribution. All other areas of campus are closed to expression by non-affiliated individuals. These sweeping exclusions and the significant related ambiguity about where expression is permitted raise serious First Amendment concerns.

Although public colleges are not constitutionally required to open all campus property for non-affiliated individuals to the degree they do students, they do not have unbounded discretion to restrict non-affiliated speakers, either. The “extent to which the Government can control access depends on the nature of the relevant forum.”<sup>13</sup> A modern college contains “a variety of fora,”<sup>14</sup> so deeming a campus to be “one single type of forum is an impossible, futile task.”<sup>15</sup> In analyzing speech restrictions at public colleges, courts look in detail at the areas in question and weigh factors such as location and physical characteristics of the space, its traditional use, and the government’s actual policies regarding the space.<sup>16</sup> Importantly, the government’s chosen label for an area is not dispositive.<sup>17</sup> And, even in the most restrictive forum, any rules

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<sup>11</sup> The college provides a map highlighting this area. *Coon Rapids map*, ANOKA-RAMSEY COMMUNITY COLLEGE, <https://arccwebstorage.blob.core.windows.net/media/5606/coon-rapids-map-designated-assembly-areas.pdf>.

<sup>12</sup> *Policy 5L.1 Expression and Assembly*, ANOKA-RAMSEY CMTY. COLL., <https://www.anokaramsey.edu/about-us/policies-disclosures/policies-procedures/policy-5l1-expression-and-assembly/>.

<sup>13</sup> *Cornelius v. NAACP Legal Def. & Educ. Fund*, 473 U.S. 788, 800 (1985).

<sup>14</sup> *Bowman*, 444 F.3d at 976.

<sup>15</sup> *Id.* at 977.

<sup>16</sup> *See id.* at 977–78.

<sup>17</sup> *See id.* at 978 (rejecting university’s label of an area as a nonpublic forum as contrary to how the university actually treated the area).

still must be reasonable.<sup>18</sup> In other words, the government may restrict speech in these areas only “to the degree reasonably necessary to preserve the forum for its intended use.”<sup>19</sup>

Restricting areas to “literature distribution only” is particularly problematic. As the college has not restricted these areas to certain speakers or discussion of particular topics, it has likely created a designated public forum,<sup>20</sup> wherein speech restrictions must be “narrowly tailored to serve a significant government interest” and “leave open ample alternative channels of communication.”<sup>21</sup> Prohibiting other quiet, non-disruptive activities—such as holding a sign or even having conversations with passersby—while permitting literature distribution draws an arbitrary distinction not narrowly tailored to any significant government interest. Even under the more deferential standard applicable to limited public forums, restrictions still “must be ‘reasonable in light of the purpose served by the forum.’”<sup>22</sup> As other peaceful expressive activities are not inherently more disruptive than literature distribution, and are fully compatible with outdoor pedestrian areas, categorically restricting such expression is unreasonable.

The policies also suffer from substantial ambiguity, leaving it unclear which sidewalks are open to non-affiliated individuals for literature distribution. One provision allows it on sidewalks “adjacent to the east parking lot, up to but not crossing College Drive.” This seemingly excludes sidewalks going towards campus buildings through the small wooded area west of the parking lot, the sidewalks along College Drive on the northern side of the buildings, and the sidewalks along the access road on the eastern side of the buildings. Another provision, however, allows distribution on “sidewalks along the service roads and outwards through parking lots to streets,” which seems to include areas excluded from the first provision. At the same time, the second provision excludes “sidewalks leading to entrances,” making it unclear if sidewalks directly alongside the roads but connected to pathways leading to entrances are included or excluded. This convoluted web of rules unconstitutionally fails to give speakers fair notice of where they may go, chilling their speech.<sup>23</sup>

If a narrower reading of the rules is correct, such that literature distribution is limited largely or even exclusively to sidewalks directly adjacent to the east parking lot while excluding other sidewalks along College Drive and nearby service roads, the restrictions are unreasonably burdensome. Restricting expressive activity to a parking lot—away from where students, faculty, and staff are likely to walk in any substantial numbers—significantly limits the speech of non-affiliated individuals. The sidewalks along College Drive and the service road west of the

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<sup>18</sup> *Id.* at 976.

<sup>19</sup> *Multimedia Publ’g Co. v. Greenville-Spartanburg Airport Dist.*, 991 F.2d 154, 162 (4th Cir. 1993).

<sup>20</sup> *See id.* at 976 (distinguishing a limited public forum from the more general designated public forum).

<sup>21</sup> *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 45–6; see also *Bowman*, 444 F.3d at 980.

<sup>22</sup> *Good News Club*, 533 U.S. at 106–7 (quoting *Cornelius*, 473 U.S. at 806).

<sup>23</sup> *See Grayned v. City of Rockford*, 408 U.S. 104, 109 (1972) (“[W]here a vague statute abuts upon sensitive areas of basic First Amendment freedoms, it operates to inhibit the exercise of those freedoms. Uncertain meanings inevitably lead citizens to steer far wider of the unlawful zone than if the boundaries of the forbidden areas were clearly marked.”) (cleaned up).

parking lot are publicly accessible and not immediately adjacent to building entrances.<sup>24</sup> In these areas, banning non-affiliated individuals from distributing literature—or, as discussed, engaging in similarly non-disruptive activities—is not reasonably related to any legitimate purpose, such as ensuring unobstructed building access, particularly when the college already has rules addressing obstruction and disruption.

Further, even apart from the above restrictions, relegating all other expressive activities by non-affiliated individuals to the southwest corner of Mississippi Boulevard and College Drive goes beyond what is “reasonably necessary” to preserve the college’s educational mission.<sup>25</sup> Again, the college does not have to treat affiliated and non-affiliated speakers identically and can impose reasonable time, place, and manner limits, such as, for example, prohibiting large rallies by non-affiliated individuals that would disrupt the educational environment. But there are many other forms of expressive activity which are non-disruptive and generally compatible with other outdoor pedestrian areas of campus, like small expressive displays or informational tables. Yet for virtually the entire campus, Anoka-Ramsey does not even allow non-affiliated individuals to obtain a permit to engage in such activities; they are categorically banned. Confining expressive activity to the periphery of campus, physically separated from the college core where a speaker’s intended audience is likely to be, unreasonably burdens speech even if some other areas are open for literature distribution.

In short, the college need not turn the campus into a public park, but it must ensure its speech restrictions are constitutional considering the location and physical characteristics of the different spaces around campus.

### ***One-week Notice Requirement***

Finally, the rules require “all non-affiliated organizations (regardless of size) who want to use the designated areas . . . to request a permit from the Office of Public Safety no less than one week prior to using the area.”<sup>26</sup> A blanket week-long notice requirement, even for a single individual wishing to hand out pamphlets, is unreasonable. Notice requirements that courts have upheld for public demonstrations—including parades and marches—have “most generally been of less than a week.”<sup>27</sup> It is unclear why Anoka-Ramsey requires a week’s notice for even a lone pamphleteer when cities often need less time to approve demonstrations that may require increased police presence or measures for traffic control.

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<sup>24</sup> For instance, the main northern entrance (“Entrance 1”) is about 100 feet from the street, and a door near the Performing Arts Center (“Exterior Door 12”) is around 30–40 feet from the street. *Coon Rapids Campus map*, ANOKA-RAMSEY COMMUNITY COLLEGE, <https://arccwebstorage.blob.core.windows.net/media/6640/2023-campusmap.pdf>. Some other entrances are located even further from the street.

<sup>25</sup> *Multimedia Publ’g*, 991 F.2d 154 at 162 (holding that even in the nonpublic forum of an airport, a blanket ban on newspaper racks was unconstitutional because it restricted speech beyond what was necessary to preserve the forum’s intended purpose).

<sup>26</sup> *Policy 5L.1 Expression and Assembly*, ANOKA-RAMSEY CMTY. COLL., <https://www.anokaramsey.edu/about-us/policies-disclosures/policies-procedures/policy-5l1-expression-and-assembly/>.

<sup>27</sup> *Sullivan v. City of Augusta*, 511 F.3d 16, 38 (1st Cir. 2007).

While some notice requirements may be permissible, a blanket one-week rule for even a single individual or small group is disproportionate to any ordinary administrative or safety concern. The college must revise the rule to permit significantly shorter notice, or even no notice at all, for small-scale expressive activity not implicating significant security or logistical concerns.

### **Conclusion**

FIRE is happy to work with Anoka-Ramsey Community College—free of charge—to help ensure its rules comply with its First Amendment responsibilities towards non-affiliated individuals. There need not be any conflict between the college’s educational mission and the speech rights of the broader community.

We respectfully request a substantive response to this letter no later than April 17, 2026.

Sincerely,

A handwritten signature in black ink that reads "M. Brennen VanderVeen". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

M. Brennen VanderVeen  
Program Counsel, Public Advocacy