



July 8, 2026

Chancellor Susan Kazama
Hawai'i Community College
Office of the Chancellor
1175 Manono Street
Hilo, Hawai'i 96720

Sent via U.S. Mail and Electronic Mail (susan.kazama@hawaii.edu)

Dear Chancellor Kazama:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit that defends free speech, is concerned that Hawai'i Community College (HCC) removed a political petitioner from campus on three separate occasions and ultimately issued a one-year trespass warning under an erroneous and unconstitutional interpretation of the University of Hawai'i System solicitation policy. FIRE urges the college to immediately rescind the trespass warning.

Our concerns arise from three incidents involving Austin Martin, chairman of the Libertarian Party of Hawaii and state chair of Young Americans for Liberty. On March 11, 2026, Martin was collecting signatures in generally accessible, outdoor areas of HCC's Hilo campus for a petition urging the University of Hawai'i ("UH") to permit students to "carry non-lethal self-defense tools, such as pepper spray and stun devices, on campus."¹ Campus security stopped Martin and initially advised he might need to "check with the chancellor" before circulating a petition. The officers confirmed Martin was not selling anything or otherwise engaged in commercial activity. One said he did not "see a problem" so long as Martin "stayed in the common areas" and did not interrupt classes. Shortly thereafter, however, an officer returned, displayed UH Board of Regents Policy 11.204 on his cell phone, and said it prohibited "soliciting" without administrative approval. Security told Martin he had to leave campus until he received approval under that policy to petition. Martin complied.

¹ Austin the Musical Chair, *Forced to Leave HCCC Campus in Hilo – University of Hawaii versus the 1st Amendment*, YOUTUBE (Mar. 11, 2026), <https://www.youtube.com/watch?v=bND5FFSnYal&t>. The petition is available here: <https://studentrights.yaliberty.org/restore-self-defense-in-hawaii>. It notes that Hawai'i "faces one of the highest rates of sexual violence in the nation" and argues that non-lethal self-defense tools are highly effective at repelling attacks.

Martin returned March 27 to circulate the same petition.² Campus security again confronted him, stating his petitioning made some students “uncomfortable.” One officer characterized Martin’s conduct as “pretty much harassment,” though none were able to identify what he did besides approach students to discuss his petition. The officers again asserted that Martin could not “go up to people” without administrative approval because university policy prohibited unauthorized soliciting, and they directed him to leave campus. Martin complied but explained he believed security was misinterpreting the policy as applying to non-commercial activity.

On April 7, Martin returned with a student, HCC Young Americans for Liberty chapter president Ethan Warner, to collect signatures together.³ Campus security again concluded Martin was violating the solicitation policy, contacted law enforcement, and issued him a trespass warning barring him from all Hawai‘i Community College campuses for one year. That same day, HCC distributed a campus-wide notice stating that Martin was banned for one year and instructing recipients to contact campus security or the Hawai‘i County Police Department if they saw Martin on campus.⁴

Because the trespass warning rests on a misinterpretation of the university’s solicitation policy, it should be rescinded on that basis alone. The interpretation also raises serious First Amendment issues insofar as it requires advance approval for *all* political petitioning—including by students—and fails to provide fair notice such activity is “soliciting” or establish clear, objective standards for when to grant or deny permission. The university cannot constitutionally enforce the policy in this manner.

It is well settled that the First Amendment binds public universities and colleges like HCC,⁵ such that its decisions and actions must comport with constitutional limits. Although public colleges are not constitutionally required to grant members of the public the same access to campus as students, they do not possess unlimited authority to restrict the expressive activity of non-affiliated individuals. In analyzing speech restrictions at public colleges, courts analyze the areas in question and assess factors such as the location and physical characteristics, the traditional use of the space, and the government’s actual policies regarding it.⁶ And, even in the most restrictive forum, speech restrictions must be reasonable,⁷ meaning they may burden speech only “to the degree reasonably necessary to preserve the forum for its intended use.”⁸

² Austin the Musical Chair, *UH Campus feelings police enforce demands to remove dissenting views from UH*, YOUTUBE (Mar. 27, 2026), <https://www.youtube.com/watch?v=SzDmyd8TrdU&>.

³ Austin the Musical Chair, *UH Hilo Community College Feelings Police Escalate Against Students*, YOUTUBE (Apr. 7, 2026), <https://www.youtube.com/watch?v=93MLeazVr7k>.

⁴ Email from Hawai‘i Cmty. Coll. (Apr. 7, 2026) (on file with author).

⁵ *Healy v. James*, 408 U.S. 169, 180 (1972).

⁶ See *Bowman v. White*, 444 F.3d 967, 977–78 (8th Cir. 2006). The government’s chosen label for an area is not dispositive. 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).

⁷ *Id.* at 976.

⁸ *Multimedia Publ’g Co. v. Greenville-Spartanburg Airport Dist.*, 991 F.2d 154, 162 (4th Cir. 1993).

With respect to permit requirements, the Supreme Court has observed: “It is offensive—not only to the values protected by the First Amendment, but to the very notion of a free society—that in the context of everyday public discourse [one] must first inform [authorities] of her desire to speak to her neighbors and then obtain a permit to do so.”⁹ Administrative procedures requiring speakers to obtain a license or permit or otherwise register with the government before speaking are highly disfavored.¹⁰ Courts consistently strike down permit requirements that apply to individuals or small groups wishing to speak in outdoor public forums.¹¹ And the Supreme Court has recognized “the circulation of a petition involves the type of interactive communication concerning political change that is appropriately described as ‘core political speech,’” an “area in which the importance of First Amendment protections is ‘at its zenith.’”¹²

Campus policies restricting speech also must be sufficiently clear. If speakers “of common intelligence must necessarily guess at [a policy’s] meaning,”¹³ or it lacks “explicit standards” to prevent “arbitrary and discriminatory enforcement,” the policy is unconstitutionally vague.¹⁴ Relatedly, policies that require advance approval for expressive activity may not leave those decisions “to the unbridled discretion of a government official.”¹⁵ As the Supreme Court has explained, “without standards governing the exercise of discretion, a government official may decide who may speak ... based upon the content of the speech or viewpoint of the speaker.”¹⁶

HCC trespassed Martin for allegedly violating UH Board of Regents Policy 11.204, which states:

Selling of goods and/or services and soliciting on the campuses or in the buildings of the university shall be prohibited without the permission of the board. The president shall be authorized to represent the board in granting permission when desirable. Proper and fair bidding procedures, when appropriate, shall be followed in granting selling permission at the university.¹⁷

Martin did not violate the policy. Its text, structure, and context make clear that “soliciting” refers to commercial activity, not non-commercial political petitioning. That term appears

⁹ *Watchtower Bible and Tract Soc’y of N.Y., Inc. v. Vill. of Stratton*, 536 U.S. 150, 165–66 (2002).

¹⁰ *N.Y. Times v. United States*, 403 U.S. 713, 714 (1971).

¹¹ See, e.g., *Berger v. City of Seattle*, 569 F.3d 1029, 1048 (9th Cir. 2009) (*en banc*) (“[N]either we nor the Supreme Court has ever countenanced” a policy that “requires single individuals to inform the government of their intent to engage in expressive activity in a public forum.”); *Knowles v. City of Waco*, 462 F.3d 430, 436 (5th Cir. 2006) (“ordinances requiring a permit for demonstrations by a handful of people are not narrowly tailored to serve a significant government interest”).

¹² *Meyer v. Grant*, 486 U.S. 414, 421–22, 425 (1988).

¹³ *Connally v. Gen. Constr. Co.*, 269 U.S. 385, 391 (1926).

¹⁴ *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972); see also *Minnesota Voters All. v. Mansky*, 585 U.S. 1, 21 (2018) (officials’ discretion in enforcing speech policy “must be guided by objective, workable standards”).

¹⁵ *Lakewood v. Plain Dealer Pub. Co.*, 486 U.S. 750, 763 (1988).

¹⁶ *Id.* at 763–64.

¹⁷ UNIV. OF HAWAII SYSTEMWIDE POLICIES AND PROCS. INFO. SYS., BD. OF REGENTS POL’Y 11.204, <https://hawaii.edu/policy/index.php?action=viewPolicy&policySection=rp&policyChapter=11&policyNumber=204&menuView=closed>.

with “selling of goods and/or services,” indicating the policy regulates commercial transactions and requests to engage in them. That reading is reinforced not only by HCC’s own policies, which define “solicitation” as “the sale or offer for sale of any good or services,”¹⁸ but also Policy 11.204’s mention of “fair bidding procedures,” relevant only to commercial sales.

Moreover, if the policy reached non-commercial expressive activity like political petitioning, it would violate the First Amendment. Even assuming UH may require non-affiliated speakers to obtain approval before petitioning in certain campus areas, imposing that requirement campus-wide and without articulated, objective standards to constrain officials’ discretion in granting or denying permission would be unconstitutional. And because the policy is not limited to non-affiliated visitors, campus security’s interpretation requires even students to obtain approval before circulating a petition in open, outdoor areas of campus, compounding the First Amendment violation and contravening other university policies.¹⁹

At a minimum, the meaning of “soliciting” is ambiguous, making the policy unconstitutionally vague for failing to provide fair warning of what speech or conduct is prohibited. The policy nowhere defines “soliciting” and nothing in the text indicates it reaches beyond commercial activity.²⁰ As Martin’s situation demonstrates, such ambiguity invites arbitrary enforcement. The security guards simply assumed that “soliciting” encompassed his petitioning activity. When Martin pointed out the term presumably refers to commercial activity, they had no meaningful response.

Campus security’s other potential justification for excluding Martin fares no better. During the March 27 encounter, a security guard claimed Martin’s petitioning made some students “uncomfortable.” Yet security identified no conduct beyond Martin’s peacefully approaching students in the open, outdoor areas of campus to discuss his petition. There is no allegation or evidence he obstructed pedestrian traffic, disrupted educational activities, threatened or intimidated anyone, followed anyone who declined to engage, or undertook conduct

¹⁸ UNIV. OF HAWAII’I, HAWAII’I CMTY. COLL., FACILITIES USE PRACTICES, PROCS. AND TERMS OF USE § 4(k) (rev. Apr. 2024), <https://hawaii.hawaii.edu/sites/default/files/assets/pom/docs/facilities-terms-of-use.pdf>.

¹⁹ To the extent a “campus has park areas, sidewalks, streets, or other similar common areas, these areas are public forums, at least for the University’s students, irrespective of whether the University has so designated them or not.” *Roberts v. Haragan*, 346 F. Supp. 2d 853, 861 (N.D. Tex. 2004) (striking down university policy requiring student to acquire permit at least two business days before engaging in protected speech in public forums of campus outside designated free-speech zones); *see also Univ. of Cincinnati Chapter of Young Americans for Liberty v. Williams*, No. 1:12-CV-155, 2012 WL 2160969 (S.D. Ohio June 12, 2012) (enjoining public university from requiring students to provide prior notice for gathering petition signatures). Also, UH policy in effect at the time required all campuses to “permit non-commercial student speech and assembly in all areas generally available to students and the community without first having to apply for or obtain permission from the Chancellor.” UNIV. OF HAWAII’I SYSTEMWIDE POLICIES AND PROCS. INFO. SYS., EXEC. POL’Y 10.206 § (III)(B)(1), <https://www.hawaii.edu/policy/?action=viewPolicy&policySection=ep&policyChapter=10&policyNumber=206>.

²⁰ *See Univ. of Cincinnati*, 2012 WL 2160969 at *8 (public university policy on “demonstrations, picketing, and rallies” was unconstitutionally vague as it failed to provide written criteria regarding the terms’ meanings, presenting “university officials with the opportunity for arbitrary and discriminatory enforcement”).

sufficiently severe, pervasive, and objectively offensive to constitute unlawful harassment.²¹ To the extent some students simply disagreed with Martin’s views or preferred not to hear them, restricting his speech on that basis would amount to an unconstitutional “heckler’s veto.”²²

Nothing in this letter should be taken to suggest HCC may not adopt and enforce reasonable, content-neutral time, place, and manner restrictions on expressive activity. But the college did not rely on such restrictions here. Instead, it repeatedly ejected Martin from campus based on an incorrect and unconstitutional interpretation of UH’s solicitation policy—possibly due to student opposition to his views—then imposed a sweeping one-year ban. That interpretation and the punishment levied under it cannot stand.

We respectfully request a substantive response no later than July 22, 2026, confirming that HCC has rescinded Austin Martin’s trespass warning.

Sincerely,



Aaron Terr
Director of Public Advocacy

Cc: Wendy F. Hensel, President, University of Hawai‘i
Patrick Chong, Safety & Security Manager, Hawai‘i Community College

²¹ University policy defines harassment as “sufficiently severe, pervasive (or persistent) and objectively offensive conduct that unreasonably interferes with, limits or denies the ability to participate in or benefit from the University/College’s educational program or activities.” UNIV. OF HAWAI‘I SYSTEMWIDE POLICIES AND PROCS. INFO. SYS., EXEC. POL’Y 7.208 § (IV)(B)(3)(g).

²² See *Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 131 (1992) (invalidating security fee requirement for demonstrations on public property because it vested unbridled discretion in government officials and authorized them to assess fees based on their “measure of the amount of hostility likely to be created by the speech based on its content”).