

August 19, 2022
rjones@uasystem.edu

Robin H. Jones
Chief University Counsel
University of Alabama
Rose Administration
Box 870106
Tuscaloosa, AL 35487-0106

Dear Ms. Jones:

I write to you regarding the scope of First Amendment protections on the University of Alabama's campus.

My understanding is that a person, unaffiliated with the University of Alabama, is prohibited from use of any University grounds without having first obtained a permit. I also understand that thousands of non-affiliated persons travel onto the Quad and surrounding sidewalks on Gamedays, without first obtaining a permit. My inquiry regards whether a non-affiliated evangelist is restricted from similarly walking the University grounds and speaking to others on Gameday.

On Gameday, the Quad and surrounding sidewalks are a traditional public forum. It physically resembles a park, is open to the public, and is, in fact, filled with non-affiliated persons gathering together in a manner that far more closely resembles a festival than a classroom—quite distinguishable from a quiet sidewalk during the week. A person evangelizing would not, at this place and this time, interfere with any “enclave ... of higher learning” any more than the thousands of other non-affiliated persons.

Even if the Quad and surrounding sidewalks on Gameday were a limited public forum, it would be no basis exclude an evangelist. There is certainly no limitation on what topics may be discussed on Gameday by non-affiliated persons on or near the Quad, just as there is no limitation on discussing religious topics at any other time on the grounds. Nor is there any limitation on the category of persons who may tailgate on the Quad and walk the nearby sidewalks. While at other times of the week the University may take a more restrictive attitude, on Gameday, the University places no categorical limits on who may walk the Quad and surrounding sidewalks, and about what they may speak. To limit an evangelist, walking and talking amongst other members of the public, from speaking about his religious convictions would amount to impermissible viewpoint discrimination.

To help avoid any controversy, I respectfully request your response by August 26, 2022, to this letter, confirming that the University will not restrict evangelists from preaching to others on the Quad and surrounding sidewalks on Gameday. If you have any questions, please email me at nkinard@chamblisslaw.com.

Sincerely,

Nathan L. Kinard