

Senate
California Legislature

JOEL ANDERSON
SENATOR

THIRTY-EIGHTH SENATE DISTRICT



May 3, 2017

The Honorable Kevin de León
President Pro Tempore
State Capitol, Room 205
Sacramento, CA 95814

RE: Second Request for Public Safety Committee Hearing

Dear President Pro Tempore de León,

As a follow up to our letter of February 6, I write to make a second request that a Senate Public Safety Informational Hearing be convened for the purpose of reviewing campus law enforcement's policies and practices with respect to keeping students safe and ensuring a safe learning environment for all.

Since the writing of our first letter, the need for this hearing has only become clearer.

Threats of violence at one of our University of California campuses once again lead to the cancellation of an educational opportunity that would challenge many students' viewpoints. While the university's administration offered to reschedule the event, it's offered a date and location that would likely lead to fewer students attending.

While it is possible that the true intention of the administration was to protect its students and the speaker, we agree with the Los Angeles Times editorial board who said:

"... good intentions and legitimate concerns don't absolve the university of its fundamental responsibility to free expression and unfettered debate."

As legislators, we cannot blindly accept a default policy of cancelling events of speakers whose views may be unpopular. That is why this hearing is so important. We must have a clear understanding of the policies and practices in place, and identify what resources are still needed, in order to protect students and their access to diverse learning opportunities.

The alternative, which the Los Angeles Times articulated in their editorial, should be unacceptable for a free society:

"But it's important that a campus that was the birthplace of the free speech movement not succumb to what lawyers call the "heckler's veto" — the idea that a fear of disruptive or

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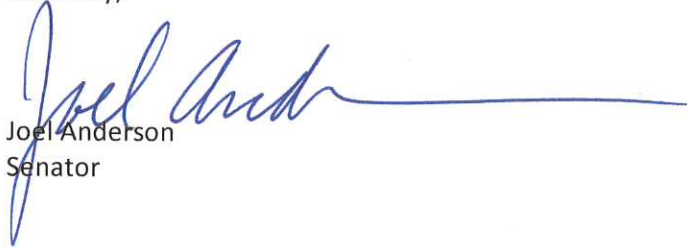
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violent protest justifies canceling a speech by a controversial figure or shunting it to a time or place where it will have a significantly smaller audience. UC Berkeley also needs to be careful that it's not engaging in unintentional "viewpoint discrimination." At Berkeley, as at many other campuses these days, it's simply a fact of life that conservative speakers are more likely to provoke protests than liberal ones. So even if a policy is ideologically neutral on its face, and based solely on security considerations, it can have the effect of discriminating against conservative speakers if the result is that they are more likely to have their appearances canceled or restricted."

The American Civil Liberties Union National said that the "heckler's veto of Coulter's Berkeley speech is a loss for the first amendment." I agree. To ensure safe and free access to diverse viewpoints for all of our students, I respectfully request once again that the Senate Public Safety Committee convene a hearing to discuss this very important issue.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel Anderson", followed by a long horizontal line extending to the right.

Joel Anderson
Senator

CC: Senator Nancy Skinner, Chair, Senate Committee on Public Safety