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VIA EMAIL AND U.S. MAIL

Ms. Harmeet K. Dhillon
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Dear Mr. Dhillon:

This responds to your April 20, 2017 letter to Interim Vice Chancellor Stephen Sutton written on behalf of your clients the Berkeley College Republicans (“BCR”) and Young America’s Foundation (“YAF”). This Semester, UC Berkeley has dedicated more resources—in the form of staff time, administrative attention, police resources, and cash outlay—to facilitating BCR’s expressive activities than have been devoted to any other student group in memory. Dedicated staff and administrators have spent countless hours, including during weekends and vacations, working to enable BCR’s planned events and to maximize the possibility that those events can occur safely for the participants, the speakers, our students and others in our campus community. BCR has specifically requested that the campus help ensure security for its events, and that is what the University has worked hard to do.

While I don’t think it is useful to address them all, your discussion of the background of the Coulter event contains a number of factual errors. BCR and BridgeCal apparently signed a contract committing themselves to an April 27 date without first consulting the University or obtaining security review by UCPD. This failure was particularly unfortunate in light of the fact that BCR had worked closely with UCPD on other events. Campus administration first learned of BCR’s requested date through newspaper reports. In light of serious violence that has occurred at recent events on and around the campus—including most recently, last weekend’s clashes between opposition groups of protesters in Downtown Berkeley that resulted in multiple injuries and arrests—UCPD immediately began conducting a security assessment upon learning of BCR’s invitation to Coulter. UCPD received mounting intelligence that some of the same groups that previously engaged in local violent action also intended violence at the Coulter event. BCR was informed of UCPD’s determination that one measure to mitigate these security risks would be to hold the event during the early afternoon. BCR was also informed that if that timing could be accommodated, the University would make security assessments of available venues to determine whether any protectable location was available for the date BCR and BridgeCal had requested. Unfortunately, after extensive review, the University determined that none of the limited number of adequately sized campus venues that could be protected from the known security threats is

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available on BCR's requested April 27 date. The University therefore informed BCR that it would work with the group to find an alternative date when the event could be held as safely as possible. Knowing that BCR was interested in a date in which students are on campus, and given the short time window before the end of the semester, the University originally suggested looking toward scheduling an event in the Fall. The campus continued working on alternatives, however, and determined that a suitable venue could be offered on May 2, while students are still on campus for Spring Semester. On behalf of BCR you have now rejected the May 2 offer, and so we have discontinued the extensive planning efforts that were underway to hold an event on that date.

Student organizations' access to event venues on campus is subject to the availability of venues of appropriate size and the ability of the University to provide adequate security. Security risks of each event are evaluated independently. Differences in the management of event security have nothing to do with the University's agreement or disagreement with the opinions of the speakers, but are based entirely on UCPD's assessment of the security risks and the measures needed to minimize them.

The University's actions in this matter have been wholly consistent with its obligations under the Constitution to protect the free speech rights of your clients and its duty to protect the safety and security of the University community. Contrary to the suggestion in your letter, the University at no time has "prohibit[ed] a speaking event." On the contrary, we have worked conscientiously to facilitate BCR's ability to hold an event where the possibility of disruption of BCR's expressive activities is minimized. We have also been mindful of the University's responsibility to protect the safety and security of its 36,000 students and other members of the campus community. After careful and extensive review, UCPD and campus administration have determined that neither BCR's free speech rights nor the safety of the campus community can be safeguarded on April 27. We are dismayed that your letter suggests a disregard of the professional judgment of law enforcement regarding security concerns, but we stand ready to work with BCR to find a date, time, and venue where its rights and campus security can be maximized. Campus administrators and staff will continue to communicate directly with BCR to promote that outcome.

Regards,

Christopher M. Patti
Chief Campus Counsel and
Associate General Counsel