



April 10, 2018

Chancellor Carol Christ
Office of the Chancellor
University of California, Berkeley
200 California Hall, #1500
Berkeley, California 94720-1500

Dear Chancellor Christ,

We forward herewith the final report of the Commission on Free Speech that you constituted in October 2017 “to analyze events featuring external speakers” on the Berkeley campus. Our specific brief was to make recommendations about modifications to policy and procedures that might reduce the disruption and expense of controversial events featuring outside speakers, and also to provide advice about how to reconcile the campus commitment to free speech with “our values as a community”.

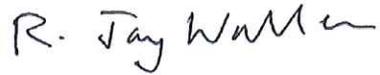
We will not attempt to summarize the conclusions of our report, which we hope will speak for itself. But we would like to take this opportunity, on behalf of the entire Commission, to thank you for the confidence you have placed in us in inviting us to deliberate together about these extremely important issues. It was daunting to think about how some of the inherent tensions between our values in this general area might better be managed. But the issues are extremely interesting ones, and they are also of tremendous topical significance; we all found it profoundly rewarding to be able to address them systematically as members of the Commission on Free Speech.

Speaking as Co-Chairs of the Commission, we would like to express our particular gratitude to the members of the Commission for their commitment to sustaining a healthy and productive culture of discussion and debate. There was a wide spectrum of views represented on the Commission about some of the controversial recent events on campus featuring external speakers. To a degree that really impressed us, members of the Commission were united in their willingness to listen respectfully to what their fellow Commission members were saying, to engage thoughtfully with views different from their own, and to show empathy for the disparate experiences of each other. The Commission was an exemplary community of difference, and our positive experiences as members of this community give us hope for the future of the vital free speech culture on our campus.

Yours respectfully,



Prudence Carter
Dean, Graduate School of Education
Co-Chair, Commission on Free Speech



R. Jay Wallace
Judy Chandler Webb Distinguished Chair, Department of Philosophy
Co-Chair, Commission on Free Speech

Report of the Chancellor's Commission on Free Speech

April 9, 2018



The Commission's Website can be found at: <https://chancellor.berkeley.edu/task-forces/commission-free-speech>

TABLE OF CONTENTS

Executive Summary	2
Summary of Charge	4
Findings	5
Recommendations	8
Process	16
Appendix A: Chancellor's Charge Letter to the Commission on Free Speech	18
Appendix B: Commission on Free Speech Membership Roster	21
Appendix C: Individual Statements from Commission Members	22
Appendix D: Recommended Background Reading	24

Cover photo: Demonstration against tuition increases, Sproul Plaza, April 2009, © Regents of the University of California

EXECUTIVE SUMMARY

For nearly six months (October 2017 to March 2018), a group of UC Berkeley faculty, staff, students and administrators met to consider the Chancellor's charge to investigate how the campus could better address and manage politically controversial public events. Invited Commission members held diverse viewpoints and perspectives about recent, controversial campus events.

The University of California, Berkeley, in its commitment to adhere to the First Amendment, must continue to embrace its obligation to protect the fundamental right of free speech, including hate speech.¹ At the same time, the campus must commit itself to reducing the likelihood of disruption from provocative events, and must take steps to avoid harm to the community when such events occur. The Commission on Free Speech therefore recommends the following:

What Senior Leadership and Campus Administration Can Do:

Continue to operationalize the Major Events policy while remaining open to further revisions based on experience and input from the community.

Either add West Crescent as a Free Speech Zone, resulting in three such zones on campus (along with Upper and Lower Sproul Plazas), or make Lower Sproul Plaza subject to the Major Events policy while adding West Crescent as a Free Speech Zone (maintaining two such zones, but moving one farther from central campus).²

Make the police a less intimidating presence during potentially disruptive events.

Establish stronger criteria for Registered Student Organization (RSO) sponsorship of events that demand extra security, including a requirement that RSOs submit a public statement explaining how the event comports with the Principles of Community, and a requirement that RSOs provide volunteers to assist at sponsored events that need extra security.

Increase communication about the steps faculty, staff, and students can take to protect themselves from a disruptive event.

Organize counterprogramming to empower targeted community members in the face of the most disturbing campus speech events.

Seek revenues and support from the State of California for events likely to disrupt campus and create large, disproportionate financial burdens.

¹ For purposes of this document, hate speech is defined as use of words which are deliberately abusive and/or insulting and/or threatening and/or demeaning.

² The term "Free Speech Zone" is used in this report to denote areas with fewer time, place, and manner restrictions than the campus as a whole. Currently Upper and Lower Sproul Plazas are exempt from the Major Events Policy and can be reserved for potentially controversial major events with as little as 48 hours' notice to campus. These are, of course, not the only "zones" on campus where "free speech" is permitted. Free speech is permitted in many campus locations, but with more significant time, place, and manner restrictions designed to avoid disruption of campus activities than the relatively limited restrictions in the two presently designated zones.

Explore whether to set a cap on security costs for disruptive events, bearing in mind the potential for litigation.³

Collect more data on attitudes toward the Major Event Policy to make sure it and other relevant campus policies reflect community values.

When funding allows, develop a campus-wide event database.

Continue to support a vigorous campus culture of free speech.

What Faculty Can Do:

Educate students about the harms of hateful speech and the reasons hateful speech is unrestricted.

Train students how to debate and disagree respectfully; build logic and empirical inquiry skills.

Encourage the campus to plan alternative events that feature multiple viewpoints on sensitive subjects.

What Students Can Do:

Honor not just the campus's Principles of Community but its mission of education, research, and public service by voluntarily balancing their right to hold events with their responsibility to the community.

³ The Commission did not reach consensus on this issue.

CHARGE

Chancellor Christ formed the Commission on Free Speech in October 2017 “to analyze events featuring external speakers in order to recommend changes in policy and procedures that might make similar events [to those of September 2017] less disruptive and expensive for the campus, and to advise how we might best align our responsibility for protecting free speech with our values as a community.” The Commission was charged with “developing a set of recommendations that preserve the campus’s firm commitment to free expression while reducing the likelihood of such expression disrupting the mission of education, research, and public service.”

The Chancellor’s charge letter is attached to this document as Appendix A.

A list of Commission members and staff is attached to this document as Appendix B.

FINDINGS

Dedication to freedom of speech has been a prominent and valued part of the Berkeley ethos since the 1960s. The University of California, Berkeley must continue to embrace its obligation to protect the fundamental right of free speech, including offensive and hateful speech. The campus is also committed to ensuring the safety of all students, staff, and faculty; to fostering an inclusive community, especially for those traditionally under-represented; and to creating an environment where all voices can be heard.

The discord arising from a few student-sponsored events from February to September 2017 exposed the tensions between these campus values. On the one hand, UC Berkeley is dedicated to inclusion as stated in its Principles of Community.⁴ This inclusion ranges from race, ethnicity, gender, immigrant status, disability, religion, sexual orientation, and political ideology to other forms of difference, all “in a spirit of civility and respect in our personal interactions.” Such civility and respect, however, are not required by the First Amendment—and UC Berkeley champions assiduously the freedom of expression granted through the first article of the Bill of Rights, without which the University’s very mission would be jeopardized. The campus must commit itself to reducing the likelihood of disruption from provocative events, and must take steps to avoid harm to the community when such events occur.

On April 11, 2016, right-wing political commentator Ben Shapiro spoke at UC Berkeley without controversy. Shapiro’s news outlet, the website Daily Wire, noted approvingly that “The audience at Berkeley was civil and polite, perhaps more so than any other university Shapiro has visited in the last few weeks. This is likely due to the fact that Berkeley hosts speakers on a regular basis; the politically-conscious campus is likely used to politically charged speech.”⁵

Shapiro next spoke at UC Berkeley on September 14, 2017. This time he was met by hundreds of protesters. The campus spent \$600,000 to protect both his first amendment right to speak and the safety of supporters and detractors around the venue. Nine people were arrested.⁶

Why the difference? What happened to the campus’s response to politically charged speech?

Although of course many things changed during the 17 months between Shapiro’s campus engagements, our conclusion is that the rise of ultra-conservative rhetoric, including white supremacist views and protest marches, legitimized by the 2016 presidential election and its aftermath, encouraged far-right and alt-right activists to “spike the football” at Berkeley. This provoked an at-times violent (and condemnable) response from the extreme left, tearing at the campus’s social fabric.⁷

⁴ <https://diversity.berkeley.edu/principles-community>

⁵ <https://www.dailywire.com/news/4851/ben-shapiro-speaks-berkeley-joshua-yasmeh>

⁶ <https://www.cnn.com/2017/09/14/us/berkeley-ben-shapiro-speech/index.html>

⁷ The football metaphor, which means “flagrant celebration in an opponent’s most valued territory,” arose during an exchange between a conservative student member of the Commission and a conservative student providing testimony on February 9, 2018. See <https://www.youtube.com/watch?v=Co7DcDcbYbo> at 32:15.

Contrary to a currently popular narrative, Berkeley remains a tolerant campus. An Office of Planning & Analysis survey of incoming Fall 2017 students found that three-quarters of them agree that “the University has the responsibility to provide equal access to safe and secure venues for guest speakers of all viewpoints—even if the ideas are found offensive by some or conflict with the values held by the UC Berkeley community.” This is consistent with the results of a nationwide 2016 study by the Knight Foundation, which reported: “By 78% to 22%, more students say colleges should expose students to all types of speech and viewpoints than say colleges should prohibit biased or offensive speech in the furtherance of a positive learning environment. They are more likely than U.S. adults (66%) to say this.”⁸

All the 2017 events that led to disruption were sponsored by very small groups of students working closely with outside organizations. Although those speakers had every right to speak and were entitled to protection, they did not need to be on campus to exercise the right of free speech. Indeed, at least some of the 2017 events at Berkeley can now be seen to be part of a coordinated campaign to organize appearances on American campuses likely to incite a violent reaction, in order to advance a facile narrative that universities are not tolerant of conservative speech.

We should, of course, be wary of painting with an overly broad brush. In Shapiro’s case, the claim that his invitation to campus was intended to broaden the political discourse has some plausibility, as his commitment to the issue long predates the polarizing 2016 election. Milo Yiannopoulos and Ann Coulter, however, expressed little interest in reasoned discussion of contentious issues or in defending or revising their views through argument. Many Commission members are skeptical of these speakers’ commitment to anything other than the pursuit of wealth and fame through the instigation of anger, fear, and vengefulness in their hard-right constituency.⁹ Speech of this kind is hard to defend, especially in light of the acute distress it caused (and was intended to cause) to staff and students, many of whom felt threatened and targeted by the speakers and by the outside groups financing their appearances.

The assertion of individual rights at the expense of social responsibility by a handful of students had enormous consequences for the campus. Many students and staff felt threatened not just by the message of the speakers, but by the large police presence required to assure everyone’s safety. Thousands more students and staff—some perhaps not as disturbed by the political events or by the large police presence—were nonetheless inconvenienced by the near shutdown of Sproul Plaza and vicinity. And, as has recently come to light, the campus spent nearly \$4 million—during a time of severe fiscal duress—on security costs for the events of September 2017 alone.¹⁰

It is impossible to predict whether politically polarizing events will continue to roil the campus; much will depend on the national zeitgeist. But as School of Law Dean Erwin Chemerinsky and his co-author, UC Irvine Chancellor Howard Gillman, explain in their landmark book *Free Speech on Campus*,¹¹ more than eighty years of First Amendment law would need to be overturned for the campus to legally prohibit potentially disruptive events that offer little value as contributions to campus discourse. The Commission has no appetite for instigating a legal battle over this issue (except possibly in connection with cost, as will be discussed later), in part because members are

⁸ https://www.knightfoundation.org/media/uploads/publication_pdfs/FreeSpeech_campus.pdf, p. 3.

⁹ For example, Yiannopoulos’s commitment to furthering white supremacist views under the cloak of political conservatism is documented at https://www.buzzfeed.com/josephbernstein/heres-how-breitbart-and-milo-smuggled-white-nationalism?utm_term=.jxRjaRkwB#.kuAAJzZkE.

¹⁰ <http://www.dailycal.org/2018/02/04/uc-berkeley-split-4m-cost-free-speech-events-uc-office-president/>

¹¹ Chemerinsky, Erwin and Gillman, Howard: *Free Speech on Campus*, Yale University Press, 2017.

not convinced that a defensible procedure could be devised for determining in advance which planned events are likely to represent constructive contributions to campus discourse. Further, ASUC Event Services and the Classroom Scheduling Office hosted 11,460 non-departmental events in their facilities during Fall 2017 (7,216 through ASUC, 4,244 through Classroom Scheduling), of which only two—the Shapiro appearance and Yiannopoulos’s “Free Speech Week”—created a disturbance. The campus’s co-curricular ecosystem is clearly thriving, on the whole, and the Commission is wary of implementing changes that could impede its good functioning.

Therefore, the Commission recommends a number of pragmatic steps on the part of campus leadership and administration, the faculty, and students themselves to reduce the likelihood that major events hosted by non-departmental organizations will again disrupt the campus as they did in September 2017. Those recommendations follow.

RECOMMENDATIONS

There is no magic formula for eliminating the cost and disruption of controversial events on campus. Rather, every campus constituency needs to help reduce the likelihood of disruptions like those the campus experienced in September 2017.

WHAT LEADERSHIP AND ADMINISTRATION CAN DO:

Major Events Policy

The Major Events Policy is a considerable achievement. There were problems with its implementation, as campus event managers and Registered Student Organizations (RSOs) needed to adjust to the new requirements imposed on events that involved 200 or more participants, or involved alcohol, or consisted of a dance or concert, or required outdoor amplified sound. Prior to the introduction of the Major Events Policy, the campus strove to accommodate last-minute attempts to hold big events on short notice. However, starting in Fall 2017, RSOs had to provide the University of California Police Department (UCPD) with at least eight weeks' notice of a major event. This new condition jeopardized a number of annual RSO events that had been held for years without incident. A five-person strike team found a path forward for almost all those events without violating the policy.

The Major Events Policy was implemented on an interim basis with the expectation that it would be revised after extensive campus input. The policy was opened to comment in October 2017. Nearly 500 respondents, over 85% of them students, submitted comments. Guided by that input, as well as by input from the Academic Senate, the Compliance and Enterprise Risk Committee (CERC) Policy Subcommittee, the full CERC, and the Commission on Free Speech, the revised policy was issued on January 9, 2018. The notification period for disclosing a major event to campus (the UCPD and the intended venue) was shortened from eight weeks to six; the number of participants comprising a major event was increased from 200 to 300; alcohol distribution was permitted at certain locations; and the definition of dances was changed to exclude dance *performances*.

The Commission believes it may take two years for the campus to fully assimilate the Major Events Policy. In the meantime, the Commission recommends that, starting in October 2018, the campus make further revisions based on experience and input from the community. (It should be noted here that the Major Events Policy has no impact on demonstrations, only on activities for which non-departmental hosts wish to *reserve* space on campus for a planned event.)

Free Speech Zones

Upper and Lower Sproul Plazas are the campus's traditional free speech zones. They are exempt from the Major Events Policy, allowing for impromptu gatherings in accordance with the time, place, and manner guidelines in the relevant Berkeley Campus Regulations Implementing University Policies.¹² Yet some of the most important student services units on campus are based near the Plazas, among them: Sproul Hall (Registrar, Financial Aid, Dean of Students, Graduate Division); the Cesar Chavez Student Center (Disabled Students Program, Gender Equity Resource Center, Student Learning Center, multiple Student Development Centers); and Eshleman Hall (ASUC Student Government, Graduate Assembly, LEAD Center). When the Plazas are closed or otherwise disrupted by major events requiring additional security, the units in these buildings must either

¹² See Sections 331, 342, 344, 346, 351, and 368 at <http://sa.berkeley.edu/campus-regulations>

shut down, temporarily move (something extremely difficult to do in most circumstances), or risk serving their student clients in proximity to unpredictable crowds.

Either adding or moving free speech zones would relieve the burden on this area and reduce the likelihood that vital services will be interrupted. The Commission considered two recommendations.

The first is that the campus open a third free speech zone, West Crescent, and encourage non-departmental hosts to hold their events there. West Crescent is an open space capable of accommodating thousands of people. It is also convenient to downtown Berkeley and would be more attractive to the downtown community, Berkeley High School students, and public transit riders. These advantages may overcome reluctance to hold large gatherings away from central campus.

The second is that the campus retain Upper Sproul as a free speech zone, but change its second free speech zone from Lower Sproul Plaza to West Crescent. In this scenario, Lower Sproul would be made subject to the Major Events Policy, reducing the likelihood that buildings bordering Lower Sproul would be affected by potentially disruptive major events.

In either scenario, if using Upper and/or Lower Sproul Plaza requires security measures that significantly disrupt University business, campus administration should use the legal means at its disposal to direct the event to West Crescent. For example, if the UCPD determines that security for an event would block entrances to or otherwise interfere with the flow of pedestrian traffic into and out of Sproul Plaza, the event should be directed to West Crescent. Appropriate access for disabled persons should of course be assured. Campus leadership should also work closely with the City of Berkeley and explore the possibility of closing Oxford Street for events at West Crescent.

Of lesser note, since neither is a free speech zone, the Commission recommends that the Greek Theatre be considered an alternative site for potentially disruptive events scheduled for Wheeler Hall.

Police Presence

The September 2017 appearances by Ben Shapiro and Milo Yiannopoulos occurred little more than a month after a neo-Nazi rally near the University of Virginia campus in Charlottesville, Virginia resulted in the death of a peaceful counter-demonstrator, Heather Heyer. Ms. Heyer was killed by a white supremacist who drove his car into a crowd. Given the widespread knowledge of this tragedy, and previous instances of violence associated with Yiannopoulos's appearances, the UCPD would have been reckless had it not barricaded Sproul Plaza and invited hundreds of police from other jurisdictions to assist in protecting speakers, the speakers' audience, and demonstrators. Fortunately, neither event resulted in significant injury or property damage.

For many staff and students in or near Sproul Plaza, however, the police presence was intimidating and alienating. Those from communities with historically poor relationships with the police were especially affected. One black staff member observed that "policing doesn't inherently mean safety. I saw communication that this event was good because it was safe, but the most unsafe I felt was on this campus having to walk home at night, walking down Bancroft, militarized police officers everywhere, walking down the middle of the street trying to get to my car, and at that moment I'm like, I wish I had my staff ID in my hand, but I'm not going to put my hand in my pocket because I'm

fearing what they might think I'm going into my pocket for.”¹³ And members of historically oppressed communities weren't the only ones upset by the heavy police presence. A staff member born and raised in Iran noted that the militarization of the campus evoked memories of her childhood, “where we had curfews at night, and there were always police forces present every time you went to school, you went out to go grocery shopping.” The presence of so many officers made her feel “confined and uncomfortable in my skin.”¹⁴

The Commission recognizes that the UCPD has an obligation to preserve the physical safety of everyone on campus, which may sometimes require a show of force. Nonetheless, the Commission recommends that the campus take steps to make the police a less intimidating presence at controversial events. Steps that might be taken toward this end include increasing the UCPD's non-uniformed presence, i.e. using more plainclothes officers, and allowing students to act as safety monitors with the means to immediately report potential trouble to first responders.

Reminding Non-Departmental Hosts of Their Obligations to the Community

As noted earlier, Registered Student Organizations reserved more than 11,000 spaces on campus in Fall 2017, only two for events that disrupted the campus. RSOs represent vital communities of interest at Berkeley, and the Commission found that their contributions to campus life are overwhelmingly positive. The campus should be wary of undertaking changes to procedures that would disrupt these valuable activities.

The Commission fully endorses the distinction implicit in the Major Events Policy between outside speakers invited to campus by RSOs and outside speakers who make their own arrangements to rent campus facilities. Events of the former kind deserve special protection by the campus, insofar as they result from the exercise of the rights of authorized members of the campus community to engage in political and other speech.

The Commission considered whether conditions might be imposed on RSOs before they are authorized to invite outside speakers under campus policies, including an increase in the number of members an RSO must have to extend such invitations, or a requirement that they be in active existence for a minimum period before they are allowed to sponsor outside speakers. But it quickly became clear that measures of this kind would be extremely disruptive to the healthy ecosystem of RSO-sponsored activity on campus.

These considerations persuaded the Commission that RSOs themselves do not need changing. But there are nevertheless some procedural measures that could help to clarify the responsibilities that RSOs assume when they invite outside speakers, and better prepare the campus for potentially disruptive events that they host. Specifically, the Commission believes an RSO or other non-departmental host wishing to stage a potentially disruptive event should be asked to do the following as a way of engaging with the larger campus community:

1. Assume full organizational, contractual, and supervisory responsibility throughout the planning process and be able to answer any questions about the event, even if funding comes largely from outside sources.
2. Have volunteers from the campus community assist at potentially disruptive events they sponsor, in a ratio of one volunteer per 50 expected participants.

¹³ See <https://www.youtube.com/watch?v=3duS4q26zQc> at 48:00.

¹⁴ See <https://www.youtube.com/watch?v=3duS4q26zQc> at 18:00.

3. Submit a public statement in support of events that require additional security, addressing (a) the rationale for the event, (b) what new perspectives the event will bring to discussion on campus, and (c) how the event is consistent with Berkeley's Principles of Community.

Measures (1) and (2) are meant to ensure that events are genuinely sponsored by RSOs, and that there is a level of interest in and commitment to them commensurate with their anticipated scope. Measure (3) is intended to function as a modest reminder to RSOs of their responsibilities in organizing events that feature outside speakers. As members of the campus community, they have explicit obligations, under the Principles of Community, to ensure that events take place in ways that are consistent with the commitment to a climate of inclusion and mutual respect. Less explicitly, when events fall under the Major Events policy, and hence have the potential to impose significant costs on the campus, the Commission feels that RSOs owe the rest of the campus a brief public explanation of what they hope to gain from hosting the event.

The Commission is emphatic that these obligations must be imposed on a viewpoint- and content-neutral basis. In particular, it is not the Commission's intention that the public statement required under measure (3) be officially vetted or reviewed, much less that it be used as a basis for determining whether the planned event may go forward. The idea, rather, is that the sponsoring RSO provide a brief account of the value it sees in having the invited speaker visit campus, and of its plans for ensuring that the event will go forward in a way that acknowledges the Principles of Community. The statement, once submitted, will be posted to a public website, where it can be read by anyone interested in understanding the RSO's intentions for the planned event.

Improved Communication about Disruptive Events

One advantage the Major Events Policy should give the campus is additional time to formulate a safety plan and to share it with the campus community. Several witnesses at the January 19 open comment session expressed frustration about security measures taken in Fall 2017, commenting that they were left in the dark about why certain security-related steps were taken and why staff were not included in security planning.¹⁵ Lacking clear instructions or even a sense of what the campus aimed to achieve, these staff members did their best to keep their students safe, but could not be certain that they were giving their campus clients accurate safety advice.

Effective communication starts from the top. The Commission recommends that as a potentially disruptive event nears, and in consultation with the UCPD, senior leadership increase communication about the steps faculty, staff, and students can take to protect themselves. Such communication should answer the following questions:

- May instructors cancel classes without penalty?
- May students skip classes or other campus appointments without penalty?
- May staff leave their posts if they feel threatened?
- If not, what are their alternatives?

Further—and perhaps separately—before a potentially disruptive event, senior leadership should state loudly, clearly, and more than once that it disapproves of intentional provocation on the one hand, and violence and platform-denying on the other.

¹⁵ For example, see <https://www.youtube.com/watch?v=3duS4q26zQc> at 42:30.

More generally, the Commission recommends that the campus train and encourage supervisors to better communicate to staff and students affected by nearby provocative events. The campus should also develop mechanisms for supporting members of the campus community doxxed or otherwise threatened as a consequence of their lawful participation in or opposition to a provocative event.

Counterprogramming During Disruptive Events

The Commission encourages the Administration to work with other campus constituencies to sponsor counterprogramming when especially controversial events threaten to cause major disruption. The campus rightly sent several official messages to students, faculty, and staff during the events of Fall 2017, directing them to the many valuable campus resources for dealing with the trauma and distress that can be caused by hateful and exclusionary discourse. But messages of this kind may ironically have played into the hands of the hostile speakers who were invited to campus, by encouraging members of the campus community to think of themselves primarily as victims rather than agents. The Commission does not deny that hate speech can impose serious harms on its targets, and the harm is only exacerbated when the speech is allowed to take place within the boundaries of shared community space. At the same time, the campus is part of a larger political culture filled with disturbing and hateful rhetoric (especially on the social media that have come to define the experience of free speech in the contemporary world). The campus should encourage members of the community to function in this environment with a sense of self-confidence and agency.

To this end, the Commission suggests that the Administration respond to the most disturbing events planned for the campus by sponsoring alternative events, perhaps scheduled at the same time, that aim to empower participants, by helping them to understand current events better and to take constructive steps to counter the forces that would seek to exclude and denigrate them. A teach-in with local representatives of the Southern Poverty Law Center elsewhere on campus, for instance, might be an effective counter to celebrity hate speech by individuals associated with the disturbing resurgence of white supremacy. The Chancellor herself, and other campus leaders, could exercise their own free speech rights by speaking out forcefully against hate speech on campus, and encouraging participation in events programmed to counter such speech.

Financial Costs

Security for the September 2017 Shapiro and Yiannopoulos visits cost the campus nearly \$4 million.¹⁶ This is not sustainable, especially for a campus in the throes of eliminating a \$150+ million deficit.

The Berkeley campus is a lightning rod for free speech issues and therefore carries the burden of protecting the First Amendment for the State of California and for public universities across the nation. The Commission thanks the Office of the President for the generous financial support it provided in Fall 2017, but realizes that the University may not be able to provide support for future events. The Commission therefore recommends that UC Berkeley, ideally in concert with The Regents, ask the State of California to financially support the UC system's efforts to protect the free speech rights of all citizens.

Another possible course of action is to refuse requests by RSOs to sponsor outside speakers on campus when the anticipated cost of protecting them exceeds a specified threshold. Chemerinsky and Gillman note that campuses may deny "requests for gatherings that present insurmountable

¹⁶<http://www.dailycal.org/2018/02/04/uc-berkeley-split-4m-cost-free-speech-events-uc-office-president/>

logistical or security challenges, *or if accommodating such challenges would impose costs above a generally applied threshold.*¹⁷ (Italics ours.) One way to operationalize such a policy would be to set a total sum that the campus is willing to expend in a given academic year to provide security for events sponsored by RSOs, and to deny all requests to sponsor events once this “generally applied threshold” is exceeded. The question is: how high would this threshold be? Is \$4 million enough? Would \$40 million be enough?

The Commission is divided about whether to recommend establishing a cap on security costs and defending whatever litigation follows. On the one hand, the campus should not have to expend scarce resources to protect celebrity provocateurs seeking to promote their brand (and, in some cases, to cast aspersions on higher education) when so many essential needs go unfunded or underfunded. On the other hand, Commission members are aware that the courts are likely to rule against public entities seeking to limit free speech, and any cap on expenses the campus sets might seem arbitrary in the context of the campus’s operating budget (\$2.7 billion) and the University of California’s considerably greater resources. Even if the campus were to succeed, a cap on security costs might have the unintended consequence of precluding events that contribute to scholarly discourse if the prescribed cost limit has been reached. The Commission suggests further exploration of this question.

Data

The Commission is satisfied with the qualitative data gathered for this report. In addition to four hours of open comment from the campus community and a number of written comments (some several pages long) sent to the Commission’s email address (ucbpolicy@berkeley.edu), the Commission received input from the City of Berkeley and two key Academic Senate committees. Members also brought insights from their respective campus constituencies, and since the Commission was equally divided among faculty, staff, and students, discussions reflected a broad range of campus perspectives.

The Commission is not satisfied, however, with the quantitative data gathered for this report. Despite a concerted effort by Member Goddu, it proved impossible to conduct a random survey of students in a timely manner. The Commission was fortunate to receive data from the Office of Planning & Analysis regarding the attitudes of incoming students toward free speech.

It remains unknown whether the qualitative data accurately reflect wider campus sentiment. The Commission understands that Dean Henry Brady of the School of Public Policy and Professor Lisa Garcia Bedolla of the School of Education are developing a scientific poll of Berkeley students that will assess attitudes, perceptions, and knowledge about free speech. The Commission recommends that campus leadership support this undertaking, sponsor further polls to determine faculty and staff attitudes toward free speech, and conduct follow-up surveys over the next few years to assess whether campus attitudes toward free speech are changing, and if so, how.

Campuswide Events Database

The Commission—although aware that the campus is currently quite limited in its resources—recommends that a centralized event planning and support system be implemented, principally through a campus-wide event database. Upgrading the systems used by ASUC Event Services and Classroom Scheduling would be a first step, but eventually the campus should tackle the complicated task of incorporating all campus event space into such a database.

¹⁷ Chemerinsky and Gillman, p. 128.

Supporting a Free Speech Culture

Finally, the Commission encourages the Administration to continue the steps that have already been undertaken to nurture a culture of reasoned engagement with a wide range of political and ideological viewpoints. The most significant model in this connection is the series of free speech events sponsored by the Chancellor during academic year 2017-18. For instance, on March 20, 2018, Professor Robert Reich and Heritage Foundation fellow Stephen Moore, liberal and conservative economists, debated at International House (*A Conversation Across the Political Divide: The Role of Government in Trade, Taxes, and Inequality*).¹⁸ The Administration should seek to build on this model, making high-profile events of this kind a regular fixture on the campus, and inviting the collaboration of students, staff, and faculty—including the RSOs that have sought to bring some of the most controversial speakers to campus in recent years—in identifying potential participants and in planning events that will be of interest to a broad audience. This should serve to solidify Berkeley’s reputation as a campus hospitable to a wide spectrum of thought and opinion, and to provide a positive example to our students of constructive and thoughtful debate between passionate advocates for opposing points of view.

WHAT FACULTY CAN DO

UC Berkeley is the nation’s premier public university largely because of its distinguished faculty. Few staff and students are versed in the nuances of First Amendment law. Who better to teach them? The Commission recommends that faculty engage with staff, students, and one another in an effort to acquaint the entire UC Berkeley community with the full meaning of the First Amendment’s guarantee of freedom of speech. Although this might not reduce the number of provocative events, it will help steer the campus away from such nostrums as “hate speech is not protected” and other formulations used to legitimize denial of a platform to speakers with a polarizing message.

Political Science 179 may serve as a useful model in this regard. A one-unit, pass/no pass undergraduate colloquium with enrollment in the hundreds, PoliSci 179 has followed the same pedagogical formula for more than 35 years: put an engaging political figure in front of the class, let that political figure speak, and then allow students to ask questions. Conservative speakers have used PoliSci 179 to challenge liberal students since at least the George W. Bush presidency without disrupting the campus.¹⁹

The faculty can build on this model to educate students about how to debate and disagree respectfully; about the harms of hate speech and the reasons hate speech is unrestricted; and about the social contract’s precarious but precious balance between individual rights and social responsibilities. Offering course credit would incentivize students to attend these educative fora. Consideration should also be given to creating a list of course offerings across the campus in each semester that address the theory and practice of free speech.

Finally, faculty should not only be willing to facilitate open political discourse, but to promote community values by engaging with Registered Student Organizations or other non-departmental hosts planning events that might disrupt campus. The benefit of this approach was demonstrated by UCLA Professor of Sociology Gabriel Rossman, a political conservative with ties to UCLA’s

¹⁸ <http://news.berkeley.edu/2018/03/21/a-friendly-chat-between-rivals-robert-reich-and-stephen-moore-on-trump-taxes-tariffs/>

¹⁹ https://www.berkeley.edu/news/media/releases/2003/03/11_class.shtml

College Republicans. When the UCLA College Republicans invited Milo Yiannopoulos to speak in February 2018, Professor Rossman sought to dissuade them, writing in an open letter that:

The most important reason not to host such a talk is that it is evil on the merits. Your conscience should tell you that you never want anything to do with someone whose entire career is not reasoned argument, but shock jock performance art. In the 1980s conservatives made fun of “artists” who defecated on stage for the purpose of upsetting conservatives. Now apparently, conservatives are willing to embrace a man who says despicable things for the purpose of “triggering snowflakes.”²⁰

Shortly after the letter was published, the UCLA College Republicans disinvited Yiannopoulos.

WHAT STUDENTS CAN DO

The Commission heard mainly from students offended by the messages brought by Milo Yiannopoulos, Ann Coulter, Ben Shapiro, and supporters, but also received testimony from conservative students who felt their political beliefs made them pariahs on campus, to the point where some of them feared for their physical safety after the 2016 election. A member of the Berkeley College Republicans alleged this ostracism extends to how conservative students are graded.²¹ The Commission feels strongly that no student should be evaluated more harshly or treated with less respect due to his or her political outlook, no matter how offensive that outlook might be to the instructor or to classmates. Nor does anyone on the Commission condone the kind of violence that erupted on February 1, 2017 in response to Yiannopoulos’s arrival on campus.

That said, the Commission recommends that all members of the campus community be mindful of one another and do unto others as they would want done to themselves. There are better ways to expand the political dialogue on campus than to invite a shock jock performance artist, as Professor Rossman characterized Yiannopoulos, to belittle historically oppressed communities. RSOs have the right to invite such provocateurs to campus; but they also have an obligation to honor not just the campus’s Principles of Community, but its mission of education, research, and public service by balancing their right to hold events with their responsibility to the community. Similarly, those offended by a speaker have every right to counter-protest, but not to deny the speaker a platform or to commit violence, including property damage, in the name of their ideology.

CONCLUSION

The members of the Commission thank the Chancellor for the invitation to reflect on these challenging and extremely important issues. The Commission was given an ambitious brief and a tight schedule, and there were some inevitable frustrations at what it was able to accomplish under these conditions. But all members were impressed by the atmosphere of thoughtful and respectful engagement that characterized Commission discussions, and by the constructive way in which faculty, staff, and students came together to think about challenges that affect us all. The Commission hopes its recommendations will make a modest contribution to sustaining the campus’s vigorous free speech traditions.

²⁰ <http://www.weeklystandard.com/open-letter-to-the-bruin-republicans-who-invited-milo-yiannopoulos-to-ucla/article/2011582>

²¹ See <https://www.youtube.com/watch?v=Co7DcDcbYbo> at 18:15 and following.

PROCESS

Chaired by Prudence Carter, Dean & Professor of the Graduate School of Education, and by R. Jay Wallace, Professor of Philosophy, the Commission on Free Speech met in person on seven occasions.

At its first meeting, held on November 30, 2017, the 23 Commission members introduced themselves. All Commission members were given a couple of minutes to share their thoughts on free speech and the Commission's charge.

The second meeting was held on December 12, 2017. The Commission discussed the Major Events Policy, then in the process of being revised.

The Commission met for four hours on January 19, 2018. After a 90-minute discussion of the larger philosophical issues underlying the Chancellor's charge, the Commission received 90 minutes of testimony from members of the campus community about the impact of September 2017's "Free Speech Week." The Chancellor attended the portion of community input reserved for staff working near Upper and Lower Sproul Plaza. The last hour was spent discussing the community's input, which included written comments submitted via the Commission's email address (ucbpolicy@berkeley.edu).

The Commission again met for four hours on February 5, 2018. Members discussed a comprehensive proposal from the LEAD Center about Registered Student Organizations (RSOs) and the manner in which RSOs hold events on campus. They also discussed the possibility of moving or otherwise changing the campus's traditional free speech zones, i.e. Upper and Lower Sproul Plazas. The Commission then received 90 minutes of testimony from the campus community on these issues, and spent an hour reviewing the community's comments afterward, including further written comments submitted via email.

On February 9, 2018, the Commission held its last four-hour session. It spent nearly two hours discussing the non-RSO related questions posed in the Chancellor's charge letter and how the campus's Principles of Community can be implemented more effectively. After that, the Commission heard an hour of testimony from the campus community on those same questions, and spent the remainder of the meeting discussing the community's input and the last of the emails received through ucbpolicy@berkeley.edu.

The Commission next met on March 1, 2018 to hear from the City of Berkeley (Mayor Jesse Arreguin, City Attorney Farimah Brown, and Police Captain David Reece) as well as the Academic Senate Committees on Demonstrations & Student Actions and Academic Freedom (Professors Robert van Houweling and Ty Alper). After the presentations, the Commission shared preliminary thoughts on what this report should include.

The Commission met in person for the final time on March 5, 2018 and discussed at length the recommendations to be included in this report.

Staff developed an outline of the Commission's findings and recommendations, and Commission members were given until March 16, 2018 to comment on it and to recommend additional language.

Commission members were also given until March 23, 2018 to provide the individual statements included below as Appendix C.

Throughout the Commission’s deliberations, members were encouraged to keep up with recent news and opinion on relevant subject matter. Each member received a copy of *Free Speech on Campus*, the 2017 book published through Yale University Press by Erwin Chemerinsky (Dean of the School of Law) and Howard Gillman (Chancellor at UC Irvine). A list of further readings suggested to the Commission is included below as Appendix D.

APPENDIX A -- CHANCELLOR'S CHARGE LETTER TO THE COMMISSION ON FREE SPEECH

Dear colleague,

I write to formally invite you to serve on a Commission to analyze events featuring external speakers in order to recommend changes in policy and procedures that might make similar events less disruptive and expensive for the campus, and to advise how we might best align our responsibility for protecting free speech with our values as a community.

The introduction to the [Berkeley Campus Regulations Implementing University Policies](#) (link is external) states that "In order to carry on its work of teaching, research, and public service, the University has an obligation to maintain conditions under which the work of the University can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression, with full recognition by all concerned of the rights and privileges, as well as responsibilities, of those who comprise the University community."

The statement enshrines freedom of expression while highlighting the campus's "obligation to maintain conditions under which the work of the University can go forward freely." Recent experience has shown that major events hosted by non-departmental users may place those values in conflict. We charge this commission with developing a set of recommendations that preserve the campus's firm commitment to free expression while reducing the likelihood of such expression disrupting the mission of education, research, and public service. Even while we work on healing the campus from the effects of the difficult climate that prevailed this fall, we need to ask how we can do better.

We ask the Commission to solicit broad community input through hearings, email, and any other avenues it chooses.

Following are some of the questions we ask the Commission to consider:

- Should the campus make any changes in the Interim Major Events Policy? We ask the commission to provide input to the policy committee that drafted the interim policy, chaired by Interim Vice Chancellor for Student Affairs Steve Sutton.
- Should policies regarding the uses of Lower and Upper Sproul (including the Savio Steps) by registered student organizations (RSO's) and non-affiliate members of the public be revisited?
- Should RSO's be able to reserve multiple consecutive days on Lower and Upper Sproul?
- What is the right size for an RSO? (i.e., how many members should be required to start an organization and keep it in active status?)
- How can the campus minimize repeated disruption of the same area of campus by major events?
- Does the campus need to develop a centralized reservation system for all of its facilities?
- Does rental of facilities by the nonaffiliated public come at the expense of campus use, and do these rentals generate enough income to make them worth continuing to support? Should fewer facilities be available for public rental?
- How can we contain the costs of security for major events?
- Should students be able to serve as observers (as staff and faculty can now serve) at major events?

- How can we best protect the right of non-violent protest?
- How can we make the police a less intimidating presence at major events without compromising security?

The commission will also work in conjunction with the Compliance & Enterprise Risk Committee (CERC) to review the following policies and regulations, along with any other policies and regulations that may be relevant, and recommend to CERC changes that would apply to all non-departmental users of campus space equally and in a content-neutral manner:

1. LEAD Center Registered Student Organization recognition and sponsorship requirements([link is external](#)) (owned by Student Affairs)
2. Berkeley Campus Regulations Implementing University Policies([link is external](#)), particularly General Definitions sections (d), (e), and (f); Section 121 (Formation of Campus Organizations); Sections 211-251 (Regulations Concerning the Use of University Facilities and Services); and Sections 311-368 (Regulations Concerning the Time, Place, and Manner of Public Expression) (owned by Student Affairs)
3. Interim policy on Major Events Hosted by Non-Departmental Users([link is external](#)) (owned by Student Affairs and Risk Services)

The commission will be Co-Chaired by Prudence Carter, Dean of the Graduate School of Education, and Jay Wallace, Professor of Philosophy. By design, membership will include 1/3 faculty, 1/3 students, and 1/3 staff/administrators, appointed by the Chancellor.

The Commission will develop its recommendations in consultation with stakeholders to include but not be limited to:

- Academic Senate
- Student organizations, including multicultural student organizations
- Student Learning Center
- Student athletes
- City of Berkeley
- Downtown Business Association
- Telegraph Business Improvement District
- Board of Visitors
- Staff organizations, including the Chancellor's Staff Advisory Committee
- Campus event managers, including Classroom Scheduling, Academic and Space Planning
- Residential & Student Service Programs
- Alumni

In accomplishing this charge, the commission will be mindful of, but not bound by, the following timeline for campus review of the Interim Events Policy:

- October 7: Interim policy changes distributed for public comment
- October 31: Close of public comment period
- November 15: Proposed policy changes submitted to the Compliance and Enterprise Risk Committee (CERC) Policy Subcommittee for review
- November 30: Proposed policy changes submitted to full CERC for review and approval
- December 15: Proposed policy changes submitted to Chancellor for approval
- January 9, 2018: Policy changes implemented

While discussion within the Commission can inform the review process for the interim policy, either through formal recommendation of the Commission or through contributions to the policy review process by Commission members, the charge of the Commission is broader than the review of the interim policy, and the Commission's work can continue beyond the policy revision timeline. I would like an interim report on the Commission's work and recommendations by April of 2018.

Please confirm your commitment to serve on this Commission as soon as possible via email to Anne Jones, Chief of Staff to the Vice Chancellor for Student Affairs. Thank you for your consideration.

Sincerely yours,

Carol Christ

Chancellor

APPENDIX B: COMMISSION ON FREE SPEECH MEMBERSHIP ROSTER

Members

Prudence Carter, Dean and Professor of the School of Education (co-chair)
R. Jay Wallace, Professor of Philosophy (co-chair)
Anne Baranger, Teaching Professor (Undergraduate Education)
Margo Bennett, Staff (UCPD)
Erwin Chemerinsky, Faculty (Dean of School of Law)
Juniperangelica Cordova-Goff, Student (ASUC Senate)
Oscar Dubon, Staff (Equity & Inclusion)
Marc Fisher, Staff (Administration)
Catherine Fisk, Faculty (Professor of Law)
Mariel Goddu, Student (Graduate Assembly)
Diana Harvey, Staff (Public Affairs)
Nuha Khalfay, Student (ASUC Senate)
David Landreth, Faculty (Associate Professor of English)
Ausjia Perlow, Student (Student Organizations)
Sidalia Reel, Staff (Equity & Inclusion)
Alfonso Benjamin Reyes-Mestidio, Student (Student Organizations)
Marissa Reynoso, Staff (LEAD Center)
Sofi Sargsyan, Student (Residential Hall Assembly)
Matthew Smith, Student (Student Organizations)
Susan Schweik, Faculty (Associate Dean, Arts & Humanities)
Steve Sutton, Staff (Student Affairs)
Luis Tenorio, Student (Graduate Assembly)
Christine Treadway, Staff (Government & Community Relations)

Staff to the Commission

Anne Jones (Student Affairs)
Andy Goldblatt (Chancellor's Office)
Jill Rodde (Student Affairs)
Leona Chen (Chancellor's Office)

Counsel to the Commission

David Robinson (Legal Affairs)

Chancellor's Office Liaison

Jenny Kwon (Chancellor's Office)

APPENDIX C: INDIVIDUAL STATEMENTS FROM COMMISSION MEMBERS

Catherine Fisk, Faculty (Professor of Law):

The student, faculty, and staff discussion of the benefits and costs of preserving Berkeley's historic commitment to freedom of speech illustrates why Berkeley is one of the great universities in the world. It is great because it is a diverse and welcoming community dedicated to free exchange of ideas in a respectful environment. In affirming the right of free speech and the Berkeley Principles of Community, I hope the Commission will preserve robust debate, spirited dissent from the verities of the day, and the freedom to express ideas while reminding us of the real harm that reckless speech can inflict.

Mariel Goddu, Student (Graduate Assembly):

UC Berkeley is the target of outside forces. But, the most catastrophic event came from within: Free Speech Week was staged by *students* whose stated intention was to spark political debate on campus. Why did these students feel alienated? What will Berkeley do to promote community values and facilitate open political discourse? How will we empower students, faculty, and staff to participate in difficult conversations? The stronger our community, the lower the risk of deviance from inside, and the smaller the impact of disruption from outside. Let's serve as a model of resilience and transparency. LET THERE BE LIGHT!

Diana Harvey, Staff (Public Affairs):

Over the course of my service on the Free Speech Commission, I came to more fully appreciate the profound effect words can have on the psyche. This goes for the hateful words of speakers who seek only to provoke, and also for the words coming from the highest campus offices. In addition, I learned that the combination of words and tone can indeed be potent, and that the latter can shape perception as much as the former. So while I feel that I learned more than I contributed to the Free Speech Commission, it is my hope that those learnings will shape the way we communicate with each other on campus and ultimately build a more tolerant, respectful and inclusive environment.

Ausjia Perlow, Student (Student Organizations):

Fundamental to our goal of securing free speech protections is exposing students to a variety of viewpoints and ensuring that every student develops the prowess to listen to, analyze, and if desired, challenge arguments. We must be proactive rather than reactive in our embrace of ideological diversity. We would, as a community, benefit from a concerted effort to integrate debate and political consciousness into the curricula across different colleges. Additionally, free speech is best guarded when the federal and state governments share the commitment and responsibility of

securing these rights for their citizens on public campuses. What is the purpose of our tax dollars if not the protection of our most basic rights?

Sidalia Reel, Staff (Equity & Inclusion):

UC Berkeley's Free Speech Movement of the 1960's spawned precisely because students protested against the establishment. We must not lose sight of what free speech looks like on a college campus, for students, faculty, and staff. Staff are particularly subjected to mental, emotional and physical work interruptions during protests and major events. The disruptions and costs of bringing speakers to campus as major events are daunting, regardless of how polarizing and uncivil the speaker, and how militarized and costly the security. A major events policy that considers the impact on the entire campus community, and offers alternative locations, will bring logic and reason into guidelines aimed at minimizing disruption.

APPENDIX D: RECOMMENDED BACKGROUND READING

- [Hate speech is protected free speech, even on college campuses](#) by Erwin Chemerinsky at Vox.com, October 25, 2017.
- [There is no 1st Amendment right to speak on a college campus](#) by Robert Post on Vox.com, October 25, 2017.
- [Williams College president: Don't ignore the real threats in the debate over free speech](#) by Adam Falk in the *Washington Post*, November 14, 2017.
- [There Have Been So Many Bad Lefty Free-Speech Takes Lately](#) by Jess Singal in *New York Magazine*, November 12, 2017.
- [Statement by Robert Zimmer \(President, University of Chicago\) to his campus community about the events in Charlottesville.](#) August 22, 2017
- [Ta-Nehisi Coates has an incredibly clear explanation for why white people shouldn't use the n-word](#) video at Vox.com, November 9, 2017.
- [The Alt-Right On Campus: What Students Need To Know](#) publication by the Southern Poverty Law Center, August 10, 2017.
- [What Berkeley's \\$800,000 Did -- and Didn't -- Buy During 'Free Speech Week'](#) by Chris Quintana in *The Chronicle of Higher Education*, October 10, 2017
- [After a Year of Tumult, Evergreen State Revises Policy on the Use of Campus Space](#) by Chris Quintana in *The Chronicle of Higher Education*, October 24, 2017
- [Judith Butler Overestimates the Power of Hateful Speech](#) by Conor Friedersdorf in *The Atlantic*, December 12, 2017.
- [Check Your Privilege When Speaking of Protests](#) by Nisa Dang in the *Daily Cal*, December 26, 2017.
- [Quarrel at Flagship Ignites a Battle with State Legislators](#) by Eric Kelderman in *The Chronicle of Higher Education*, November 30, 2017.
- [There is No First Amendment Right to Speak on a College Campus](#) by Robert Post on Vox.com, December 31, 2017. (Rebuttal to Dean Chemerinsky's October 25, 2017 Vox article listed above.)
- [Colleges Brace for Tumult in 2018 as White Supremacists Demand a Stage](#) by Audra D. S. Burch, *New York Times*, January 17, 2018.
- [The Justice Department is Going After Berkeley for Squelching Free Speech. That's Unfair](#) by the *Washington Post* Editorial Board, February 3, 2018.
- [Does College Turn People Into Liberals?](#) By Matthew J. Mayhew et., al, at theconversation.com, February 2, 2018.

- [Open Letter to the Bruin Republicans Who Invited Milo Yiannopoulos to UCLA](#), by Gabriel Rossman, *The Weekly Standard*, February 14, 2018.
- [Milo Yiannopoulos' UCLA Talk About What He Hates About Mexico Canceled](#) by Teresa Watanabe in *The Los Angeles Times*, February 14, 2018.
- [A Mentor's Advice to UCLA's Campus Republicans](#) by Conor Friedersdorf in the Atlantic Monthly, February 20, 2018
- [Ben Shapiro Speech Venue Triggers Threat of Lawsuit Against University of Minnesota](#) by Maura Lerner, *Minneapolis Star Tribune*, February 22, 2018.
- ["Liberal" Campuses, Conservative Media, and the First Amendment](#) by Charles Dunst in *The American Prospect*, February 23, 2018.
- [College Students Support Free Speech -- Unless It Offends Them](#) by Jeffrey Selingo in *The Washington Post*, March 12, 2018.
- [Everything We Think About the Political Correctness Debate is Wrong](#) by Matthew Yglesias at Vox.com, March 12, 2018.
- [If You Truly Care About Speech, You will Invite Me to Your Office to Personally Call You a Dipshit](#) by Alex Pareene at Splinternews.com, March 8, 2018.
- [People Always Think Students Are Hostile to Free Speech. They Never Really Are](#) by Andrew Hartman in *The Washington Post*, March 15, 2018.
- [The Right is Worse than the Left on Free Speech. So What?](#) by Jonathan Chait, *New York Magazine*, March 20, 2018.