



Harmeet K. Dhillon
Harmeet@DhillonLaw.com

April 26, 2017

VIA E-MAIL

Bryan H. Heckenlively, Esq.
Munger, Tolles & Olson LLP
560 Mission Street
San Francisco, CA 94105
415.512.4015
bryan.heckenlively@mto.com

**Re: UC Berkeley's Unconstitutional Censorship of Conservative Speech on
Campus – April 27th Event**

Dear Mr. Heckenlively:

This letter responds to your email to me at 9:44 a.m. this morning, attached here, asking me to provide you with information concerning whether and at what time Ann Coulter plans to speak on UC Berkeley's campus on Thursday, allegedly to enable the University "to make plans related to safety and security." This message followed your email to me yesterday at 3:10 p.m., in which you state that although the University was "unable...to provide a secure, indoor venue for Ms. Coulter's appearance on April 27," "the University absolutely does not intend to prevent Ms. Coulter from coming to campus or from speaking on April 27 or any other day." You further state that "[w]e understand that Ms. Coulter plans to come to Sproul Plaza and speak at 2pm on Thursday, and the University would welcome her to do so," and say "I can commit to you that the University will ensure a very robust police presence at and around Sproul Plaza at 2pm on April 27 to attempt to maintain safety."

I find the University's position insincere, hypocritical, and wholly at odds with the University's repeated public statements this week, which bemoan the University's purported inability to secure safety at a Thursday speech by Ms. Coulter, in light of outside extremist groups which oppose Ms. Coulter's views.

Indeed, at 9:24 a.m. this morning – exactly twenty minutes before your email to me – UC Berkeley Chancellor Nick Dirks circulated an email to University students, describing a "new reality" in which the University and its police force is simply unable to protect its students against "[g]roups and individuals from the extreme ends of the political spectrum." Chancellor Dirks further stated that "the simplistic view of some – that our police department can simply step in and stop violent confrontations whenever they occur – ignores reality." Chancellor Dirks

Bryan H. Heckenlively, Esq.

April 26, 2017

Page 2 of 2

states that “[s]adly and unfortunately, concern for student safety seems to be in short supply in certain quarters.” In a letter to me last Friday, April 21, Chief Campus Counsel and Associate General Counsel, Christopher Patti, wrote that “[a]fter 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.”

First it should be noted that recent campus violence has been exclusively on one-side, not from “extreme ends of the political spectrum” – but rather exclusively from agitators seeking to suppress conservative viewpoints by any means necessary. Despite the University’s strongly-stated position that security concerns are insurmountable for an April 27th speech by Coulter, and the rhetorical proclamations concerning the importance of student safety, Chancellor Dirks’ email of this morning then bizarrely states that the University is ready to “welcome” Ms. Coulter to campus, stating that “[t]hat is demanded by our commitment to free speech.” Earlier this week, University spokeswoman Dianne Klein similarly stated that UC Berkeley “welcomes speakers of all political viewpoints and is committed to providing a forum to enable Ann Coulter to speak on the Berkeley campus,” and that the University “remains committed” to scheduling a time for Ms. Coulter to speak (though the University never offered a venue acceptable to the University on any alternative date), and that “[t]he campus seeks to ensure that all members of the Berkeley and larger community – including Ms. Coulter herself – remain safe during such an event.”

Suffice it to say, the University’s messaging is replete with internal contradictions and dishonest representations to its students, our clients, and the public, by insisting that: 1) the University strongly supports free speech and will work toward scheduling a time for Coulter to speak on campus (something that the University has failed to do), and will ensure the safety of its students at such an event; while simultaneously 2) lamenting that the University’s resources are no match for masked extremist groups seeking to silence free speech, and that our clients – University-sanctioned student groups – are somehow the parties responsible for jeopardizing UC Berkeley students’ safety by exercising their free speech rights. Despite our client’s repeated requests over the last six weeks that the University provide a securable venue for the Coulter speech, including through my own attempts to work with your team to accomplish this in multiple phone calls and conversations yesterday, the University has refused to secure a venue for the event – offering instead only media-ready platitudes and obfuscation, which are not substitute for compliance with the First Amendment.

The University’s transparent attempts to persuade the court of public opinion that UC Berkeley stands by free speech principles and its obligations to protect its students, while hiding behind the violence imposed on those same students by extremist anti-free speech groups as an excuse to prohibit such free speech, is not lost on our clients, and will be fully vetted and aired in the court of law. The Constitution demands no less.

Regards,



Harmeet K. Dhillon

From: Heckenlively, Bryan <bryan.heckenlively@mto.com>
Sent: Tuesday, April 25, 2017 3:10 PM
To: Harmeet K. Dhillon (DhillonLaw); Gregory Michael (DhillonLaw)
Cc: Krista Lee Baughman (DhillonLaw); Parsa Nozzari (DhillonLaw); Kim, Elizabeth
Subject: RE: Young America's Foundation, et al. v. Janet Napolitano, et al. Case No. 3:17-cv-02255 (N.D. Cal. Apr. 24, 2017)

Harmeet,

Thank you for extending us the courtesy of waiting until 3pm for our response.

The University has considered this matter extensively, and it has determined that it is unable to satisfy your request to provide a secure, indoor venue for Ms. Coulter's appearance on April 27. We want to make clear, however, that the University absolutely does not intend to prevent Ms. Coulter from coming to campus or from speaking on April 27 or any other day. We understand that Ms. Coulter plans to come to Sproul Plaza and speak at 2pm on Thursday, and the University would welcome her to do so. As we have expressed to you, the University has serious concerns about security, but I can commit to you that the University will ensure a very robust police presence at and around Sproul Plaza at 2pm on April 27 to attempt to maintain safety.

Best regards,
Bryan