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August 13, 2012

The Honorable Linda Halderman
Member of the Assembly
State Capitol
Sacramento, California 95814

Dear Assembly Member Halderman:

On behalf of the University of California, I want to express our appreciation for your work on HR 35 and your willingness to consider the changes we proposed earlier this year when you allowed UC to review a draft of your proposed measure. The University of California takes very seriously its responsibility for protecting the rights and safety of all our students, including Jewish students, and supports the concept of promoting good speech as a counterweight to bad speech and actions. HR 35 represents a significant improvement over the prior draft and we believe that with one additional modest change, the University can support fully the measure.

Our position of "Support if Amended" is based on a concern we have with the following provision of HR 35:

"WHEREAS, While these actions are important steps, strong leadership from the top remains an important priority so that no administrator, faculty, or student group can be in *any doubt that anti-Semitic activity will not be tolerated in the classroom or on campus, and that no public resources will be allowed to be used for anti-Semitic or any intolerant agitation;*"

Based on the review of the University of California's Office of the General Counsel, we believe that such a provision would be found to be unconstitutional and an infringement on both free speech and academic freedom. To address this issue, we would respectfully offer the following language:

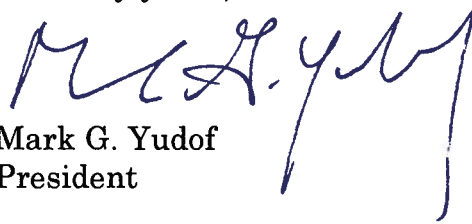
"WHEREAS, While these actions are important steps, strong leadership from the top remains an important priority so that no administrator, faculty, or student group can be in *any doubt that intolerance and bias, including anti-Semitic activity, are strongly condemned and will be addressed within the constraints of the First Amendment.*"

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We believe that our proposed language not only will meet the test of constitutionality, but will allow all three segments of public higher education to enthusiastically support the letter and intent of HR 35. If we can be of further assistance regarding our position, do not hesitate to be in touch with Steve Juarez, Associate Vice President and Director, UC State Government Relations at (916) 445-9924.

With best regards, I am,

Sincerely yours,

A handwritten signature in blue ink, appearing to read "M.G. Yudof", written over the typed name and title.

Mark G. Yudof
President

cc: Provost Dorr
Senior Vice President Dooley
General Counsel Robinson
Associate Vice President Juarez