

OP-EDS

TUESDAY, JANUARY 10, 2017

Open letters calling for cancellation of Milo Yiannopoulos event

BY [MEMBERS OF UC BERKELEY FACULTY](#) | SPECIAL TO THE DAILY CAL

LAST UPDATED JANUARY 9, 2017

Editor's note: The following open letters are transcripts of emails sent by UC Berkeley faculty to Chancellor Nicholas Dirks and Associate Chancellor Nils Gilman. They have been edited for style and clarity.

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Dear Chancellor Nicholas Dirks,

We are writing to implore you to cancel a planned speaking engagement by Milo Yiannopoulos, who has been invited by the Berkeley College Republicans on Feb. 1. We support both freedom of speech and academic freedom on campus, and realize that controversial views must be tolerated in any campus community dedicated to open debate and opposed to censorship. Although we do consider the views of Milo Yiannopoulos deplorable — he advocates white supremacy, transphobia and misogyny — it is rather his harmful conduct to which we call attention in asking for the cancellation of this event. We will enumerate some of his views below but also focus on his conduct — the repetition of which would clearly violate the codes of conduct that operate to keep the campus a harassment-free space for our whole community. We understand that if a decision to cancel were based on the political viewpoints he holds, we ourselves could become subject to censorship under other circumstances. We support robust debate, but we cannot abide by harassment, slander, defamation and hate speech.

As you may know, he has labeled Black Lives Matter a form of “black supremacism” and argues that the protest movement should be labeled a “terrorist organization.” He refers to principles of diversity at college campuses as “anti-White racism.” He has also denounced rape culture as a myth propagated by feminists “aimed squarely at undermining masculinity.” More serious, however, was his reference to women as “cunts” at a recent event at the University of West Virginia. He mocks campus cultures of inclusiveness and invites his audiences to ridicule people with disabilities. At a talk at the University of Delaware in October, he referred to transgender people as “mentally ill,” adding, “Never feel bad for mocking a transgender person. It is our job to point out their absurdity, to not make the problem worse by pretending they are normal.” In the same speech, he advocated “fat-shaming.” Apart from holding such noxious views, he actively incites his audiences to harass individuals. In July, Yiannopoulos was permanently banned from Twitter for what the organization described as “participating in or inciting targeted abuse of individuals” — he incited his followers to barrage an African-American actress with hate speech. We urge you to consider the seriousness of this claim and what it forebodes for his visit to Berkeley.

Yiannopoulos’ deplorable views pass from protected free speech to incitement, harassment and defamation once they publicly target individuals in his audience or on campus, creating conditions for concrete harm and actually harming students through defamatory and harassing actions. Such actions are protected neither by free speech nor by academic freedom. For this reason, the university should not provide a platform for such harassment.



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When Yiannopoulos visited the University of Wisconsin, Milwaukee, on Dec. 13, he spoke in his public lecture about a transgender student at the university in derogatory ways, going so far as to project a picture of this student during his lecture, which was simultaneously broadcast on the Breitbart website. (Most of his talks are live-streamed onto the Breitbart site, as the UC Berkeley talk is likely to be if it goes ahead.) She was in the audience and he projected an older photo of her, referring to her as “he” and remarking that “the way you know he’s failed is I can still bang him.” He continued to ridicule and vilify her in front of the live campus audience and the online audience. The student was so disturbed by this experience that she withdrew from the university, feeling betrayed by the administration that had granted a platform to a speaker known to operate in this way and had failed to intervene and protect her from harassment. In a similar fashion, Yiannopoulos often makes use of a “target cam” during his lectures that zooms in on students in the audience and projects their images in front of the audience without first securing permission, as he speaks in derogatory and insulting ways against them and to them. Students are not public figures, and they do not agree to have their likeness projected in public or to be demeaned simply by virtue of attending an event. Moreover, Yiannopoulos is inciting — and, indeed, committing — harassment by singling out students as targets of derision for his followers. Such harassment risks violating our obligations under Title IX to provide an environment free of sex- and gender-based harassment — indeed, this speaker’s chronicled behavior sets a model for what we seek not to promote on campus through our own anti-harassment compliance workshops and videos. It is our responsibility to ensure that UC Berkeley students are not subjected to this same treatment Feb. 1.

The recent announcement that the campus administration is requiring that the Berkeley College Republicans raise up to \$10,000 for security costs, of course, in no way pre-empts the possibility that there will be incitement, defamation, slander and harassment at this event. We have heard Dan Mogulof’s explanation that there is little more that the campus can do, that the First Amendment prohibits the university from censoring events and that campus regulations stipulate that registered student organizations are separate legal entities from the university. We are still left with questions we ask you to answer.

As we understand it, RSOs such as the Berkeley College Republicans get a discount on the rental for Pauley Ballroom. Has the university subsidized Yiannopoulos’ talk through this discount? How do you reconcile this with our obligation to prevent sexual harassment and the named function of our Office for the Prevention of Harassment and Discrimination?

If the event goes forward, as we hope it does not, what does the administration plan to do should the speaker harass someone in the audience? What measures in general will be taken when lecturers invited by students also feel free to pass from protected speech to harmful conduct? UC Berkeley’s obligation to protect the campus community from harm ought to take precedent over contractual obligations with registered student organizations, if and when an invited speaker has made it clear that harassment is characteristic of his presentations.

We direct your attention to several reports of his conduct as well as successful efforts on the part of other universities to cancel his events, including the problems faced by universities that did not anticipate his harassment tactics in advance. His talks scheduled at New York University, the University of Miami and Florida State University last month were all cancelled; the NYU administration cited concerns for community safety, and De Paul University has issued a statement claiming that Yiannopoulos will not be invited back to campus. Other campuses, Yale University and Columbia University, have postponed his visit — in Yale’s case, “indefinitely.”

We urge you to cancel the planned speaking event for Milo Yiannopoulos as soon as possible.

After receiving a response from Associate Chancellor Nils Gilman, the faculty group responded with a second open letter:

Dear Associate Chancellor Nils Gilman and Chancellor Nicholas Dirks,

Thank you for your rapid response. Your response, however, leaves several of our key questions unaddressed. You are committed, as we are, to freedom of speech. But the Campus Code of Conduct draws a clear line between the freedom that we as a community value and defamation or harassment. Milo Yiannopoulos’ actions at the University of Wisconsin, Milwaukee campus and elsewhere crossed that line, and there is every reason to expect that he will reiterate those actions on every stop of his tour. This administration claims to be profoundly concerned with preventing

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harassment, and the occasion for actualizing that concern is directly before you now. An unwavering commitment to free speech and dissent does not oblige the campus to suspend its prohibition of harassment.

In our view, Yiannopoulos' actions at UW Milwaukee and during other recent talks do not constitute "expressive activity," as you phrase it, but rather pass into the different legal category of harassment and incitement. Given this precedent, the campus needs to clearly state how it intends to uphold our legal obligations under Title IX to promote an environment free of sex- and gender-based harassment.

Since Associate Chancellor Nils Gilman's letter insists that the student organization that invited the speaker has sole responsibility for the sponsorship of the event, we ask you to respond to the following questions: Firstly, what does the administration plan to do should the speaker harass an individual in the audience? Secondly, given that Yiannopoulos' past actions do meet the definition of harassment, are the organizers aware that they may be legally vulnerable for "aiding and abetting" the harassment of a fellow student? And thirdly, will the campus administration take it upon itself to defend any legal claims pertaining to such harassment, defamation or the likely Title IX violations should the talk go ahead? If not, we urge the administration to alert the student organizers about their potential vulnerability in case of a legal suit or code violation, keeping in mind that any member of the community may report witnessed harassment. The right to free speech does not override the university's legal responsibility to protect students from harassment and to uphold the Campus Code of Conduct, which we also ask students — including student groups — to abide by. We draw your attention to the following paragraph from the state-mandated sexual harassment training course (emphasis added):

"The law prohibits harassment that is discriminatory. Harassment is illegal when individuals are treated differently based on their protected characteristics (race, sex, religion, and so on). Of course, just because behavior isn't illegal doesn't mean it's appropriate. At the University of California, we hold ourselves to a higher standard and strive to promote a culture where everyone is supported to reach their fullest potential. To do that, we need to address problems before they hurt our community."

We consider it likely that both code and Title IX violations will occur during the proposed talk at UC Berkeley (and prior talks have been broadcast before an international audience). "Hate speech" is not the only way that speech can be regarded legally as conduct. Any threat or incitement to injure or any verbal action that produces a hostile climate is also arguably unprotected. What legal and administrative course of action does the university plan to take to preempt the harassment of the campus audience at this proposed event, and what course of action will the university take in the event that a member of the campus community is subjected to harassment?

Sincerely,

Elizabeth Abel, Professor, Department of English

Wendy Brown, Class of 1936 First Chair, Department of Political Science

Judith Butler, Maxine Elliot Professor, Department of Comparative Literature

Ian Duncan, Professor, Department of English

Donna Jones, Associate Professor, Department of English

David Landreth, Associate Professor, Department of English

Saba Mahmood, Professor, Department of Anthropology

Linda Rugg, Professor, Department of Scandinavian and Associate Dean of Arts and Humanities

Elena Schneider, Assistant Professor, Department of History

Susan Schweik, Professor, Department of English

Estelle Tarica, Associate Professor, Department of Spanish and Portuguese

Katrin Wehrheim, Associate Professor, Department of Mathematics

Damon Young, Assistant Professor, Departments of French and Film and Media Studies

The following UC Berkeley faculty have signed onto these letters after they were sent:

Gregory Levine, Associate Professor, Department of History of Art

Lauren Williams, Professor, Department of Mathematics

Jon Wilkening, Associate Professor, Vice Chair for Graduate Affairs, Mathematics

Janet Sorensen, Associate Professor, English

Leslie Salzinger, Associate Professor, Gender and Women's Studies

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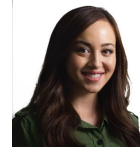
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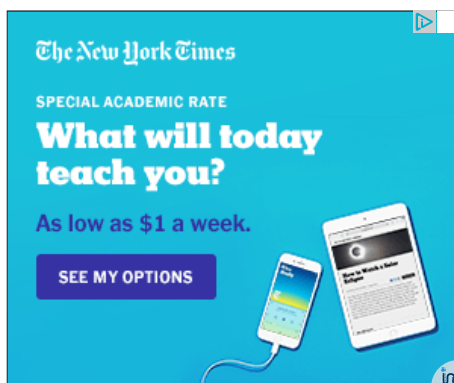
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Khalid Kadir, Lecturer, International and Area Studies
Tamara Roberts, Associate Professor, Music
Clélia Donovan, Lecturer, Spanish and Portuguese
Elisa Tamarkin, Associate Professor, English
Julia Bryan-Wilson, Associate Professor, Modern and Contemporary Art
Jeffrey Skoller, Associate Professor, Film & Media
Déborah Blocker, Associate Professor, French, with an affiliation in Italian Studies
Rachel Morello-Frosch, Professor, Department of Environmental Science, Policy and Management & School of Public health
Katherine Snyder, Associate Professor, English
Mark Goble, Associate Professor, English
F. Alberto Grunbaum, Professor, Department of Mathematics
Dan O'Neill, Associate Professor, East Asian Languages and Cultures
Soraya Tlatli, Associate Professor, Department of French
Barbara A. Barnes, Lecturer, Department of Gender and Women's Studies
Colleen Lye, Associate Professor, English
Charles Hirschkind, Associate Professor, Anthropology
Saba Mahmood, Professor, Anthropology
Ivonne del Valle, Associate Professor, Spanish and Portuguese
Daniel G. Chatman, Associate Professor, City and Regional Planning
Patricia Penn Hilden, Professor, Department of Ethnic Studies
Katherine Sherwood, Professor Emerita, Department of Art Practice
Charis Thompson, Professor, Department of Gender and Women's Studies
Ayse Agis, Continuing Lecturer, Gender and Women's Studies
Minoo Moallem, Gender and Women's Studies
Lawrence Cohen, Sarah Kailath Professor of India Studies, Department of Anthropology
Emiliano Gomez, Lecturer and Academic Coordinator, Department of Mathematics
Paola Bacchetta, Associate Professor, Gender and Women's Studies
Ian Agol, Professor, Department of Mathematics
Joanna Picciotto, Associate Professor, English
Laura C. Nelson, Associate Professor, Gender & Women's Studies
Cori Hayden, Associate Professor, Anthropology
Hung-Hsi Wu, Emeritus Professor of Mathematics
Geoffrey G. O'Brien, Associate Professor, English
Scott Saul, Professor, English
Kevis Goodman, Associate Professor, English
Mary Ann Smart, Gladyce Arata Terrill Professor, Music
Katherine Snyder, Associate Professor, English
Stephen A. Rosenbaum, John & Elizabeth Boalt Lecturer, School of Law
Jake Kosek, Associate Professor, Geography
Victoria Robinson, Ethnic Studies
Celeste Langan, Associate Professor, English
Hertha D. Sweet Wong, Associate Professor and Vice-Chair, Department of English
Alastair Iles, Associate Professor of Environmental Policy and Societal Change
Anne-Lise François, Associate Professor, English and Comparative Literature
Davitt Moroney, Professor, Music; University Organist
Jean-Paul Bourdier, Professor, Architecture Department
Natalia Brizuela, Associate Professor, Spanish & Portuguese
Line Mikkelsen, Associate Professor, Linguistics
Darcy Grimaldo Grigsby, Professor, History of Art
Shannon Steen, Associate Professor, Theater, Dance, and Performance Studies
Morris W. Hirsch, Professor Emeritus, Mathematics
Jenny Harrison Professor, Mathematics
James Vernon, Professor, History
Debarati Sanyal, Professor, French
Christine Rosen, Associate Professor, Haas School of Business
Waldo E. Martin, Jr., Morrison Professor of American History and Citizenship
Robin Einhorn, Preston Hotchkis Professor in the History of the United States

Kristin Hanson, Associate Professor, English
 Patricia Baquedano-Lopez, Associate Professor of Education
 Joseph Wolf, Professor Emeritus, Mathematics
 You-tien Hsing, Professor, Geography
 Glynda Hull, Professor, Education
 Richard B. Norgaard, Professor Emeritus of Energy and Resources
 Ellen L. Simms, Professor of Integrative Biology
 Katherine Snyder, Associate Professor, Department of English
 Kathleen Donegan, Associate Professor, Department of English and Associate Dean of Arts and Humanities
 Trinh T. Minh-ha, Professor of Rhetoric and of Gender & Women's Studies
 Suzanne Guerlac, Professor, Department of French
 Mel Y. Chen, Associate Professor, Department of Gender and Women's Studies
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