



VIA ELECTRONIC MAIL

February 2, 2017

The Honorable Owen Hill, Chair, and Members
Senate Education Committee
Colorado State Capitol
Denver, CO 80202

**Re: Support of Senate Bill 17-062
Student Free Speech Public Higher Education Campuses**

Dear Chair and Members:

This letter expresses strong support for Senate Bill 17-062, which would bring much-needed protections for First Amendment rights to the places where these freedoms should be most respected, namely public colleges and universities.

The following views expressed are mine alone, and do not represent the views of the law firm nor of any client of the law firm. I have not been paid to express these views.

The need for this bill is all-too-obvious. Last night, a violent minority at the University of California-Berkeley, deploying fascist tactics of setting fires, intimidation, and physical assault, successfully suppressed a scheduled speech of a conservative Milo Yiannopoulos. The University granted the “heckler’s veto” and shut down the speech, alleging in a press release that it was “impossible to maintain order,” while in the same release still managing to express the University’s institutional disagreement with the speaker. Through years of infringements on certain viewpoints and the prevailing campus orthodoxy, Berkeley had set up the climate for this riot.

Institutionally-enforced “political correctness” is possibly one of the most damaging phenomena in politics and culture today. “PC” twists fundamental truths, corrodes people’s minds, suppresses ideas and discussion, and thereby harms us all. Political correctness is evident in many institutions; government, media, corporations, and courtrooms, but PC seems to most hold sway in our

colleges and universities, which should be engaged in the essential endeavor of educating and opening young minds, not narrowing or closing them. While the groups that are frequently most targeted seem to be conservatives or libertarians, all students are ultimately harmed by the restriction on the marketplace of ideas. In an Orwellian twist, PC's apologists attempt to justify their intolerance, for ideas different than theirs, by citing "diversity."

But we have an opportunity to make improvements. Senate Bill 17-062 alone cannot solve the problem of this pervasive anti-intellectualism at our schools, but the bill is a solid step in the right direction.

Senate Bill 17-062 advances important ideals. Campus free speech is not a right- or left-wing cause, but one which brings people of all political persuasions together in suspicion of suppression of free thought.

Current federal law already sets forth strong principles in favor of free thought at colleges and universities. See 20 U.S. Code § 1011a(a)(1); 20 U.S. Code § 1011a(a)(2), "Protection of student speech and association rights." Senate Bill 17-062 provides even stronger protections than Federal Law in this regard. Colorado should be a national leader in protecting student free speech rights.

Although I support Senate Bill 17-062 as drafted, I respectfully suggest two minor improvements that would strengthen the bill. These suggestions draw on my personal experience. During the time I was a student at Stanford Law School, the campus atmosphere at the time chilled free speech and suppressed dissent, and the institutional weapon of those who sought to suppress it was Stanford's "Speech Code." Stanford's speech code threatened expulsion for students expressing politically-incorrect views.

In 1994, my third year of law school, I sued Stanford University. My successful lawsuit struck down the Speech Code. The basis for my lawsuit, given that Stanford is a private institution, was California's "Leonard Law," see Cal. Educ. Code § 94367, which applies the First Amendment to private universities in California. The Leonard Law was upheld by the California Superior Court in the Corry v. Stanford litigation, and remains current law.

Accordingly, Senate Bill 17-062 should be expanded to include Colorado's private postsecondary institutions.

Second, Senate Bill 17-062 presently only protects the speech of "students," but that protection should be expanded to include faculty, staff, or any citizen, student or not, present on campus. Postsecondary institutions provide an important community function for students and non-students alike. Non-students should be empowered to exercise their free speech rights on

campuses. Students benefit from, and have a right to hear, views of outside speakers.

Thank you very much for your consideration. My cell phone is 720-629-7112 and my email is Rob@RobCorry.com if you wish to discuss this further.

Sincerely,

/s/ Robert J. Corry, Jr.

Robert J. Corry, Jr.
Attorney at Law

cc: Senator Tim Neville
Representative Steve Humphrey