



June 15, 2017

The Honorable Chuck Grassley  
Chairman  
Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Dianne Feinstein  
Ranking Member  
Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein:

I write in advance of the Senate Judiciary Committee's hearing related to campus free speech that you will soon hold. I am president of the Association of Public and Land-grant Universities (APLU) and would like to convey public universities' strong commitment to the free exchange of ideas on campus.

APLU is a research, policy, and advocacy organization dedicated to strengthening and advancing the work of public universities. Annually, our 195 U.S. member campuses enroll 4.9 million undergraduates and 1.3 million graduate students.

The First Amendment, explained by many Supreme Court decisions, provides wide-ranging protections for free speech. Time and again, the Court has ruled that restrictions based on speakers' views are unconstitutional. As public universities, we are rightly held to a more stringent constitutional standard than private institutions.

Those broad constitutional protections match our values. Free speech is the lifeblood of our democracy. It is the foundation of academic inquiry. And it is essential to the educational experience and part of our commitment to provide a robust learning environment for an increasingly diverse student body. Public universities firmly believe their students should be exposed to an array of ideas and opinions – not only those with which they agree, but also those that challenge their perspectives and worldview. Any attempt to limit the free exchange of ideas is an affront to our shared values as Americans.

The vital importance of these civil liberties makes them no easier to safeguard. Public universities must reconcile issues of safety in the face of credible threats to speakers. It is sometimes challenging, but public universities must also protect constitutional speech even if it is odious and hateful speech. Hateful speech can, of course, be harassment that is not protected speech. Public universities must protect the expression of clashing opinions about some of the most fraught issues of our times as they work to foster a productive learning environment.

Public institutions may not always strike the right balance, especially when they must make decisions with incomplete information in rapidly changing circumstances. But my observation is that public universities and their leaders learn from their experiences and those of other campuses. They are reaffirming their commitment to free speech at a time of deep tensions on many campuses. I hear

this in the several forums APLU has hosted for university leadership on these issues. Universities are taking the opportunity to educate students on the history of free expression and our collective responsibility to uphold those values and rights. On public university campuses across the nation, students and guest speakers of all conceivable viewpoints engage in countless acts of free speech each day.

Just as communities across the country struggle to facilitate free and civil debate at a time when polarization has reached new heights, public universities must strive to safeguard those civil liberties on their campuses. As public universities whose mission is to advance the public interest, we believe our institutions have a responsibility to not just be outspoken advocates for free speech, but leaders in providing a forum for civil discourse and disagreement.

Thank you for your consideration of APLU's views in advance of the Judiciary Committee's hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter McPherson". The signature is fluid and cursive, with the first name "Peter" and last name "McPherson" clearly distinguishable.

Peter McPherson  
President  
Association of Public and Land-grant Universities

CC: Members of the Senate Judiciary Committee