

AMENDED IN ASSEMBLY AUGUST 30, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Concurrent Resolution

No. 76

Introduced by Assembly Member Lowenthal
(Coauthor: Senator Monning)

August 15, 2013

Assembly Concurrent Resolution No. 76—Relative to freedom of speech at institutions of higher education.

LEGISLATIVE COUNSEL'S DIGEST

ACR 76, as amended, Lowenthal. Freedom of speech: institutions of higher education.

This measure would recognize the importance of the right of freedom of speech, would condemn biased, hurtful, and dangerous speech intended to stoke fear and intimidation in its listeners, *as specified*, and would encourage public postsecondary educational institutions to ensure that they provide a safe, encouraging environment for exercising the right of freedom of speech.

Fiscal committee: no.

1 WHEREAS, The people of the United States enjoy a long history
2 of the right to freedom of speech and the ability to engage in
3 vigorous political debate, and nowhere is this better exhibited than
4 in California; and

5 WHEREAS, Free speech is the cornerstone of American culture
6 and the American political system, and it is therefore no
7 coincidence that this freedom is enshrined in the First Amendment
8 to the United States Constitution and *in* Article I of the California
9 Constitution; and

1 WHEREAS, California’s college campuses are forums for the
2 sharing and discussion of diverse and sometimes competing ideas
3 and opinions, and they provide an ideal setting for interactions
4 among diverse student populations of differing identities, heritages,
5 and persuasions; and

6 WHEREAS, Of all environments, college campuses should be
7 safe harbors for fair and reasoned debate that invites the views and
8 voices of all Americans, including conservatives and liberals alike,
9 people of faith and nonbelievers alike, or any other combination
10 of people whose ideas may differ, but who can and will respect
11 each other’s constitutional right to free speech; and

12 WHEREAS, Speech critical of an idea or opinion does not
13 always equate to criticism of the individual, just as speech that
14 condemns a government policy does not implicitly condemn a
15 government’s citizenry, nor is speech critical of a religious
16 organization inherently critical of a faith or its followers; and

17 WHEREAS, Unfortunately, college campuses are also
18 sometimes home to some of the most vitriolic speech directed at
19 individuals; and

20 WHEREAS, Freedom of speech sometimes requires that society
21 tolerate the intolerant, but not without limitation; and

22 WHEREAS, A positive response to intolerance is for
23 fair-minded, decent men and women of all political persuasions
24 to exercise their own constitutionally protected right to free speech
25 to condemn biased, hurtful, and dangerous speech that is intended
26 to stoke fear and intimidation in its listeners, *including speech that*
27 *promotes discrimination based on a protected characteristic, such*
28 *as race, color, national origin, religion, sex, disability, age, genetic*
29 *information, marital status, sexual orientation and identity, medical*
30 *condition, and political activities or affiliations; and*

31 WHEREAS, It is incumbent upon students, professors,
32 administrators, and other school officials at all campuses across
33 the state to create a safe and enriching learning environment for
34 all students that protects and encourages an individual’s right to
35 free speech; now, therefore, be it

36 *Resolved by the Assembly of the State of California, the Senate*
37 *thereof concurring, That the Legislature recognizes the supreme*
38 *importance of the right to freedom of speech, as protected by the*
39 *First Amendment to the United States Constitution, and its rightful*
40 *place on college campuses as a mechanism for the sharing and*

1 discussion of diverse ideas and opinions, including those that
2 challenge a person to consider the merits of his or her own
3 positions; and be it further

4 *Resolved*, That the Legislature hereby condemns biased, hurtful,
5 and dangerous speech intended to stoke fear and intimidation in
6 its listeners, *including speech that promotes discrimination based*
7 *on a protected characteristic, such as race, color, national origin,*
8 *religion, sex, disability, age, genetic information, marital status,*
9 *sexual orientation and identity, medical condition, or political*
10 *activities or affiliations*; and be it further

11 *Resolved*, That the Legislature encourages public postsecondary
12 institutions to ensure that they provide a safe, encouraging
13 environment for exercising the right to freedom of speech and for
14 the vibrant discussion of ideas and opinions from people of all
15 walks of life; and be it further

16 *Resolved*, That the Chief Clerk of the Assembly transmit copies
17 of this resolution to the author for appropriate distribution.

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