

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY



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Michael R. Smith
Office of Legal Affairs

200 California Hall #1500

February 25, 2009

VIA FACSIMILIE AND U.S. MAIL

William Creeley, Esq.
Director of Legal and Public Advocacy
Foundation for Individual Rights in Education
601 Walnut Street, Suite 510
Philadelphia, PA 19106
Fax: (215) 717-3440

Re: Orientation Club of Berkeley Inaugural Speech

Dear Mr. Creeley:

I have now had the opportunity to discuss your concerns with campus officers. We are well aware of the hate speech at the recent incident and fully understand that additional costs for campus events should be based upon content-neutral criteria and not the anticipated audience reaction to the message of the speaker. There has not been some miscommunication between Officer John Lechmanik and Elan Journo. The \$3000.00 cost estimate was informal and based upon limited information. The UCB Police Department is attempting to contact Mr. Journo to develop an accurate estimate for the March 3rd event, based upon neutral criteria consistent with the cases you have cited. Thank you for bringing your concerns to our attention.

Sincerely,

Michael R. Smith
Chief Campus Counsel and
Associate General Counsel

cc: Robert Birgeneau, Chancellor