



April 27, 2026

Michael Waterstone
Office of the Dean
UCLA School of Law
385 Charles E. Young Drive East
Los Angeles, California 90095

URGENT

Sent via Next Day Delivery and Electronic Mail (waterstone@law.ucla.edu)

Dear Dean Waterstone:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by Assistant Dean for Student Affairs Bayrex Martí's email warning the Federalist Society of potential disciplinary proceedings should it or its members publicly identify individuals seen in video clips disrupting the group's recent event featuring the general counsel of the U.S. Department of Homeland Security. Publishing truthful information, including the names of individuals depicted in viral video clips, is protected by the First Amendment. We urge UCLA to clarify to the Federalist Society and its members that they will not be subject to university investigation or disciplinary proceedings for any protected publication of truthful information.

On April 21, the UCLA chapter of the Federalist Society hosted an event with Homeland Security general counsel James Percival, which drew student protesters inside and outside the hall.² Protesters inside the room reportedly disrupted the event multiple times by heckling, booing, playing cell phone ringtones, and staging a walkout midway through.³ Video clips of the disruptions quickly spread online and in the media.⁴

¹ For more than 25 years, FIRE has defended free expression and other individual rights on America's university campuses. You can learn more about our mission and activities at fire.org.

² Fox News (@FoxNews), X (Apr. 22, 2026, 2:02 PM), <https://x.com/FoxNews/status/2047013158838300958>.

³ Greg McNeal (@GregoryMcNeal), X (Apr. 22, 2:57 PM), <https://x.com/GregoryMcNeal/status/2047026935436640614>.

⁴ See, e.g., Fox News, *supra* note 2; YitzyFrankel (@YitZionist), X (Apr. 21, 7:34 PM), <https://x.com/YitZionist/status/2046734277535220174>; Josh Blackman, *UCLA Students Protest FedSoc Event With DHS General Counsel James Percival*, REASON: THE VOLOKH CONSPIRACY (Apr. 23, 2026, 12:43 AM), <https://reason.com/volokh/2026/04/23/ucla-students-protest-fedsoc-event-with-dhs-general-counsel-james-percival/>; u/jonnyshotit, *The Federalist Society, a conservative law student group, invited DHS General Counsel James Percival to speak on UCLA Law's campus*, reddit: r/LosAngeles,

On April 22, Assistant Dean Martí emailed Matthew Weinberg, president of the UCLA Federalist Society, warning the group not to publicly identify the names of students visible on video disrupting the event, given online commentary critical of the disruptive students. Martí wrote, “If that information is shared despite the tenor of some online commentary, and an implicated student reports [prohibited] behavior ... the student organization and/or individual students could be connected to it (the allegation being that the outcome was reasonably predictable when the names were disclosed) and subjected to campus processes.”⁵

Dean Martí’s warning to the Federalist Society raises constitutional concerns. The First Amendment protects the right of private individuals and groups to publish truthful information, including the names of other private individuals depicted in publicly available videos, from both prior restraint and punishment.⁶ Students and other audience members attending the April 21 event had no reasonable expectation of privacy regarding their attendance or conduct at the event. As is abundantly clear from the posted videos, the event was held in a large university lecture hall with a large audience of students and faculty present, any of whom could report publicly what occurred in the room. Furthermore, the Federalist Society notified attendees prior to the event that it would be recorded,⁷ meaning that attendees had every expectation that their presence and behavior would be easily ascertained by people not personally in attendance.

As painful as online criticism may be at times, UCLA may not restrict protected speech merely to shield student protesters from the consequences of their actions, including criticism by students, faculty, or the broader community. Criticism is a form of “more speech,” the remedy to offensive expression that the First Amendment prefers to censorship.⁸ If UCLA students are subjected to hostile, unprotected behavior that violates UCLA policies, the proper remedy for such behavior is to discipline those who engage in it when and if it occurs—not to restrict truthful speech that UCLA administrators “foresee” may be a problem.

Moreover, Dean Martí’s written warning to the Federalist Society of potential disciplinary action for publishing legally obtained, truthful information about students who disrupted the April 21 event—while issuing no similar warning to student protesters who have publicly identified (and strongly criticized) Federalist Society members visible in the video clips—suggests selective concern for students facing public criticism based on students’ viewpoints.⁹

https://www.reddit.com/r/LosAngeles/comments/1ss0jmp/the_federalist_society_a_conservative_law_student/ [<https://perma.cc/HJU5-FQVE>].

⁵ Email from Bayrex Martí, assistant dean for student affairs, to Matthew Weinberg, student (Apr. 22, 2026, 5:25 PM) (on file with author).

⁶ *Smith v. Daily Mail Publ’g Co.*, 443 U.S. 97, 102 (1979) (“[S]tate action to punish the publication of truthful information seldom can satisfy constitutional standards.”); *Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 495 (1975).

⁷ Email from UCLA Federalist Society to registered event attendees (Apr. 20, 2026, 3:43 PM) (on file with author) (notifying event attendees that the April 21 event will be recorded).

⁸ *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).

⁹ Student protesters have also published video clips and photographs of the event alongside comments publicly identifying and mocking Federalist Society members visible in the clips, including a photograph of Weinberg taken in the hallway outside the event. See, e.g., u/jonnyshotit, *supra* note 4; Jonathan Hale (@jonnyshotit), INSTAGRAM, <https://www.instagram.com/jonnyshotit/reel/DXenJuaoJC8/>.

Given the urgent nature of this matter, we request a substantive response to this letter no later than Wednesday, April 29, confirming that the Federalist Society and its members will not face university investigatory or disciplinary processes for engaging in speech protected by the First Amendment.

Sincerely,

A handwritten signature in black ink that reads "Jessie Appleby". The signature is written in a cursive, flowing style.

Jessie Appleby
Program Counsel, Campus Rights Advocacy

Cc: Bayrex Martí, Assistant Dean for Student Affairs
Robert Swerdlow, Vice Chancellor of Legal Affairs & Chief Campus Counsel