



May 18, 2026

Rich Lyons  
Office of the Chancellor  
University of California, Berkeley  
200 California Hall #1500  
Berkeley, California 94720-1500

*Sent via U.S. Mail and Electronic Mail (chancellor@berkeley.edu)*

Dear Chancellor Lyons:

FIRE, a nonpartisan nonprofit that defends free speech,<sup>1</sup> is concerned by the University of California, Berkeley's failure to prevent the shutdown of the Berkeley Forum and College of Engineering's event featuring Google Chief Scientist Jeffrey Dean. By allowing disruptors to shut down the event, the university has enabled a "heckler's veto" that incentivizes future disruptions. We urge UC Berkeley to educate its officials regarding their constitutional responsibility to address event disruptions and ensure proper measures are taken in the future.

On the afternoon of May 1, after the event featuring Dean had already begun, approximately 20 disruptors entered the ticketed event with the intention to disrupt and criticize "the use of Gemini AI in the genocide in Gaza."<sup>2</sup> One of the disruptors mounted the stage with a megaphone and led the other disruptors in a chant to drown out Dean's remarks.<sup>3</sup> After roughly ten minutes of disruption, and several unsuccessful requests from organizers, police officers, and a faculty member for the disruptors to leave, event organizers ended the event for Dean and the audience's safety.<sup>4</sup>

Prior to the disruptors' entry, a Berkeley Forum member had informed UCPD officers on the scene that the event was ticketed and the disruptors were not registered attendees.<sup>5</sup> UCPD and

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<sup>1</sup> For more than 25 years, FIRE has defended freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at [fire.org](https://fire.org).

<sup>2</sup> Sevag Halajian & Sam Grotenstein, *Protesters shut down Berkeley Forum event hosting Google AI scientist*, THE DAILY CALIFORNIAN (May 1, 2026), [https://www.dailycal.org/news/campus/protesters-shut-down-berkeley-forum-event-hosting-google-ai-scientist/article\\_9dd82646-3c37-48b5-8dd4-61a5050646ce.html](https://www.dailycal.org/news/campus/protesters-shut-down-berkeley-forum-event-hosting-google-ai-scientist/article_9dd82646-3c37-48b5-8dd4-61a5050646ce.html). The following is our understanding of the pertinent facts. We understand that you may have additional information and invite you to share it with us.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Letter from Erica Fenyo, Berkeley Forum President, to Yogananda Pittman, Chief of Police (May 6, 2026) (on file with author).

campus security allegedly responded that, because of free speech concerns, nothing could be done to prevent the disruptors from entering the private event.<sup>6</sup> When event organizers later asked the officers to intervene in the disruption, officers reportedly said they would not act unless it turned violent.<sup>7</sup>

Berkeley is the home of the Free Speech Movement and is an institution that prides itself on understanding the value of free speech.<sup>8</sup> Furthermore, in the wake of the destructive and violent protests against a 2017 appearance by Milo Yiannopolous which made national headlines, Berkeley has made pointedly greater efforts to ensure that those whose views or associations may be unpopular on its campus are nevertheless permitted to speak, as it did just a few months later when commentator Ben Shapiro spoke on its campus.<sup>9</sup> For this reason, there can be no doubt that Berkeley knew it had not only the authority but the obligation as a public university bound by the First Amendment<sup>10</sup> to use “bona fide efforts” to stop event disruptions in order to protect the speaker and the audience’s expressive rights and ensure the event could proceed.<sup>11</sup> The First Amendment protects students’ and student groups’ broad expressive right to both invite and hear speakers.<sup>12</sup> As the Supreme Court has long held, speech cannot be punished “simply because it might offend a hostile mob.”<sup>13</sup> Certainly, once the disruption began, UCPD officers should have done everything in their power to remove the disruptors so that event organizers did not have to shut down the event.

By instead allowing the event to be shut down, the university ratified an impermissible “heckler’s veto,”<sup>14</sup> putting campus speech at the mercy of those most willing to silence their opponents. Campus officials rewarded those seeking to silence Dean instead of protecting the expressive rights of Dean, the event organizers, and the audience. This sends the message that one can easily thwart campus discourse they dislike simply by disrupting it.

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Free speech*, UNIVERSITY OF CALIFORNIA, BERKELEY (2026), <https://www.berkeley.edu/free-speech/> (last visited May 7, 2026).

<sup>9</sup> Madison Park, *Ben Shapiro spoke at Berkeley as protesters gathered outside*, CNN.COM, (Sept. 15, 2017), <https://www.cnn.com/2017/09/14/us/berkeley-ben-shapiro-speech>.

<sup>10</sup> *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citations omitted).

<sup>11</sup> *Bible Believers v. Wayne Cnty.*, 805 F.3d 228, 255 (6th Cir. 2018).

<sup>12</sup> *See, e.g., Gay Students Org. of the Univ. of N.H. v. Bonner*, 367 F. Supp. 1088, 1096 (D.N.H. 1974) (the student right “to hear speakers of their own choice” is one of the “activities traditionally protected by the First Amendment”); *Brooks v. Auburn Univ.*, 296 F. Supp. 188, 190–91 (M.D. Ala. 1969) (First Amendment protects “rights of students and faculty to hear a speaker invited to the campus”); *see also Stanley v. Georgia*, 394 U.S. 557, 564 (1969) (it is “well established” that the First Amendment confers and protects the right to speak as well as “the right to receive information and ideas”).

<sup>13</sup> *Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 134–35 (1992).

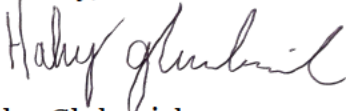
<sup>14</sup> *See First Amendment Glossary*, Heckler’s veto, FIRE, <https://www.thefire.org/research-learn/first-amendment-glossary> (last visited May. 11, 2026).

And contrary to the UCPD officers' claim that nothing could be done to prevent disruptors from entering the event because of "free speech concerns," disrupting an event is not protected expression, nor is attending a ticketed event without a ticket. Individuals do not have a First Amendment right to engage in unlawful, disorderly, or destructive behavior intended to silence their opponents' expression. In fact, UC Berkeley's own rules prohibit such conduct.<sup>15</sup>

Given Berkeley's history of free speech controversies, both decades ago and within recent memory, it is vital that the institution not "backslide" into unlawful speech suppression, either through vigilante censors (as here) or through official censorship of dissenting views. Specifically, UC Berkeley should advise police and officials to make bona fide efforts to address substantial disruptions to expressive events *as they occur* and explain the distinction between protected expression and protest versus disruptive conduct that prevents others from exercising their own freedom of speech.

FIRE would be happy to assist UC Berkeley in protecting campus free speech, free of charge, in accordance with our charitable mission. We request a substantive response to this letter no later than the close of business on May 26, 2026.

Sincerely,



Haley Gluhanich  
Senior Program Counsel, Campus Rights Advocacy



Elliot Certain  
Graduate Student Press Research Associate

Cc: University of California Police Department

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<sup>15</sup> *Code of student Conduct, Obstruction of University Activities, UNIV. OF CAL. BERKELEY* (revised Jan. 2026), <https://conduct.berkeley.edu/code-of-conduct/> (the "disruption of ... University activities" is prohibited).