

## UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY



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Michael R. Smith  
Chief Campus Counsel and Associate General Counsel  
Office of Legal Affairs

200 California Hall #1500  
Berkeley, CA 94720-1500

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: Objectivist Club of Berkeley-Journo Speech

Dear Mr. Creeley:

I have now had the opportunity to discuss your concerns with campus officers. We are well aware of the basic constitutional principles expressed in your letter and fully agree that security costs for campus events should be based upon content-neutral criteria, and not the anticipated audience reaction to the message of the speaker. There may have 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 3<sup>rd</sup> event, based upon neutral criteria consistent with the cases you have cited. Thank you for bringing your concerns to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Smith".

Michael R. Smith  
Chief Campus Counsel and  
Associate General Counsel

cc: Robert Birgeneau, Chancellor