



House of Representatives

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STANDING COMMITTEES:
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INTRAGOVERNMENTAL COORDINATION

Date: April 12, 2018

To: Honorable Governor Nathan Deal

From: Rep Deborah Gonzalez (HD117)

Re: Request for the Veto of SB339 (Georgia Campus Free Speech Act)

Honorable Governor Deal:

This memo is to bring to your attention certain concerns regarding Senate Bill 339, commonly referred to as the Georgia Campus Free Speech Act. Senators Ligon, Shafer, McKoon and others introduced this bill in January of this year. It intends to establish a free speech policy for institutions of the university system and to outline certain disciplinary measures that can be implemented against student violators. It passed the House 110 to 57 votes and the Senate 35 to 17 votes.

I want to commend the legislature for the journey this bill has taken since it was first introduced and it has many aspects to commend it. Ensuring that the free speech rights of all those who attend our outstanding institutions of higher education or participate in an event that takes place in one is essential for true learning to take place, as students can experience different perspectives and critically analyze for themselves the information they receive.

However as I read and interpret the proposed bill in its current rendition I am concerned that it is too vague in certain clauses, which could lead to the adverse affect of restricting speech for some as the speech of others is given priority. Of special concern for me is the possibility of this bill having the unintended consequence of damaging safe spaces for marginalized students and promoting hate speech.

In specific I would like the bill vetoed so that it can be reintroduced in the next session and the committee can review the following:

- **20-3-48 (5)** prohibits protests and demonstrations that materially and substantially interfere with the ability of others to engage in or listen to previously scheduled or reserved activities on campus at the same time, and part (6) stipulates that material and substantial interference of the free expression of others is subject to sanction. This language is vague, and the case law does not support the application

of the “material and substantial” standard either to conduct at post-secondary institutions OR to interference with expression. For example, simply loudly disagreeing with another individual, booing their speech, or making insulting remarks could qualify as a material and substantial interference. We recommend replacing this phrase with more specific and limiting language.

- **20-3-48 (11)** The language in this section is contrary to the decision of the Supreme Court in *CLS v Martinez* (<https://bit.ly/2qtAfvl>) and could justify the use of taxpayer dollars to support the activities and policies of organizations that discriminate against certain students.
- **20-3-48 (8)** – This section states that universities must provide for the safety of invited speakers and that they may not charge a security fee based on the content of the speech. The campus can only charge a security fee based upon the location utilized by the invited speaker pursuant to campus policies. Read in conjunction with (7), which states that *any* student may invite *any* speaker to campus, this could create problems for institutions. Controversial speakers on other campuses across the nation have sparked violent protests and cost universities millions of dollars in security costs which some of the smaller institutions may not have at their disposal. This prevents institutions from keeping students safe and distracts schools performing their core educational functions.

I also believe that giving the legislature some more time to work on this bill, it will also grant additional time to the universities to do an internal review of their policies and work with the authors of the bill to ensure that the objectives of the bill can be met without the necessity of additional legislation.

I appreciate your time and consideration of my concerns. I am also pleased to make myself available for a phone call or visit should you have questions or wish to discuss further.

Respectfully submitted,

Rep. Deborah Gonzalez

Rep. Deborah Gonzalez
HD 117