

**Resolution regarding Freedom of Expression on
California Academic Campuses**

*Submitted by the Conference Israel-Palestine Task (vote May 16, 2013 10 Yes; 0 No;
0 Abstained; 10 in attendance)*

Date Submitted: April 1, 2013 (revised May 16, 2013)

Contact: Doug Sibley

Fiscal Impact on AC: None

Reference: **The Book of Discipline of The United Methodist Church 2012, ¶ 164.**

V. THE POLITICAL COMMUNITY, ... “A) *Basic Freedoms and human Rights*—We hold governments responsible for the protection of the rights of the people to free and fair elections and to the freedoms of speech, religion, assembly, communications media, and petition for redress of grievances without fear of reprisal; ...”

On August 28, 2012 the California State Assembly adopted HR 35, *Relating to Anti-Semitism* by voice vote. (See the complete bill history at http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/hr_35_bill_20120828_history.html and the complete adopted text at http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/h_35_bill_20120828_amended_asm_v97.pdf.)

HR 35 includes in its definition of *anti-Semitism* any criticism of the government of Israel, and recommends that U.C. and State University system management (1) refuse to consider divestiture from companies doing business with Israel; (2) strengthen system-wide policies prohibiting student conduct motivated by bias, including religious bias; (3) implement a campus climate reporting system allowing any member of a campus community to report incidents of anti-Semitic intolerance or bias; (4) form on each campus an *Advisory Council on Campus Climate, Culture and Inclusion* whose members are to conduct in-depth visits with campus Jewish students and groups to better understand their concerns and challenges and report back to the UC and CSU management; and (5) issue immediate statements to strongly condemn specific acts of intolerance or bias when they occur; ...”

California Education Code § 66301 requires that no state institution of higher education “shall make or enforce a rule subjecting a student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution.”

1 **Proposed Resolution:**
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3 **Be it resolved** that the California-Nevada Annual Conference seek to re-affirm and ensure that
4 basic human rights and freedom of expression are essential to all of God's people wherever they
5 happen to be in this State (whether on or off campus or anywhere else);
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7 **Be it further resolved** that the California-Nevada Annual Conference, in response to HR 35,
8 urge United Methodists residing in the State of California to request each of their state legislators
9 (Assembly and Senate) to support and adopt a concurrent resolution ensuring and strengthening
10 the freedom of expression on all California academic campuses.
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12 It is suggested that such a concurrent resolution include the following elements:
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14 1. That, as required by the First Amendment to the U.S. Constitution and Section 2 of Article I of
15 the California Constitution, California's universities and colleges must uphold and defend the
16 free expression of all political views, especially those considered controversial by others who
17 may vehemently disagree with them.
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19 2. That educational and all other efforts to defeat racism, anti-Semitism, Islamophobia, and other
20 forms of hatred must not involve unconstitutional limitations on free expression.
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22 3. And noting that criticism of Israeli government policies does not inherently constitute anti-
23 Semitic speech, just as criticism of a Vatican policy is not inherently anti-Catholic, criticism of
24 Iranian policies is not inherently anti-Muslim, and criticism of U.S. government policies is not
25 inherently anti-American.
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27 **And be it further resolved** that the California-Nevada Annual Conference Secretary transmit a
28 copy of this resolution to each California State Assembly Member and Senator representing any
29 portion of this Annual Conference area, the Assembly Speaker and Chair of the Assembly
30 Committee on Higher Education, as well as the President pro Tem of the Senate and Chair of the
31 Senate Education Committee.
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