



**MOUNTAIN STATES LEGAL
FOUNDATION**
FREE COUNTRY. FREE PEOPLE.

2596 South Lewis Way | Lakewood, CO 80227 | Tel: 303.292.2021

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Dean Erwin Chemerinsky
U.C. Berkeley Law School
2763 Bancroft Way
Berkeley, CA 94704
echemerinsky@law.berkeley.edu

Re: Student Academic Freedom in Light of Your Hire of Mr. Chesa Boudin

Dear Dean Chemerinsky:

We are attorneys at Mountain States Legal Foundation, a non-profit litigation law firm working to protect and defend the United States Constitution. Our mission is to secure the rights of Americans to live freely throughout the United States, by litigating the cause for freedom. Our practice involves both First Amendment free speech rights, as well as securing the individual and natural right to keep and bear arms. In our roles as constitutional attorneys, we are deeply concerned about student academic freedom in the wake of the decision to hire Chesa Boudin as Head of Berkeley Law's new Criminal Law & Justice Center.

Of course, we generally do not wade into individual hiring decisions made by universities on the basis of the employee's qualifications. Whether a former District Attorney who was recently recalled by the voters of San Francisco is qualified to adequately teach important concepts regarding rule of law, criminal law, and justice, is for Berkeley to decide. The danger, however, in hiring Mr. Boudin, is the message that it sends to the student body with respect to student academic freedom, for students who support appropriate criminal law enforcement, and the Second Amendment's protections.

Indeed, Mr. Boudin’s political viewpoints regarding Second Amendment views are well known:



Mr. Boudin has made a name for himself as a staunch opponent of the Second Amendment. Indeed, while acting as District Attorney in San Francisco, Mr. Boudin launched lawsuits against three different manufacturers of parts for home-made firearms hobbyists. *See* Henry Lee, *San Francisco District Attorney sues ghost gun makers*, KTVU (Aug.19, 2021).¹

Mr. Boudin asserted that the lawsuits were about making the streets of San Francisco “safer” because they would help get “dangerous guns” off the street. *Id.* However, Mr. Boudin demonstrated complete disregard for the actual safety of San Franciscans around this same time, in which over 75% of felony firearms cases were being dismissed in San Francisco. *See* Susan Dyer Reynolds, *Over 75% of felony firearms cases dismissed, discharged, or diverted under SFDA Chesa Boudin* (June 3, 2022).² His rhetorical flourishes also indicate the same hostility to guns, pejoratively referring to hobby kits that millions of Americans use to make firearms as “ghost guns”:



When taken together, the actions that Mr. Boudin took while acting as District Attorney of San Francisco send a clear message: his passion is about keeping guns out of the hands of law-abiding citizens, while at the same time being soft on (and literally advocating for) violent career felons who had already forfeited their Second Amendment Rights.

Berkeley’s decision to hire Boudin also puts its law students on notice that their professor holds contempt for their views if they support the Second Amendment.

¹ <https://www.ktvu.com/news/sf-da-boudin-sues-ghost-gun-makers>.

² <https://susanreynolds.substack.com/p/over-75-of-felony-firearms-cases>.

Students will naturally self-chill their statements in the classroom—and present only certain views in assignments and papers—in response to this contempt. Sadly, Berkeley’s classrooms will become merely an echo chamber for political views on one side of a thriving debate regarding the Second Amendment’s scope.

As a public University, Berkeley is bound by the First Amendment, and it must ensure that the rights of students to speak freely are not infringed upon. This principle is often paid lip service in official documents. *See e.g. Dean’s Statement: Freedom of Speech at Berkley Law* (Sept. 13, 2022) (“The First Amendment does not allow us to exclude any viewpoints and I believe that it is crucial that universities be places [where] all ideas can be voiced and discussed”).³ The Berkeley Free Speech website states that “Free speech is one of UC Berkley’s most cherished values . . .” As the home of the Free Speech movement, Berkeley, above all places, should welcome diverse viewpoints. Yet its commitments and public statements ring hollow when an important position is given to someone who has such polarizing views on fundamental rights provided to citizens of the United States.

It is now up to you and the rest of the law school faculty to ensure that despite Mr. Boudin’s hire, students can feel comfortable in his classes expressing support for the Constitutionally protected right to keep and bear arms. Public statements should be made by faculty reinforcing the idea that all views are welcome, Constitutional protections are valid, and dialogue about these issues is to be encouraged, not squelched.

Unless action is taken, Berkeley Law will be seen as a place where dialogue, discussion, and independent thought are not welcome. Instead, it will be seen as a place where one can attend only if they already hold a certain set of values and beliefs. That would be regrettable.

Sincerely,

/s/ William E. Trachman

William E. Trachman,
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Class of 2002, U.C. Berkeley School of Letters and Science

Brian Abbas
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³ <https://www.law.berkeley.edu/article/deans-statement-freedom-of-speech-at-berkeley-law/>

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