

March 30, 2022

Dr. Adela de la Torre, President
c/o Brittany Santos-Derieg, Chief of Staff
Office of the President
San Diego State University
5500 Campanile Drive
San Diego, California 92182
[via email]

Dear President de la Torre:

Californians for Equal Rights Foundation (CFER) is a non-partisan, non-profit organization dedicated to the cause of equal rights and, most specifically, to defending the letter and spirit of the 1964 Civil Rights Act and of the California Constitution as strengthened in 1996 by the California Civil Rights Initiative (Proposition 209). Many founding members of CFER served at the principal ballot measure committee in opposition to race-preferential Proposition 16 and waged a principled ‘No on 16’ campaign. After the proposition was roundly defeated, 57% to 43%, by the electorate in November 2020, CFER was established as a non-profit. Since then, CFER has expanded its remit to address other issues concerning equal protection of the law and civil rights, including freedom of speech, academic freedom, freedom of conscience, and the pervasive politicization and heavy-handed top-down control in all levels of public education and in the public sector generally.

CFER was dismayed to learn recently of the unjust treatment of SDSU philosophy professor J. Angelo Corlett by your administration because a few students objected to his reasonable academic approach to discussion and analysis of racial epithets and their use. With no thorough investigation or clear explanation, SDSU severely sanctioned Corlett by removing him from teaching two courses for which he, almost certainly more than any other SDSU professor, is eminently qualified to teach.

There is little need for us to summarize the situation and all the relevant laws, documentation, and press coverage here. You have received two detailed letters that do that very thoroughly. One these is from the **Foundation for Individual Rights in Education (FIRE)** (1), the other, directed to SDSU Vice President Luke Wood, was from the **Academic Freedom Alliance (AFA)** (2).

Both letters call for Professor Corlett to be allowed immediately to resume teaching the courses from which he has been removed. CFER calls for the same and will strongly support any further actions FIRE and AFA decide to undertake.

Since those two letters, professor Corlett has published [an accurate description of what transpired](#) in his classroom and a strong defense of his exemplary approach to teaching “critical thinking” to his students (3). [His legal counsel, now retained by FIRE, has written to CSU legal counsel](#), summarized the situation, described the malfeasance of Dean Casper, and repeated the earlier demands by FIRE and AFA. (4) In a new summary of the situation, FIRE notes that [SDSU refused to explain Dean Casper’s justifications](#) on the ground they involved a “confidential personnel matter.” But though professor Corlett signed a “privacy waiver,” SDSU has still so far refused to state clear grounds for its sanctioning of him. (5)

Two other matters merit your consideration. First, is a major 2021 review article by two distinguished law professors at Harvard and UCLA, respectively, that seems to have escaped the attention of most participants in this episode so far:

The New Taboo: Quoting Epithets in The Classroom and Beyond, Randall Kennedy & Eugene Volokh, Capital University Law Review, 49(1):1-65, 2021
<https://www.capitallawreview.org/article/21653-the-new-taboo-quoting-epithets-in-the-classroom-and-beyond>

A brief excerpt from its Conclusion is appropriate:

Indeed, if banning one racial slur is seen as important to protecting students of that racial group from trauma and offense, then refusing to ban other slurs (and thus refusing to supposedly protect members of those racial groups) might itself be seen as a form of racial discrimination. The categorical principle we urge—that any word can be quoted in a good-faith academic discussion of the facts—obviates this difficulty. And it seems to us that giving in to this pressure to ban one or two words, and then others, would badly impoverish discussion in university classrooms. ... The demand for erasure or euphemism in the classroom, backed up by administrative threat or widespread ostracism, is part of a larger effort, animated by solicitude for oppressed groups, to impose a program of purportedly “progressive” decency upon cultural institutions. We appreciate much of the impulse behind the effort but criticize its insufficient attentiveness to other imperatives. The demand to restrict classroom speech—even as to only a few vicious epithets—sacrifices features of academic freedom and scholarly and professional candor that have been immeasurably socially valuable.

A final relevant matter is that Professor Corlett received his “reprimand and reassignment” letter from Dean Monica Casper who is now best known to the San Diego and SDSU community for some [rather juvenile political hate speech against conservatives](#) she put out on Twitter last December (6) and then received only a mild reprimand from you. On December 1 Dean Casper tweeted: “Just so we’re clear on the Right’s agenda — racism good, abortion bad, money good, women bad, capitalism good, sustainability bad, stupidity good, science bad, power good, equality bad, white people good, nonwhite people bad. Stench, indeed.” In another tweet Dean Casper referred to the acquittal of Kyle Rittenhouse in Wisconsin as a victory for “white supremacy.”

Now that was truly offensive rhetoric and was intended to be so. On what ethical grounds should her opinions on permissible language or the character of professor Corlett be given any weight? You mildly reprimanded [her in your own tweet](#) but then said isn’t it great we have “free speech” at SDSU.(6) But free speech is not the issue. The issue is the judgment of those who put, and allow to remain, in a position of high authority a person with such undisciplined animus toward those of different beliefs.

As SDSU professor of English Peter Herman summarized [the post-2017 drift at SDSU](#):

[F]or those who have been following San Diego State’s recent lurch to the left, what’s most disturbing is the apparent bias of the university jumping to Casper’s defense when it refused to do the same for others.... In the past, nobody told anybody what to teach or the direction of their research. Now, the University is nudging everyone into ideological conformity. What assistant professor is going to risk their career by not saying what everyone knows is expected of them? Who is going to risk saying that capitalism has its benefits, that for some, abortion is morally problematic, that dividing people by skin color is just not a good idea? Who would be brave or foolish enough to think differently, especially after Casper has made her views entirely clear? So it’s a bit rich that the university immediately jumps to Casper’s defense on the grounds of free speech and academic freedom. Because increasingly, at SDSU, speech is not free.(7)

In closing, CFER requests that you direct Dean Casper to restore Professor Corlett's right to teach his courses and to offer him an apology on behalf of the entire SDSU administration. Whatever your decision, we look forward to hearing from you at your earliest convenience.

Sincerely yours,

Frank Xu
President, Californians for Equal Rights Foundation

Cc: J. Angelo Corlett, Professor of Philosophy, SDSU
Steven Barbone, Chair, Department of Philosophy, SDSU
Monica Casper, Dean, College of Arts & Letters, SDSU
Salvador Hector Ochoa, Provost, SDSU
J. Luke Wood, Vice President for Student Affairs & Campus Diversity, SDSU
Wil Weston, Senate Chair, SDSU
Kelly Bendell, Esq., University Counsel, California State University
Greg Lukianoff, President, Foundation for Equal Rights in Education (FIRE)
Sabrina Conza, Program Officer, Individual Rights Defense Program, FIRE
Arthur Willner, Esq., Leader Berkon, Colao & Silverstein LLP
Gail Heriot, Esq., U.S. Commission on Civil Rights
Joelene Koester, Interim Chancellor, California State University
Lillian Kimbell, Chair, Board of Trustees, California State University

References

1. **FIRE Letter to San Diego State University, March 8, 2022**, Sabrina Conza, Foundation for Individual Rights in Education, March 8, 2022
<https://www.thefire.org/fire-letter-to-san-diego-state-university-march-8-2022/>
2. **Academic Freedom Alliance Sends Letter to San Diego State on Professor's Suspension**, AFA Press release, March 8, 2022 [with links to actual letter from Keith Whittington to VP Luke Wood]
<https://academicfreedom.org/wp-content/uploads/2022/03/Academic-Freedom-Alliance-Letter-to-SDSU-regarding-Angelo-Corlett.pdf>
3. **An Open Letter to Those Genuinely Interested in What I, Professor J. Angelo Corlett, PhD, REALLY said in my Critical Thinking class on Tuesday 1 March 2022**, Angelo Corlett, Leiter Reports, March 11, 2022
<https://leiterreports.typepad.com/files/corlett-open-letter.pdf>
4. **Arthur Willner Letter to San Diego State University, March 24, 2022**, Arthur Willner, Foundation for Individual Rights in Education, March 24, 2022
<https://www.thefire.org/arthur-willner-letter-to-san-diego-state-university-march-24-2022/>
5. **San Diego State claims to have evidence justifying its removal of a professor for referencing slurs in teaching linguistics. Let's see it**, Sabrina Conza, Newsdesk, Foundation for Individual Rights in Education, March 25, 2022
<https://www.thefire.org/san-diego-state-claims-to-have-evidence-justifying-its-removal-of-a-professor-for-referencing-slurs-in-teaching-linguistics-lets-see-it/>
6. **["I am defending Dean Monica Casper's "free speech"]**, Adela de la Torre. Tweet, Office of the President SDSU, Twitter, January 3, 2022
<https://twitter.com/PrezdelaTorre/status/1478100909326434306>
7. **Controversy Over SDSU Dean's Political Tweets Shows Not All Speech Is Free**, Peter C. Herman, Times of San Diego, December 23, 2021
<https://timesofsandiego.com/opinion/2021/12/23/controversy-over-sdsu-deans-political-tweets-shows-not-all-speech-is-free/>