



December 30, 2008

Chancellor Robert J. Birgeneau  
Office of the Chancellor  
200 California Hall #1500  
University of California  
Berkeley, CA 94720-1500

Dear Chancellor Birgeneau:

We write on behalf of the Zionist Organization of America, the oldest pro-Israel organization in the United States,<sup>1</sup> because of troubling reports from several Jewish students at UC Berkeley that they have been harassed, verbally and physically intimidated, and discriminated against on campus. Students have reported these problems to the university administration, but the administration has failed to correct them. We are concerned that Jewish and pro-Israel students are being deprived of a campus environment free from anti-Semitic hostility as required by Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S. C. § 2000d *et seq.* We urge you to take the steps described in this letter, to ensure that the problems are finally confronted and resolved.

As you may know, Title VI requires that recipients of federal funding (such as UC Berkeley) ensure that their programs and activities are free from racial and ethnic discrimination. The United States Commission on Civil Rights – an independent bipartisan federal agency that studies discrimination and civil rights issues and reports on them to the President and Congress – examined anti-Semitism on college campuses at a 2005 hearing. The Commission found that campus anti-Semitism is “a serious problem.” It concluded that the U.S. Department of Education’s Office for Civil Rights (the federal agency responsible for enforcing Title VI) should vigorously enforce Title VI to ensure that Jewish students are protected from anti-Semitic harassment.

Our government has recognized that anti-Semitism does not only mean the use of slurs, the vandalism of property, or physical threats and assaults against Jews. Anti-

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<sup>1</sup> The ZOA, founded in 1897, is a charter member of the Conference of Presidents of Major American Jewish Organizations. With a national membership of over 30,000, and active chapters throughout the United States, the ZOA works to strengthen U.S.-Israel relations, it educates the American public and Congress about the dangers that Israel faces, and it combats anti-Israel bias in the media and on college campuses. The ZOA’s past presidents include U.S. Supreme Court Justice Louis Brandeis, Rabbi Dr. Abba Hillel Silver and Rabbi Stephen Wise. The ZOA’s Center for Law and Justice was established to meet the need for greater organizational involvement in legal matters that affect relations among the United States, Israel and the Jewish people.

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Zionism and anti-Israel sentiment can also cross the line into anti-Semitism. The U.S. State Department issued a detailed report on contemporary global anti-Semitism last March (see <http://www.state.gov/g/drl/rls/102406.htm>). According to the State Department, the “new anti-Semitism” is “characterized by anti-Zionist and anti-Israel criticism that is anti-Semitic in its effect – whether or not in its intent.” Of course, not all criticism of Israel is anti-Semitic. But as the State Department recognizes, “disproportionate criticism of the Jewish State and/or Israelis and demonizing them as barbaric, unprincipled, selfish, inhumane, etc. is anti-Semitic and has the effect of causing global audiences to associate those bad attributes with Jews in general.”

Forty years before the State Department issued its report, Nobel Peace Prize winner and civil rights leader, the Reverend Martin Luther King, Jr., reached the same conclusion. In 1968, Reverend King said, “When people criticize Zionists, they mean Jews. You are talking anti-Semitism.”

Likewise, the U.S. Commission on Civil Rights recognized that anti-Zionism and anti-Israelism that, for example, “exploit[] ancient stereotypes of Jews as greedy, aggressive, overly powerful, or conspiratorial . . . should be distinguished from legitimate discourse regarding foreign policy.” According to the Commission, “[a]nti-Semitic bigotry is no less morally deplorable when couched as anti-Israelism or anti-Zionism.”

You are surely aware of the problems of anti-Semitism, including Israel-bashing, that have been plaguing another UC campus, in Irvine. Triggered by a complaint that the ZOA filed on behalf of Jewish students on that campus, the Office for Civil Rights has been investigating whether UC Irvine violated Title VI by failing to respond effectively to anti-Semitic harassment and intimidation. An investigation into UC Irvine’s conduct by the Office for Civil Rights is open and ongoing.

We would like to see the problems at UC Berkeley addressed and resolved before such formal legal steps need to be taken. We are encouraged by the way you responded to the anti-Semitic vandalism that occurred adjacent to the campus last September. You issued a clear and unequivocal message to the university community, condemning the vandalism as an “anti-Semitic obscenity” that was “deeply hurtful to our Jewish students.” We commend you for this appropriate response and urge you to take the same clear and decisive stance against the pattern of hostility that Jewish and pro-Israel students have been facing on your campus.

#### Jewish Students have been Verbally and Physically Harassed and Intimidated

Several students have reported to us that they have been verbally and physically harassed and intimidated by members and supporters of a university-approved student group that calls itself “Students for Justice in Palestine” (SJP). We are told that the SJP routinely constructs a mock checkpoint on campus to simulate Israel’s security measures (that protect innocent civilians from Palestinian Arab terrorism). The SJP’s checkpoint

obstructs the campus walkway and is set up in a central area on campus, so that it is virtually impossible for students to avoid. At the checkpoint, SJP members and supporters harass and intimidate students who are walking by. They ask passers-by if they are Jewish; those who say yes are permitted to walk through the checkpoint. Passers-by who say that they are Arabs or Muslims are told to lie on the ground, and they are searched and asked for identification.

SJP members have held imitation guns at its checkpoints that look authentic – a frightening tactic that violates school policy and the law. After students complained to the administration about the SJP's use of these guns, the SJP stopped using them, but only temporarily. Eventually, the SJP began using imitation guns again, a deliberate infraction of the rules and the law, which the university administration has reportedly ignored.

One Jewish student told us that when he passed by the checkpoint while walking to class, he was confronted and poked in the chest by what turned out to be an imitation gun, by a male dressed in a military uniform (presumably posing as a member of the Israel Defense Forces). When the Jewish student told the male "soldier" to move out of his way because he needed to get to class, the "soldier" berated him about the so-called Israeli "occupation." A shouting match ensued, a crowd gathered, and the Jewish student was verbally assaulted and accused of being, among other things, a "Nazi."

On March 3, 2008, the SJP sponsored a "die-in" purportedly in response to Israel's decision to defend its people against Kassam rockets that Palestinian Arabs have been launching into Israeli towns from Gaza. The number of rockets fired into Israel has now reached 10,000. During the die-in, approximately 30 to 40 SJP members lay on the ground on Sproul Plaza, obstructing traffic and blocking the walkway. SJP members were holding signs falsely and absurdly accusing Israel of starting another Holocaust. Their signs were also racist, equating Israelis with Nazis. Students tell us that the SJP also displays signs accusing Israel of being an apartheid state. The charge is not only false, but also ridiculous. Israel is the only established democracy in the Middle East where citizens of every color, creed and religion have equal rights, including the rights to vote, to freedom of speech, to practice their religion, to education, to be represented in the Israeli government, and to full access to the courts.

When the SJP has held anti-Israel rallies and events on the UC Berkeley campus, Jewish students have peacefully gathered and held up signs to counter the false and hateful messages that the SJP promotes about Jews, Zionism and Israel. Without question, these Jewish students have every right to be there, exercising their First Amendment rights to assembly and free expression. But the SJP has deliberately interfered with those rights, blocking the Jewish students' signs and attempting to destroy them. At the "die-in" in March, Jewish students were holding a sign that said "Victims of Palestinian Terror" – a reference to the innocent Israeli civilians who live in constant daily fear of Kassam rockets that are being launched at them from Gaza. An SJP

supporter began cursing at the Jewish students and tried to tear down their sign, ripping it in the process. A male SJP member physically pushed a female Jewish student holding the sign.

In violation of university policy, the SJP used a loudspeaker at the event, blocked the walkway, and harassed and intimidated the Jewish students by encircling them. SJP members came up to Jewish students, got in their faces, and shouted, “F\_\_k you, take your sign and get the hell out of here.” When the Jewish students tried to move to another location, the SJP members followed them and continued to encircle them in a threatening and harassing manner, repeatedly shouting “F\_\_k you” and “Get the f\_\_k away.”

Some SJP members made anti-Semitic comments such as, “The Jews are the chosen people, they don’t care about anyone else, they only care about themselves. You think you have everything and that you can do whatever you want. You think you can just kill people.” One supporter yelled to a Jewish student that the student did not know what the Holocaust is because otherwise the student would not be doing what she is doing in Gaza – as if she were personally responsible for what is happening in Gaza. Jewish students felt threatened and intimidated, which is exactly what the SJP intended. Some Jewish students feared for their physical safety. There are Jewish students who are now afraid or reluctant to wear anything that would identify them as Jewish or pro-Israel.

One Jewish student who often wears a yarmulke on campus reported to us that on three separate occasions, he has been verbally attacked with racial epithets by what he has called a verbal “hit and run” assailant. His assailant(s) called him a “kike” and another ethnic slur and then ran away.

#### Jews have been Physically Assaulted

On November 13, 2008, a university-approved student group called the Zionist Freedom Alliance (ZFA), with the help of another approved student group called Tikvah: Students for Israel (Tikvah), organized a hip-hop concert at UC Berkeley as part of “Israel Liberation Week.” Members of the SJP deliberately disrupted the concert by draping two Palestinian flags from the Eshleman Hall balcony directly over the stage.

University policy required that the SJP obtain prior approval for using Eshleman Hall for this purpose. On information and belief, the SJP failed to do so, and also violated the student government’s (ASUC) banner regulations.

There can be no question about the SJP’s motivations: This group was plainly seeking to disrupt the concert, to upset and offend those who were there in solidarity with the State of Israel, and to provoke a response. The SJP accomplished all three. John Moghtader, a UC Berkeley student and a senator in the student government (ASUC); Gabe Weiner, a recent graduate of UC Berkeley; and Yehuda De sa, a performer at the

concert, went up to the balcony to request that the SJP remove its flags. One of the leaders of the SJP instigated a fight by hitting Mr. Weiner on the head. A scuffle ensued as Mr. Weiner defended himself and Mr. De sa came to his aid. John Moghtader did not participate in the scuffle; he reportedly broke it up.

We understand that the SJP is claiming that they displayed the Palestinian flags in response to offensive anti-Arab remarks at the concert. The reports we have received are consistent: The SJP's claim is a complete fabrication; no anti-Arab remarks were made at the concert.

The truth about what happened at the concert will hopefully be revealed in a fair and impartial investigation. But in the meantime, this incident is emblematic of a larger problem of anti-Semitic harassment, intimidation and discrimination on campus that the university administration knows about but has not effectively addressed.

A Jewish Student Leader of the Pro-Israel Group on Campus  
has been Unfairly Targeted and Maligned

One Jewish and pro-Israel student in particular has recently become the focal point for the anti-Israel hostility that pervades the campus: John Moghtader, a senator in the student senate and also a founder and the president of the pro-Israel group called Tikvah, has been subjected to what students have described as a "witch hunt." Mr. Moghtader reportedly was not involved in the altercation on November 13<sup>th</sup>; indeed, witnesses say that he broke up the scuffle. Yet he has been publicly and falsely maligned in the student paper, *The Daily Californian*. And he has been unfairly targeted in a petition to the student body that seeks to recall him from the ASUC Senate.

In its first story about the incident at the concert on November 13<sup>th</sup>, *The Daily Californian* inaccurately reported that John Moghtader and Yehuda De sa were "handcuffed and cited by the UCPD [campus police] for battery." In fact, neither of these individuals was handcuffed or charged with battery. The article reported that SJP leader Husam Zakharia was "hit in the face during the altercation." But the article failed to mention that Gabe Weiner had been assaulted – and that he reportedly was attacked first – or that Mr. Weiner had reacted in self-defense. The article also made a provocative comment about the individuals who went up to the balcony, stating that "[a]ll three men are Jewish." Whether the men were Jewish or not was irrelevant to the reporting of what occurred. The article did not label anyone else as "Christian," or "Muslim" or "Hindu." The article concluded with the sentiments of an ASUC senator, which called for disciplinary action in response to the violence against the SJP members. Misleadingly, the article failed to identify the senator as an SJP member who should not have been expected to be impartial about which parties should be disciplined.

After complaints were made about this article's bias and inaccuracy, the editor-in-chief of *The Daily Californian* acknowledged "serious factual inaccuracies" and issued

an apology and a replacement article that was supposed to be correct. But factual errors and bias remained. The article specifically named Gabe Weiner as one of the students cited for battery, but Mr. Weiner is not even a student at UC Berkeley; he graduated last year. Again, the article noted that Husam Zakharia had been hit in the face, without also noting witness reports that he provoked the fight, and that if he was hit, it was in self-defense. The article again included the biased commentary from the ASUC senator who also happens to be an SJP member, not surprisingly calling for disciplinary action against anyone who might have attacked members of the SJP. And the inflammatory and irrelevant comment about the students who went up to the balcony – that “all three men are Jewish” – was repeated, without also including the religious persuasions of any of the other participants in the incident.

The first article libeled the Jewish individuals involved and wrongly misled the entire campus community to believe that Mr. Weiner, Mr. Moghtader and Mr. De sa were at fault. The second, allegedly more accurate article, did little to apprise the community of the facts, and indeed, simply reinforced their misunderstanding of what occurred.

*The Daily Californian's* reporting was biased, inaccurate and contributed to the hostile environment on campus for Jewish and pro-Israel students. The university administration should criticize the paper for deliberately false reporting that smacks of anti-Semitism, and urge the editors to ensure that the paper meets journalistic standards of fairness, accuracy and completeness.

In addition to the student paper's news reports that wrongly maligned John Moghtader and others, there is an ugly online petition in progress, advocating that Mr. Moghtader be recalled from the student senate. The online petition self-righteously states that “we think it is important that all public figures on campus . . . be held to the highest standards of conduct.” Yet there is no indication that Mr. Moghtader has failed to conform to such standards.

Ironically, the petition against Mr. Moghtader was sponsored by five students at Berkeley's law school, at least one of whom reportedly was a member of the SJP. Apparently these law students have failed to absorb several fundamental underpinnings of our system of justice, which apply equally on your campus – that an individual must be informed of the charges against him in a clear and unambiguous way so that he/she can be in a position to answer them; that an individual is presumed innocent until proven guilty by the evidence; and that the evidence cannot be based on rumor or innuendo. By proceeding with this petition, UC Berkeley students are shamefully seeking to punish Mr. Moghtader based on vague accusations, without any proof of wrongdoing on his part.

It is our understanding that Mr. Moghtader has been unflinchingly vocal in his support for the State of Israel, and has been criticized by other students for his beliefs and opinions. It is appalling – and unacceptable – to think that he is being publicly maligned and penalized for his beliefs and the exercise of his First Amendment freedoms.

The Administration Knows About the Anti-Semitic Hostility But Has Not Remedied It

There is no question that the UC Berkeley administration is aware of the problems we have described above. Students have complained about the SJP's threatening and intimidating conduct, and about the group's violations of UC Berkeley's Code of Student Conduct, to Dean of Students Jonathan Poullard. Indeed, several Jewish students spoke up at an ASUC senate meeting on March 3, 2008, at which Dean Poullard was present. As the meeting minutes reflect, student after student described being harassed and intimidated by members of the SJP. They described the SJP's repeated violation of university policy and Jewish students' rights. They described the SJP's refusal to follow multiple requests by police and faculty to stop their intimidating tactics. And they described how unsafe they felt on their own campus.

According to the minutes from this meeting, Dean Poullard acknowledged that those who violated Jewish students' personal space and jeopardized their personal safety engaged in a Student Conduct violation. These infractions have occurred repeatedly. Then why have no disciplinary proceedings been instituted?

Dean Poullard also appropriately acknowledged that it "probably was" hateful for SJP members to shout "F\_\_k Israel." But oddly, the dean concluded that it is also hateful to say the words "Palestinian terror." Why would that statement constitute hate speech? Terrorist attacks by Palestinian Arabs, including suicide bombings, committed against Israeli civilians – on buses, in restaurants, in shopping malls, in yeshivas, and other locations – are an indisputable fact about the Middle East conflict and an essential component of an honest discussion about the conflict. That Dean Poullard would put the phrase "Palestinian terror" in the same category as the phrase "F\_\_k Israel" reflects a lack of understanding that Palestinian Arab terrorism is tragically an accurate component of the Middle East conflict. Acknowledging the fact of Palestinian terror is not hate speech. Dean Poullard's comments suggest that he is not the right individual to respond to the anti-Semitic hostility on the campus.

Our concerns about Dean Poullard's ability to respond to the hostility are compounded by the way in which he handled another incident involving Tikvah. In October 2008, the SJP sponsored a presentation by Norman Finkelstein and John Dugard. Finkelstein is a Holocaust minimizer and the author of a book that *The New York Times* described as "verg[ing] on paranoia and . . . serv[ing] anti-Semites around the world." A small group of students – some of whom were Tikvah members – went to the Finkelstein event and publicly voiced their opposition to Finkelstein and his opinions. They disrupted the presentation for about 30 seconds and then left peacefully and of their own volition. They were gone before the police could be summoned, and Finkelstein's speech proceeded without a problem.

This was not the first time that students at UC Berkeley had used this form of protest. Indeed, the SJP has itself used it, albeit in a more intensive and intrusive way. Last year, when Arab speaker Nonie Darwish – who spoke about her experiences growing up in Egypt and immigrating to the United States – was brought to campus and the film “Obsession” (about the rise and dangers of radical Islam) was screened, the SJP repeatedly interrupted her speech. According to *The Daily Californian*, Ms. Darwish could not even begin her speech for about a minute because of the heckling. The student paper noted that university police had to escort several “loud opponents” out of the lecture hall at various points during the event. People who could not get into the event were beating on the walls outside the lecture hall. This was a major disruption, but reportedly, there was never any administrative response to the SJP’s conduct, and certainly no condemnation of it.

The SJP staged an even greater spectacle when Middle East scholar, Dr. Daniel Pipes, was invited to speak at UC Berkeley in 2004. We understand that signs were posted outside the lecture hall, warning that no banners, signs, shouting or violence would be permitted. No matter to the SJP. Members of the group practically drowned out Dr. Pipes’ speech several times, by chanting and jeering hateful anti-Semitic terms and slogans, including “Death to Zionism,” “Zionism is racism,” and “Israel out of Palestine.” The protestors screamed “Zionist Jew” and “racist” at Dr. Pipes, and “racist Jews” at the audience. Some who were present at the event reported that “Seig Heil” was chanted, along with the Nazi salute. The disruptions continued until the campus police finally had to eject the protestors.

The administration’s response to the disruptive conduct was expressly non-punitive. In fact, your predecessor, Chancellor Berdahl, concluded that the conduct was not actionable: “Uncivil behavior, lamentable as it is, is not a crime, nor is it a violation of the Code of Student Conduct. No matter how ugly and hurtful may be the comments of those who dissent from the opinions of the speaker, those comments are also protected by the First Amendment, and they are punishable only when those who make them refuse to leave when asked to do so by the police.”

At the Finkelstein event last October, Tikvah did not sponsor or endorse the disruption of the Finkelstein speech. Tikvah’s response to the event was to hand out flyers and hold up posters outside. Despite these facts, Dean Poullard publicly lambasted Tikvah in an e-message to the entire university community, stating that the disruption was a “direct violation of the Code of Student Conduct.”

On its face, the Dean’s actions were improper, because he publicly pronounced Tikvah’s guilt before any charges against the group could be investigated and properly determined. The Code of Student Conduct sets forth detailed processes and procedures for handling alleged code violations, including a specific provision that students charged are presumed to be innocent unless it is proven otherwise or the student admits responsibility – neither of which had happened here when the Dean unilaterally and

publicly “convicted” Tikvah of wrongdoing. The code also provides for a specific informal resolution process or a more formal one, neither of which had been undertaken before the Dean’s pronouncement of Tikvah’s guilt. Appallingly, the dean condemned Tikvah based on hearsay alone.

Dean Poullard’s conduct was wrong for a second reason. It completely contradicted Chancellor Berdahl’s prior determination (a precedent that was never reversed or modified to our knowledge) that the disruption of a speaking event was protected speech and does not violate the student conduct code. The SJP’s disruptions of the Nonie Darwish and Daniel Pipes events were extreme and unrelenting, requiring police intervention and the removal of shouting and jeering individuals from the room. The administration did not take action against the SJP for its conduct. Yet Dean Poullard publicly condemned Tikvah for the Finkelstein disruption, when Tikvah did not sponsor it, the disruption lasted for just seconds, and the protestors left without police intervention and before the police were even at the scene.

It is our understanding that Dean Poullard has never condemned any of the SJP’s conduct or investigated any of the complaints against the group that have been lodged with him, as required by university policy. Despite acknowledging at the senate meeting on November 19<sup>th</sup> that the SJP had committed infractions of the rules, the dean has never held the group accountable. Indeed, immediately after the concert on November 13<sup>th</sup>, at which an SJP leader reportedly provoked a fight, the dean arrived on the scene and initially commented on the SJP’s involvement in the scuffle, only to immediately correct himself by saying that it was individuals members who were involved – as if that meant that the group was not behind the provocation and should not be held responsible. Apparently, Jewish and pro-Israel actions that do not violate the code of conduct are to be condemned, but Palestinian Arab actions that do violate the code are to be ignored and tolerated. The administration’s conduct, at the expense of Jewish students’ physical and emotional well-being, must not continue.

#### Proposed Remedies

We presume from an open letter sent to the campus community by you and other administrators on November 18, 2008, that the administration plans to take “vigorous steps” to address the anti-Semitic hostility. But one event that was held out as a positive step is actually part of the problem: The open letter characterized the recent “Peace Not Prejudice” event as promoting “civil dialogue between people with differences.” Nothing could be further from the truth.

“Peace Not Prejudice,” sponsored by a coalition of many different student groups, sounds positive in the abstract. But according to several reports from Jewish and pro-Israel students, it ends up becoming another organized attack against the State of Israel. Tikvah was not even invited to participate in the event, which is hardly consistent with its objective – to promote peace instead of prejudice on campus.

When the event took place a few weeks ago, students and other members of the university community were dancing together in Sproul Plaza, but not with flags of nations around the world as one would reasonably expect in the spirit of peace not prejudice. Instead, only Palestinian flags were on display. A Jewish and pro-Israel student stood on the other side of Sproul Plaza where Tikvah was tabling. He was waving an Israeli flag. He was reluctant to go over to join the group of dancers because he was concerned that that might lead to an unpleasant confrontation. Someone came over to him and snatched the Israeli flag he was holding. In a gesture toward peace and solidarity, the Jewish/pro-Israel student decided to join the group of dancers. But the group shut him out of the circle as they were chanting, "Palestina, Arabiya," which the Jewish/pro-Israel student understood to mean "Palestine is Arab," advocating for the destruction of the State of Israel. Then someone took the Jewish/pro-Israel student aside and told him that if he wanted to wave the flag he would have to issue a public apology on behalf of the pro-Israel community.

The Jewish/pro-Israel student returned to the Tikvah table, near tears because of the prejudice he had encountered. In light of his experience, the administration should think twice before touting "Peace Not Prejudice" as a positive, tension-reducing initiative, since it has not served that purpose on the campus.

We recommend that the following steps be taken. They are specifically geared to reducing the anti-Semitic hostility that Jewish students are facing.

First, we urge you to meet with students in Tikvah and the ZFA to discuss the harassment, threats and intimidation they have been facing, which have led some of them to fear for their physical safety. Respectfully, Dean Poullard should not participate in these meetings; based on his conduct, he does not have the group members' trust. The meetings should be focused on specific ways in which UC Berkeley can ensure that its programs and activities are free from racial and ethnic harassment, intimidation and discrimination, in accordance with Title VI. This means ensuring that any student or student group that engages in a violation of the Code of Student Conduct, including by threatening, harassing, or intimidating Jewish and pro-Israel students, will be held accountable and disciplined, if the evidence warrants.

Second, we urge you to publicly denounce hateful anti-Semitic and Israel-bashing speech and conduct on your campus whenever it occurs, by naming the offending speakers and programs, as well as the student groups that are sponsoring them. This way, the university community, and especially the perpetrators, will appreciate what is wrong and why, and the perpetrators will understand that they are the problem. You rightly issued a clear condemnation of the anti-Semitic vandalism that occurred near the campus last September, recognizing its hurtful impact on Jewish students. Other perhaps more subtle expressions of anti-Semitism occurring directly on your campus must also be condemned; the pain they inflict on Jewish students is no less.

The U.S. Commission on Civil Rights has recommended that university leaders “set a moral example by denouncing anti-Semitic and other hate speech, while safeguarding all rights protected under the First Amendment and under basic principles of academic freedom.” The American Association of University Professors and the American Civil Liberties Union also advocate that university administrators speak out and forcefully condemn expressions of anti-Semitic bigotry.

Last May, U.S. Congressman Brad Sherman (D-CA) wrote to UC Irvine’s Chancellor to express his concern about a student group’s campus event comparing Israeli policies to the Holocaust – similar to some of the SJP’s conduct on your campus. The Congressman characterized this event as “clearly anti-Semitic. It wholly demeans the Jewish victims of the *Holocaust* and vilifies the Jewish citizens of Israel.” Congressman Sherman called on UC Irvine’s Chancellor to condemn such programs and speakers, saying, “While I strongly support the First Amendment rights of individuals to speak freely and without impediment on your campus, I hope that you share my belief that we all have a moral responsibility to denounce speech that is clearly and unambiguously hateful in nature. As an American, you have a right to speak out. As Chancellor, it is your duty to condemn anti-Semitism, especially when it occurs at [your] campus.” Respectfully, this same directive applies equally to you.

Third, Dean Poullard should be required to issue a public statement to the university community retracting his public condemnation of Tikvah for the disruption of the Finkelstein event. The dean should note Chancellor Berdahl’s specific determination that such disruptions do not violate student conduct rules and are protected by the First Amendment, and that other student groups have used precisely this form of protest – and much worse – without condemnation or penalty. The dean should also issue a public apology to Tikvah for maligning the group unjustly and without cause. Although the damage has been done – the dean has blackened Tikvah’s reputation – he can at least undo some of the damage by setting the record straight that Tikvah is innocent of any infraction of university rules.

Fourth, we urge you to ensure that the investigation of the November 13<sup>th</sup> incident is handled fairly and in accordance with university rules and policies. We also ask that Dean Poullard recuse himself, or be removed from the process, because he has evidenced a lack of impartiality and a bias against one group in favor of another.

Fifth, *The Daily Californian*’s bigotry and lack of professionalism and integrity must be addressed because they have contributed to the hostile environment that Jewish/pro-Israel students have been facing. We understand that this paper is an independent student-run publication. But its reporting on the November 13<sup>th</sup> incident was riddled with bias and inaccuracy, even bordering on anti-Semitism. The editors of the paper will surely work harder to ensure that their news reporting is more careful, thorough and free from bias if the paper is publicly rebuked by the head of the university.

Finally, you must put a stop to the witch hunt against John Moghtader. Recently, *The Daily Californian* published an editorial condemning the petition to recall Mr. Moghtader from his position as an ASUC senator. As the paper properly noted (but did not emphasize nearly enough) the petition is “too preemptive.” But the editors were as much concerned with the financial costs of the recall election as with its patent unfairness. And the editors took an unnecessary and inappropriate jab at Mr. Moghtader, noting that his views, “as much as they invite fervent disagreement,” are not sufficient reasons for his removal.” Why are Mr. Moghtader’s views even worth mentioning? Is the paper implying that his views are offensive or vulgar in some way? Mr. Moghtader’s sole “transgression” appears to be his belief in the Jewish people’s legal, historic and religious right to sovereignty in their homeland, in the Land of Israel. The evidence suggests that it is for this reason that he is being publicly maligned and possibly stripped of his office. *The Daily Californian* did little to challenge these hostile, anti-Semitic actions.

We understand that at least one student contacted you and objected to the recall process based on what he called “spurious allegations.” Harry LeGrande, Vice Chancellor for Student Affairs, responded on your behalf, informing this student that the university would not get involved. According to Mr. LeGrande, “the University Administration does not inject itself into the internal issues of the ASUC.” It is difficult to believe that the university would take this stance regardless of the circumstances. If an African American or Hispanic student senator was being singled out and targeted by a recall petition based on vague accusations and no proof of wrongdoing, the university would surely speak out and not permit a fundamentally unfair process to run its course.

UC Berkeley has been given the public’s trust to guide and educate its students, which includes guiding and educating them about the principles of justice, fairness and tolerance. If any student or student group is engaging in conduct that fails to reflect these principles, then your administration is obliged to exercise its moral leadership and weigh in on the matter. The UC Berkeley administration should not sidestep responding to student conduct that is hateful, intolerant or unjust. It should certainly respond here.

We hope you will take the steps that we have recommended to rectify the anti-Semitic hostility on campus, without further action on our part. We are committed to

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ensuring that the rights of Jewish and pro-Israel students are protected, and request that you inform us about how you intend to proceed as soon as possible.

Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Morton A. Klein", written over a horizontal line.

Morton A. Klein  
National President

A handwritten signature in blue ink, appearing to read "Susan B. Tuchman", written over a horizontal line.

Susan B. Tuchman, Esq.  
Director, Center for Law and Justice

cc: UC President Mark G. Yudof  
Governor Arnold Schwarzenegger  
U.S. Senator Barbara Boxer  
U.S. Senator Dianne Feinstein  
U.S. Representative Barbara Lee, 9<sup>th</sup> Congressional District  
California Members of Congress  
Rabbi Marvin Hier, Dean and Founder of the Simon Wiesenthal Center  
Rabbi Abraham Cooper, Associate Dean of the Simon Wiesenthal Center  
Mr. David A. Harris, Executive Director, American Jewish Committee  
Mr. Abraham H. Foxman, National Director, Anti-Defamation League  
Mr. Jonathan Bernstein, Regional Director, Anti-Defamation League