



ZIONIST ORGANIZATION OF AMERICA

MORTON A. KLEIN
National President

August 8, 2008

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Mark G. Yudof, President
University of California
1111 Franklin Street
Oakland, CA 94607-5200

Re: UC Irvine and UC Santa Cruz

Dear President Yudof:

I am the National President of the Zionist Organization of America (ZOA), the oldest pro-Israel organization in the United States.¹ Before addressing the reasons for this letter, I would like to congratulate you on your new position as President of the University of California (UC). As you may know, the ZOA has been working closely with students and faculty on UC campuses for several years – particularly UC Irvine and UC Santa Cruz. We are deeply concerned about the pattern of anti-Semitism on both of these campuses, and the hostile environment that the bigotry has engendered for students and faculty. Your recent statements have led me to believe that you share our concern about campus anti-Semitism. I write to ask that you take some reasonable steps (detailed below) to rectify the ongoing problems at UC Irvine and UC Santa Cruz.

UC Irvine

I was pleased to read about your support and advocacy for the State of Israel in a recent JTA article entitled “U.C.’s New Kosher President.” I was also encouraged by the address that you delivered at the 94th Annual Hadassah National Convention in July, in which you recognized that some criticism of Israel and Zionism crosses the line into anti-Semitism. You understood that “people who are Holocaust deniers, people who want to erase Israel from the face of the earth” are anti-Semitic. You also recognized the harm

¹ 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.

that the bigotry causes: It has “an amazingly discriminatory impact,” it “makes students feel less welcome,” and it “does make their life more difficult.”

This has been the problem for many years at UC Irvine. On a regular basis, a registered student group called the Muslim Student Union (MSU) sponsors events that demonize and vilify Jews, Zionism and Israel. The events’ titles alone convey just how false and hateful the events are: The MSU has sponsored “Zionism Hijacking Judaism” and “Israel: The 4th Reich.” Last February, the MSU hosted a so-called “special event” entitled “From Auschwitz to Gaza: The Politics of Genocide.” We certainly need not tell you that what happened in Auschwitz and what is happening in Gaza are not remotely comparable, and that it is morally repugnant that any comparison or analogy would be made.

Last May, the MSU’s event – which spanned two weeks – was entitled “Never Again? The Palestinian Holocaust.” Some of the programs and lectures over this two-week period were “The Ethnic Cleansing of Palestine”; “Death to Apartheid: A Farewell to Zionism”; and “Silence is Consent: Stop the Palestinian Holocaust.” These events promoted the monstrous lie that Israel is committing genocide and perpetrating a holocaust on the Palestinian Arabs.

The MSU’s events are particularly troubling because in fact, it is not Israel that deliberately murders innocent civilians; it is Arab terrorism that is the problem and Palestinian Arab society that encourages the killing of innocent Israeli Jews. For example, when terrorist Samir Kuntar – who seized an innocent Israeli father and his four-year old daughter from their home and systematically murdered them – was recently released from prison, the Palestinian Authority (PA) praised Kuntar as a hero. In addition, PA television broadcast a picture honoring Kuntar; he was depicted beside a map of Israel that was completely covered by the Palestinian flag. I could give you other examples that illustrate the truth about the Middle East conflict. The fact that UC Irvine regularly hosts speakers and programs that promote the vicious lie that Israel is targeting and murdering innocent civilians – without one word of condemnation or clarification from the UC Irvine administration – is truly reprehensible and demonstrates a lack of responsible leadership.

Universities are obligated and entrusted to seek and advance the truth, not falsehoods. If speakers and programs are promoting lies, then university leadership has the moral obligation to speak out, correct the falsehoods and state the truth. Chancellor Michael Drake and his administration have not been exercising their moral leadership. In the face of repeated lies about Jews, Zionism and Israel – all dedicated to inciting hatred – they have been silent.

The MSU’s speakers have accused the Jews of controlling the media and the government and of being responsible for 9-11. They have compared “Zionist Jews” to Nazis. They have justified and advocated suicide bombings and terrorism against Israeli Jews. And they have called for the destruction of the State of Israel.

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The impact on Jewish students has been serious. Students have been afraid to wear anything that would identify them as Jewish or Israel supporters. There are students who avoid the areas of the campus where these hateful speakers and programs are located, or who avoid the campus altogether. Students' academic performance has suffered as the result of the campus hostility. Some students have feared for their physical safety. We know of at least two students who left UCI and went to study elsewhere because they could no longer endure the hostility on the campus.

Your speech at the Hadassah Convention made clear that you are aware of the pattern of problems at UC Irvine, but some of your comments were not completely accurate. You acknowledged the federal investigation into UC Irvine's response to the campus anti-Semitism, but noted that "the university had not engaged in discriminatory practices, and that's what the investigation showed." I am very familiar with the federal investigation that took place; it was triggered by a civil rights complaint that the ZOA filed with the U.S. Education Department's Office for Civil Rights (OCR) on Jewish students' behalf. In fact, OCR's conclusions had more to do with how this agency decided to interpret the law on which the ZOA's complaint was based – Title VI of the Civil Rights Act of 1964 (Title VI) – than with the appropriateness of the university's practices. It was clear from the decision that OCR was no longer interpreting Title VI as protecting against anti-Semitism. Jewish students were thus not going to receive the protections of Title VI, no matter how hostile the campus was shown to be toward Jews, and no matter how ineffectively the administration was shown to have responded to the problem.

You may not be aware that several U.S. Senators and Representatives have expressed their concern about OCR's decision in the case against UC Irvine. In a letter to the U.S. Secretary of Education, Senate Judiciary Committee Members Arlen Specter (R-PA), Jon Kyl (R-AZ) and Sam Brownback (R-KS) criticized OCR's conclusion in the ZOA's case against UC Irvine as "inconsistent with its prior policy statements." In a separate letter from Congress Members Brad Sherman (D-CA), Linda Sanchez (D-CA), Steven Rothman (D-NJ), Allyson Schwartz (D-PA), Robert Wexler (D-FL), and Shelley Berkley (D-NV), these Congress Members were troubled that OCR's decision in the ZOA's case against UC Irvine "reversed OCR policy, as clarified in 2004, of protecting Jews against anti-Semitism."

In your Hadassah address, you did not mention but surely know about the independent Task Force of Jewish and non-Jewish community members of Orange County, which also investigated allegations of anti-Semitism at UC Irvine. Initially sponsored by Hillel and operating without the constraints of interpreting Title VI, the Task Force found that anti-Semitic acts at UCI "are real and well documented. Jewish students have been harassed. Hate speech has been unrelenting." Most disturbingly, the Task Force recommended that Jewish students "consider enrolling elsewhere unless and until tangible changes are made."

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In addition, you failed to mention in your Hadassah address that UC Irvine is presently under federal investigation for a second time, triggered by allegations that the ZOA made on behalf of Jewish students. UC Irvine thus bears the shameful distinction of being the only university in this country that has been investigated – twice – for failing to respond to anti-Semitic harassment in violation of federal law.

You referred in your Hadassah address to the statement that five UCI students issued – that “Jewish students are physically safe and secure,” and that “Jewish life is thriving” at UCI. But you neglected to mention that these same students admitted that verbal anti-Semitism is still a problem on the campus (as if anti-Semitism expressed verbally is acceptable). You also did not mention that 20 other students issued a contemporaneous statement disagreeing with the five students’ assessment. These 20 students said that verbal anti-Semitism “and the occasional physical threats against students” have made students “justifiably afraid for their safety at the university. Students have expressed their fear of wearing any kind of garb that associates them with Israel, or sometimes even with Judaism, because of apprehension of being harassed or intimidated on campus.”

These omissions aside, you and the ZOA agree on a critical point: As you put it, “university presidents are people, too.” They “have constitutional rights” and “freedom of expression.” And they have “the moral obligation” to speak out forcefully against anti-Semitism, including when it is expressed by demonizing Israel.

For years, the ZOA has been calling on UC Irvine Chancellor Michael Drake to do exactly that – to exercise his own free speech rights and condemn the anti-Semitic speakers and programs, by name, that are regularly brought to his campus, so that the perpetrators will be sent a clear and direct message that their speakers and programs are against the university’s values of truth, tolerance and respect.

Despite what you said in your Hadassah address, Chancellor Drake has never condemned the anti-Semitism on his campus. In May 2006, Chancellor Drake issued a campus message in which he said that he abhorred hate speech. He never mentioned the word “anti-Semitism.” And he did not tie his general anti-hate message to a specific program or speaker on the campus. He thus lost the opportunity to educate the perpetrators and the university community about what he believed was objectionable and why. When you addressed the Hadassah Convention, you applauded Columbia University’s president for specifically denouncing Iranian president Mahmoud Ahmadinejad before this hateful and dangerous man took the podium at Columbia. Although the MSU’s speakers do not pose the same threat as Ahmadinejad, their hateful and bigoted rhetoric requires the same forceful response from Chancellor Drake.

There have been a few occasions when Chancellor Drake has publicly condemned anti-Semitism. But conveniently, he has done so off campus, to a predominantly Jewish audience. In May 2007, Chancellor Drake condemned anti-Semitism at a meeting with more than 600 members of the Orange County community who were concerned about the

anti-Semitism at UC Irvine and the administration's response to it. In June 2007, the Chancellor condemned anti-Semitism at the American Jewish Committee's annual dinner in Orange County. In March 2008, the Chancellor condemned anti-Semitism when he spoke at the Hillel Summit in Washington, D.C. These condemnations were not directed to the perpetrators of the hate at UC Irvine or to the university community. They thus taught no lesson to those whom Chancellor Drake has the responsibility to guide and educate. Certainly the MSU received no message from the Chancellor; their anti-Semitic speakers and programs have continued unabated.

The ZOA is not alone in finding the Chancellor's actions grossly deficient. The independent Orange County Task Force condemned the Chancellor for his silence and called on him to "publicly identify and denounce hate speech when it occurs" on his campus. The *Orange County Register* published an editorial entitled "UCI Falls Short on a Test of Leadership" (see http://www.ocregister.com/ocregister/opinion/editorials/article_1714926.php). The *Register* criticized Chancellor Drake's administration for "punting in its response" to hateful speech, describing the administration as "firm in its defense of free speech, to its credit, yet reluctant to criticize clearly objectionable behavior and actions. Both are in order."

When Chancellor Drake attended the town hall meeting in May 2007, with over 600 members of the Jewish community, there was a question-and-answer period. Julie Sager, the ZOA's Director of Campus Activities, implored Chancellor Drake to say, "This is hate speech; it will not be tolerated." Ms. Sager continued, "We are looking for you as a leader to condemn it clear and simple, and to call a spade a spade." Ms. Sager's pointed query to Chancellor Drake received sustained applause from the audience, as well as a standing ovation – a testament to the community's serious concern about how appropriately the Chancellor was responding to hateful speech and conduct toward Jews and Israel on his campus.

In February 2008, Susan Tuchman, Esq., the Director of the ZOA's Center for Law and Justice, was invited to speak at Temple Bat Yahm, a major Reform congregation in Orange County, to discuss the legal battle to ensure that Jewish students at UC Irvine are protected from anti-Semitic harassment. The room was filled, not only with congregants, but also with members of the Orange County community. Again, this was a testament to the community's serious concern about how appropriately the UC Irvine administration is responding to campus anti-Semitism.

Last May, U.S. Congressman Brad Sherman wrote to Chancellor Drake, expressing his concern about the MSU's May 2008 event called, "Never Again? The Palestinian Holocaust." According to the Congressman, the event "appears intended to encourage violence against the State of Israel and propagate the spread of anti-Semitism." Congressman Sherman's words to Chancellor Drake could not have been clearer: "I hope 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 the UCI campus" (emphasis added). Congressman Sherman called on the Chancellor to condemn the MSU's events as anti-Semitic. But the Chancellor did not do so.

It is time for Chancellor Drake to finally live up to the obligations that you yourself clearly articulated in your Hadassah address. If he continues to refuse to exercise his moral leadership, then as the leader of the University of California, you should insist that he stop speaking in generalities. You should make it clear to Chancellor Drake that he must exercise his own First Amendment rights by condemning clearly and forcefully the MSU's anti-Semitic speakers and programs, by name, that are brought to his campus.

UC Santa Cruz

Anti-Semitism is also a serious problem at UC Santa Cruz. It is coming in part from a registered student group called the Committee for Justice in Palestine. A speaker who is a repeated guest at UC Santa Cruz has compared Israelis to the Nazis. He has told Jews "to go back to Germany and Poland where you come from." In his latest speech, this speaker distinguished between "good Jews" and "bad Jews" – the "bad Jews" being those who believe in and support the Jewish people's right to their religious and historical homeland.

Disturbingly, the anti-Semitism at UC Santa Cruz is also coming from faculty in departments throughout the Social Sciences and Humanities. It has been reported to us that since 2001, a number of UC Santa Cruz departments and research centers have sponsored more than a dozen events dealing with the Israeli-Palestinian conflict. All of these have been biased against Israel. During the same time period, none of these departments or research groups has sponsored events about the Israeli-Palestinian conflict that were not biased against Israel.

Students at UC Santa Cruz have reportedly been laughed at when they have expressed a pro-Israel perspective in some classes. Students also know that there are courses that they should stay away from, because of the anti-Israel bias that permeates the course. This is hardly the kind of educational environment that encourages tolerance, respect and the open and free exchange of ideas, which should be UC Santa Cruz's guiding principles.

Not surprisingly, the anti-Israel bias has spilled over into physical acts of anti-Semitism at UC Santa Cruz. As you probably know, there recently were two separate instances of anti-Semitic vandalism on campus. Chancellor Blumenthal never spoke out and condemned either incident. Rather, the Vice Chancellor issued a message, never mentioning the word "anti-Semitism," and instead weakly referring to the vandalism as "offensive" and "upsetting." This was hardly the forceful condemnation that you yourself endorse in responding to anti-Semitism on campus.

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Students and faculty have complained to the UC administration and tried to rectify the problem. In September 2006, the local chapter of Scholars for Peace in the Middle East (SPME) presented an open letter with more than 3000 signatures to the UC Regents, asking them to address the growing problem of anti-Israelism and anti-Semitism on UC campuses. The Regents did not respond, but your predecessor, Robert Dynes, recommended that the SPME group discuss their concerns with the head of the UC Academic Senate, Professor John B. Oakley. Professor Oakley refused to have the UC Academic Senate consider the SPME's concerns and suggested instead that the group build its case on individual UC campuses.

Following that suggestion, SPME brought its concerns to UC Santa Cruz's Chancellor, to the Dean of Social Sciences, and to the Senate Executive Committee of the Academic Senate. Each time, the SPME group documented the pattern of political bias and advocacy against Israel, specifically in classrooms and at departmentally-sponsored events since 2001. The ZOA was disturbed to learn that instead of examining these legitimate concerns, in order to determine if the university was fulfilling its role to educate, rather than indoctrinate students, the Committee turned the tables on the complainants. Without basis, the Committee suggested that the complainants were the problem, and that they might be threatening academic freedom on the campus.

UC Santa Cruz's response to the anti-Semitism and Israel-bashing was so lacking that the ZOA wrote to UC Santa Cruz Chancellor George Blumenthal, detailing the problems on the campus and urging him to address them. The ZOA's letter was sent on June 4, 2008; a copy is enclosed.

As you can see from the letter, the ZOA made reasonable suggestions that would amount to condemning anti-Semitism when it occurs on campus, and investigating anti-Israel bias and outright falsehoods in the classroom, which has had a negative impact on students, faculty and the reputation and integrity of the university. Specifically, we asked Chancellor Blumenthal to issue a public statement to the entire university community, making it clear that UC Santa Cruz considers the two vandalism acts to be expressions of anti-Semitic bigotry that the university condemns and will not tolerate. Second, we asked that in the future, he condemn, by name, anti-Semitic speakers and programs that are sponsored on campus. Our final request was that he undertake a comprehensive analysis of university course descriptions and course materials to ensure that (1) principles of academic freedom are not being subverted, sacrificing facts and historical truths to promote a particular political agenda; (2) students have the benefit of the full range of legitimate scholarly views about Israel, Zionism and the conflict in the Middle East; and (3) students are not being discouraged (whether intentionally or not) or intimidated into not expressing their views supporting Israel and criticizing the actions of its enemies.

Chancellor Blumenthal has not responded to our letter. This sends the troubling message that the issues we raised – echoing concerns that have already been expressed to him by students and faculty – are not important and can be ignored.

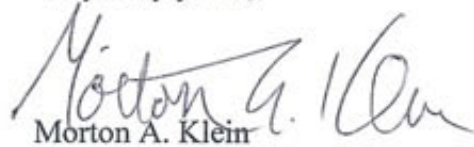
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In your Hadassah address you posed the legitimate question about how African American students, faculty and staff on a major public university campus would react if the Grand Dragon of the Ku Klux Klan came and gave a hateful and racist speech. Naturally, they would be affected and likely harmed. You should know that when anti-African-American messages defaced university property last year, Chancellor Blumenthal recognized his responsibility to speak up: He issued a forceful statement, calling the actions "offensive and racist," hateful vandalism," and informing the community that "we will not tolerate such behavior." His silence in response to campus anti-Semitism suggests that he does not take that form of bigotry as seriously.

Based on your comments to the Hadassah Convention, I assume that you would also be troubled by the Chancellor's silence and inaction. As you said in your Hadassah address, university presidents have "a moral obligation to speak forcefully about the bedrock values of the country and of higher education, the bedrock values of diversity and tolerance and other similar values." Anti-Semitism, and programs and speakers that are promoting anti-Semitic falsehoods, have no place at a distinguished school like UC Santa Cruz, or on any other university campus. We urge you to ensure that Chancellor Blumenthal take the steps outlined in the ZOA's letter, all of which are reasonable and dedicated to ensuring that UC Santa Cruz is a welcoming and tolerant campus where the pursuit of truth is valued and protected, responsible scholarship is upheld, and respect and civility are encouraged.

Thank you for your attention to these issues. I look forward to hearing from you about how you intend to rectify the ongoing problems at UC Irvine and UC Santa Cruz.

Very truly yours,



Morton A. Klein

Enclosure

P.S. Please send my best regards to your wife, Judy. She and I met at a number of events sponsored by the Conference of Presidents of Major American Jewish Organizations. She is a truly impressive person and leader.