

**TASK FORCE ON ANTI-SEMITISM AT
THE UNIVERSITY OF CALIFORNIA, IRVINE**

REPORT

PROBLEM

Over the past several years there have been a growing number of reports from Jewish and non Jewish students at The University of California, Irvine (UCI) alleging anti-Semitism on campus and biased treatment by certain University officials. These allegations are summarized as follows:

1. Jewish students have been subject to physical and verbal harassment because they are Jewish and support Israel;
2. Hate speech, both direct and symbolic, is directed at Jews by speakers and demonstrators;
3. An annual week-long event sponsored by the Muslim Student Union is an anti-Semitic hate fest targeting Israel and Jews using lies and propaganda dating back to the anti-Semitism of the Middle Ages;
4. Speakers who are pro-Israel and/or those who condemn speakers who espouse anti-American and anti-Israeli views are subject to disruptive behavior by Muslim students and their supporters;
5. Jewish students claim they are subject to a hostile class environment by faculty members who adopt an anti-Israel bias;
6. Materials contained in certain Middle-East Studies courses are biased and are indicative of a "leftist" orthodoxy that characterizes this area of study;
7. The UCI administration is not responsive to complaints by Jewish students.
8. Jewish students complain of a "double standard" when the administration enforces campus rules and regulations.

INTRODUCTION

The Task Force on Anti-Semitism at the University of California, Irvine (UCI) was formed by the Hillel Foundation of Orange County in December 2006.¹ The Task Force charge was to investigate the alleged anti-Semitism at the University. According to Hillel's executive Director: "Our Goal is to find out what's out there...Clearly there is enough information coming my way that we felt this is an important step to be taken."²

The Task Force members decided to prepare a report with findings and recommendations at its initial meeting. Hillel was not to exercise editorial control of the report. In August 2007, Hillel of Orange County stated to the press that it no longer wished to sponsor the Task Force, because it was "not integral to its mission." Given the volume of data and testimony collected, the Task Force decided that the effort to date was too extensive and would continue with the process and expand its membership by adding distinguished Jewish and non-Jewish members of the community.

This Report is intended to present a fair-minded account of the circumstances surrounding the events at UCI.

METHODOLOGY

The Task Force was broken down into working committees. The Interview Committee identified prospective interviewees, arranged for, and scheduled interviews. Interview records were kept, either in transcript form or on tape. Task Force members attended many events at UCI and in the community and numerous documents were reviewed and analyzed in preparation of this Report. The Public Relations Committee handled inquiries and interacted with the press.

The Task Force attempted to interview all participating and interested parties as reasonably practical. They can be categorized as UCI students, faculty, and administrators, interested members of the community, including an elected representative, and leaders of Jewish Organizations. Chancellor Drake was twice invited to be interviewed. The first letter was sent March 12, 2007. No response was received to the first inquiry. The second letter was hand-delivered to the Chancellors Office on May 10, 2007. Invitations to testify were sent to

¹ The word anti-Semitism is spelled by some major Jewish organizations "antisemitism." The standard dictionary spelling anti-Semitism will be used throughout this report.

² Michael Miller, "Group to Probe Anti-Semitism," Daily Pilot, Newport Beach, CA., February 15, 2007. <http://www.dailypilot.com/articles/2007/02/19/education/dpt-uci16.txt>.

Vice Chancellor Manuel N. Gomez and Dean of Students, Sally K. Peterson on May 7, 2007. Both letters were received by the University on May 8, 2007.

University Counsel, Diane Fields Geocarlis, responded on June 15, 2007 stating: "...UC Irvine officials are unable to participate in your investigation. Individuals who have an affiliation with UC Irvine may choose to participate; however, they are not authorized to speak on behalf of the University and their comments should not be taken as the position of the University." ³ Geocarlis further indicated that "The U.S. Department of Education's Office for Civil Rights is investigating allegations of anti-Semitism at UC Irvine, and that investigation is still pending. UC Irvine cannot take any action that may, or appears to, interfere with the federal investigation. Moreover, we believe that these issues should be determined in an official forum that is required to respect the due process and privacy rights of all parties and witnesses involved."⁴

On September 12, 2007, an invitation letter was sent to the spokesperson for the Muslim Student Union at UCI. There was no response to that invitation; however, she made the following statement to the Press when asked about the invitation: "We think that this is an attempt to shut down free speech and is an intimidation tactic..." ⁵

Interviews commenced in February 2007. Approximately 80 hours were spent on interviews and countless hours of reviewing interviews for inclusion in this report. In addition, to Task Force members observing programs on campus first hand, many documents found on the internet and in hard copy, were reviewed both in preparation for the interviews and in writing this Report.

Almost all of the interviews were electronically taped with the permission of the interviewee. In those cases where interviewees did not wish to be taped, Task Force members respected these requests and took hand written notes. In a few instances individuals who testified did not want their names revealed. The Task Force redacted all interviewee names in this Report; however, testimony tapes were retained to support references contained herein.

ASSUMPTIONS AND DEFINITIONS

The following parameters were used to assist in the construct and in the analysis of data presented herein:

Those who have the privilege of living in the United States enjoy rights of Freedom of Speech under the First Amendment to the U.S. Constitution as further interpreted by the United States Supreme Court. Any proscription of

³ Letter from Diane Fields Geocarlis, Chief Campus Council, University of California, Irvine, June 15, 2007.

⁴ Ibid.

⁵ Joseph Serna, "Tappings OK for UCI talks," Daily Pilot, Newport Beach, October 19, 2007.

speech or an attempt to force anyone to stop speaking as they choose, even if it is hate speech, is unacceptable.

Presidents and Chancellors of public colleges and universities have an obligation to establish an environment for education at their institutions; that the values of that institution in the search for truth should represent the values of our democratic society such as tolerance for a diversity of opinions and beliefs and respect for the individual.

Education at colleges and universities takes place both within the classroom and outside the classroom. Therefore, student affairs administrators and academic administrators are not bystanders to the education process.

Administrators are also democracy's guardians of acceptable behavior in the academy. This includes ensuring civil discourse within the academy. Administrators must aggressively condemn behaviors, including speech that threaten an individual's well being, denigrate an individual's ethnic, religious, or racial identity, or blame a religious or ethnic group for criminal activity.

Public colleges and universities are a public trust and therefore must be held accountable to the public through the Board of Regents and the campus administration. Citizens can also hold institutions accountable by supporting or withholding support for the University either through direct contributions and/or through the support or nonsupport of public funding measures.

Faculties, because of their education and expertise have great license in the classroom, but that license is not absolute. The statement on academic freedom written in 1940 by the American Association of University Professors (AAUP) remains the defining statement on the subject and is still operative.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the Institution should be clearly stated in writing at the time of the appointment.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of

others, and should make every effort to indicate that they are not speaking for the institution.⁶

Faculty authority is tempered by responsibility. Faculty cannot and should not be told what to teach in class and students should not be told what to think. But faculty must be held accountable for a high standard of scholarship. In-class expression has never been absolutely protected by either professional organizations or the courts.⁷ Furthermore, punitive state action can be taken against faculty over out of class speech "...based on a reasonable prediction that the speech will cause disruption."⁸ Most agree that the classroom and, indeed the academy as a whole, should be a marketplace of ideas and free of orthodoxy of any type, except for the standards of human decency that are attendant to a free and democratic society.

Former President of the AAUP, Sanford H. Kadish, wrote about the theory of the profession. He noted that the faculty member, because of the nature of the profession, has certain duties and obligations which are designed to maintain the integrity of his academic freedom and his autonomy as well as the university's autonomy, Basically: (1) The faculty member must be trained in investigation and reflection, and dedicated to a search for truth; (2) the faculty member's views and conclusions must be his/her own; (3) faculty members as an organized group are barred from identifying with causes or particular views of what is true or right beyond a procedural commitment to freedom.⁹

Criticism of Israel is not inherently anti-Semitic. Israel like every other country can and should face public scrutiny for its policies and behavior. But anti-Israel rhetoric often crosses the line into anti-Semitism, both in tone and in word. This has been a consistent tactic of the Muslim Student Union and it is anti-Semitic by any definition.

The new anti-Semitism is anti-Israelism, attacking Israel and Israelis with the same symbolic fury previously reserved for the idea of the Jew. Expressed under the veneer of political criticism and human rights advocacy, Israel has become another caricatured version of the hated Jew. With this new anti-Semitism, Jews outside of Israel are also implicated since they advocate for a

⁶ AAUP, "Academic Freedom and Tenure, 1949 Statement of Principles," <http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm> In 1990, several changes in language were adopted to remove gender-specific references from the original text.

⁷ Jesse H. Rosenblum "A Comparison of Judicial and Professional Standards Applied to Faculty Expression," Ph.D Dissertation, University of Maryland, College Park, Md. 1976, p.116.

⁸ Jeffries v. Harleston , U.S. Court of Appeals, Second Circuit, No.953, Docket No. 93-7876, August Term 1993, Decided April 4, 1995.

⁹ Sanford H. Kadish, "The Theory of the Profession and its Predicament," AAUP Bulletin 29 (Summer 1972): pp. 121-123.

Jewish state. Those who support Israel are dismissed as tools of the all powerful Zionists.¹⁰

The European Union Agency for Fundamental Rights provided a working definition of anti-Semitism: It gave examples of the ways in which anti-Semitism manifests itself with regard to the State of Israel, noting, as does the Task Force, that criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic. It noted that taking into account the overall context, they could include:

- Denying the Jewish people right to self-determination, e.g. by claiming that the existence of a state of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic anti-Semitism (e.g. claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the State of Israel.¹¹

The United States Commission on Civil Rights stated that:

....anti-Israel or anti-Zionist propaganda has been disseminated that includes traditional anti-Semitic elements, including age-old anti-Jewish stereotypes and defamation. This has included, for example, anti-Israel literature that perpetuates the medieval anti-Semitic blood libel of Jews slaughtering children for ritual purpose, as well as anti-Zionist propaganda that exploits ancient stereotypes of Jews as greedy, aggressive, overly powerful, or conspiratorial. Such propaganda should be distinguished from legitimate discourse regarding foreign policy. **Anti-Semitic bigotry is no less morally deplorable when camouflaged as anti-Israelism or anti-Zionism** (emphasis added).¹²

The distinct ties between the Judaism and Israel are entwined by religion, history, and experience. Former New York University Professor Robert Wolfe summed up the linkage as follows:

¹⁰ Gary A. Tobin, Aryeh Kaufmann Weinberg, Jenna Ferer, *The Uncivil University*, (Roseville, CA: Institute for Jewish & Community Research, 2005) p.95.

¹¹ The European Union Agency for Fundamental Rights (**FRA**) (officially established by Council Regulation (EC) No 168/2007 "Working Definition of Anti-Semitism," February 15, 2007).

¹² United State Commission on Civil Rights, "Findings and Recommendations Regarding Campus Anti-Semitism," Washington D.C. April 3, 2006, <http://www.usccr.gov/pubs/050306FRUSCCRRCAS.pdf>.

Properly understood, Judaism is first and foremost *Judahism*. The word Judaism is derived from the word Judah, which is the English form of the Hebrew word "*Yehudah*". Judah was originally the name of one of the Hebrew tribes, and because it was the tribe of David, Judah became the name of the Hebrew kingdom which David founded. In other words, Judah in ancient times was not the name of a religion but of a nation state. This nation state occupied approximately the same territory as the modern nation of Israel, and its people spoke the same language as modern Israelis, namely Hebrew.¹³

It is offensive to Jews to be told by the Muslim Student Union or by UCI administration members or faculty that Zionism and Judaism are two separate concepts or that Zionism is a nineteenth century creation. This is the intellectual underpinning and frequent justification for the anti-Semitic rhetoric at UCI. Furthermore, equating Zionism with Racism, or Nazism diminishes and trivializes the memory of the over 6 million Jews who perished in the holocaust.

Judaism and Zionism cannot be separated. Zionism did not start in the 1800s and was not founded in Eastern Europe or in Basel. Zionism was founded by the rivers of Babylon, when the Jews wept bitterly over their exile and vowed '*if I forget thee O Jerusalem, may my right hand lose its cunning!*' Herzl's book, the Jewish State, did not invent the idea of Jewish national revival; 3 times a day, Jews beseech G-d '*that our eyes may behold Your return to Zion in mercy*'. Herzl was simply able to convey this idea in practical terms, however, the Jewish dream to one day live again as a free nation in Israel has existed since the beginning of the accursed exile, by Nebuchadnezzar and the Babylonian army.¹⁴

Other definitions and examples of the new anti-Semitism are included in attachment to this Report.

BACKGROUND

The University of California, Irvine is one of ten campuses of the University of California. The University is governed by a Board of Regents who appoints the President and officers of the University of California System.¹⁵ The University faculty is represented by the Academic Senate which exercises direct control of academic matters, including the authorization, approval and supervision of all

¹³ Robert Wolfe, "Zionism as Judaism," Zionism, Judaism and the Jewish People, <http://www.jewishmag.com/89mag/zionism/zionism.htm>.

¹⁴ Bar Kochba's posts, "For Zion's Sake," The Barnyard, <http://goatsbarnyard.blogspot.com/2007/09/zionism-is-judaism.html>

¹⁵ University of California, Standing Order 100.4, "Duties of the President of the University" Amendments up to 2006.

courses.¹⁶ The ten campuses are headed by Chancellors and each report directly to the President.¹⁷ The President and the Regents are headquartered in Oakland, CA some 416 miles from Irvine. "The Chancellor is ...the executive head of all activities on ...campus... The Chancellor shall be responsible for the organization and operation of the campus, its internal administration, and its discipline"¹⁸

The position description for the UCI Chancellor position indicates that the President requires "**leadership skills** in an academic environment..." (emphasis added) as opposed to "administrative skills."¹⁹

UCI has approximately 24,945 students and 16,374 employees. Social Sciences has the highest undergraduate enrollment with 5,571 students. The largest major in terms of enrollment is Psychology followed by Political Science.²⁰

The University's "Principles of Community," state in part:

UCI is a multicultural community of people from diverse backgrounds. Our activities, programs, classes, workshops, lectures, and everyday interactions are enriched by our acceptance of one another, and **we strive to learn from each other in an atmosphere of positive engagement and mutual respect.** (Emphasis added)

Our legacy for an increasingly multicultural academic community and for a learning climate free from expressions of bigotry is drawn from the United States and California Constitutions and from the charter of the University of California, which protects diversity and reaffirms our commitment to the protection of lawful free speech. Affirmation of that freedom is an effective way of ensuring that acts of bigotry and abusive behavior will not go unchallenged within the University. **Tolerance, civility and mutual respect for diversity of background, gender, ethnicity, race, and religion is as crucial within our campus community as is tolerance, civility and mutual respect for diversity of political beliefs, sexual orientation, and physical abilities. Education and a clear, rational, and vigorous challenge are**

¹⁶ University of California, Standing Order 105.2, "Duties Powers and Privileges of the Academic Senate" through March 19, 1971.

¹⁷ See University of California Organization Chart, October 3, 2007.

¹⁸ University of California, Standing Order 100.6 "Duties of the Chancellors. Through February 19, 1971.

¹⁹ Position Description, Chancellor, University of California, Irvine, University of California Website, <http://www.uci.edu/chancellorpositiondescription.shtml>, updated, September 25, 2006.

²⁰ Office of Institutional Research, University of California, Irvine, Website, May 9, 2007.

positive responses to prejudice and acts of bigotry.
(Emphasis added)²¹

The University's policy on academic honesty begins with this preamble:

The University is an institution of learning, research, and scholarship predicated on the existence of an environment of honesty and integrity. As members of the academic community, faculty, students, and administrative officials share responsibility for maintaining this environment. **It is essential that all members of the academic community subscribe to the ideal of academic honesty and integrity and accept individual responsibility for their work.** (Emphasis added) Academic dishonesty is unacceptable and will not be tolerated at the University of California, Irvine. Cheating, forgery, dishonest conduct plagiarism, and collusion in dishonest activities erode the University's educational, research, and social roles. They devalue the learning experience and its legitimacy not only for the perpetrators but for the entire community²²

University of California policy goes on to read that the Chancellors "...may impose discipline for the commission or attempted commission ... of the following types of violations by students... **All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty.**"(Emphasis added)²³ At UCI that authority has been delegated to the Vice Chancellor for Student Affairs.²⁴

TESTIMONY

"I am not even Jewish and I feel scared for Jewish students on campus," said a UCI undergraduate student.²⁵ The student went on to describe an atmosphere at UCI dominated by a philosophy that looks upon the United States and Israel as villains and demonized as aggressor nations; an environment that not only excuses terrorism, but terrorist groups are openly supported. The student

²¹ Office of the Dean of Student Affairs, "Principles of Community," University of California Irvine, Irvine, CA, Updated July 21, 2005.

²² Academic Senate, "Policies on Academic Honesty," University of California, Irvine, Irvine, CA approved by the Irvine Division on June 2, 1988. Revised December 12, 1996; October 12, 2000; November 21, 2002; January 26, 2006; and March 5, 2007.

²³ University of California Policies Applying to Campus Activities, Organization, and Students, UCI Implementation, August 1996, Revised with 2002 Updates.

²⁴ Ibid.

²⁵ Student 1 Interview, Jewish Community Center, Irvine, California, June 26, 2007.

described a Middle-East studies course where the instructor “had a picture of Ahmadienijhad on her [computer] web page.” A class environment where objective discourse could not occur because every time widely reported quotes was attributed to Hezbollah Leader Hassan Nasrallah and Iranian President, Mahmoud Ahmadienijhad they were dismissed as inaccurate by the Muslim students in class.²⁶ The student went on to describe a personal experience on “Ring Road” during discussion on the Middle East with an Iranian student. The Iranian student said “Fuck Israel” and then lowered his trousers to show a swastika tattooed on his body. The Interviewed student indicated that this was an intimidating experience.²⁷

A non-traditional student took a course entitled “Divided Cities.” This is what she wrote about her instructor:

He is biased (and he tells you that at the beginning of his class), but his facts are correct. My objection is the way he presented only one side of the Jerusalem situation, never mentioning the reasons for the wall, the settlements, etc. – security/survival. If the Arabs stopped shooting rockets into Israel, killing people; if they didn’t bomb pizza parlors where young Israelis congregate; if they didn’t shoot the villagers from their strategic position on the Golan Heights; if they didn’t bomb buses and schools and so much more, then the wall and other precautions wouldn’t be necessary. This professor says that Israel is building on illegal land. Israelis say the land was ours from Biblical days. His presentation is so biased that someone asked if Israel really wants peace (subliminally indicating war would get them more grabbed land.) This man obviously has never had his family threatened or his children killed by Arab terrorists, so he looks only at the Palestinian side of the wall. He thinks Israel should just let all the Arabs in, and then there would be peace. We all know that Jewish blood would run in the streets because the Arabs are hell bent on the destruction of Israel. I think he is dangerous because he is taking the minds of his young students and filling them with a biased opinion of Israel and the Jewish people. He said that his students can disagree with him and argue with him at any time. But these are students who don’t know anything yet and believe what they are taught. Also, who would jeopardize their grades by arguing with their professor?²⁸

²⁶ Ibid.

²⁷ Ibid.

²⁸ Student 2, Statement, December 10, 2007.

Another non-Jewish student who worked for a newspaper and an on-line magazine and his brother attempted to videotape a speech by Amir Malik Ali which was sponsored by the Muslim Student Union. He indicated that Muslim students harassed him attempting to get the camera turned off. Finally the Acting Dean for Judicial Affairs told the student reporter to turn off the camera and leave. This would have been the end of the confrontation but when the student and his brother went to class a Muslim student who attended the program followed them into class and took a picture of them and then left. He went on to say, "My brother followed him outside and another Muslim student to my right also followed outside, so I got up as I feared for my brother. When I walked outside, we were arguing with these guys telling them: Why did you follow us? Why are you harassing us?"²⁹ After words the confrontation dissipated but the student gave his opinion of the student affairs administration "A lot of the administrators... don't really want to pay attention. They kind of want to just ignore the issue. They are afraid of it... the anti-Semitism on campus sort of, you know, run amuk (sic)."³⁰

A student testified that in March 2002, Jewish students were followed by Muslim students to intimidate them. He also reported that he was followed after he started to tape some of the Muslim events.³¹ He reported that students were afraid on campus with no Jewish organizations prepared to help, so that is when he along with others formed a pro-Israeli student organization."³² When asked if he received assistance from the administration, the former student said:

...we talked to the Dean of Students.... She was sympathetic, but there was always, '....we can't do anything.' For example MSU had a table on the road at UCI and they had all these posters that basically were the Zionism equals Nazism, Sharon equals Hitler. And they had the Star of David painted with red and blood dripping out of the Star of David. If you want to hate that's fine, but I think that there is a clear distinction between Israel as a State and the Star of David as a Jewish religious symbol. So we went to ...[the Dean of Students] asking if there is something that we can do....because it is really offensive. If you put the cross and blood in it, everyone says uh, take it back! No? The Dean went to the Muslim Student Union with us in the (Spring 2002) and asked the Muslim students, politely, to put down that kind of poster and they said no! And that's it; she said that's all what I can do!! (sic) ...³³

²⁹ Student 3, Interview, Jewish Community Center, Irvine, CA, September 19, 2007.

³⁰ Ibid.

³¹ Student 4, Interview, Jewish Community Center, Irvine, CA, April 22, 2007.

³² Ibid.

³³ Ibid.

The student went on to say "I think that the Vice Chancellor Gomez really doesn't want to understand that there is a difference between free speech and hate speech and you are free to actually create hate speech on campus. And the University has a responsibility also to point out that that is not acceptable"³⁴ The interviewee added " [for] Most of the speakers, hate speakers..., the University brings the podium and the podium has the UCI Shield [logo] [This]... appears as an endorsement of that speaker. Several times I asked the university to basically cover the shield and after several times discussing this with MSU they said it was too much work"³⁵

Another student testified that "There were two specific situations where once one girl and the other time two other girls (from the MSU) came to me and said "we know what's going and we don't think it's a good idea and if you don't mind, we'd like to be around with you on campus. There were specific scenarios...where they knew that I was being followed on campus (by males) and evidently it was something that (MSU) leadership was talking about and it was some kind of intimidation thing that they were trying with all of AFI's [Anteaters for Israel] leadership". This female witness explained that she developed friendships with these female members of MSU because of this.³⁶

A former student, who headed a pro-Israel organization on campus, testified that while she was a student she felt that she was not wanted on campus. She felt the administration was not interested in hearing her complaints, "...they weren't interested in what I had to say." When asked for examples the former student testified that she went to the Dean of Students to complain about posters that depicted swastikas, the Israeli Flag with blood dripping from the Star of David, anti-Israeli slogans. The student stated that "I felt that it was a direct attack on my identity and beliefs." But action was never taken other than to call meetings. She went on to testify that if the posters were aimed at other groups on campus "it would not be tolerated, not for a second." When asked to give examples, the former student explained that one of the Filipino groups on campus had a display on campus that was vandalized. "There was a huge stink about it." When, a few months later Jewish students put up a display about the Holocaust, and it was vandalized; "not a word" was spoken about it." She observed that UCI is a campus that was hypersensitive on one level but not on another level. There was no balance and actions against Jewish and Israeli interests were always minimized. She noted that there were lots of efforts to get students together to air grievances; but to no avail. "I heard Muslim students say that it was O.K. to kill civilians in Israel because theoretically everyone was in the military."

³⁴ Ibid.

³⁵ Ibid.

³⁶ Student 5, Interview, Jewish Community Center, Irvine, CA, May 17, 2007.

This former student had specific criticism for the Vice Chancellor for Student Affairs, the student testified about an encounter she had directly with him. She testified that the Vice Chancellor for Student Affairs has the ability to send e-mails to all students in the social sciences. Apparently, certain events got publicity through the Social Sciences. When she asked the Vice Chancellor if she could send out an "e-mail blast" for an event that a pro-Israel group was to hold, "He denied me flat out and did not give a reason why." When the witness was asked if the Vice Chancellor sent out "e-mail blasts" for the Muslim students, she replied 'Yes,' which is why I asked."³⁷

Several testimonies spoke about the Vice Chancellor's non-responsiveness if not outright hostility toward Jewish students. They spoke of an anti-hate rally that resulted from the destruction of a cardboard Wall put up on campus by the MSU. All organizations were invited, except for Jewish organizations. Jewish students protested to no avail. The Jewish students were outraged when the Vice Chancellor not only attended the rally, but also chose to speak at the rally as well.³⁸

A Jewish community activist testified that when she heard about Muslim students wearing green " Hamas-like " sashes at commencement "... I emailed Sally [Peterson, Dean of Student Affairs] and Gomez [Manuel Gomez, Vice Chancellor for Student Affairs] with my concerns about the scarf, and by accident, Manuel Gomez sent reply to me instead of forwarding my email and said to Sally 'what are we going to do about them? They're hysterical.'.....So I wrote back to him and said "So, Mr. Gomez, you think we're hysterical? And he was so embarrassed so I didn't hear from him for about two weeks. He must have gone to the legal department, and at that time I got a letter that came back that was obviously written by the legal department....."³⁹

A young man who is currently a senior at UCI said: "I really feel that sometimes the situation is incredibly hopeless at UC Irvine." He noted that the administration is ineffective at "mediating anything or giving advice to any group." He lamented that the Muslims and the Jews are polarized.⁴⁰

Another student was asked "Do you know specifically of individuals who have been threatened or harassed?" The young man responded "yes, I know a couple." He noted that he was "appalled at what they had told me had happened, and I referred them to the person in the administration responsible for judicial affairs." The student confirmed that he knew of at least one who

³⁷ Student 6 Interview, Jewish Community Center, Irvine, CA, March 18, 2007.

³⁸ Ibid. and Student 7 Interview, Jewish Community Center, Irvine, CA, March 5, 2007 and May 10, 2007.

³⁹ Community Activist Interview, Jewish Community Center, Irvine, CA, May 6, 2007.

⁴⁰ Student 8 Interview, Jewish Community Center, Irvine, CA, April 8, 2007.

went to this administrator and filed a complaint. The student explained that a lot of students don't want to get involved and don't want their names associated with many things on campus. The student explained the nature of the complaints –“Both of them had, had swastikas drawn over the Star of David in the middle of the Israeli flag. It was done to their property that was hanging on their dorm room.”⁴¹

I think the most important thing that the university should be doing, especially since they know that there is a conflict between Jewish students and the Muslim Student Union on campus is to be educating their resident advisors and their staff about this – about the issues...there needs to be some effort made to educate them as to how to go about directing these students that if a student comes to you with a specific complaint, how to contact the administration, where to go, because I think that the biggest issue and the biggest reason why a lot of the complaints go unfilled is that students don't know where to go. They don't know where to formally file these complaints... that is probably one of the major places where the administration is lacking.⁴²

Yet one student forwarded to the Task Force a complaint that she filed with the University. Here is the text of that complaint:

On Wednesday, May 9 (2007) a student with the Muslim Student Union (MSU) repeatedly shoved a camera in my face and within viewing range, nearly touching me and obstructing vision out of my left eye for around 15-20 minutes. The student, a female, constantly moved the camera to my face after I asked her to stop and to take couple of steps back.

I was questioning a MSU speaker, Ward Churchill, regarding his views on America and Israel. I did not speak to any member of the MSU. I had my camera with me. I was holding the camera with my right hand below my chin, titled upwards. I was able to capture the perpetrator's face with my camera and you can also hear me asking her to stop at one point. She did not immediately move back after I told her that she needs to take a few steps back. In fact, she persisted in being as obnoxious as possible for two more minutes....

Immediately following this, I asked campus police if the MSU member's actions violate any policy, especially because I asked the student to move her camera out of my face (and eyes)

⁴¹ Student 9 Interview, Jewish Community Center, Irvine, CA, May 20, 2007.

⁴² Ibid.

and she persisted. According to the police officer I spoke to, there was nothing that he could do.

However, I filed a report with the Dean of Students (Sally Peterson) and the Director of Judicial Affairs (Edgar Dormitorio) on May 11. I also forwarded information to the Office for Civil Rights (as they are investigating anti-Semitism at UCI) and to the Hillel Task Force Investigation.

I would like to add that I feel the student deliberately came to me with her camera because I am a Jewish student who is very vocal about my pro-Israel and pro-America views. Other students were asking questions contrary to typical MSU views, yet the student in question did not shove a camera in their faces because they are not as vocal. Most members of the MSU know who I am. Often I am cursed at by members of the MSU or taunted.

It is difficult for me to believe that she simply decided to shove her camera in my face because of another reason. Often students at UCI and CSULB with the Muslim groups will try to scare students off by taking pictures of them right in front of their faces or putting cameras in their faces.

Thank you very much for looking into this matter and for taking the time to meet with me.⁴³

Two people testified to the imposition of separation of the sexes on public property by Muslim students. "One instance I can recall of them (MSU) forcing—force separate seating, and that was before the beginning of the construction on the student center, at outdoor event where Malik Ali was speaking."⁴⁴ A former student testified that the "Nazism in the Modern Century" event, one of the speakers was Malik Ali. "I sat on the women's side. I got there before they showed up... and a guy came up to me and he said 'Please move.' And I said 'No.' Then he said 'Come on.' I was getting pressure. They do this."⁴⁵

Another former student testified that under University policy, he brought specific information regarding the use of a falsified quote by the Muslim Student Union to

⁴³ Complaint by Student 10 to UCI campus police forwarded to Task Force. According to Student 10, she graduated early because of situation at UCI for her and other Jewish students.

⁴⁴ Ibid.

⁴⁵ Student 7, Interview, Op.Cit.

the Dean of Students. The testimony noted that time and again, the Muslim Student Union makes posters that contain the following quotation attributed to the first Israeli Prime Minister, David Ben-Gurion: "*We must use terror, assassination, land confiscation, and the cutting of all social services to rid the Galilee of its Arab population.*" The student noted:

There was no citation on the quote. "Since the MSU had not provided a citation, I put a copy of the report in MSU's mailbox and e-mailed their entire leadership requesting a citation, explaining that the only citation I had found on-line for the quotation was "the Koenig Memorandum" and that appeared to be incorrect. Still no response. After I sent a second e-mail a few days I got a reply stating its "the Koenig Memorandum." Flabbergasted, I mailed them back saying I gave you the Koenig Memorandum, Try again. The reply a few days later stated: "it should be able to be found in one of Michael Ben-Zohar's books." So I called CAMERA[Committee for Accuracy in Middle East Reporting] they in turn called Ben-Zohar, and according to CAMERA, Ben Zohar replied that there was no such quotation in any of his books.⁴⁶

The student brought the fabricated quotation to the Dean of Students and explained the situation. "I stated that the campus appeared to be a 'persistent hostile environment toward Jews.' The Dean indicated that she wanted to hear from more Jewish students and so a meeting was set up in the Spring of 2004. "The Jewish students and I all laid out what we've experienced based on what has happened on campus and how the blatant bigotry was affecting us and the environment on campus." The administrative response was to start and inter-religious dialogue. Nothing positive resulted from that dialogue.⁴⁷ "The fabricated Ben-Gurion Quotation has appeared many times since at MSU events. At one such event, where Malik Ali read out loud this quote as well as others. I ask the Dean...if such a rule existed banning the use of fabricated quotations and citation at UCI student group events – she said, 'No.' I've since found the UCI policy regarding fabricating quotations."⁴⁸ From the posters, from information on the websites, "I believe that MSU's goal is to incite hatred toward Jews."⁴⁹

Subsequent to this episode UCI changed its Code of Conduct section on Principles of Community. Formerly, a recognized UCI student organization was required to sign a statement that read: "On behalf of my organization, I have read the Principles of Community and **we agree to support the principles**

⁴⁶ Ibid.

⁴⁷ Ibid. See citation 21, University of California Policies Applying to Campus Activities, Organization, and Students."

⁴⁸ Ibid.

⁴⁹ Ibid.

stated within" (emphasis added) in order to invite a speaker on campus. Now only recognized student organizations may invite speakers to the UCI Campus and, beginning in the school year 2006-2007, they are no longer required to "...agree to support the principles stated within." They must merely acknowledge that they have received and read them.⁵⁰

Another interviewee indicated he had heard about controversial events between the Muslim Student Union (MSU) and Jewish students, especially the MSU's yearly event and the vandalism of the Jewish Holocaust Memorial. He was aware that the MSU brought about 3-5 speakers with anti-Israel messages each year. It was his feeling that there has been a poor response from the Jewish community outside UCI. In addition, he felt that most students are apathetic and generally interested in social events, and that this is true on many college campuses.

This person was unaware of any Jewish student having been harassed on campus, although he acknowledged that he knew of the case where a swastika had been painted on a dorm door and that at some of the MSU events Jewish students were stared at, but none were threatened. Regarding some of the MSU speakers, this student indicated that many Jewish students didn't pay too much attention to the speakers because they (the speakers) were "nut jobs". With respect to the MSU's bringing speakers with anti-Israel and anti-Semitic messages, the same person indicated that "hate speech being protected speech is frustrating" (sic).⁵¹

DISCUSSION

The University

Amir Abdel Malik Ali has been a regular speaker for the MSU at the University of California, Irvine campus. His rhetoric has targeted the "Zionist Jew," Jews in general, and the destruction of Israel. Some of his remarks include:

- "Palestinian mothers are supporting their children who are suicide bombers, saying, 'Go honey, go!' That ain't suicide; that's martyrdom."

⁵⁰ Office of the Dean of Students, "Student Organization Registration Form" http://www.dos.uci.edu/publications/pdf/re-registration_0708.pdf UCI Campus Policy 102.11. See also Harassment by a student of any person. For the purposes of these *Policies*, 'harassment': a) is the use, display, or other demonstration of words, gestures, imagery, or physical materials, or the engagement in any form of bodily conduct, on the basis of race, color, national origin, alienage, sex, religion, age, sexual orientation, or physical or mental disability, that has the effect of creating a hostile and intimidating environment sufficiently severe or pervasive to substantially impair a reasonable person's participation in University programs or activities, or use of University facilities; b) must target a specific person or persons; and c) must be addressed directly to that person or persons.

⁵¹ Non-student Interviewee, Interview at Jewish Community Center, Irvine, CA, May 31, 2007.

- Malik-Ali stood at a podium that bore the inscription "Desperation of the Zionist Lobby," and told his audience of some 150 mostly Muslim listeners: "Zionism is a mixture, a fusion of the concept of white supremacy and the Chosen People."
- Malik-Ali was the featured speaker at an October 5, 2006 MSU event where he told a crowd of roughly 200 cheering students: "They [Jews] think they are superman, but we, the Muslims, are kryptonite. They [Jews] know that their days are numbered."
- According to UCI's student newspaper, he "implied that Zionism is a mixture of 'chosen people-ness and white supremacy'; that the Iraqi war is in the process of 'Israelization';
- The Zionists had the 'Congress, the media and the FBI in their back pocket'; that the downfall of former Democratic Presidential front-runner Howard Dean was due to the Zionists;
- The Mossad [Israel's intelligence agency] would have assassinated Al Gore if he was elected [in 2000] just to bring his Jewish Vice President, Joe Lieberman to power."
- The Zionist Jews control of the American media. There is Zionist complicity in the war in Iraq, and Zionists' ability to deflect justified criticism. ... "You will have to hear more about the Holocaust when you accuse them of their Nazi behavior."
- He asserted that a martyr's death is the most honorable form of death. "Victory or martyrdom," he asserted, are the only two viable options available to the Palestinians in their battle against Israel. Refusing to recognize Israel's existence, Malik-Ali referred to that country not by its name, but only as the "Zionist Apartheid State."⁵²

Some of his remarks on other campuses include:

- "You [Jews] are walking into all the traps we want you to walk into. You hijacked American foreign policy."
- "[T]he Israelis were 'in-control' of 9-11," which "was staged to give an excuse to wage war against Muslims around the world."
- Israelis ought to return "to Germany, to Poland, to Russia. The Germans should hook y'all up. You [Israelis] should go back to Germany.
- "When it's all over, the only one standing is gonna be us."⁵³

⁵² Aaron Hanscom and Reut Cohen, "Exposing the UC Intifada" Front Page Magazine.com, Friday, June 22, 2007. The eight indented examples of Ali's speech are attributed to this source.

⁵³ Discover the Network. Org. "Amir-Abdel Malik Ali," October 3, 2006, <http://www.discoverthenetwork.org/printindividualprofile.asp?indid...>

The following are selected titles of programs sponsored by the Muslim Student Union:

- "Holocaust in the Holy Land," Israel the Fourth Reich, "Zio-Nazis," "The Trail of Tears- Roots of Israeli Apartheid," "Antisemitism: The Zionist Façade," "Israel: A Mockery to Democracy," The UC Intifada: How You Can Help Palestine and the most recent, "From Auschwitz to Gaza: The Politics of Genocide" with Imam Muhammad al-Asi⁵⁴

On June 1, 2007 Chancellor Drake spoke to an open forum at Congregation Shir Ha-Ma'lot in Irvine. He was asked why he had not exercised his freedom of speech by condemning the hate speech of Amir Abdul Malik Ali. The chancellor responded:

"We have 1,000 guest speakers on campus every year. Could I evaluate them and say this one is anti-Semitic? I could not. What I could say is that as a person and a campus, we abhor hate speech, period."⁵⁵

During the course of an interview with a Professor of History who also teaches in the Middle East Studies Student Initiative, the Professor was asked if he believed that Amir Abdel Malik Ali's statement to the effect that Zionist Jews were responsible for 9/11 was anti-Semitic.⁵⁶ His response was "Yes." Then in a response to a follow-up question whether he felt that such a statement warranted condemnation? He again responded "Yes" and then went on to say "I personally spoke to MSU students about the remarks."⁵⁷ Later when his testimony was confirmed by e-mail, the Professor added the following statement:

hi. okay, yes, i said yes. how could any sane person think otherwise...however, i think there is a difference bt (sic) condemning as individuals and the issue over whether the administration should be expected to stay condemn every particular instance of hate speech uttered by outside speakers brought into campus by student or community groups. i think that the chancellor's statements re civility and his blanket condemnation of anti-semitism are good enough, and i think the recent appearance by malik suggests that perhaps he's getting the

⁵⁴Muslim Student Union, Poster found on <http://standwithuscampus.com/?p=15>; Muslim Student Union, Poster found on <http://www.msu-uci.com/?p=71>; MSU at UCI Poster found on Stand With Us <http://standwithuscampus.com/?p=15>.

⁵⁵ Jorge Barrientos "Task Force Cited as Reason for Drake Town Hall Meeting with Jewish Community," The Orange County Register, June 1, 2007.

⁵⁶ Amir Abdel Malik Ali was talking in the context of how Zionist Jews posing as Muslims and do things to make Muslims look bad. He said "A Zionist Jew masquerading as a Muslim with a sign reading kill all infidels, right? And now you have your real life example of how they do us in Palestine and how they did us at the World Trade Center, both of them, both of them, 1993 and 2001 for a video recording of the speech see <http://www.youtube.com/user/elliberdator>, May 18, 2007.

⁵⁷ Interview with History Professor, Irvine, CA December 1, 2007.

message, although we'll have to see about that one next time he comes... i certainly don't trust him...⁵⁸

On June 1, 2007, The Orange County Register commented on the Chancellor's remarks in an editorial. It said :

Unfortunately, the school administration seems to be punting in its response – firm in its defense of free speech, to its credit, yet reluctant to criticize clearly objectionable behavior and actions. Both are in order.

Jewish groups say they feel intimidation on campus. The Register's Opinion pages have carried letters and columns debating whether UCI has a safe atmosphere for Jewish students, after incendiary words were uttered by some invited Islamist speakers, a Holocaust memorial was defaced and some other incidents....

We applaud the chancellor's unwillingness to abridge free speech. We believe that debate – even angry, tense debate – can be a good thing. Once you get into the business of outlawing "hate speech," then that stifles freedom and allows officials to depict any words they don't like as "hate." Still, the administration needs to do more as the situation continues to affect campus life on a wider scale. Think about it – parents of students and potential students are beginning to develop a generalized fear about UCI. People on campus regularly tell us the tension is growing, and is not just periodic.

It's the role of the school administration to draw distinctions between speech and actions, and to set some standards of behavior at meetings, in the classroom, in the dorms.⁵⁹

Contrast Chancellor Drake's failure to condemn specific hate speech and hate speakers to the actions of other campus leaders such as Dr. Harold W. Eickhoff, former President of The College of New Jersey (New Jersey's premier public college), when confronted with hate speech on his campus by the late Khalid Abdul Muhammad from the Nation of Islam. In a letter to the editor of a local newspaper, Eickhoff said: "I have heard a recording of the vicious, vile attack on

⁵⁸ Professor's E-Mail to Jesse H. Rosenblum, December 3, 2007.

⁵⁹ "UCI falls short on a test of leadership," An Orange County Register Editorial, Orange County Register, June 1, 2007, http://www.ocregister.com/ocregister/opinion/homepage/article_1714926.php.

humanity by this Nation of Islam minister. I am appalled and outraged."⁶⁰ Later in a letter to the campus community Eickhoff characterized a Muhammed speech as "racist," "anti-Semitic," "abhorrent," and "striking at the very heart of human decency and civilized relationships."⁶¹

When faced with a flyer distributed by Muslim students at a rally dealing with the Israeli-Palestinian conflict, San Francisco State University President, Dr. Robert Corrigan, wrote in a letter to the campus community: "Hate speech is not free speech. Anti-Semitism is as ugly and unallowable as racism or scapegoating of Muslims, Arabs, or any other group. None are protected unless all are protected. We remain wholly committed to maintaining this campus as a place where all feel safe and supported."⁶²

These are only two examples of many Presidents/Chancellors throughout the nation who have the moral conviction and courage to confront hate speakers and set a tone for civility at their campuses, yet all of them are committed to freedom of speech and have allowed and would continue to allow hate speech on their campuses.

On October 7, 2002, The New York Times ran an advertisement sponsored by the American Jewish Committee. The advertisement listed the names of college/university presidents who decry intimidation on campuses. The ad included the following statement:

We will maintain academic standards in the classroom and we will sustain an intimidation-free campus. These two concepts are at the core of our profession. Our classrooms will be open to all students, and classroom discussions must be based on sound ideas. Our campus debates will be conducted without threats, taunts, or intimidation. We will take appropriate steps to insure these standards. In doing so, we uphold the best of American democratic principles. We are concerned that recent examples of classroom and on-campus debate have crossed the line into intimidation and hatred, neither of which have any place on university campuses. In the past few months, students who are Jewish or supporters of Israel's right to exist—Zionists—have received death threats and threats of violence. Property connected

⁶⁰ Harold W Eickhoff, "Free Speech and Search for Truth," The Times, Trenton, New Jersey, January 26, 1994, p. A19.

⁶¹ Harold W. Eickhoff, "Letter to Members of the Campus Community," Ewing Township, New Jersey, February 3, 1994.

⁶² Robert A, Corrigan, "President's Message to the Campus Community," April 12, 2002, <http://www.sfsu.edu/~news/response/nohate.htm>.

to Jewish organizations has been defaced or destroyed. Posters and websites displaying libelous information or images have been widely circulated, creating an atmosphere of intimidation. These practices and others, directed against any person, group or cause, will not be tolerated on campuses.⁶³

The ad was signed by heads of campuses, both public and private, throughout the nation, including a number of public universities such as The University of Virginia, University of North Carolina, Chapel Hill, University of Texas system, as well as public universities in California. The ad was not signed by Chancellor Drake's predecessor at UCI.⁶⁴

Many at UCI project the problem as a Muslim-Jewish dispute between those who support Israeli policies and those who condemn them. But Jeffrey Rips, the executive director of Hillel on the UCI campus and a first-hand observer of the situation, saw things differently. He criticized those who called the tension on campus an even dispute, noting that Jewish students had done little if anything to lash out against Muslim groups. "It's a Muslim Student Union issue," Rips said. "For people to say it's a Muslim-Jewish conflict, that's really misleading. It's a one-sided issue."⁶⁵

A headline in the November 16, 2007 edition of the Los Angeles Times read: "Nooses found on campus prompt outcry." The article went on to explain that seven nooses were found at a freedom of speech area on the California State University, Fullerton campus. In response hundreds of faculty and students rallied against hate.⁶⁶ Yet the administration of UCI does not condemn specific incidents of anti-Semitism and the faculty remain unperturbed.

The Faculty

There is no indication that the faculty at UCI is having a lively discussion about free speech on campus and the role of official condemnation when that speech has no value other than hate. It appears that the faculty members are bystanders when the ultimate academic value, free speech, is targeted (such as when "conservative" or pro-Israeli speakers appear on campus). Faculty members have acted as if they are bystanders to the process with one exception, when the Academic Senate sponsored event in Aldrich Park labeled "Stand

⁶³ American Jewish Committee, "College Presidents Decry Intimidation on Campuses," The New York Times, October 7, 2002. It should be noted that Chancellor Drake was appointed on May 26, 2005.

⁶⁴ Ibid.

⁶⁵ Michael Miller, "Speaker A Lot' of anti-Semitism," For the Record, Daily Pilot, Newport Beach, April 27, 2007, <http://www.dailypilot.com/articles/2007/04/28/religion/dpt-marcus27.txt>.

⁶⁶ Dave McKibben "Nooses found on campus prompt outcry," Los Angeles Times, California Section, Los Angeles, California, November 16, 2007.

Together for Tolerance,” where more than 200 students and faculty joined hands in a circle to honor religious diversity. The event was held after three former terrorists spoke at the campus and compared Islamic Terrorists to Nazis, at a presentation on campus sponsored by the College Republicans.⁶⁷

It appears that a “politically correct” orthodoxy has afflicted UCI as it has other colleges and universities throughout the nation. As Tobin and Weinberg observed of their survey of faculty:

...a dominant political ideology and behavior, seeping into teaching and research, corrupts the very ideal of higher education. It cheapens what the university is about and what it can achieve. Vigorous and rigorous debate, opposing views, challenging conventional wisdom, all grounded in the theory and data of accepted norms in a field are what enrich higher education... Groupthink strangles the heart and soul of the ideal of the liberal university.⁶⁸

Some faculty and student organizations worry about the orthodoxy that has now permeated the academy and the lack of oversight. Writing in a 2004 editorial piece in The Chronicle of Higher-Education, Stephen H. Balch, President of the National Association of Scholars lamented about a self-perpetuating orthodoxy that has taken over our institutions of higher education. He said in part:

As polities, colleges and universities bear more than a passing resemblance to federations of small, semi-autonomous republics -- in this case the departments that make up their main subdivisions. Those generally hire, give tenure, and promote their teaching staffs; fix major and graduate-studies requirements; admit and finance graduate students; award the doctorates that provide new practitioners with credentials; and help journeymen secure their initial jobs. The bigger and more prestigious the institution, the less the department is likely to be subject to serious oversight from above.⁶⁹

⁶⁷ Michael Miller and Heidi Schultheis, “Political Events Converge at UCI,” Daily Pilot, Newport Beach, May 31, 2007, <http://www.dailypilot.com/articles/2007/05/31/education/dpt-uci31.txt>.

⁶⁸ Gary A Tobin and Aryeh K. Weinberg, “A Profile of American College Faculty, Volume I, Political Beliefs and Behavior,” Institute for Jewish and Community Research, San Francisco, CA 2006. Citation 70 continued... See also Christopher F. Cardiff and Daniel B. Klein, “Faculty Partisan Affiliations in All Disciplines: A Voter Registration Survey,” http://www.criticalreview.com/2004/pdfs/cardiff_klein.pdf.

⁶⁹ Stephen H. Balch, “The Antidote to Academic Orthodoxy,” The Chronicle of Higher Education, Vol.50, April 23, 2004, Page B7.

In their book Shadow University, Professor Alan Charles Kors and civil liberties litigator, Harvey Silverglate suggested that the assault on content neutrality which lies at the heart of the First Amendment comes from the politically correct. They suggest that the politically correct are the impetus for the "... drive for speech codes, for double standards in their applications, for the mechanisms of indoctrination in their rationales, and for the disciplinary systems to enforce their strictures..."⁷⁰ According to the authors the current campus climate owes its origin to Marxist political and social philosopher, Herbert Marcuse. For Marcuse "the 'reopening' of the channels of true toleration and liberation now 'blocked by organized repression and indoctrination,' must be accomplished, sometimes by 'apparently undemocratic means.' Marcuse suggested that these would include 'the withdrawal of toleration of speech and assembly from groups and movements which promote aggressive policies, armament, chauvinism, discrimination on the grounds of race and religion, or which oppose the extension of public services, social security, medical care, etc.'"⁷¹

At UCI pro-Israeli speakers are interrupted in the middle of their speeches on campus and not a word of condemnation is heard. When more conservative speakers sponsored by the Republican student organization were disrupted - there was silence. When posters containing Stars of David dripping with blood are posted on campus -there was silence.

Jewish Organizations

During the course of our interview with State Assemblyman, Chuck DeVore, he asked: "Where are the Jewish Organizations"? He told the interview committee that he was concerned as a non-Jew and could not understand the lack of "moral outrage" by the local Jewish community over the treatment of Jewish students on campus.⁷²

Three organizations were often mentioned in interviews for their support of students at UCI: "The Zionist Organization of America"(ZOA), "Stand With Us," and The American Jewish Congress. The major Jewish organization of Orange County, The Jewish Federation, was hardly mentioned.

The Jewish Federation is the largest fund-raising organization in the Orange County Jewish Community. It provides some funding for a host of Jewish organizations, including Hillel.

⁷⁰ Alan Charles Kors and Harvey A. Silverglate, The Shadow University, The Free Press, New York, p.57.

⁷¹ Ibid, p 69.

⁷² Chuck DeVore. Interview, Irvine, CA, June 22, 2007.

On May 18, 2006 an email issued by Jewish Federation's Executive Director stated in part:

Under the auspices of Hillel... a meeting has been organized next week for our local community agencies, to discuss long-term strategies for dealing with some of these difficult issues on our UCI campus. This is not only a local issue. It is a national and indeed a global issue, as seen from the vast media coverage of this past week's activities and prior activities of the Muslim Students Union." "... Hate speech of any kind creates an unsafe environment on campus and in our communities. Students on campus, and indeed all of us, have a right to feel safe in our communities" "...Our Jewish community recognizes the excellent work of the UCI campus police department, supported by the Irvine Police Department, who prevented isolated incidents of violence from escalating into civil unrest. ...Historically, UCI has not taken a stand, referencing the university's free-speech policy which states that even hate speech is free speech. I'm saddened to report that, as you can see from the following letter issued on Tuesday, May 16th by Dr. Michael Drake, the new Chancellor of UCI, the policy has not changed and we are no closer than we were in the past to a campus culture of respect for all, free of anti-Semitism and hate speech." ⁷³

In attempting to respond, the Federation has engaged the Chancellor and has arranged receptions where he was the featured guest. On May 31, 2007, The Federation co-sponsored the community forum with the Chancellor (mentioned previously in this Report). On May 17, 2007, the Executive Director of the Federation met with the Task Force and argued for its separation from Hillel. Later, when The Task Force asked for a copy of the video tape of the Chancellors appearance at Shir Ha- Ma' alot, there was no response.

Some major Jewish organizations feel that engagement is preferable to confrontation. Engagement is far preferable to confrontation, but when engagement does not result in fundamental changes in the Chancellor's behavior as a leader, engagement become complicity. The Federation is to be complimented for recent activities where funds were solicited to benefit of Jewish students and, of course, for the activities that benefit the Jewish community; however, The Federation must be unequivocal and unambiguous in calling upon the UCI administration to denounce anti-Semitism on its campus. Change will occur sooner at UCI with the assistance of the Jewish Federation and the other

⁷³ Executive Director of the Jewish Federation, "Show of Solidarity at Israel Expo: Best Response to Week of Hatred at UCI," May, 18, 2006. 6:29 PM.

Jewish organizations holding the University and its Chancellor accountable for their actions and inactions.

FINDINGS

1. The acts of anti-Semitism are real and well documented. Jewish students have been harassed. Hate speech has been unrelenting. For one week each year, UCI, a Public University has been turned into a vehicle to promote historical distortions, partially through the use of hateful anti-Semitic symbolisms, while the administration has remained silent or when pressed, issued generalizations about hate speech that does not name the hate speakers. This leads to the impression that there is equivalent hate speech from the Jewish students when there is not. Furthermore, such hate speech and gross distortions have an effect on non-Jewish students as well. These students can easily be led to accept the anti-Semitic and anti-Zionist conclusions portrayed by the Muslim Student Union and the invited hate speakers.

2. The University administration has rightfully argued that it cannot and will not stifle free speech on campus. If the antidote to abhorrent speech is more speech then it is beholden upon the University to open speech to public scrutiny. Assemblyman Chuck Devore visited the campus on several occasions and was an outspoken critic of the campus policy disallowing the recording of speakers at MSU events.⁷⁴ Largely as a result of his efforts, the University has finally agreed to permit the taping of speakers thus allowing public access and public scrutiny to the ideas of hate speakers. The Chancellor is to be commended for this recent change of policy on the part of the University.

3. A pall of orthodoxy has befallen much of the academic program at the University. The anti-Israel bias on the part of many in the faculty provides a fertile environment for the MSU and its anti-Israel and anti-Semitic rhetoric and actions.

4. Some faculty members have used their classroom as a forum for their anti-Israel agenda.

5. The Muslim Student Union is agenda driven and unchecked by the bounds of propriety. It allies and identifies itself with terrorist groups that are enemies of the United States.

6. The University has failed to educate its Muslim students about citizenship and American values.

⁷⁴ Charles DeVore, Op. Cit.

7. The Chancellor has failed to exercise his moral authority as an educator and leader by abrogating his leadership responsibilities. The boundaries of rational and reasonable discourse by constituencies that have differing positions on emotional issues have not been established.

8. There is no indication that the University is at all concerned about the disconnect between campus values and the values of the greater society.

9. The major Jewish organizations, with few exceptions (The Zionist Organization of America, Stand with Us, American Jewish Congress) have not held the University and its leadership accountable for its failure to support an environment conducive to all students. The Jewish Federation, Anti-Defamation League, Hillel, and the American Jewish Committee, the organizations the Jewish community look to for leadership on these matters, have not effectively represented the Jewish Community or Jewish students at UCI.

RECOMMENDATIONS

1. The Chancellor should publicly identify and denounce hate speech when it occurs so as not to insinuate an equivalence where there is none.
2. Students with a strong Jewish identity should consider enrolling elsewhere unless and until tangible changes are made. It is incumbent on UCI to make itself a hospitable environment, not the Jewish students.
3. Community leaders both secular and religious should hold the University responsible for its actions, non-actions, and programs.
4. The University has an obligation to inform the community of steps taken to ensure the integrity of its academic program.
5. The University's Board of Regents should look into the various selective applications of UCI Rules and Regulations, and investigate the actions of the Vice Chancellor for Student Affairs in his capacity as an impartial arbiter and just enforcer of University Rules and Regulations.
6. The University should refrain from selective enforcement of its rules and regulations, including its "Code of Conduct." If it does not intend to enforce its regulations, the University should eliminate them. Those that remain should be enforced uniformly and fairly.
7. The Jewish organizations and the Jewish benefactors should be aware that their continued support of an anti-Semitic campus is, in the end, counter-

productive and works against their own interests. They should hold the University and its Chancellor accountable.

8. All Student organizations should have a faculty/staff advisor.
9. UCI Resident Assistants should be fully versed on procedures for filing complaints and be available assist students to seek redress of grievances.
10. All incoming students should have a course on appropriate civil discourse in a democratic society. At the least, some instruction in this area should be included in the orientation for all new students.
11. Community leaders should meet periodically with the administration and engage in discussion that will lead to better understanding of the status of the University and enhanced accountability.
12. During UCI Orientation Week, new Jewish students who attend UCI should be invited by Jewish Organizations to attend an orientation, where they can be briefed on the support structures within the local community, as well as procedures to follow when confronted with anti-Semitic and anti-Israel behavior on campus.

**ADDENDUM TO THE TASK FORCE REPORT
AS A RESULT OF THE FINDINGS
BY THE**

**OFFICE FOR CIVIL RIGHTS (OCR) INVESTIGATION OF
DISCRIMINATION AT THE UNIVERSITY OF CALIFORNIA AT IRVINE
(UCI)**

On November 30, 2007, the United States Department of Education Office for Civil Rights (OCR) issued its report regarding complaints of discrimination at UCI on the basis of national origin. **OCR issued two reports** contained in separate letters written to Dr. Michael V. Drake, Chancellor of the University of California Irvine, and to Ms. Susan Tuchman of the Zionist Organization of America which initiated the complaint. **These two reports are not identical and do not contain exactly the same listed allegations.** The reason why OCR issued two separate letter/findings is unclear. However, what is clear is that although many of the same allegations contained in the OCR reports have also been investigated by this Task Force, the emphasis of each investigation is quite different.

The OCR investigation focused on whether the University discriminated on the basis of national origin, even if the complaint also had characteristics of religious discrimination. More specifically, the issue in the OCR investigation was whether an employee or agent of UCI "acting within the scope of his or her official duties, has treated the student differently on the basis of national origin without a legitimate, non-discriminatory reason so as to interfere with or limit the ability of the student to participate in or benefit from the services, activities or privileges provided by (UCI)". In addition, the OCR investigation alleges that it also applied a "hostile environment analysis" regarding the allegations at UCI. OCR conducted this investigation to see if UCI was in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000(d) and its implementing regulations.

In contrast, this Task Force did not address violations of law, either State or Federal, or notions of discrimination, whether based on national origin or religion. Rather, this Task Force investigated whether anti-Semitism exists or has existed at UCI and if so, what can be done to reduce or eliminate that anti-Semitism. According to the April 3, 2006 Findings and Recommendations of the United States Commission on Civil Rights Regarding Campus Anti-Semitism: "many college campuses throughout the United States continue to experience incidents of anti-Semitism . . . On many campuses, anti-Israel or anti-Zionist propaganda has been disseminated that includes traditional anti-Semitic elements . . . Such propaganda should be distinguished from legitimate discourse regarding foreign policy . . ."

The OCR investigation did not render any conclusions about whether the allegations made by various individuals were true or not. Rather, the OCR investigation applied narrow legally technical analysis about whether UCI violated Title VI of the Civil Rights Act of 1964 and its implementing regulations.

The OCR reports outline a large number of complaints made by Jewish students at UCI as follows:

1. The destruction of a Holocaust Memorial display in the spring 2003.
2. A rock thrown by a child at a Jewish student wearing a T-shirt with the words "everyone loves a Jewish boy" in January 2004.
3. Harassing and threatening statements made to a Jewish student of Sephardic descent in February 2004, such as "slaughter the Jews", "dirty Jew", and "take off that pin (which had the flags of the United States and Israel with the words 'united we stand') or we'll beat your ass".
4. Harassing and threatening statements made to a Jewish student of Russian descent from fall 2000 to spring 2002, including "go back to Russia", "burn in hell", and that he was a "f----- Jew".
5. The fining of a Jewish student group for placing posters on University property during the 2003-2004 academic year.
6. Anti-Semitic speakers, campus magazine articles, symbols, marches, construction of a temporary wall to symbolize the wall in the West Bank, and other events, all of which have occurred primarily, but not solely, during "Zionist Awareness Week" in the month of May, commencing in 2001 and continuing through the 2006-2007 academic year.
7. The exclusion of Jewish students from participating in an anti-hate rally held in May 2004.
8. The wearing of graduation stoles by Muslim and Arab students with anti-Semitic Arabic script in June 2004.
9. Harassing, anti-Semitic email sent to a Jewish Israeli student who was a reporter for the campus student newspaper in 2006.
10. The pushing of a Jewish Israeli student at an event sponsored by the Muslim (MSU) in May 2006.

11. The defacement of a Jewish student's flag of Israel with a swastika in May 2006, which she had displayed on her dormitory room door.
12. The intimidation of Jewish students, by Muslim and Arab students who congregated in a student lounge near the Dean of Student's office.
13. Graffiti that included swastikas at a student housing complex located on campus in October 2006 and in the men's restroom on the first floor of the Social Ecology Building on December 7, 2006.
14. The University took affirmative steps to support some groups, but took no affirmative steps to support Jewish students and groups; for example, the University's ADVANCE program to address gender inequity among faculty.
15. The University condemned activities that were offensive to other students, but not those that were offensive to Jewish students and groups; for example, it condemned the murder of Matthew Shepard.
16. The University's actions to protect Jewish students and groups were not as effective as those taken by other universities; for example, Johns Hopkins University's response to offensive racial stereotyping of African-Americans at a fraternity-sponsored party.
17. The Chancellor's refusal to make a public statement condemning anti-Semitic speech and his failure to condemn presentations by Amir Abdel Malik Ali on September 18, 2006 and October 5, 2006.
18. The University's failure to require the MSU and other groups to adhere to University policies; for example, no longer requiring student organizations to adhere to a "Principles of Community" policy; not enforcing the "rules of dialogue" applicable to MSU; permitting MSU to disseminate false and inflammatory information and quotes; and, allowing MSU to segregate audiences at its events by gender.
19. The University's failure to hold MSU accountable when members of the group disrupted speakers invited by Jewish speakers and groups.
20. The University's permitting MSU speakers to use the University's name on podiums.
21. Intimidation of a Jewish student leader when she was followed while on her way to a meeting on campus in May 2004.

22. Other verbal and physical intimidation of Jewish students by Muslim students, discussed in a meeting on October 18, 2006.

23. The Vice-Chancellor's statement to Jewish students on October 18, 2006 that "one person's hate speech is another person's education".

24. The University's treating Jewish students and groups differently by halting events that were offensive to other minority students, but not those that were offensive to Jewish students; for example, halting the College Republicans' "Affirmative Action Bake Sale" upon receiving complaints from Hispanic students.

25. Harassment of a Syrian student whose mother was critical of Islam during the student's registration for classes in the fall of 2006.

26. An administrator's attempt to quash a blog article critical of the administrator's conduct at a meeting held on October 18, 2006 to discuss concerns of Jewish students.

The first 13 anti-Semitic allegations are contained in OCR's letter to Dr. Drake. In the letter addressed to Susan Tuchman, the first 5 allegations contained in the letter to Dr. Drake are recited. However, allegations 14 through 26 are only contained in the letter to Susan Tuchman. Again, it is unclear why OCR issued two different findings discussing separate issues.

Regarding allegations 1 through 5, OCR concluded that those allegations were untimely and the exceptions for investigating untimely allegations were not found to exist. Therefore, OCR made no finding on the merits of these allegations and never rendered an opinion as to whether these allegations had actually occurred or not, but rather dismissed them on the legal technicality of being untimely.

Regarding the other allegations, the OCR report generally concluded that these events were not matters that were "related to the national origin of any of the Jewish students who complained". The University was excused from any wrongdoing based on minimal action it did **after** these events occurred.

For example, regarding the complaint of inappropriate emails to a Jewish student, the OCR investigation concluded that ". . . the University could not take any action in response to the emails if the senders could not be identified".

This Task Force has concluded that there is evidence to support the fact that these 26 allegations are true and did occur at the University of California at Irvine. In fact, the Task Force has determined that there have been additional incidents of anti-Semitism not mentioned in the OCR report that are further enumerated in this Task Force report.

As indicated herein, the OCR investigation does not deny that these “allegations” occurred. In fact, the United States Department of Education Office of Civil Rights investigation and report substantiates this Task Force’s findings that significant anti-Semitic activities have existed at University of California at Irvine for some period of time and that, while the University administration may not have done anything illegal in this regard, the University has done little if anything, except for token actions after each incident, to help prevent, discourage, curtail or punish the perpetrators of these anti-Semitic activities on campus.

Another example that OCR did not investigate the merits of these allegations is contained in OCR’s report concerning allegation #23. The allegation is that “The Vice-Chancellor’s statement to Jewish students on October 18, 2006, that ‘one person’s hate speech is another person’s education’” was dismissed. The language with which this allegation had been dismissed is contained in its letter to Susan Tuchman, lead counsel for ZOA, as follows: “The complainant provided insufficient factual information to suggest that the alleged statement was made because of the student’s national origins. In addition, the alleged statement makes no reference to national origin”. This conclusion by the OCR investigation is, again, typical of many of its findings. However, this Task Force believes that this statement made by Vice-Chancellor Gomez (to which there were and are witnesses) was insensitive as it relates to Jewish students at UCI. In fact, this Task Force investigation has found that the University has tried to deny the fact that this statement had been made, at all.

On May 31, 2007, Chancellor Drake addressed the Jewish community at a gathering, specifically for this purpose, at Temple Shir Ha-Ma’lot, in Irvine. During the question and answer period after his remarks, Chancellor Drake was asked by a member of the audience as to whether or not he had, in fact, made the statement that “one person’s hate speech is another person’s education”. Chancellor Drake said he had never made such a statement, not at a meeting with Jewish students and not at any other meeting. He gave the following analogy as his response: he once had seen a picture of himself in the company of others who were unknown to him and unrecognized by him. He subsequently discovered that someone had taken a previous photograph of him and imposed it into the group picture in which he found himself. He used this analogy to demonstrate the notion that sometimes prior statements or appearances had been incorrectly attributed to him.

The logical inference from Chancellor Drake’s answer was that the statement “One person’s hate speech is another person’s education” was never made and that those who said it occurred were mistaken. However, this Task Force has evidence to support the fact that on October 18, 2006, this statement was made

and it was made by Vice-Chancellor Gomez **in the presence of Chancellor Drake.**

A Jewish student interviewee was present and heard the comment. She published this statement by Vice-Chancellor Gomez on a blog. Thereafter, according to this interviewee, Vice-Chancellor Gomez demanded that she retract her statement. The witness further testified that another University official contacted the interviewee's publisher and demanded retraction. It is unclear whether the Vice Chancellor offered a written statement to the publisher explaining his statement; **however, this attempt at censorship is contrary to Gomez stated position as a clear, outspoken and unequivocal proponent of the First Amendment.**

"A research University often attracts students who engage in contentious debate over one issue or another, and we take very seriously the freedoms established to protect democracy and the open exchange of different views and ideas. It is through the challenge of multiple perspectives that students learn to develop the skills to question specious logic. This is why tyranny frequently begins with censorship and the elimination of the marketplace of ideas. The American founding fathers certainly understood this firsthand, which is why the Bill of Rights protects the public exchange of ideas as the first priority, with the broadest freedoms. Following the examples of the Founding Fathers, Supreme Court Justice Brandeis argued, 'If there is time to expose through discussion the falsehoods and the fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence.' At UCI we will continue to follow the path this path of education and upholding the law. "—
Manuel Gomez July 21 2006