



PAUL, PLEVIN,  
SULLIVAN &  
CONNAUGHTON LLP

## MEMORANDUM

**TO:** Diane F. Geocaris, Esq., Campus Counsel  
**FROM:** Richard A. Paul, Esq.  
**DATE:** March 15, 2010  
**SUBJECT:** Inquiry into a May 21, 2009 Event

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### I. THE INQUIRY AND INFORMATION-GATHERING PROCESS

On or about October 16, 2009, I was asked to investigate certain issues related to an event at U.C. Irvine ("UCI") occurring on May 21, 2009, in connection with a speech given on campus by George Galloway, M.P., entitled "Israel: The Politics of Genocide." The event was sponsored by the Muslim Student Union ("MSU") as part of what is generally referred to as "Islamic Awareness Week." The specific issues I was asked to investigate are described in greater detail, *infra*.

Over the next week I reviewed a variety of documents and policies provided to me by the campus, including material released in connection with a Public Records Act request. This material included several letters authored by representatives of the Zionist Organization in America ("ZOA") and responses thereto. I then constructed an outline of facts and witnesses available from this record.

Armed with that background, I determined which persons I felt had pertinent information and began the process of scheduling interviews. In late October I interviewed a number of witnesses, including at least one representative from the Office of the Dean of Students, Student Affairs, Conference Services, the Student Center, Campus Police, and others involved in the scheduling of the May 21 event, and in the administration of policies pertinent to it. Next, I obtained and reviewed a videotape of the speech from social media and did other internet investigation and other follow up investigation to better understand what took place at the event.

During this period I was contacted by a representative of the MSU, Reem Salahi, Esq., President of the Muslim Bar Association of Southern California and counsel for the MSU. After preliminary discussions Ms. Salahi helped arrange interviews of MSU members. On November 12, 2009 I interviewed two [REDACTED] MSU [REDACTED] on campus. Ms. Salahi was present and also presented information. Thereafter I reviewed the evidence, considered applicable policies, and drew certain tentative conclusions. I then tendered an additional

request for information to the MSU, which was answered on December 14, 2009. I then created a draft of this report. In early and mid January I sought clarification of several matters from three witnesses and further drafted the report. An important factual gap still remained, so in late January I asked the MSU for additional information. I completed the last interview on February 3, 2010.

Annotations are to specific documents in my file, but are not appended as exhibits unless otherwise indicated.

## II. ENTITIES, ROSTER AND LEXICON

### A. The Muslim Student Union.

The MSU is a recognized student group on the campus of U.C. Irvine. It was formed in 1992 to provide information and support for Muslims in the UCI community. ([http://www.msu-uci.com/?page\\_id=2](http://www.msu-uci.com/?page_id=2), 10-26-09.) In 2009 its Officers included [REDACTED]

### B. Viva Palestina.

Viva Palestina appears to be a generic name for various relief efforts having the common publicly described purpose of providing aid to people in the Gaza area. According to a web report, it is a British-based charitable organization formed in January, 2009 by George Galloway, M.P., as a response to the 2008-2009 Israel-Gaza conflict. The Viva Palestina website also asserts that Viva Palestina is a registered Charity in the UK, number 1129092, established for the asserted purpose of providing from the UK food, medicine and essential goods and services needed by the civilian population, and highlighting the causes and results of wars with a view to achieving peace. (<http://www.vivapalestina-su.org/donate>, 11/22/09.) Information provided me by the MSU suggests that Viva Palestina was not itself a 501 (c) (3) charitable organization under U.S. law in May, 2009. It appears to solicit funds via what it describes as "a fiduciary partnership" with the Interreligious Foundation for Community Organizations/Pastors for Peace (IFCO), which Viva Palestina asserts holds tax exempt status under section 501 (c) (3). (Id.)

### C. University offices and employees with information concerning the May 21 event.

1. Office of the Dean of Students. The Office of the Dean of Students has broad authority and responsibility over student issues. Sally Petersen was Dean until June 30, 2009. Rameen Taleh was Associate Dean of Students until July 1, 2009, and is currently Assistant Vice Chancellor and Dean of Students. Edgar Dormitorio is Assistant Dean, Director of the Office of Student Conduct, and has acted as Director of Student Judicial Affairs.

2. Student Affairs. Manuel Gomez is the Vice Chancellor for Student Affairs. Leslie Millard Rogers is currently Director of Student Affairs Communications. Sandy Winslow was the Director of Student Organizations between 2006 and 2009.

3. Conference Services. Amy Schulz is the Associate Director of the Student Center and Events Services. Darren Endo acted as a Conference Services event planner for the May 21<sup>st</sup> event.

4. UCIPD. Sgt. Richard Worcester was present at and had information about the event.

5. FSAT. The Free Speech Advocacy Team is a working group assembled under and coordinated by Edgar Dormitorio to provide a presence at campus free speech activities, and to work constructively with students and student organizations to provide information about University programs and procedures pertaining to free speech events. Its goal is to help assure successful educational programs.

### III. BACKGROUND EVENTS

#### A. MSU's general awareness of and dealings with administration offices in connection with events.

For several consecutive years, the MSU at UCI has organized and presented various programs and events to promote awareness of issues of concern to it. In the course of preparing and presenting these activities the MSU has interacted with various campus offices with responsibility for these matters; has become generally familiar with the processes and protocols to be followed to reserve space and conduct events; and has from time to time applied for funds from the Associate Students of UCI ("ASUCI") in connection with the events.

In 2009, the MSU again conceived and made arrangements for another series of events generally referred to by various witnesses as "Palestine Awareness Week".<sup>1</sup> The weeklong activities were conducted in the days surrounding May 21<sup>st</sup>.<sup>2</sup> I do not know the precise dates when organizing activity for the programs began, but by early April, 2009, the MSU had sufficient information about the event to apply for some funding in support of the week long event from ASUCI. (Exhibit 1.)

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<sup>1</sup> A variety of names have been used to describe the Springtime awareness events described herein; I have settled on the generic "Palestine Awareness Week" since it is a commonly used referent for the series of events during which the Galloway speech occurred, and is the event title on MSU's ASUCI funding application.

<sup>2</sup> Palestine Awareness "Week" may be a misnomer. One flyer suggested that events related to the "week" took place between May 5th and May 21st, a period of more than two weeks.

B. Viva Palestina/Galloway.

For some time prior to the events at UCI, George Galloway, MP, has been an outspoken and internationally known advocate for relief and support to the people in the Gaza area of Israel/Palestine.<sup>3</sup> Some time in late Fall of 2008 or early 2009, Galloway announced a project, called “Viva Palestina,” to solicit and obtain supplies and other goods for people in Gaza, and to transport them to Gaza via a truck caravan across Europe. The widely publicized caravan of 110 vehicles got underway on February 14, 2009. According to a news report, nine volunteers were arrested in the United Kingdom on or about February 20, 2009, for alleged violation of the British Terrorism Act. Publicity on the BBC ensued, with Galloway issuing statements commenting on the Viva Palestina project. ([http://wikipedia.org/wiki/Viva\\_Palestina](http://wikipedia.org/wiki/Viva_Palestina), 10/30/09, citing “Gaza-bound aid convoy leaving UK” *BBC*, 2009-02-14, <http://news.bbc.uk/1/hi/uk/7889948.stm>, 2/16/09; “Galloway Condemns Lancashire Police Action Over Gaza, etc.” *OfficialWire*, 2009-02-20, [http://www.officialwire.com/main/php?action=posted\\_new&rid=87166&catid=2](http://www.officialwire.com/main/php?action=posted_new&rid=87166&catid=2), 2-20-09.) The convoy arrived in Gaza on March 9, 2009, accompanied by approximately 180 extra trucks of aid reportedly donated by Libya’s Gaddafi Foundation. ([http://wikipedia.org/wiki/Viva\\_Palestina](http://wikipedia.org/wiki/Viva_Palestina), 10-30-09, citing various news sources.) Various authorities stopped and blocked certain of the planned deliveries. (Id.) The events surrounding the convoy were widely followed on the internet and in print and television media worldwide.

Sometime in this general time frame, at a date not known but likely to be in February or early March, 2009, internet reports began to circulate that Galloway intended to come to the United States and Canada for the purpose of generating support for a U.S. sponsored version of the original UK Gaza relief project.<sup>4</sup> The project was also being carried on under the name of “Viva Palestina”, and is sometimes referred to as “Viva Palestina U.S.” In the course of traveling in the United States in the Spring, 2009, Galloway appeared at various events including events in Chicago and many other cities. On April 6th and 7th Galloway appeared at events in San Diego and Anaheim. On May 23rd he spoke at a conference in Anaheim, California, following his May 21st appearance at UCI.

While I have been told of at least two presentations made by Galloway in Southern California that were not accompanied by a solicitation of funds at the speech itself, internet accounts suggest that it was well known that at least a significant—and likely the dominant-- purpose in Galloway’s coming to the United States in the Spring of 2009 was to raise money for Viva Palestina. One account reported that Galloway visited the U.S. three times between March and June, appearing in 25 cities. Among his appearances were speeches in San Diego and Anaheim in early April; at UCI (infra); and at the Al-Awda

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<sup>3</sup> A variety of names, depending on one’s point of view, have been used to describe the area and persons living in Gaza. The MSU refers to the area as the “Occupied Territories of Palestine”. The ZOA refers to it as the “Gaza area of Israel”. I will use the term “Gaza” as an intended neutral term to describe the area.

<sup>4</sup> See Anti-Defamation League posting of July 22, 2009, asserting that “Galloway began garnering interest in an American version of Viva Palestina almost immediately after leading the European convoy in March.” ([http://222.adl.org/main\\_Anti\\_Israel/galloway\\_us\\_tour\\_09.htm?Multi\\_page\\_sections=s](http://222.adl.org/main_Anti_Israel/galloway_us_tour_09.htm?Multi_page_sections=s), 10/30/09 (“ADL”).)

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convention in May in Anaheim, California. (ADL, supra, n. 4.) That convention was announced on February 15, 2009.

Viva Palestina USA, as the US effort has been called, raised \$1,200,000.00, according to one account. ([http://www.aztlan.net/viva\\_palestina\\_gaza\\_report.htm](http://www.aztlan.net/viva_palestina_gaza_report.htm), 10/30/09.)

C. MSU's actions in scheduling the Galloway appearance at UCI.

The first contact between the MSU and George Galloway about a possible appearance at UCI apparently occurred in 2007 when an MSU member, whom I will call [REDACTED] Doe,<sup>5</sup> made contact with Ron McKay, George Galloway's assistant, to explore whether it would be possible to secure Galloway as a speaker for that year's Islamic Awareness event at UCI. The two discussed the possibility of Galloway coming either in 2007 or 2008 to UCI for an informational speech. A date was selected, but Galloway had to cancel because of reelection campaign demands in the U.K. This tentative arrangement for a campus appearance was reached, and would have been executed, long before Viva Palestina was conceived or came into existence.

In 2009, [REDACTED] Doe attended the April 7 Galloway speech in Anaheim. The speech, per Doe, was a speech to launch Viva Palestina US, but did not involve the solicitation or collection of money at the venue. However, Galloway described in the speech his plan to visit various US cities and campaign for funds for Viva Palestina US, and Doe learned that Galloway planned another visit to Southern California in late May. At the April 7 event Doe renewed [REDACTED] prior telephone acquaintance with Ron McKay, who handled arrangements for Mr. Galloway. Doe inquired about Galloway's willingness to work into his schedule a campus informational speech in connection with his tour. Ron McKay said he would see what he could do. In the next few days the two talked via telephone, and McKay identified a window between May 19th and May 21st during which Galloway was scheduled to be back in Southern California. The two quickly agreed to an appearance at UCI on May 21st, two days before the scheduled Al-Awda convention in Anaheim.

According to Doe, Galloway agreed to the UCI appearance as a favor to the UCI MSU, whom he sensed had been trying for a number of years to obtain his appearance.

Doe made it clear to me that what [REDACTED] anticipated was an informational speech, like the one [REDACTED] had heard in April. Doe told me that there was no discussion of fundraising or solicitation of funds in [REDACTED] early April discussions with McKay arranging for Galloway's appearance. (Doe did not talk with Galloway directly; [REDACTED] said all [REDACTED] negotiations were with McKay.)

The only business arrangements Doe reached with McKay were to provide a payment toward airfare, which [REDACTED] recalled was pegged at \$500, and an honorarium of \$2,500, for a total of \$3,000. On or before April 10th Doe and McKay reached an agreement for Galloway's appearance at UCI on May 21st.

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<sup>5</sup> The member spoke with me only on condition of anonymity.

Doe urged that from [redacted] perspective the appearance was to be informational. [redacted] told me that fundraising was not discussed, nor made a condition of the appearance. Doe envisioned an informational presentation like [redacted] had seen in Anaheim on April 7th. Doe told me [redacted] wanted to invite a large number of students to the event, including those who were likely not committed to the cause of Viva Palestina, and thus the informational format was the best in [redacted] mind for this diverse group.

[redacted] Having made the arrangements before April 10th, Doe informed MSU leadership of [redacted] achievement, and turned over to them the responsibility to arrange facilities and the like. Doe had little or no further contact with Galloway or his staff until the day of the event.

Within days after learning from Doe that Galloway was available to appear at UCI during Palestine Awareness Week, [redacted] told me that [redacted] on behalf of the MSU, consulted with an Event Planner from Scheduling and Conference Services within the Student Center at UCI, and on April 10, 2009, filled out a "Special Event Information Form" to reserve space for the anticipated Galloway speech. (Exhibit 2.) When filling out the form, [redacted] checked "No" in response to the question "Is this a fund raiser?" [redacted] told me that at the time [redacted] filled out the form [redacted] had no knowledge or understanding that there would be fundraising at the event. [redacted] had not been the MSU contact with Galloway. It was [redacted] understanding that Galloway would be appearing and making a speech concerning the plight of people in Gaza and related issues.<sup>6</sup> The original form and copies were left with the Student Center on April 10, 2009; [redacted] probably retained a copy.

Also appearing for an interview with [redacted] was [redacted]

I asked both [redacted] and [redacted] when they first became aware, to any extent, that there was or might be fundraising occurring at the Galloway appearance, which took place on May 21, 2009. Each said that their awareness was either on the day of the event or possibly a day or two before. [redacted] said [redacted] became aware. [redacted] thought, when [redacted] saw that someone from the MSU had procured white folding paper boxes, which [redacted] presumed would be used to "pass the hat" at the event. [redacted] saw those boxes only a day or two before the event. [redacted] best recollection is that [redacted] did not learn of the fundraising until the day of the event itself. Doe's recollection was the same, that [redacted] had no idea there would be fundraising until the boxes were actually passed at the event.

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<sup>6</sup> In general I found [redacted] to be a credible witness. [redacted] demeanor, though a little guarded at first, became open and forthright. [redacted] appeared to search [redacted] memory in answering questions. [redacted] did not hesitate to volunteer information not particularly helpful to [redacted] position. However, [redacted] did decline to identify the MSU member who actually did the negotiations with Galloway, and to that extent was uncooperative with my effort to locate the person or persons who actually made the arrangements with Galloway or his staff.

It never occurred to [REDACTED], upon becoming aware that some solicitation of funds would or might occur at the event, to contact the Office of the Dean, or to update the Special Event Information Form. (Exhibit 2.) I note that the form did not call for updating of any of the information on it. [REDACTED] did not understand [REDACTED] to be under any obligation to file an amended form if details of the event changed. I believe [REDACTED] regarded it as a form to get the process started, but that if the shape or needs of the event changed, [REDACTED] could discuss them with the Student Center representative assigned to the event. That said, there is no evidence that [REDACTED] discussed the plan to raise money at the event with the Event Planner assigned to the event, even after [REDACTED] learned of the plan to raise money.

D. The May 21, 2009 event.

Galloway spoke at the event. I reviewed some of the recordings of the event. After he spoke, an unidentified speaker addressed the audience and indicated, inter alia, that "donation boxes are going to help support the US convoy. They are going to support the US convoy of Viva Palestina, so if you could donate generously we would appreciate that."

At the event, [REDACTED] addressed the crowd and said, in pertinent part:

We have donation boxes going all the way around. There will be donation boxes at the door as you exit. If every individual in this group donates just \$20, \$20, that's lunch twice. It's not that big of a deal. You can go without lunch for two days, right? Just \$20, right? Just donate \$20 and just from this group today we'll have donated and supplied the people of Gaza with two, almost two trucks, almost two trucks full of the medical supplies that they're being denied by the Israeli government.

After these remarks, the boxes were passed, and approximately \$5,200 was raised. According to the MSU, this amount was not used to pay Galloway's \$3,000 honorarium, which was separately funded by the MSU. All of the money was donated to Viva Palestina by the MSU. (Analytically, one may view this activity as either the MSU soliciting money for Viva Palestina, or Viva Palestina soliciting money for itself at an event hosted by the MSU. I will evaluate the issue below in both constructs.)



Therefore, I find that the FSAT was not aware, one way or the other, of whether the event had been applied for as a fundraiser or approved as a fundraiser.



E. Applicable policies.

In interviewing campus personnel I learned that the question requiring identification of fundraising activities in the Special Event Registration Form probably derived from Sections 40.00 (A) and 42.30 (A) and (B) of the UCI Implementation Rules under the University of California Policies Applying to Campus Activities, Organizations, and Students. Section 40.00 (A) provides, in pertinent part, that

Registered campus organizations...may use University properties. . . . .  
The sponsoring group has the responsibility to know and adhere to special use guidelines, polices or restrictions that may pertain to specific facilities. Wherever an event is sponsored by a registered campus organization, it must be reviewed by the Office of the Dean of Students, as appropriate, for compliance with University policies and procedures.

Section 42.30 (A) deals with noncommercial fund raising by campus organizations, and provides:

Noncommercial fund raising by campus organization is permitted. The provisions below govern the collection of moneys, the solicitation of donations...and the financial accountability required of fund raising groups:

1. Fund raising is defined as the collection of moneys on University properties by means of sales, contributions, donations, solicitation, membership fees, and/or admission charges to fund raising events or meetings on a regular or occasional basis.



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3. All fund raising by registered campus organizations must first be approved by the Office of the Dean of Students.

4. Funds raised may not be used for illegal purposes; furthermore, use of the funds raised must be defined and be consistent with the stated purpose of the fund raising activity.

Section 43.20 (B) deals with noncommercial fund raising by Off-Campus organizations, and provides, in pertinent part:

Noncommercial off-campus organizations such as charitable organizations, public service agencies, noncommercial political organizations . . . may engage in fund-raising activities on campus only if they comply with time, place and manner regulations [as follows]:

1. Organization shall provide UCI Scheduling & Conference Services a copy of its Internal Revenue Service exemption letter (or similar document), verifying 501 (c)(3) status, prior to conducting any fund raising activities on campus.

2. Organization shall complete a "Request for Use of University Properties" and submit it to scheduling & Conference Services prior to conducting any fund raising activities on campus.

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6. Organization shall provide to donors receipts, identifying the name, date, address, phone number of the soliciting organization and the amount of the donation.

The form at issue was drafted some years ago in an effort to comply with those procedures.

F. University interests that the policies appear to serve.

When I asked various personnel what they thought the reason was behind the Dean's Office needing to know about fundraising activity, several interests were identified. The primary interest was to be certain that any student group that would be soliciting funds and handling cash was aware of the University's safe cash handling processes and safe boxes for the deposit of cash. These services are made available in case a group gathers cash, perhaps in the evening, that cannot be immediately deposited in a bank. As a service to student groups the safe handling process is made available so that the cash can be deposited immediately in a safe box.

A second interest of the campus is in being certain that campus facilities are not misused for inappropriate purposes by student groups. For example, Policy 42.30 (A) (4) says that University facilities may not be used for any unlawful activity.

A third identified interest underlying disclosure was to enable the University to verify the bona fides of the ultimate donee or beneficiary of any solicitation, in case matters of fraudulent solicitation, or theft of the money, arose, and to ensure that the rules governing solicitations by non-campus organizations are followed.

#### IV. ANALYSIS AND CONCLUSIONS

Based on the foregoing facts, I pose and answer the questions put to me as follows:

A. Did fundraising occur at the May 21st Galloway speech?

Answer: Yes. Ms. Salahi argued that the meaning of what is a “fundraiser” was not clear to her. We together examined the text of section 42.30 (A) (1), supra. Ms. Salahi argued that the phrase “on a regular or occasional basis” at the end of the section made the definition not apply to the Galloway event. I disagree. First, the quoted clause may well modify the phrase “membership fees, and/or admission charges to fund raising events or meetings” rather than the section as a whole. Second, even if it modifies the section as a whole, including the words “collection” and “donations”, and “solicitation”, it still would cover such activities done on an occasional basis,<sup>7</sup> such as occurred at the Galloway event. It makes no sense to construe this regulation to exclude one-time solicitations of money, and I find it covered the solicitation of funds on May 21, 2009.

B. Did the fundraising of May 21st occur without University permission?

Answer: Yes. There is no indication in any of the records that the Dean’s office was aware of fundraising before the event, or approved fundraising before or at the event.

[REDACTED]

[REDACTED] Therefore, the

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<sup>7</sup> The American Heritage Dictionary defines “occasional” as not only occurring from time to time, but “occurring on a particular occasion.”

[REDACTED]

fact that they did not take action at the event when the donation boxes were passed neither constituted a breach of their enforcement duties nor a ratification or endorsement of the fundraising activity.

C. Did the fundraising of May 21st violate University policy?

Answer: Yes. As noted above, one may view the activities of the persons soliciting money on the evening of the 21st as either actions of the MSU, or as actions of agents of Viva Palestina. Either way, a violation has occurred. If the solicitation was done by the registered student organization MSU, it was done without the permission of the Dean's Office, which permission is required by section 42.30 (A) (3). If the solicitation was done by or on behalf of Viva Palestina, it was done in violation of section 42.30 (B) and subparts, since Viva Palestina did not register with or obtain any approval from UCI Conference Services, nor provide evidence of 501 (C) (3) status.

D. Did the MSU or any of its members intentionally deceive UCI or the Dean's office in their failure to disclose fundraising activities?

Answer: There is circumstantial evidence of possible interest in having a fundraiser at the time of the booking the event (April 10th), but this evidence was contradicted and explained by the accounts of several MSU witnesses. I conclude, based on their accounts, that there is not sufficient evidence that at the time of the booking the MSU had formed an intention that the event would be, or was likely to become, a fundraiser. However, the MSU became aware that it would be a fundraiser sometime between the booking and the actual event. I am unable to determine whether their non-disclosure at that time to the Dean's office was inadvertent or otherwise.

In general, I found the account of [REDACTED] of the events to be credible, in the sense that [REDACTED] did not appear to be evasive or resistant to the questions I posed. [REDACTED] account, that [REDACTED] was not personally aware that fundraising would occur on May 21st until shortly before the event, was seconded by [REDACTED]. Ms. Salahi told me she had talked to [REDACTED] and represented that their information was consistent with the information provided by [REDACTED].

On the other hand, in March and early April Galloway was widely reported to be in the United States on a fundraising tour. Doe learned that on April 7th. In fact, the MSU's own application for funding from ASUCI, dated April 15th, just five days after [REDACTED] filled out the space reservation form, recites, in pertinent part:

“[Galloway] is now campaigning for a US envoy (sic) that will raise 10 million dollars for Gaza to be delivered this summer.”

That recital leaves no doubt in my mind that the MSU was aware that the purpose of Galloway's U.S. visit in general was to raise money for Viva Palestina or a U.S. convoy.

██████████ assert that they personally had no knowledge that fundraising would actually occur at the UCI event until very shortly before the event. However, ██████████ not ██████████ representatives who negotiated Galloway's appearance or communicated with him about the nature of his presentation or intended activities.

Given that contradiction in the evidence, when I interviewed ██████████ and Ms. Salahi, I asked that they make available to me the student who had actually negotiated the event details with Mr. Galloway or his representatives, and the complete email or fax trail showing what was discussed between the MSU and Galloway on the subject of his appearance, fee, and intended activities. This information was not provided, nor was I told the identity of the person who made the arrangements. On December 11, 2009 I renewed my request, but was told thereafter that no such written information existed. The individual who actually negotiated the arrangement was not identified to me at that time, nor made available for interview. On January 14, 2010, I again renewed my request, and once again MSU's counsel indicated that she would not provide for interview the person who actually had the crucial information on this issue for the MSU, since the person with the information wished to remain anonymous for what she described as personal but unrelated reasons. On January 16, 2010, Ms. Salahi offered to provide a written account from the anonymous person via email, but not to provide the person for my direct examination. On January 18, 2010, I received a forwarded email from the person who made the arrangements, indicating that he or she was the person who negotiated Galloway's appearance; that there never was any agreement with Galloway's representative that funds were to be raised; that the purpose of the appearance was educational; and that the only business terms were to arrange for accommodations and a highly discounted honorarium. The email did not explain how the decision to solicit funds was reached; by whom; when; or whether it was reached in conjunction with Viva Palestina (the recipient of the funds). I thus asked Ms. Salahi, one last time, to furnish the student who actually did the negotiating for interview. On January 19th Ms. Salahi agreed to furnish the student for interview on condition that ██████████ identity remain unknown to me and anonymous in any report I would write, for reasons personal to ██████████

On January 20th I interviewed the negotiator, whom I dubbed ██████████ Doe, at length. As noted above, Doe confirmed that the deal ██████████ struck with Galloway's assistant and manager, who ██████████ named as Ron McKay, was for an educational appearance like that which Doe observed on April 7th.<sup>9</sup> While I was not able to locate a video record of the April 7<sup>th</sup> speech, sponsored by Al-Awda, I did review the May 23rd speech at the Al-Awda convention and noted that it was not accompanied by any solicitation of funds or passing of the hat.

I thus tentatively concluded that there is no evidence that at the time of the original booking of Galloway, MSU knew that the event would be a fundraiser and intentionally withheld that fact from UCI. However, none of the three MSU witnesses could explain when, or how, it was ultimately determined that funds would be raised. Each claimed not

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<sup>9</sup> One internet report said the Viva Palestina effort was organized by someone named Ron Kovic. I am not sure if McKay is the correct reference. See ADL, supra note 4.

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to be the person making the decision, and to have learned of it only at or shortly before the event. I was still left with no explanation from MSU as to when the decision was made, by whom, and why.

Therefore, in late January I made yet another request to the MSU that they provide to me for interview the person who actually made the decision to do fund raising at the event, and/or the person who actually communicated with Viva Palestina or George Galloway about the decision and details of the fundraising. I also asked to interview [REDACTED]  
[REDACTED]

Ms. Salahi, on behalf of the MSU, declined to undertake to identify the person who actually made the decision to do fundraising or the person who actually communicated with Viva Palestina or George Galloway about the decision and details of the fundraising. She indicated she did not know, but also that she did not support the investigation and did not feel it was her duty to assist in determining which persons were involved in the process. She did, however, furnish [REDACTED] whom I interviewed on February 3, 2010.

[REDACTED] told me that [REDACTED] was not involved in any negotiations with Viva Palestina or Galloway about fundraising. However, [REDACTED] said that the MSU was aware for a number of months before the event that Galloway was coming to UCI, and that by mid or late March [REDACTED] understood that speech had been secured. [REDACTED] was not involved in the planning, but [REDACTED] also told me there was not a central planning function by the MSU in connection with the event, like a Board meeting or committee or the like. The planning was, as [REDACTED] put it, "random" and consisted of individual members advancing the program and loosely keeping others informed. From [REDACTED] perspective, [REDACTED] knowledge was more in the nature of hearing from others how the event was coming about.

[REDACTED] told me that when [REDACTED] first learned in March of the visit, [REDACTED] did not hear anything about the event being a fundraiser. [REDACTED] assumed it would be an informational speech. Evidently [REDACTED] participated in filling out the April paperwork, because [REDACTED] told me, "When I filled out the paperwork, I looked [at the fundraising question] and said, we were not raising funds for him. At that time there had been no plan, agreement, understanding or other discussion about the event being a fundraiser."

[REDACTED] said that it was only quite a bit later, right before the event, that the MSU decided to raise funds for Galloway. To [REDACTED] best recollection, neither Galloway nor Viva Palestina requested that fundraising occur. The decision appears to have been MSU's.

I confronted [REDACTED] with the abundant internet and other evidence making clear that Galloway's announced purpose in coming to the U.S. in the Spring of 2009 was to raise money for Viva Palestina. [REDACTED] acknowledged that before the actual booking, [REDACTED] was aware that Galloway's U.S. visit was part of a fundraising effort. [REDACTED] explained [REDACTED] deliberative state of mind as follows [quoted words are either direct quotes or accurate paraphrases]:

“At first, we wanted the event to stay separate from any fundraising, since we had lots of unanswered questions. But as time went on, our concerns lessened, and we figured toward the end, you know what, it should be okay. We wanted to avoid a conflict . . . we didn’t know if there would be any potential legal implications. We didn’t want to be associated with Viva Palestina at first, since we didn’t know where the project was going. That is why we kept our distance, and did not plan the event as a fundraiser. But after that [the booking] we learned some things that made us later decide it was okay.”

“First, we found out they [Viva Palestina] had an organization in the U.S. through which they were collecting money, a legitimate organization. [REDACTED] did not recall the name “Pastors for Peace”; but I infer [REDACTED] was referring to that or a sister non-profit that was used as a channel for the collections.] We found out there was an organization that was collecting money for them.”

“Second, they were very clear that they weren’t going to give anything to Hamas, or anything like that.”

“Third, there was a sense that they [Viva Palestina] were experiencing ‘smooth sailing’ – that is, that we were not aware of any actions or protests or issues that would have made fundraising for the charitable relief effort of VP USA not appropriate.”

To [REDACTED] what emerged, bit by bit, was that Viva Palestina had a legitimate fundraising arm in the U.S.; that its solicitations were for charitable and not military purposes; and that its U.S. fundraising tour was not being challenged elsewhere as in any way inappropriate. Thus, [REDACTED] said, at some point a decision was made to go ahead and pass the hat at the event. [REDACTED] could not pinpoint exactly how far before the event this happened.

I asked [REDACTED] why, once the MSU determined that fundraising was going to occur, it did not at that time report its decision to the Dean’s office. In what I thought was a candid admission, [REDACTED] said that “obviously it’s on the form, so we knew of it” – referring to the notion that the Dean’s office was supposed to be informed if an event was to be a fundraiser. [REDACTED] said that the idea of fundraising just popped up at that last minute, and that [REDACTED] simply did not think to secure anybody’s permission. “We just didn’t think of it. We didn’t know that we had to have explicit permission.”

[REDACTED] did go through student organization orientation in the Fall of 2008, but did not recall if at that time [REDACTED] was provided with text form the facilities use policies noted above.

Based on all this information, it is clear that after it decided to do fundraising at UCI sometime in mid-May, the MSU did not disclose the fact it so intended to any official at UCI. The question I now address was whether that non-disclosure was intentional.

Based on the accounts of [REDACTED], Doe and [REDACTED] I conclude that while as of April 10, 2009, the MSU knew generally that Galloway’s purpose in his U.S. tour was to raise money for Viva Palestina, U.S., the MSU had not made up its mind at that time whether it would actually support or participate in fundraising at the event. I credit

description of the unfolding analysis that MSU members went through in gathering additional information before actually deciding to support fundraising at the event. Thus, I find that the MSU did not intentionally misdescribe the event when it filled out the April 10th form, since at that time the event was not being planned as a fundraiser.

However, I do conclude that once the MSU made the decision to raise funds, sometime in the period shortly before the event, it failed to seek approval from the University for that activity. I lack sufficient information to decide whether this failure was negligent, reckless or intentional.

## V. REMEDIAL CONSIDERATIONS

While it is not my assignment to determine what remedial measures should be taken, I have been asked to set forth any additional information that might be useful to UCI in considering remedial action based on these findings that the MSU, and/or Viva Palestina, violated University policies in connection with the May 21st event.

As a starting point I note that virtually everyone in University administration with whom I spoke regarding policy and policy enforcement noted that the general philosophy in enforcing policies related to student events conducted by student organizations is to favor an educational rather than punitive approach, unless the behavior, whether group or individual, causes or threatens to cause actual physical, fiscal or other harm or disruption within the university community. One witness told me that [REDACTED] could not recall ever having to invoke student disciplinary policies in connection with event scheduling or event conduct issues. No witness cited any examples of the use of disciplinary policies in similar circumstances, in which permission for fundraising was in issue, though one allowed that if someone complained of fraudulent solicitation at an event, or complained that collected funds had been embezzled or used inappropriately, student conduct disciplinary policies might well come into play.

In a somewhat related inquiry I specifically posed the question to a number of employees to the effect "What would you have done had the application indicated that fund raising would take place?" Many suggested that they would first alert the MSU to the safe cash handling processes. None indicated that there was any pre-created form asking to identify the details of solicitation. But what further action would have been taken is not entirely clear and would have depended on the specific facts presented to the Dean's office.

If the matter was viewed as a solicitation by an outside organization, I infer that had the Dean's office been informed of the identity of the organization for whom funds were being solicited, Viva Palestina, it would then have had the opportunity to ask questions to do due diligence on the factors related to outside organization fundraising under Policy 42.30 cited above. In this case, since Viva Palestina did not apparently have a 501 (c)(3) letter ruling, it is possible that its efforts to raise money might not have been approved. Even if the British non-profit exemption was honored, receipts to donors might have been required. It is also probable that a further inquiry about the IFCO/Pastors for Peace connection to the intended use of the solicited funds would have ensued. The entire

Re: Inquiry into a May 21, 2009 Event  
March 15, 2010  
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purpose of this hypothetical inquiry would have been to get a clear picture of the compliance facts.

On the other hand, if the matter was viewed as solicitation by a campus organization, a somewhat different approach might have obtained. Most certainly an effort would have been made to understand the relationship between the donee organization and an appropriate charitable objective.

This predisposition to use persuasion and education as the sole remedy for non-compliance yields, however, where (1) the student organization had been non-compliant in other respects, (2) had disregarded other compliance requests and counseling by the Dean's office, or (3) injury to or disruption of the rights of others is present. This might be the case, for example, if the group had prior noise abatement violations, or a history of disruptive behaviors, or had engaged in alcohol violations, hazing infractions, or other behavior causing injury or disruption to the university community. It is also important to consider whether the requirement for Dean's office approval for fundraising was made clear in communications to the student organization, in orientation programs, or via other media.

It is not my assignment to determine with any precision the proper remedy for the act of raising funds on campus without the permission of the Dean's office. That decision rests in the sound discretion of the university, and may include examination of matters beyond the scope of my assignment.<sup>10</sup> All I can do is to gather the facts as best they can be determined to provide a record upon which that sound discretion can be exercised.

Richard A. Paul



March 15, 2010.

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<sup>10</sup> At various times Ms. Salahi has argued that this inquiry, and any discipline that might result, are the process of what she calls "selective enforcement." I asked her for any specific examples she could provide of instances in which other organizations engaged in fundraising without permission, and were not disciplined. She had none, but her argument seems to be that if the same scrutiny were applied to the activities of all other organizations as is directed to the MSU, she believes that other, similar circumstances would come to light.



# **EXHIBIT**

**1**

# Student Programming Funding Request

04/15/2009

12:38:26 pm

## General Information

Sponsoring Club/Organization		Muslim Student Union	
Program/Event		George Galloway	
Contact		Telephone	
Address		Email	
City		State	
		Zip	

## Description of Program/Event

George Galloway is a British politician and member of Parliament since 1987, and is best known for his staunch campaign to both overturn economic sanctions against Iraq in the 1990s, and more recently, avert the 2003 invasion of Iraq. In response to the recent War on Gaza which began in the end of December 2008, Galloway created the Viva Palestina aid convoy to the Gaza Strip. After he raised an insurmountable amount of humanitarian aid in a matter of four weeks, Galloway and hundreds of volunteers launched the convoy in the strip, which included a fire engine, 12 ambulances, trucks full of medicine, tools, clothing, blankets, and gifts for children. He is now campaigning for a US envoy that will raise 10 million dollars for Gaza to be delivered this summer.

Dates of Event	May 21st	Time of Event	6pm
Location	Pacific Ballroom	Estimated Attendance	700+

## Contracted Entertainment

## Expenses

Musicians / Performers / Lecturers / DJ / etc.	
George Galloway	\$6,000.00
<b>Total</b>	<b>\$6,000.00</b>

## Support Services

Food & Refreshments	Light Refreshments	\$150.00
Film / Video Rental		
Exhibit (art, photo, etc.)		
Decorations		
T-shirts		
Parking		
Gifts & Awards		
Other		
Other		
<b>Total</b>		<b>\$150.00</b>

# Student Programming Funding Request

## Advertising & Promotion

## Expenses

Flyers	5,000		\$600.00
Posters	100		\$100.00
Newspaper Ads			
Banners			
Postage / Mailing			
Other			
Other			
Other			
<b>Total</b>			<b>\$700.00</b>

## Facilities / Equipment

Room Rental			\$500.00
Tables & Chairs			
Stage Use			
Sound System			
Special Lighting			
Other			
Other			
<b>Total</b>			<b>\$500.00</b>

## Technical Crew

SoundTech			
Lighting Tech			
Audio / Visual			
Electrician			
Other			
Other			
<b>Total</b>			

## Security Staff

Event Staff (Parking & Trans.)			
Event Manager (Student Center)			
Building Manager (Student Center)			
UCI Police Officers			
Other			
Other			
<b>Total</b>			

## Support Staff

Cashiers / Ushers/TicketTakers			
Custodial (Clean Up)			
Stagehands			
Other			
Other			
<b>Total</b>			

# Student Programming Funding Request

## Income & Funding Sources

### Income / Revenue

Ticket Sales		
Registration Fees		
Program Advertising Sales		
T-shirt / Merchandise Sales		
Food & Beverage Sales		
Other		
Other		
Club Contributions		\$3,000.00
<b>Total</b>		<b>\$3,000.00</b>

Total Expense	Total Income	Amount Needed
\$7,350.00	\$3,000.00	\$4,350.00

## Amounts Requested

(fill in the amounts you would like each group to fund)

ASUCI	Requested \$4,500.00 Funded \$0.00
Dean's Fund	Requested  Funded
MPC	Requested  Funded
Health	Requested  Funded
Alumni	Requested  Funded
CSF	Requested  Funded

Funding Needed	Total Funded
\$4,350.00	

# **EXHIBIT**

**2**

# SPECIAL EVENT INFORMATION FORM

Please complete sections that apply to your program. This form shall be accompanied by a Scheduling & Conference Services reservation form when submitted to the Office of the Dean of Students.

To ensure proper coordination of all support services, this form shall be submitted to Scheduling & Conference Services ten (10) working days prior to the program date. Event will be confirmed once all approvals are granted.

Event Reference #: 2584 Event Day/Date: 5-21-2009

## Sponsoring Organization Information

Sponsoring Organization: Moglin Student Union  
Event Contact: [Redacted]  
Student ID #: [Redacted]  
E-mail address: [Redacted]  
Phone #: [Redacted]  
Name of Co-Sponsoring Organization: \_\_\_\_\_  
Co-Sponsor Contact Name: \_\_\_\_\_  
Co-Sponsor Phone #: \_\_\_\_\_

Student Center deposit safe. You will need to fill out a Special Event Deposit Form.

Is this a fund raiser?:  yes  no  
How will the funds be disbursed?: \_\_\_\_\_

Reminder: Admission to dances is restricted to UCI Students (with proper identification) and those individuals 18 years or older.  
Individuals responsible for checking IDs: \_\_\_\_\_

## Event Description

Campus Facility booked: Pacific Ballroom CD  
Event Time: 6:00pm - 11:30pm  
Title of Event: Visa Palestine  
Description/Type of Event: British Parliament member will discuss the recent embassy he led to Gaza.  
Primary Audience: students  
Est. Att.: 400 Est. % of UCI Students: \_\_\_\_\_  
Will food be served:  yes  no If yes, please specify (a food permit may be required): \_\_\_\_\_

## Security

Please describe special security needs (to be approved by UCI Police Department): \_\_\_\_\_

FSAT to be notified.

## Advertising Information

Individuals responsible for publicity: [Redacted]  
If you are using flyers or posters where will they be distributed/posted?  
 members only  
 UCI Campus  
 other campuses: \_\_\_\_\_  
 community: \_\_\_\_\_  
What other types of advertising do you intend to use?  
 invitations  
 radio: (stations) \_\_\_\_\_  
 other (describe): flyers, facebook  
Will the Performer/Speaker also advertise your event:  
 yes  no

## Amplified Sound

Will your event require amplified sound?  
 Yes  No  
If yes, you may be required to fill out an additional form.  
\*\*\*\*\*  
Will you be presenting any copyrighted materials?  
Yes No If yes, please describe: \_\_\_\_\_

## Signature Section

I acknowledge responsibility for this event and affirm the above information is true.

Signature of Applicant: [Redacted] Date: 05/10/09  
Sponsoring Organization: [Redacted] Authorized Signer

Facility reserved by (Scheduling & Conference Services): \_\_\_\_\_

Event reviewed by (Office of the Dean of Students): \_\_\_\_\_

Distribution: UCI Scheduling & Conference Services (White); Office of the Dean of Students (Yellow); Sponsoring Organization (Pink)

UCI Scheduling & Conference Services: (949) 824-5252  
Rev. 4/07

## Admission

Will there be an admission fee required to attend the event?  no/free  yes If yes:  
Tickets: Advance price: \_\_\_\_\_  
At the door price: \_\_\_\_\_  
\_\_\_\_\_ donated item/other: \_\_\_\_\_  
Individuals responsible for money collected at the door: \_\_\_\_\_

For events taking place in the Student Center, all money collected at the door must be deposited in the