



*Via e-mail*

April 22, 2016

Vice Chancellor Jerry Kang  
[kang@law.ucla.edu](mailto:kang@law.ucla.edu)

Chancellor Gene Block  
[chancellor@ucla.edu](mailto:chancellor@ucla.edu)

**Re: Harassment Targeting Students for Justice in Palestine at UCLA**

Dear Vice Chancellor Kang and Chancellor Block:

I'm writing on behalf of Students for Justice in Palestine (SJP) and the individual members who were recently targeted by defamatory and hateful posters, which accused them, without basis, of terrorist activity. These posters target SJP members for their apparent ethnicity, religion, national origin, and political speech supportive of Palestinian freedom.

Thank you for making a strong and clear statement condemning this attack and defending SJP and the Muslim Students Association as student organizations in good standing. Thank you especially for acknowledging the escalation, and committing to deploy university resources. Given UCLA's responsibilities under California law, the First Amendment of the U.S. Constitution and Title VI of the Civil Rights Act of 1964, we are encouraged by your promise to take immediate steps to ensure these students' safety, reputation, and educational opportunities – including the right to speak out in favor of Palestinian human rights – are not further violated.

I write to emphasize that the UCLA administration and the UC Regents have responded inadequately over several years to incidents of false accusations, intimidation and harassment targeting SJP. The administration's inadequate responses have contributed to the recent escalation in intimidation tactics.

#### **I. Summary of Harassment Directed at SJP**

Over the past two years SJP at UCLA<sup>1</sup> and individual members have faced a number of escalating attacks based on false accusations about their speech activities and motivations.

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<sup>1</sup> SJP at UCLA is a student organization dedicated to "the Palestinian struggle for justice and equal rights." SJP explicitly "rejects all forms of discrimination and oppression, including racism, sexism, homophobia, ableism, anti-

The most recent posters appearing on the UCLA campus, for which the David Horowitz Freedom Center has taken credit, named sixteen individuals and described their advocacy for Boycott Divestment and Sanctions (BDS) as a “ Hamas-inspired genocidal campaign,” allied with terrorists, and promoting Jew hatred. These accusations are plainly false and defamatory.<sup>2</sup> While these statements have no factual basis, they gain traction from stereotypes of Arab, Muslim, and Black Americans as inherently violent.

Of the sixteen names on the posters, eleven are current or former SJP members. Of these eleven SJP members, eight are of Arab and/or Muslim descent (five Palestinian); two are Latina; one is African American. All sixteen are profiled on the blacklisting site “ Canary Mission” with a stated aim to prevent activists for Palestinian rights from obtaining employment. The targeted SJP activists are vocal supporters of Palestinian rights not to mention dedicated anti-racist activists, and they advocate for BDS as a non-violent means of achieving justice in Israel/Palestine. Two of the names on the posters are professors, both African American, who have been vocal supporters of Palestinian rights. (Of the remaining three names, two were student senators and one is unknown to SJP.) The content of the posters makes clear the accusations are based on the individuals’ perceived racial, national origin, ethnic and religious characteristics.

The David Horowitz Freedom Center posted equally abhorrent messages defaming SJP as a violent organization at UCLA on three previous occasions in February 2015<sup>3</sup>, April 2015,<sup>4</sup> and November 2015 when he also published baseless accusations in the Daily Bruin.<sup>5</sup> SJP repeatedly expressed its concern and requested to meet with Chancellor Block. He has repeatedly denied their requests.

UCLA SJP members were also subjected to public false accusations in the fall of 2015 and early 2016 as retaliation for asserting their constitutional rights to viewpoint neutrality in funding student activities. During this period:

- SJP President Yacoub Kureh was accused at least twice of “targeting Jewish students” while distributing flyers in dorms as an undergraduate.<sup>6</sup> This statement is false.
- In a discussion about the Graduate Student Association funding controversy on a public UCLA email listserve, a student accused SJP of being “near violent” and anti-Semitic.<sup>7</sup> This is also a false statement.
- SJP was repeatedly called a “hate group.”<sup>8</sup>

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Semitism, and Islamophobia.” (Students for Justice in Palestine at UCLA, <http://www.sjpb Bruins.com/about-us.html>.) Membership in and involvement with SJP undoubtedly serves an important educational purpose.

<sup>2</sup> Id. The Boycott, Divestment and Sanctions (BDS) movement is a non-violent tactic, initiated by a wide swath of <http://www.sjpb Bruins.com/endorsements.html>.

<sup>3</sup> See, <http://www.sjpb Bruins.com/news--opinion/sjp-at-ucla-responds-to-anti-palestinian-and-islamophobic-hate-speech-posted-on-campus-and-in-westwood>.

<sup>4</sup> See, <http://www.sjpb Bruins.com/news--opinion/horowitz-hate-posters-return-to-campus>.

<sup>5</sup> See, <http://dailybruin.com/2015/11/18/letter-to-the-editor-posters-linking-sjp-msa-to-terrorist-groups-are-not-islamophobic/>

<sup>6</sup> See, <http://www.dailywire.com/news/3235/anti-semitic-hate-group-bullies-graduate-student-pardes-seleh>. This accusation was also posted in the comments of a Daily Bruin piece, which the Daily Bruin deleted upon request.

<sup>7</sup> Screenshots are on file with the student.

<sup>8</sup> See, for example, <http://www.frontpagemag.com/fpm/260874/sjp-hate-group-fights-right-harass-jews-ucla-daniel-greenfield>

- SJP’s assertion of its constitutional rights was characterized as bullying the student government to obtain public funding.<sup>9</sup>
- The Daily Bruin printed the false statement that SJP hosted a “mock stabbing.” The statement was corrected only after being on-line for over 15 hours, and after Kureh went in person to the editor’s office to demand they take it down.<sup>10</sup>

In April 2015, vandals defaced SJP’s signboards, and SJP complained of a pattern of harassment and intimidation.<sup>11</sup>

In February 2015, at the UC Student Association (UCSA) hearing where UCSA endorsed divestment, students shouted at Muslim, Arab and other students supporting divestment, calling them “terrorists” and yelling, “UCLA is a breeding ground for terrorism.” UCLA administrators, including the Vice Chancellor for Student Affairs were present but there was no response.

In spring 2014, the Los Angeles City Council introduced a resolution condemning efforts by student groups at UCLA to organize an ethics pledge that challenged the influence of Israel lobby organizations on campus. The City Council resolution mischaracterized the students’ efforts as bullying and harassment, and urged the university to report students to “the proper law enforcement agencies.”<sup>12</sup> They proposed this recommendation without any evidence of criminal activity.<sup>13</sup>

## II. The University Has Further Maligned Advocates for Palestinian Rights

Actions by the UCLA administration dating back several years have severely stigmatized campus members advocating for Palestinian rights, making them more vulnerable to off-campus harassment. For example:

- During the fall of 2015, the Graduate Students Association committed unconstitutional viewpoint discrimination by requiring the Diversity Caucus to have “zero connection” with anyone who supports divestment from Israel. The administration delayed responding to SJP’s request for remedial action for four months. The university also denied SJP’s request to acknowledge the harmful chilling effects and refused to publicly affirm that support for divestment cannot be penalized.
- In June 2014, Chancellor Block met with personally with Tammi Rossman Benjamin of the AMCHA Initiative,<sup>14</sup> who, like Horowitz has made defamatory and baseless accusations that SJP and MSA are pro-terrorist organizations.<sup>15</sup> The Chancellor did not denounce her false and dangerous accusations; rather he bolstered her credibility by meeting with her, meanwhile refusing to meet with the UCLA students she targeted.
- In May 2014, Chancellor Block issued a statement “on civil discourse” that characterized SJP’s advocacy against the Israel lobby on campus as intimidation, even if protected by

<sup>9</sup> <http://www.dailywire.com/news/3235/anti-semitic-hate-group-bullies-graduate-student-pardes-seleh>.

<sup>10</sup> See, <http://dailybruin.com/2016/02/03/submission-polarization-undermines-israeli-palestinian-dialogue/>

<sup>11</sup> See, <http://www.sjpb Bruins.com/news--opinion/vandalism-of-student-group-property>.

<sup>12</sup> See Los Angeles City Council Resolution, May 27, 2014, available at SJP UCLA, “Student Response to Los Angeles City Council Resolution on Ethics Statement,” June 2, 2014, <http://www.sjpb Bruins.com/news--opinion/student-response-to-los-angeles-city-council-resolution-on-ethics-statement>.

<sup>13</sup> See, <http://palestinelegal.org/the-palestine-exception-appendix#ucla2>.

<sup>14</sup> See, <http://www.amchainitiative.org/ucla-chancellor-block-and-thanking-la-city-council-members/>.

<sup>15</sup> See, <http://palestinelegal.org/the-palestine-exception-appendix#santacruz2>.

the First Amendment.<sup>16</sup> The statement grossly misrepresented the facts of SJP's campaign.<sup>17</sup>

- In 2012, UCLA violated the academic freedom rights of Professor David Shorter after he included information about BDS in course material. When an Israel advocacy organization, the AMCHA Initiative, objected to links on the course website, the chair of the UCLA Academic Senate responded by investigating Shorter and releasing false information to the press.<sup>18</sup>

The UC Regents Statement of Principles Against Intolerance is another example of how UC officials at the highest level have contributed to the vilification of campus activity critical of Israel.

Though ostensibly the Regents' intent was to address "intolerance," not once during the UC Regents' yearlong drafting process did any UC official take the opportunity to condemn the previous instances of Horowitz postering on UC campuses that accused SJP and BDS of promoting "Jew Hatred." Instead, members of the Regents repeatedly embraced the view that activism for Palestinian rights is hateful to Jews. The Regents reproduced the false conflation of anti-Semitism with anti-Zionism throughout the public hearings process, and in the Regents final statement. This false conflation is the basic premise of the Horowitz flyers.

Repeated university actions that violate academic freedom and First Amendment rights, and statements that malign and mischaracterize SJP's activities, have left campus members who advocate for Palestinian rights, in particular Arab, Muslim and other students of color, in an extremely vulnerable position for the David Horowitz Freedom Center to exploit.

### **III. Pattern of Suppression of Palestine Advocacy**

The recent incidents at UCLA are part of a national trend to suppress Palestine advocacy. Last September, Palestine Legal and the Center for Constitutional Rights released a report, *The Palestine Exception to Free Speech in the U.S.*,<sup>19</sup> which documents how Israel advocacy organizations routinely level false accusations of anti-Semitism and support for terrorism against campus members. These accusations are increasingly manifesting themselves through personal attacks, often made online, aimed at threatening and intimidating those who advocate for Palestinian rights.

### **IV. UCLA's Legal Obligation**

UCLA has an obligation, under California state law, the First Amendment and Title VI of the Civil Rights Act of 1964, to ensure that Palestinian students and Palestine solidarity activists enjoy the right to speak out in favor of Palestinian freedom without discrimination based on the viewpoint they express, and that students are protected from harassment, intimidation, and discrimination based on their race, color, or national origin. As you know, Title VI prohibits discrimination on the basis of religion when, as with the anti-Muslim attacks SJP members have

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<sup>16</sup> Gene Block, "A Message from Chancellor Block on the Importance of Civil Discourse," *UCLA Newsroom*, May 16, 2014, <http://newsroom.ucla.edu/a-message-from-chancellor-block-on-the-importance-of-civil-discourse>.

<sup>17</sup> See, <http://palestinelegal.org/the-palestine-exception-appendix#ucla2>.

<sup>18</sup> See, <http://palestinelegal.org/the-palestine-exception-appendix#ucla1>.

<sup>19</sup> The report is available online at <http://palestinelegal.org/the-palestine-exception>.

faced, the actions are based on a group's actual or perceived shared ancestry or ethnic characteristics.

On December 31, 2015, the U.S. Department of Education (DOE) issued a "Dear Colleague" guidance letter urging institutions to recognize the particular vulnerabilities of Arab and Muslim students amid rising anti-Muslim sentiment.<sup>20</sup> In seeming anticipation of the David Horowitz Freedom Center posters targeting students, the DOE raised caution about the "dissemination of misinformation" as a form of harassment based on race, religion, or national origin.<sup>21</sup> The DOE noted:

Such inappropriate conduct in schools can take many forms, from abusive name-calling to defamatory graffiti to physical violence directed at a student because of a student's actual or perceived race or ancestry, the country the student's family comes from, or the student's religion or cultural traditions. If ignored, this kind of conduct can jeopardize students' ability to learn, undermine their physical and emotional well-being, provoke retaliatory acts, and exacerbate community conflicts.

Indeed, in light of physical threats to visibly identified Muslim students in Southern California and across the U.S., the UCLA students identified in the Horowitz poster attack are concerned about their physical safety. They now fear walking on campus to attend class, to teach, study, and participate fully in campus life, which of course includes political activism.

Considering the DOE's guidance, and the clear pattern of online and on-campus harassment and discrimination specifically targeting SJP members, the University must take action to ensure that their educational opportunities are not obstructed.

We are heartened by Vice Chancellor Kang's reference to the provisions of the UC Regents Statement of Principles Against Intolerance that call for quick and forceful action in response to such attacks. But we are dismayed that UCLA has failed to do so on so many previous occasions described above.

At a minimum, the University should honor the following requests of SJP:

1. Make an affirmative effort to account for and protect the safety of students and faculty targeted by harassment. For example, SJP would like to see a rapid response plan where individual targets are notified, and campus authorities offer safety protections, privacy protections, counseling services, and appropriate accommodations for course responsibilities. Such a plan should account for the possibility that Horowitz or others may further escalate intimidation tactics.

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<sup>20</sup> See, Emma Brown, *Washington Post*, "Amid growing anti-Muslim sentiment, Education Department urges schools to prevent discrimination," January 4, 2016, <https://www.washingtonpost.com/news/education/wp/2016/01/04/amid-growing-anti-muslim-sentiment-education-department-urges-schools-to-prevent-discrimination/>.

<sup>21</sup> See, Arne Duncan, Secretary of the U.S. Department of Education, Letters from the Education Secretary or Deputy Secretary, December 31, 2015, <http://www2.ed.gov/policy/gen/guid/secletter/151231.html>.

2. Work with SJP to ensure that the attacks and accusations made against individuals do not negatively impact educational and/or employment prospects. For example, offer reputation repair services.<sup>22</sup>
3. Institute training for administrators and student affairs staff on Islamophobia, including how it manifests on campus, and appropriate responses;
4. Commit the Chancellor to meeting with Palestinian students, which he has refused to do;
5. Commit the university's resources to preventing and responding to discrimination against Arab and Muslim students, as the DOE called for in its December 31<sup>st</sup> 2015 Dear Colleague Letter.

I look forward to hearing from you regarding the University's response to these incidents. I can be reached at [REDACTED].

Sincerely,

Liz Jackson  
Staff Attorney, Palestine Legal

cc Amy Blum, Interim Vice Chancellor for Legal Affairs

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<sup>22</sup> See, for example, <http://www.sacbee.com/news/local/education/article71659992.html>