

# National Lawyers Guild

## San Francisco Bay Area Chapter



February 21, 2014

University of California Board of Regents  
c/o President Janet Napolitano  
1111 Franklin Street  
Oakland, CA 94607

California State University Board of Trustees  
c/o Chancellor Timothy P. White  
401 Golden Shore  
Long Beach, CA 90802

Dear President Napolitano and Regents; Chancellor White and Trustees:

Once again, the leaders of California's public universities are being pressured by a small corps of self-described defenders of Israel whose real goal is to silence healthy debate over Israel's policies and silence advocates for Palestinian human rights on California campuses.

On January 22, 2014, several members of the Amcha Initiative and of StandWithUs addressed the regents during the public comment period at their San Francisco meeting, in the wake of recent appearances by Omar Barghouti, a leader of the Palestinian non-violent campaigns for boycotts and divestment directed at changing Israeli policies, at three UC campuses. The groups distributed written materials and notified a long list of university heads, politicians and community leaders of their demands to stop faculty and students from sponsoring such events.

Representatives of Amcha and StandWithUs made similar demands at a CSU board meeting in Long Beach on January 29, demanding a crackdown against a professor who exercises his right to free speech in posting links to information about Palestinian support activities on his web site.

Amcha Initiative, StandWithUs and several other groups have adopted what is now a familiar modus operandi:

1. They concoct demonstrably false narratives about specific campus events involving criticism of Israeli government policies, describing them as if they targeted, even violently so, Jewish students.

558 Capp Street San Francisco, CA 94110 | [www.nlgssf.org](http://www.nlgssf.org) | phone 415.285.5067 | fax 415.285.5066



2. They then paint an overall picture of campuses in which Jewish students are under constant attack in a pervasively hostile environment – in direct contradiction of actual surveys of those students, who overwhelmingly report the opposite.
3. They write to UC chancellors and CSU presidents, citing the falsified events, to demand that they condemn the speech of advocates for Palestinian human rights and shut down their campus organizations.
4. They attack academic freedom of faculty members by similarly mischaracterizing expressions of personal views and pretending that the faculty purport to represent official university positions; and by proffering outlandish accusations against academic departments that sponsor speakers with whom they disagree, or that affiliate with academic associations that adopt certain positions on important issues.
5. They send copies of their correspondence to legislators and push them to introduce sign-on letters to university administrators, resolutions and even unconstitutional legislation that reflect the false allegations and dark descriptions of campus life – and endorse suppression of free speech.

Amcha Initiative co-founder Tammi Rossman-Benjamin, an instructor at UC Santa Cruz, has been particularly active over the past year or so. You may recall having received from her copies of the following, among other items:

1. A 2012 letter to several university presidents and chancellors seeking unsuccessfully to bar departmental sponsorships of presentations by Prof. Ilan Pappé, an Israeli historian, whom she falsely accused of supporting terrorism. In late 2013, she leveled the same false accusation against American Jewish author (and a recent speaker at several California campuses) Josh Reubner in a New York Daily News op-ed, and was caught on video alleging that members of the Muslim Students Association and Students for Justice in Palestine, some of whom attend her classes, have “terrorist ties.”
2. A January 2013 letter to UC Davis’ chancellor accused pro-Palestinian protestors of intimidating and “physically threatening” Jewish students present at a peaceful teach-in that among other things, opposed Israel’s November 2012 assault on Gaza that was then in progress. Video posted online by Amcha, strangely enough, showed nothing of the sort. Students who were present, assisted by attorneys from civil rights organizations, made sure to inform the administration of what had really occurred. As a result, the university dismissed Amcha’s allegations of criminal violations and refused its demands that students and campus organizations be punished.

3. September 2013 and February 2014 letters demanded that CSU Northridge stop a faculty member from posting on his university website information about boycott and divestment campaigns in solidarity with the Palestinian civil society call for them. Amid the hysteria, CSUN administrators reaffirmed their previously stated support of academic freedom and said the professor did not violate CSU rules or state law. The state attorney-general, to whom Amcha also turned, also found there were no violations of state law. Amcha has made similarly frivolous complaints to UC Los Angeles, accusing a Professor of anti-Semitism for a link on his course website material related to boycott campaigns; to San Jose State, alleging anti-Semitism by a professor for organizing a workshop on “Peacebuilding, Nonviolence, and Approaches to Teaching the Israeli-Palestinian Conflict”; and to the UC President’s Office, broadly making false accusations of support for terrorism against all chapters of Students for Justice in Palestine and the Muslim Students association across the University of California.
4. In the latest episode, Amcha and others objected to and demanded that UC “investigate” mid-January, 2014, appearances at UC Davis, Los Angeles and Riverside by Omar Barghouti a founder and leading advocate of the Palestinian academic boycott of Israel, which has recently been endorsed by a number of U.S. academic associations. In its appearance and letters, Amcha falsely accused Barghouti of anti-Semitic expression and was particularly upset by the fact that his talks were co-sponsored by a number of academic departments, as frequently occurs for visiting speakers from broad spectrums of viewpoints on many subjects. Amcha proffered baseless allegations that the sponsorships violated state law and UC policy.

In all these regards, we direct the attention of university administrators to the August 2013 findings of the U.S. Department of Education’s Office on Civil Rights dismissing complaints filed under Title VI of the Civil Rights Act that alleged UC failure to protect Jewish students from a hostile environment on three campuses – one of them coming from Amcha’s Rossman-Benjamin herself against UC Santa Cruz.<sup>1</sup> “Of the four events alleged in the OCR complaint, ... all these events constituted (or would have constituted [two were canceled]) expression on matters of public concern directed to the University community. In the university environment, exposure to such robust and discordant expressions, even when personally offensive and hurtful, is a circumstance that a reasonable student in higher education may experience. In this context, the events that were described do not constitute actionable harassment.”

---

<sup>1</sup> See <http://ccrjustice.org/newsroom/press-releases/victory-student-free-speech%2C-department-of-education-dismisses-complaints>

We trust that regents, trustees and leaders of every campus in the UC and CSU systems will be guided by the reasoning of the DOE decisions, which reflects the principles enshrined in the U.S. and California constitutions, in state laws and in countless judicial rulings. The relentless bullying by Amcha, StandWithUs and others can be foiled by university issuance of clear, strong statements upholding principles of academic freedom in general, and regarding discussion of Israel and Palestine in particular – and by promptly rejecting the unconstitutional demands by Amcha and others whenever they occur. The consequence of failing to do so until now has been not only an ominous chilling of free speech on campus but a trivialization of anti-Semitism to the point that any criticism of Israel is purported to be fueled by a hatred of Jewish people and triggers a call for punitive action by the university. It is important to ensure that necessary attention is given to real instances of anti-Semitism, while open debate is allowed to proceed without interference by those wishing to silence one side of that debate.

We would welcome the opportunity to discuss these matters with you in more detail and/or to provide additional documentary material.

Sincerely,



Executive Director

National Lawyers Guild San Francisco Bay Area Chapter

On behalf of NLG San Francisco Bay Area Chapter and  
NLG Los Angeles  
NLG San Diego  
Jewish Voice for Peace  
Center for Constitutional Rights  
Council on American-Islamic Relations-California

---

CC:

Individual UC regents  
Individual CSU trustees  
UC campus chancellors  
CSU campus presidents  
Attorney General Kamala Harris  
California state senators  
California state Assembly members