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Rose Project
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- Thank you very much, Jeff, for that kind introduction. And my thanks also to Rabbi Miller and to Debbie Margolis, for your support of the Rose Project's speakers series and for your deep engagement with the UC Irvine Community. I also want to thank the UCI students with whom I met earlier this afternoon for sharing their thoughts and experiences with me.
- I'm honored by your invitation and delighted to be here with members of the Jewish Community of Orange County. I wish only that my wife Judy could have joined us tonight.
- There's much to talk about – the state of the University, the state of the state, the impact of the election on the University's well-being. But I know that many of you are here tonight because of your concern about one topic in particular.
- I've spoken to a number of Jewish organizations and Jewish media outlets since I took office as president, and one of the first things I'm often asked is about the tension between free speech and hate speech on university campuses.
- I'm a constitutional lawyer, so as you might imagine, I've given some thought to this question – I've spoken and written on it on a number of occasions. And I thought I'd spend a few moments on the issue tonight, given the public interest in it.
- We are here in large part because in recent years — and in recent months — UC Irvine and other campuses across the country have been roiled by some anti-Israel programs hosted by a Muslim student group. Earlier this year, of course, protestors disrupted the speech of Israeli Ambassador Michael Oren. In subsequent

weeks, several of our campuses saw incidents of intolerance and hate speech that prompted not only distress and deep introspection, but also action, which I'll tell you about shortly.

- One of the things to remember is that we may have 20,000 students on a campus, but it takes only 20 or 30 of them to get the media out and to upset the various communities, whether it is the Jewish community or any other.
- When I hear anti-Semitic speech, I have a couple of reactions.
- On a personal level, as a Jew, I find it abhorrent. And I try to remind people, it's no different than if the Grand Dragon of the Ku Klux Klan showed up on campus and engaged in racist, hateful speech — how would African Americans on that campus feel? One can be committed conceptually to the principle of free speech and yet be very personally offended by the content of the speech. In that capacity, I condemn the anti-Israel, unbalanced programs, the disruption of Ambassador Oren's speech, and all anti-Semitic utterances. I have said and written this before.
 - I understand that the fear engendered by such speech is real. And I understand that the fear is deeply rooted in our historical experience. We remember those who said the Nazis' propaganda should not be taken seriously. History proved them wrong.
- But my second reaction, as a constitutional lawyer and as a public university president, is that our institutional responses must follow the law. And the First Amendment bars us, on public university campuses, from censoring individuals on the basis of the content of their message. You can have time, place, and manner restrictions — you can't interrupt the economics class with your bullhorn — but the content cannot be censored. You can seek to punish bullying, hate crimes, stalking, assaults and other actions — but not pure speech.

- It's important to note, also, that in these cases it typically is not the university inviting the speaker onto campus. It typically is a student group. And I would argue that legally and as a matter of policy we do not want to constrain their ability to do so. University campuses are supposed to be a diverse marketplace of ideas, a vibrant intellectual place. It is critical that our policies be conducive to a spirited intellectual life.
- When you want a thousand flowers to grow, there are always some weeds out there, and these are some of the weeds and some of the problems.
- And we deal with them as they arise.
- When a student group interrupted the speech of Ambassador Oren at UC Irvine last February, there were serious consequences. There is simply no constitutional right to drown out the speech of another. None. After due process, several individuals were found to have violated the rules and the student group was suspended from campus. I also personally apologized to Ambassador Oren.
- Since then, following a number of troubling incidents of intolerance on our campuses, we have taken other steps.
- We are tightening our student code to more clearly define hate crimes and have enhanced sanctions for violations of the code that are found to be motivated by hate. I should note that UC policy already affirmatively includes religion as one of the bases on which harassment is prohibited. In that sense, UC is already compliant with last week's Department of Education policy, which invokes Title VI protection under the Civil Rights Act for acts of harassment based on religion or shared ethnic characteristics. I support that policy, though it does not magically erase the speech-action constitutional issue.
- Students can also now face additional campus discipline for criminal convictions.

- At my direction, each campus has formed a Committee on Campus Climate, Culture and Inclusion. I have also formed a President's Council on Campus Climate, Culture and Inclusion to support and advise those on each campus. We've met twice now, most recently at the Museum of Tolerance, and I am deeply impressed by the talent, intellect and thoughtfulness of my advisers. I'd like to recognize Rick Barton, a member of the president's council, who is here with us tonight. Rick is National Education Chair for the Anti-Defamation League. I have made a point of speaking with ADL, Hillel and American Jewish Committee leaders as issues important to the Jewish community arise.
- As far as the University and Israel, I want you to know that last May Regents' Chairman Russ Gould and I co-signed a letter saying that we would not bring forth the issue of divestment from companies doing business with the State of Israel before the Board of Regents. I am firmly opposed to such measures. The proposed isolation of Israel among the countries of the world, pursuant to a double standard, disturbs us greatly and is of grave concern to the members of the Jewish community.
- I also restarted the University's Study Abroad programs with Hebrew University.
- I understand that for some of you, the steps I've outlined will never be enough.
 - But I strongly urge you not to write off the Campus Climate Councils before they have had a chance to do their vital work.
- Allow me one other broad observation: censorship is not the way of the Jewish people. That's what the recommendations of some in our community entail. If anyone has benefited from the First Amendment principles of freedom of religion and freedom of speech, it's the Jewish people in this country. Those are protections we should not take lightly and should not seek to undo

lightly. There was a Hebrew University before there was an Israel.

- However, as leaders of the institution, even if we do not seek to censor hateful speech, we can still exercise our own rights to free speech. We can condemn hateful speech when we hear it.
- We not only can, we must. I believe university presidents have a moral obligation to speak forcefully about the bedrock values of the country and of higher education, the bedrock values of diversity and tolerance and other similar values.
- It's what Lee Bollinger of Columbia University did when the Iranian president came to speak there. It's what Chancellor Michael Drake has done at UC Irvine. Protect the First Amendment rights of individuals, but speak out against hateful, hurtful speech when it occurs, as it sometimes will.
- As you can see, I didn't give up my First Amendment rights when I became a university president. But as a university president and a scholar of constitutional law, I also have to recognize the speech rights of all, no matter how offensive I may find the result.
- It may be hard to realize in the moment, but I believe this approach also produces stronger students. We have to have confidence that when a student emerges from a university, even if there have been some horrible speakers on that campus and some terrible perspectives presented, on balance, being exposed to all these different points of view, our young people will work it through for themselves.
- On the issue of bad speech or anti-Semitic propaganda, let me point out that family is a critical part of Jewish history, and on the whole, we are very good at parenting.
 - (We make mistakes, of course — I once told my young daughter Samara that she could date anytime after medical school...It didn't work.)

- So we should be confident about the values and the morals that we have instilled in our children. We always want to protect them, but like you, they are strong and not easily deceived.
- I think one of the primary responsibilities of higher education in a democracy is to produce self-controlled citizens.
- As Oliver Wendell Holmes said, the best remedy for bad speech is good speech.
- The Jewish community has to be very attentive in terms of countering these messages. You are not going to stamp this stuff out in terms of censorship, but you should be active in propelling forward your message. If you don't like what's being said, say something different that is more honest, more true, and better public policy.
- I strongly urge Jewish students to get involved in student government. Become effective leaders in your communities. That is one of the best remedies I know. I applaud the work that the Rose Project is doing in promoting engagement and education among Jewish students.
- I want students, indeed all members of the university community to feel safe on our campuses. I meet regularly with Jewish students — in fact, I had the privilege of meeting with a Hillel group right before our dinner tonight — and in my unscientific survey at several of our campuses, students do, by and large, feel safe.
- The larger question is not simply how we respond to disturbing speech or disturbing incidents, but how we prepare our students to live as citizens of the world — to think critically, to make good choices for themselves and for their communities.
- In closing, I would like to say that the anti-Semites do not define the Jewish people. We are what I would call an aspirational

people, and as such, we should be defined by our ideals and morality.

- This is the genuine narrative of the Jewish people over the thousands of years of our history, and it is the essence of the philosophy of Moses Maimonides, one of our greatest thinkers.
- If you think about Maimonides, an escapee from southern Spain, he finally locates outside of what is today Cairo and writes "The Guide for the Perplexed," which continues to perplex me.
- He lived his life with the most virulent form of anti-Semitism. He lived his life in the shadow of the slaughter of Jews in the Holy Land by the Crusaders. He lived in the shadow of some radical Muslim regimes that would not allow the Jewish people to live in peace.
- Despite all that, he kept up a lifelong search for higher levels of truth and insight. He never let that culture of anti-Semitism and those people define his mission as a great Jewish philosopher and legal scholar.
- With that, I'd like to thank you for the opportunity to talk a bit about freedom of expression today. I look forward to your questions, and hope I've touched on some topics that are of interest to you today.
- Thank you.