

From: "Harrison, Dianne F" <dianne.harrison@csun.edu>
Date: October 4, 2013 10:40:17 AM PDT
To: Tammi Benjamin <tammi@amchainitiative.org>
Cc: "lhernandez@calstate.edu" <lhernandez@calstate.edu>, "twhite@calstate.edu" <twhite@calstate.edu>, "gajones@calstate.edu" <gajones@calstate.edu>, "attorneygeneral@doj.ca.gov" <attorneygeneral@doj.ca.gov>, Stepan Haytayan <stepan.Haytayan@doj.ca.gov>, Douglas Woods <Douglas.Woods@doj.ca.gov>, "Speaker.Perez@assembly.ca.gov" <Speaker.Perez@assembly.ca.gov>, "tlorlakson@cde.ca.gov" <tlorlakson@cde.ca.gov>, "Senator.Padilla@sen.ca.gov" <Senator.Padilla@sen.ca.gov>, "Assemblymember.Buchanan@assembly.ca.gov" <Assemblymember.Buchanan@assembly.ca.gov>, "brad.sherman@mail.house.gov" <brad.sherman@mail.house.gov>, Jennifer Gorovitz <JenniferG@sfjcf.org>, Doug Kahn <dkahn@jrcrc.org>, "rabbibrandt@jfed.org" <rabbibrandt@jfed.org>, "myrna@jfed.org" <myrna@jfed.org>, "jyl@jvalley.org" <jyl@jvalley.org>, "diane@jvalley.org" <diane@jvalley.org>, "jsanderson@jewishla.org" <jsanderson@jewishla.org>, "sanderson@jewishla.org" <sanderson@jewishla.org>, "acushnir@jewishla.org" <acushnir@jewishla.org>, Melissa Chapman <mchapman@jewishsac.org>, Jessica Braverman Birch <jbirch@jewishsac.org>, "lenmf1@yahoo.com" <lenmf1@yahoo.com>, "michaels@ujfsd.org" <michaels@ujfsd.org>, "lindaf@jewishfederationsandiego.org" <lindaf@jewishfederationsandiego.org>, "shalom@jfoc.org" <shalom@jfoc.org>, "chelle@jfoc.org" <chelle@jfoc.org>, "mrsassler@sbjf.org" <mrsassler@sbjf.org>, "skatz@sbjf.org" <skatz@sbjf.org>, "dgoldfarb@jewishlongbeach.org" <dgoldfarb@jewishlongbeach.org>, Mervyn Danker <dankerm@ajc.org>, "greenebaumg@ajc.org" <greenebaumg@ajc.org>, Ari Hier <iact@wiesenthal.com>, Rabbi Abraham Cooper <acooper@wiesenthal.com>, Rabbi Meyer May <rabbimay@wiesenthal.com>, Roz Rothstein ~ SWU <roz@standwithus.com>, Orit Arfa <Oarfa@zoa.org>, Jesse Rosenblum <rosenblumjh@msn.com>, "sandiego@zoa.org" <sandiego@zoa.org>, "marving@sfjcf.org" <marving@sfjcf.org>, "rabbi@mjcs.org" <rabbi@mjcs.org>, "kalinsky@aol.com" <kalinsky@aol.com>, "schapira@uscj.org" <schapira@uscj.org>, "BoardofRabbis@JewishLA.org" <BoardofRabbis@JewishLA.org>, "julie@jpac-cal.org" <julie@jpac-cal.org>, "MarshaH@sfjcf.org" <MarshaH@sfjcf.org>, Capitol Pessah <capitolknesset@gmail.com>, "MCARR@ADL.ORG" <MCARR@ADL.ORG>, "ngrotch@adl.org" <ngrotch@adl.org>, "kogrady@adl.org" <kogrady@adl.org>, "mcasuto@adl.org" <mcasuto@adl.org>, "csilverman@adl.org" <csilverman@adl.org>, "sbrysk@adl.org" <sbrysk@adl.org>, "asusskind@adl.org" <asusskind@adl.org>, Abraham Foxman <AFoxman@adl.org>
Subject: Re: Prof. Klein's unlawful webpage

Ms. Benjamin:

This matter has been reviewed by the university in consultation with General Counsel, as well as by the State Attorney General's Office. The university's position and findings in this matter have been expressed in prior statements; however, to respond directly to your latest question, we do not consider Education Code 89005.5 or any part thereof to have been violated in any way.

As I have said in a past public statement on this issue, I do not agree with Dr. Klein's positions and, particularly, the manner in which he has chosen to present them. However, I support the rights that have been afforded him to do so. Support for the university's position can be found in the American Jewish Committee's policy statement on anti-Semitic and anti-Israel Incidents on U.S. College and University Campuses, approved by the AJC's Board of Governors on June 25, 2012 and posted at <http://www.ajc.org/site/apps/nlnet/content3.aspx?c=7oJILSPwFfJSG&b=8510915&ct=12943089>, which noted that while remedies exist for combating harassing anti-Semitic behavior or intimidation, care must be taken not to suppress protected speech.

We respect your views on this matter but have explained the university's position. As any further engagement on this matter would not be productive or result in a change in the university's position, the university considers this matter closed and will not engage in further communications on this issue until and unless there is new evidence of alleged wrong doing.

Dianne F. Harrison, Ph.D.
President
California State University, Northridge

From: Tammi Benjamin <tammi@amchainitiative.org>

Date: Mon, 30 Sep 2013 10:41:00 -0700

To: Dianne Harrison <dianne.harrison@csun.edu>

Cc: "lhernandez@calstate.edu" <lhernandez@calstate.edu>, Tim White <twhite@calstate.edu>, "Jones, Andrew" <gajones@calstate.edu>, "attorneygeneral@doj.ca.gov" <attorneygeneral@doj.ca.gov>, Stepan Haytayan <stepan.Haytayan@doj.ca.gov>, Douglas Woods <Douglas.Woods@doj.ca.gov>, "Speaker.Perez@assembly.ca.gov" <Speaker.Perez@assembly.ca.gov>, "tlorlakson@cde.ca.gov" <tlorlakson@cde.ca.gov>, "Senator.Padilla@sen.ca.gov" <Senator.Padilla@sen.ca.gov>, "Assemblymember.Buchanan@assembly.ca.gov" <Assemblymember.Buchanan@assembly.ca.gov>, "brad.sherman@mail.house.gov" <brad.sherman@mail.house.gov>, Jennifer Gorovitz <JenniferG@sfjcf.org>, Doug Kahn <dkahn@jrcr.org>, "rabbibrandt@jfed.org" <rabbibrandt@jfed.org>, "myrna@jfed.org" <myrna@jfed.org>, "jyl@jvalley.org" <jyl@jvalley.org>, "diane@jvalley.org" <diane@jvalley.org>, "jsanderson@jewishla.org" <jsanderson@jewishla.org>, "acushnir@jewishla.org" <acushnir@jewishla.org>, Melissa Chapman <mchapman@jewishsac.org>, Jessica Braverman Birch <jbirch@jewishsac.org>, "lenmf1@yahoo.com" <lenmf1@yahoo.com>, "michaels@ujfsd.org" <michaels@ujfsd.org>, "lindaf@jewishfederationsandiego.org" <lindaf@jewishfederationsandiego.org>, "shalom@jfoc.org" <shalom@jfoc.org>, "chelle@jfoc.org" <chelle@jfoc.org>, "msrassler@sbjf.org" <msrassler@sbjf.org>, "skatz@sbjf.org" <skatz@sbjf.org>, "dgoldfarb@jewishlongbeach.org" <dgoldfarb@jewishlongbeach.org>, Mervyn Danker <dankerm@ajc.org>, "greenbaumg@ajc.org" <greenbaumg@ajc.org>, Ari Hier <iact@wiesenthal.com>, Rabbi Abraham Cooper <acooper@wiesenthal.com>, Rabbi Meyer May <rabbimay@wiesenthal.com>, Roz Rothstein ~ SWU <roz@standwithus.com>, Orit Arfa <Oarfa@zoa.org>, Jesse Rosenblum <rosenblumjh@msn.com>, "sandiego@zoa.org" <sandiego@zoa.org>, "marving@sfjcf.org" <marving@sfjcf.org>, "rabbi@mjcs.org" <rabbi@mjcs.org>, "kalinsky@aol.com" <kalinsky@aol.com>, "schapira@uscj.org" <schapira@uscj.org>, "BoardofRabbis@JewishLA.org" <BoardofRabbis@JewishLA.org>, "julie@jpac-cal.org" <julie@jpac-cal.org>, "MarshaH@sfjcf.org" <MarshaH@sfjcf.org>, Capitol Pessah <capitolknesset@gmail.com>, "MCARR@ADL.ORG" <MCARR@ADL.ORG>, "ngrotch@adl.org" <ngrotch@adl.org>, "kogrady@adl.org" <kogrady@adl.org>, "mcasuto@adl.org" <mcasuto@adl.org>, "csilverman@adl.org" <csilverman@adl.org>, "sbrysk@adl.org" <sbrysk@adl.org>, "asusskind@adl.org" <asusskind@adl.org>, Abraham Foxman <AFoxman@adl.org>

Subject: Prof. Klein's unlawful webpage

Dear President Harrison,

As you are aware, the **California State University Trustees** have [formally confirmed](#), via a letter to us from CSU Interim General Counsel Andrew Jones, that they **did NOT give CSUN professor David Klein permission to post his webpage promoting the boycott of Israel on the CSUN website.**

Nevertheless, in his letter to us Mr. Jones claims that Klein has not violated Education Code 89005.5 on the grounds that "it is unlikely that a reasonable person would interpret the 'Boycott Israel' web page as an endorsement of CSU or CSUN of the material contained therein."

However, **Mr. Jones is mistaken.** We believe he has conflated two separate sections of Cal. Educ. Code 89005.5(a)(2), one which refers to using the CSU name for commercial purposes (Section B) and another which refers to using the CSU name for ideological or political purposes, including the promotion of boycott (Section C):

"No person shall, without the permission of the Trustees of the California State University, use this name [California State University], or any abbreviation of it or any name of which these words are a part, in any of the following ways...

(B) To imply, indicate or otherwise suggest that any product, service, or organization is connected or affiliated with, or is endorsed, favored, or supported by, or is opposed by the Trustees of the California State University...

(C) To display, advertise, or announce this name publicly at, or in connection with, any meeting, assembly, or demonstration, or any propaganda, advertising, or promotional activity of any kind which has for its purpose or any part of its purpose the support, endorsement, advancement...of...boycott."

Mr. Jones claims that Prof. Klein has not violated 89005.5 because "it is unlikely that a reasonable person would interpret the 'Boycott Israel' web page as an endorsement of CSU or CSUN of the material contained therein." Yet Mr. Jones is making an argument for why Klein's webpage does not violate the section referring to the commercial use of the CSU name (Section B), whose wording indicates that the unauthorized use of the CSU name must imply or suggest an endorsement of the university.

However, the issue is NOT whether Klein is using the CSU name for commercial purposes; that section of the law (Section B) is not relevant to Klein's actions. Our claim is that in posting his "[Boycott Israel Resource Page](#)" on the CSUN server Klein is in violation of Section C, whose wording is crystal clear: to display the CSU name or any of its variants for the purpose of supporting, endorsing, or advancing any boycott, without the permission of the CSU Trustees, is a violation of 89005.5.

Without permission from the Board of Trustees Prof. Klein is in violation of 89005.5(a)(2)(C) and has therefore committed a misdemeanor under California state law.

Please understand that Klein's speech in these specific circumstances is not protected by either the First Amendment or principles of academic freedom. He has the right to express his views on his personal website, but not on one which prominently features the name of the University, in obvious violation of 89005.5(a)(2)C.

In light of Klein's unlawful behavior, do you intend to remove his antisemitic "Boycott Israel Resource Page" from the CSUN server?

We, together with members and supporters of the Jewish community -- including many CSUN alumni, parents, faculty, and donors -- are eager to hear your answer to this question.

Sincerely,

Tammi Rossman-Benjamin
Co-founder, AMCHA Initiative

Leila Beckwith
Co-founder, AMCHA Initiative

CC: CSU Board of Trustees
CSU Chancellor Timothy P. White

CSU Interim General Counsel Andrew Jones
Attorney General Kamala Harris
Deputy Attorney General Stepan Haytayun
Senior Assistant Attorney General Douglas Wood
California Speaker of the Assembly John A. Perez
California Superintendent of Public Instruction Tom Torlakson
California State Senator Alex Padilla (Northridge)
California Assembly Member Joan Buchanan, Chair of the Assembly Education Committee
U.S. Congressman District 30 Brad Sherman
California Jewish community leaders
Abraham Foxman, National Director of the Anti-Defamation Leagues

BCC: Wide circulation in the Jewish community