

Attorneys Support UC Adoption of the State Department Definition of Anti-Semitism

September 2, 2015

VIA EMAIL

University of California Board of Regents
Office of the Secretary and Chief of Staff to the Regents
1111 Franklin St., 12th floor
Oakland, CA 94607

Dear Members of the Board of Regents:

We are 214 attorneys from around the country – private practitioners, public sector attorneys, and university faculty – who are deeply concerned about rising anti-Semitism, including on American college campuses. Unfortunately, the University of California (UC) has not been immune to the problem and, indeed, has played host to some of the worst anti-Semitic incidents. Over the last few years, Jewish UC students have reported being physically assaulted, threatened, and discriminated against. Jewish property has been defaced and destroyed. And Jewish student events have been disrupted and shut down.

Increasing our understanding of anti-Semitism – including its many, often subtle forms – is a crucial step to addressing the problem. Recently, UC President Janet Napolitano took that important step when she expressed her personal support for the U.S. State Department's definition of anti-Semitism. At the Regents' upcoming meeting on September 16 and 17, 2015, we respectfully urge you to follow President Napolitano's lead and adopt this definition.

The State Department has done an excellent job in defining the problem of anti-Semitism today, recognizing the reality that while not all criticism of Israel is anti-Semitic, some is. When Israel is demonized (by, for example, comparing Israeli policy to that of the Nazis), when double standards are applied to Israel (by requiring of the Jewish State a behavior not demanded of any other country), and when Israel is delegitimized (by denying the Jewish people their right to self-determination, and denying Israel the right to exist), these are ways in which anti-Semitism manifests itself with regard to Israel.

Opponents claim that adopting the State Department definition will silence campus activism and suppress free speech. As legal professionals, we can state with certainty that this claim simply is not true.

If you were to adopt the State Department definition, you would simply be expressing your views about what anti-Semitism is and the many forms it takes today. You would be acknowledging, as the State Department has done, that anti-Semitism is an adaptive phenomenon, and that some criticism of Israel is anti-Semitic because – whether intended or not – it has the effect of promoting prejudice against Jews. How anti-Semitism on the UC campuses is responded to and addressed is a separate question. As always, the Regent’s actions would have to be guided by state and federal law, including respect for rights protected by the U.S. and California Constitutions. But there is nothing in the law that precludes you from expressing your views on any matters affecting the University of California. Indeed, the U.S. Supreme Court has confirmed your right to do so. Certainly that would include the right to express your views about any and all forms of bigotry affecting the UC campuses, including anti-Semitism.

In a speech in May, President Obama talked about “a deeply disturbing rise in anti-Semitism” and cautioned against ignoring this problem. The President said, “Anti-Semitism is, and always will be, a threat to broader human values to which we all must aspire. And when we allow anti-Semitism to take root, then our souls are destroyed, and it will spread.” We share the President’s concerns. That is why we urge you – as trustees for the people of the State of California and as stewards for the University of California - to adopt the State Department’s definition of anti-Semitism at your next meeting. Clearly defining and identifying the many facets of anti-Semitism is the first step to eradicating it, in all its ugly forms.

Sincerely,

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