



March 19, 2020

SENT BY US MAIL AND EMAIL

Chancellor Gene Block
University of California, Los Angeles
UCLA Chancellor's Office
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Dear Chancellor Block,

We write to you in response to the Department of Education's Office for Civil Rights' (OCR) decision to open investigations into two complaints made against the University of California, Los Angeles (UCLA). Notably, the OCR investigations are in line with a larger effort to silence any individuals or groups on US campuses who voice support for the dignity and self-determination of Palestinians, opposition to Israeli policy or politics, or opposition to Israel's discriminatory apartheid practices against Palestinians. The undersigned are civil rights organizations dedicated to ensuring that all individuals are equally able to assert their rights and express their views and ideas, regardless of their religion, ethnicity or national origin.¹ We take seriously your administration's declared commitment

¹ The signees to this letter include: (1) the Council on American Islamic Relations – Los Angeles (CAIR-LA) is a nonprofit American Muslim civil rights advocacy organization with the mission to enhance the understanding of Islam, protect civil rights, promote justice, and empower American Muslims. (2) Palestine Legal is an independent organization dedicated to protecting the civil and constitutional rights of people in the U.S. who speak for Palestinian freedom. (3) Jewish Voice for Peace (JVP) is a national, grassroots organization inspired by Jewish tradition to work for a just and lasting peace according to principles of human rights, equality, and international law for all the people for Israel and Palestine. (4) US Campaign for the Academic and Cultural Boycott of Israel (USACBI) is a U.S. Campaign focused on a boycott of Israeli academic and cultural institutions, responding to the call of Palestinian civil society to join the Boycott, Divestment, and Sanctions movement against Israel. (5) American Muslims for Palestine (AMP) is a national education and grassroots-based organization, dedicated to educating the American public about Palestine and its rich cultural, historical, and religious heritage. (6) American Friends Service Committee (AFSC) is a Quaker organization that promotes lasting peace with justice, as a practical expression of faith in action. (7) National Lawyers Guild of Los Angeles is a bar association with a mission to use law for the people to function as an effective force in the service of the people by valuing human rights and the rights of ecosystems over property interests. (8) the Center for Constitutional Rights is a nonprofit legal and advocacy organization dedicated to advancing constitutional rights as well as international human rights. (9) Buena Vista United Methodist Church is a welcoming, multi-cultural, multi-generational community of faith, open to all. (10) The Dept of Asian American Studies at SF State University is the oldest and largest such program in the nation. Continuing its historic legacy of social justice and community self-determination, it teaches over 2,500 students each semester. (11) National Students for Justice in Palestine (NSJP) is a collective body of organizers within the Palestinian solidarity movement that supports over 200 student groups by developing a shared agenda, providing a platform for collaboration, and setting a political vision for our network, as well

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to supporting academic freedom and free speech on UCLA's campus and respect for and protection of marginalized groups who are being systematically targeted by off-campus special interest groups.

On January 3, 2020, OCR opened an investigation into a complaint filed against UCLA by StandWithUs, a rightwing, pro-Israel group. This complaint focused on UCLA's handling of student concerns over a May 14, 2019 guest lecture on "Islamophobia and the attacks against Palestine organizing and scholarship" by Professor Rabab Abdulhadi in Professor Kyeyoung Park's "Constructing Race" course, which is offered through the Anthropology, African American Studies, and Asian American Studies departments. As you are well aware, in May 2019 UCLA's Discrimination Prevention Office (DPO) opened an investigation in response to a complaint from a student in Professor Park's class. In October 2019, the DPO, pursuant to reviewing a livestreamed recording of Professor Abdulhadi's lecture and interviews with students enrolled in the class, concluded that "the comments made during the lecture were not the type of severe, pervasive, and persistent unwelcome conduct that constitutes harassment or discrimination."² This finding reflects the importance of defending academic freedom, and ensuring that UCLA maintains spaces where students, faculty, and the public at large can engage in critical discussions of all topics, including potentially sensitive or politically charged issues of Islamophobia, Zionism, and white supremacy.

OCR is also investigating a second complaint filed in November 2018 by the Zachor Legal Institute regarding the 2018 National Students for Justice in Palestine Conference, which was hosted by UCLA's Students for Justice in Palestine on UCLA's campus. As we are sure you are aware, the complaint came after a months-long pressure campaign demanding that UCLA infringe on students' free speech rights by canceling the conference.

as connecting with the broader global movement for freedom, equality, and justice in and for Palestine. (12) The US Campaign for Palestinian Rights (USCPR) is a national coalition of hundreds of groups working to advocate for Palestinian rights and a shift in US policy. (13) National Black Education Agenda was formed to ensure Black Academic & Cultural Excellence from Black Parent, Student, and Educator Collaborative Leadership. (14) The National Lawyers Guild, whose membership includes lawyers, legal workers, jailhouse lawyers, and law students, was formed in 1937 as the United States' first racially-integrated bar association to advocate for the protection of constitutional, human and civil rights. (15) California Scholars for Academic Freedom (CS4AF) is a group of scholars who defend academic freedom, the right of shared governance, and the First Amendment rights of faculty and students in the academy and beyond. (16) The Interreligious Foundation for Community Organization/Pastors for Peace (IFCO) is an ecumenical agency committed to supporting struggles of oppressed people for justice and self-determination through the fight against human and civil rights injustices. (17) ADC is a civil rights organization committed to defending the rights of people of Arab descent and promoting their rich cultural heritage. (18) UCLA4COLA is a body of graduate students that demands a cost of living adjustment to every graduate student's wages that would bring students out of rent burden and afford a life of dignity. (19) The International Campaign to Defend Professor Rabab Abdulhadi is a collective of academics, students and other public intellectuals, formed to defend Dr. Abdulhadi, the Arab and Muslim Ethnicities and Diasporas Studies, and student activism at San Francisco State University against silencing, discrimination, and bullying, and support justice-centered advocacy.

² The DPO created the following website to update community members about its investigation of the May 14, 2019 complaint: https://equity.ucla.edu/public_accountability/transparent-progress/incident-in-anthro-lecture/.

The effort to silence these discussions, under the guise of discrimination and harassment, is a direct assault on free speech and the free interchange of ideas on UCLA and other university campuses. The attacks are antithetical to the value of universities as spaces for individuals with diverse views and backgrounds to meet and discuss and debate their opinions and knowledge, in order to form better mutual comprehension and more nuanced understandings. By making criticism of Israel taboo, politically motivated organizations, such as StandWithUs, seek to limit critical thinking and intellectual growth on UCLA's campus and other academic spaces.

The current OCR investigations emerge in an alarming, widespread, and targeted attack on speech, scholarship, and activism on justice in/for Palestine intended to stop criticism of Israel.³ Conflating support for Palestinian freedom with antisemitism is a now common, but cynical, tactic aimed at silencing those who advocate for justice in/for Palestine. In the past years, these efforts have grown and become more aggressive, including bullying and intimidation through public smearing of advocates for Palestine and seeking to undercut their career prospects by baselessly insinuating that they are antisemitic and supporters of terrorism. Speech that supports Palestinian rights is protected by the First Amendment, and actions by public universities and government agencies that contribute to chilling critical perspectives of Israel are unquestionably unconstitutional. Moreover, these attacks are alarmingly reminiscent of the McCarthyist era, during which severe restrictions on freedom of speech and political advocacy were carried out under false and exaggerated pretenses. Such accusations have profoundly impacted the lives and careers of hundreds of academics, artists, and other public intellectuals. We encourage you to recognize and guard against these harmful attacks on First Amendment rights.

We have learned from members of the UCLA community that these investigations have already had a chilling effect on student and faculty speech, advocacy, and scholarship. We are confident that UCLA will uphold the law and resist adopting vetting procedures and/or any other measures that will single out and heighten the scrutiny of advocacy for Palestinian rights. However, we are concerned that the lack of transparency regarding UCLA's response to these investigations is contributing to the chilling impact on faculty, students, and staff.

This chill is not accidental, isolated, or random. It is intentional. Prior to being appointed by Trump as head of OCR, Kenneth Marcus formed and led an organization with a track record of pursuing and promoting Title VI complaints to target and smear Palestine advocacy.⁴ The use of meritless civil rights complaints has been a primary tool for pro-Israel actors because, even when rejected, these investigations create the desired outcome of exposing university administrators to bad publicity and

³ Documented in *2019 Year-in-Review: Movement for Palestinian Rights Thrives Despite Censorship*, Palestine Legal, <https://palestinelegal.org/2019-report>.

⁴ Kenneth Marcus' Anti-Free Speech, Anti-Civil Rights Record, Palestine Legal, November 28, 2017, <https://palestinelegal.org/news/2017/11/29/kenneth-marcus?rq=marcus>.

intimidating students into refraining from activism in order to avoid “getting caught up in a civil rights complaint” that is “not a good way to build a resume or impress a future employer.”⁵

Media reports about these OCR investigations have served as yet another excuse to smear members of the UCLA community, and UCLA Students for Justice in Palestine in particular, as racists and dangerous criminals. UCLA’s public response has been alarmingly confined to distancing itself from student and faculty actions, rather than defending their academic freedom and right to advocate for Palestinian rights on campus. This is not enough.

You explained in your November 2018 op-ed in the *LA Times* that you have strived to preserve the rights of all sides to speak and be heard.⁶ Now is the time to live up to that commitment and speak up for academic freedom and against the chilling effect described in this letter. The university’s virtual silence in the face of media reports that falsely equate advocacy for Palestinian rights at UCLA with fostering a climate of antisemitism smears your students, faculty, and guest speakers and stifles the ability to engage in critical intellectual debates – the very mission of UCLA in particular and the university in general.

We write today to urge you to issue a public statement making it clear that UCLA will defend against the OCR investigations and by extension defend the voices of all students, so that free speech and academic freedom can continue to flourish at UCLA. Please do not hesitate to reach out, should you have further questions. We look forward to continuing to lend our expertise to support you in protecting academic freedom and freedom of speech at UCLA.

Sincerely,

Hussam Ayloush
Executive Director
Council on American-Islamic
Relations, California



Dima Khalidi
Director
Palestine Legal



Stephanie Fox
Executive Director
Jewish Voice for Peace



Organizing Collective
US Campaign for the
Academic and Cultural
Boycott of Israel



⁵ Kenneth L. Marcus, Standing up for Jewish students, *Jerusalem Post*, Sept. 9, 2013, <https://www.jpost.com/Opinion/Op-Ed-Contributors/Standing-up-for-Jewish-students-325648>

⁶ Gene D. Block, Op-Ed: The controversial Students for Justice in Palestine conference will go on at UCLA. Here’s why, *Los Angeles Times*, Nov. 12, 2018, <https://www.latimes.com/opinion/op-ed/la-oe-block-ucla-students-for-justice-in-palestine-conference-20181112-story.html>.

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ADC



Voting Body, 3/17/2020
UCLA4COLA

Collective
The International Campaign to Defend
Professor Rabab Abdulhadi