



LA Jews for Peace

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October 22, 2015

TO: Regents Working Group to Consider Principles Against Intolerance
Regent Eddie Island, Chair
Regent Abraham Oved (student Regent)
Regent Norman Pattiz
Regent John Pérez
Regent Bruce Varner
Chancellor Linda Katehi (UC Davis)
Faculty Representative Daniel Hare
UC system-wide Vice Provost Yvette Gullatt

THROUGH: Office of the Secretary and Chief of Staff to the Regents
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email: regentsoffice@ucop.edu

SUBJECT: Comment to Regents Working Group to Consider Principles Against Intolerance

Honorable Members of the University of California Board of Regents,

LA Jews for Peace is a group of Jewish Angelenos committed to peace in the Middle East. We are focused on ending the Israeli occupation, and have interests throughout the entire region.

LA Jews for Peace encourages the University of California Board of Regents (hereafter, "Regents") to craft a policy that will assure free speech and expression on University of California campuses, with the only limitations to prevent personal threats and physical intimidation or defacement of property. We trust that any policy the Regents crafts will adhere to the guarantees contained in the first amendment to the U.S. Constitution.

Part of the motivation for this Working Group is in response to Jewish student and national groups who assert that an alleged rash of anti-Semitism on University of California campuses requires protecting Jewish students by having the Working Group adopt the U.S. State Department definition of anti-Semitism

[\[http://www.state.gov/j/drl/rls/fs/2010/122352.htm\]](http://www.state.gov/j/drl/rls/fs/2010/122352.htm).

LA Jews for Peace does not accept that there has been a rash of anti-Semitism on UC campuses. We make three assertions that we trust will be useful to you in developing a policy that encourages free and open political discussions on in the UC community,

including assuring a rigorous debate of United States, Israel, and Palestinian government policies around the Israel-Palestine question. To accomplish the latter the Regents must NOT adopt the State Department definition of anti-Semitism.

1. There has not been a rash of anti-Semitism in the University of California community, nor is there nationally either. In fact, Jewish life is robust on University of California campuses.
2. Accusations of anti-Semitism against critics of Israel government policies of occupation that deprive Palestinians of human and civil rights are false – the criticism is not anti-Semitic because it does not attack Jews as Jews, rather the attacks are focused on the inhumane and likely criminal policies of Israel, a national government. The accusations of anti-Semitism are simply a ploy to stop any discussion of Israeli government policies.
3. A few, rare, apparently anti-Semitic incidents that occurred were wrong, and we condemn them. Nevertheless, it is useful to understand that they were not triggered by hatred of Jews because they are Jewish, rather these isolated incidents are blowback from the overly aggressive support of Israel from Jewish student and outside groups, and their consistent mantra that Israel acts for all Jews worldwide and the deliberate blurring of the distinction between the Jewish religion and the government of Israel.

LA Jews for Peace urges the Regents NOT to adopt the State Department definition of anti-Semitism which expands the definition of anti-Semitism to include almost any criticism of Israel government policies that maintain the Israeli occupation of Palestine. We know that student and national Jewish groups are pressuring you in just the opposite direction. The remainder of this letter explains and justifies the three assertions above that underlie our position that adopting the State Department definition of anti-Semitism will destroy an open civil debate that is the heart of academic freedom.

Anti-Semitism: is defined by The Anti-Defamation League (ADL) as hostility to, prejudice against, or discrimination against Jews based on the hatred of Jews “just because they are Jewish.” [<http://archive.adl.org/hate-patrol/antisemitism.html>] The ADL writes “Anti-Semitism is the belief or behavior hostile toward Jews **just because they are Jewish**. It may take the form of religious teachings that proclaim the inferiority of Jews, for instance, or political efforts to isolate, oppress, or otherwise injure them. It may also include prejudiced or stereotyped views about Jews.”

The ADL conducts an annual audit of anti-Semitic incidents in the United States that demonstrates anti-Semitism at US college campuses is at a historic low point [<http://www.adl.org/press-center/press-releases/anti-semitism-usa/adl-audit-anti-semitic-incidents-2013.html>]. Actual anti-Semitic incidents are barely measurable, and the long history of discrimination against Jews in academia has disappeared. There are no more glass ceilings for Jewish professors to become department chairs, deans, or college

presidents. Admission quotas, especially for medical schools, are long gone. And, fraternities and sororities have all dropped discriminatory clauses barring Jews from membership. Finally, students interested in Jewish or Israeli studies, as well as Hebrew and Yiddish, now have multiple options at many campuses in the UC system.

These developments are fully observable at UCLA, where the University's Chancellor, Gene D. Bloch, is Jewish. UCLA offers abundant opportunities to take Jewish-related courses, write for Jewish publications, or participate in Jewish organizations. In fact, former UCLA Hillel Executive Director Rabbi Chaim Seidler-Feller described these trends in full detail for one of his 2014 High Holiday sermons.

A central part of the definition of anti-Semitism is hatred of Jews "just because they are Jewish." Even a cursory examination of the anti-Semitic incidents cited by some Jewish groups reveals that none are triggered by hatred of Jews "just because they are Jewish." All are tied to the ongoing campus debate on the Israel-Palestinian situation. Most are simply criticism of Israel government occupation of Palestine that pro-Israel forces assert are anti-Semitic. That is a deliberate falsehood.

Defenders of the Israeli government are attempting to equate criticisms of Israel, especially university divestment proposal, with earlier forms of anti-Semitism based on Christian theology or Nazi-type racial theories that follow the ADL definition. But criticism of Israel is different and is called the **New Anti-Semitism**, because it is not anti-Semitism based on hatred of Jews, but is a technique employed by pro-Israel organizations to stop any discussion of the Israeli occupation by tagging critics as anti-Semitic. They are not anti-Semitic, rather they are engaging in political criticism.

The New Anti-Semitism and its use in stifling discussion of Israel on campus was discussed by two of our members in a 2013 article on Mondoweiss.net [<http://mondoweiss.net/2013/08/the-new-anti-semitism-and-the-campaign-to-silence-american-critics-of-israel>], and extensively documented in two reports issued in October 2015:

- "Stifling Dissent, How Israel's Defenders Use False Charges of Anti-Semitism to Limit the Debate Over Israel on Campus" by the Jewish Voice for Peace [<https://jewishvoiceforpeace.org/stifling-dissent/>].
- titled "The Palestine Exception to Free Speech Movement Under Attack" by Palestine Legal and the Center for Constitution Rights [<http://palestinelegal.org/the-palestine-exception/>].

It is important to understand that Israel is not Judaism, nor is Judaism Israel. One is the government of a state whereas the other is a religion. Criticism of Israeli government actions is not inherently anti-Semitic.

Zionism includes people with a range of views who self-identify as "Zionists." Among Israeli Jews, they range from right-wingers who disrespect Palestinians, to the peace

and human rights camp who are ready to share the land with Palestinians. That diversity is mirrored among “Zionists” in Jewish American groups and the general American population. Nevertheless, all “Zionists” are committed to a homeland-state for the Jewish nation in Mandate Palestine. Zionism is what is shared by pro-Israel student and national groups.

Zionism is not Judaism – none of the 613 commandments in the Torah, the core of being Jewish, require being a “Zionist.” And Zionism is not Judaism as demonstrated by the Christian Zionists who are ardent Zionists and clearly not Jewish.

Jewish students who are bothered by criticism of the Israeli government’s occupation of Palestine, are disturbed because they are Zionists, not because they are Jewish.

Any attempt by the Regents to limit open discussion and debate on the Israel-Palestine issue on campus, aside from rules to prevent direct or implied violent content, would be a violation of first amendment right of free speech and academic expression. That would be true if the limits were through adoption of the State Department definition of anti-Semitism, or if the limits were a new formulation newly written by the Regents.

Erwin Chemerinsky, Dean of the UC Irvine School of Law, discussed the legal ramifications of such rules in a *LA Times* Op-Ed Op on September 25 [<http://www.latimes.com/opinion/op-ed/la-oe-0925-chemerinsky-uc-speech-regulation-20150925-story.html>]. Chemerinsky pointed out these sorts of rules involved subjective conditions, and on that basis similar rules at the University of Michigan were held unconstitutional by the Supreme Court. And he predicted a similar fate if the Regents attempted to limit free speech on UC campuses.

Besides the legal aspects, a rule limiting free speech in criticism of Israel would be a moral failure. It would mimic the undemocratic practice of suppressing out-of-favor voices in authoritative regimes and the Israel practice of directly suppressing Palestinian voices.

State Department Definition of anti-Semitism

[<http://www.state.gov/j/drl/rls/fs/2010/122352.htm>] should not be adopted by the Regents because it is a poorly written document that is vague and subject to political interpretation to be used against groups who happen to be out-of-favor at the moment. Worse, the State Department definition would ensnare Israeli and American leaders as anti-Semitic, people who are clearly not anti-Semitic:

- Late Israeli Prime Minister Yitzhak Rabin called settlements “a cancer” during his first term as Prime Minister, and warned Israel would become an apartheid state if it continued to rule over the population of the occupied territories [*Ha’Aretz*, Oct. 4, 2015, <http://www.haaretz.com/news/israel/premium-1.677544>].

- Former Israeli Prime Ministers Ehud Barak and Ehud Olmert each warned that if Israel continued its occupation and did not make peace with Palestinians, Israel would become an apartheid state [Just Foreign Policy, <http://www.justforeignpolicy.org/israelis-on-apartheid>].
- President Barack Obama, who is a strong supporter of Israel, told Israeli leaders that settlements are not appropriate [*Huffington Post*, March 21, 2013, http://www.huffingtonpost.com/2013/03/21/obama-israel-settlements-not-constructive_n_2923966.html], and warned that if settlement growth continues the United States would not be able to defend Israel [Al-Monitor, June 3, 2015, <http://www.al-monitor.com/pulse/originals/2015/06/israel-obama-interview-settlement-policy-growing-isolation.html>].
- Former president George W. Bush, also a strong supporter of Israel, criticized the presence of unauthorized settlements in the West Bank and called for a halt to settlement expansion [*The Guardian*, Jan. 9, 2008, <http://www.theguardian.com/world/2008/jan/09/usa.israelandthepalestinians>].
- In fact, settlements and the occupation have been criticized by every American administration since the 1967 war when the occupation started, including the administrations of Johnson, Nixon, Ford, Carter, Reagan, George H.W. Bush, Clinton, George W. Bush, and Obama, all of who supported Israel [*Churches for Middle East Understanding*, http://www.cmep.org/content/us-statements-israeli-settlements_short].

Thank you for your consideration of our views.

LA Jews for Peace
 Jeff Warner, Action Coordinator