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Written Testimony  
before the  
United States House of Representatives  
House Committee on Education and Workforce  
Re: Campus Antisemitism

February 29, 2024

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EXECUTIVE SUMMARY

The University of California, Berkeley (“UC Berkeley” or “Berkeley”) allows Jews to be held to a double standard. When incidents involving Jews arise, the university does not enforce policy in place. Hostility and hate towards Jews have worsened because of Berkeley’s refusal to stop anti-Jewish discrimination.

The report maintains that:

- **Berkeley selectively enforces free speech, discriminating against Jews**
- **Berkeley excludes Jews from campus diversity, equity and inclusion initiatives**
- **Berkeley dismisses Jews’ concerns regarding anti-Jewish discrimination**

Congress can play a much needed role in holding Berkeley—and other US universities—accountable:

1. Congress to urge the US Department of Justice to update the sub-categorization of hate against Jews.
2. Congress to pass legislation that limits universities’ tax-exempt status when the US Department of Education opens investigations regarding Title VI discrimination.
3. Congress to increase funding for the US Department of Education and Department of Justice.
4. Congress to update legislation around the Family Educational Rights and Privacy Act (“FERPA”) to require transparency around sanctions for students who commit hate crimes.
5. Congress to investigate the source of foreign and domestic funding gifted to US universities.

UC Berkeley will continue to discriminate against Jewish students unless Congress intervenes.

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## **I. Introduction**

I want to begin by thanking Chairwoman Foxx, Ranking Member Scott, and Distinguished Members of the Committee for prioritizing the national concern around campus antisemitism.

Since October 7th, 2023, my concern for the safety, wellbeing, and inclusion of Jewish students at UC Berkeley has intensified. My research and evidence documentation reveal that:

- **Berkeley selectively enforces free speech, discriminating against Jews**
- **Berkeley excludes Jews from campus equity and diversity initiatives**
- **Berkeley dismisses Jews' concerns regarding anti-Jewish discrimination**

Because of Berkeley's inaction to address the systemic marginalization of Jews—encompassing anti-Jewish discrimination and anti-Jewish hostility—it is imperative Congress holds the university accountable.

## **II. Berkeley selectively enforces free speech, discriminating against Jews**

### **Berkeley's anti-Jewish discrimination denies Jews' shared ancestral identity**

Per the US Department of Education, national origin encompasses “ethnicity, ... actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics.”<sup>1</sup> Thus, the US Department of Education recognizes that Jewish individuals express their Jewish identity—as an ethnicity or shared ancestry—through national origin.

The Department of Justice, namely the FBI, puts forth regulation that is *not* updated to reflect this specification of anti-Jewish hate that is motivated by Jewish national origin/ethnicity, not religion. (This is further detailed in the Appendix).

Jewish identity as it relates to shared ancestry was established in the landmark complaint brought forward by the Louis D. Brandeis Center in October of 2021.<sup>2</sup> The complaint stated the following:

“Historically and legally, Judaism is understood to be both a faith and an ethnicity. Jews share not only religious traditions, but also a deep historical sense of Jewish peoplehood. The Jewish people's history, theology, and culture are deeply intertwined with the Land of Israel. For many Jews, ... expressing support for the Jewish homeland is a sincere and deeply felt expression of the Jewish people's shared ancestral, religious, and ethnic identification with the Land of Israel. Zionism is as integral to Judaism as observing the Jewish Sabbath or maintaining a kosher diet. Of course, not all Jews observe the Sabbath or keep kosher, but those who do clearly are

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<sup>1</sup> “Race and National Origin Discrimination.” *Www2.Ed.gov*, 10 Jan. 2020, [www2.ed.gov/about/offices/list/ocr/frontpage/faq/race-origin.html](http://www2.ed.gov/about/offices/list/ocr/frontpage/faq/race-origin.html).

<sup>2</sup> Lewin, Aliza D., Katz-Prober, Denise. “Civil Rights Violations at the University of Vermont.” United States Department of Education Office of Civil Rights, No. 01-22-2002.



expressing important components of their Jewish identity. Similarly, not all Jews [identify with the Jewish homeland]. But for many Jews, ... identifying with and expressing support for the Jewish homeland is also a sincere and deeply felt expression of their Jewish ethnic identity.”

At Berkeley, Jewish students might express their Jewish ethnic identity—as it relates to shared history and tradition—by eating *latkes* on Hanukkah, completing a community service project to practice *tikkun olam*, or holding a flag of the Jewish homeland, Israel. These are all valid, equal expressions of Jewish identity.

Thus, discrimination of Jews occurs when a Jewish person’s shared ancestral identity is ignored or dismissed by the university.

Select incidents from the fall 2023 semester demonstrate that UC Berkeley treated issues affecting Jews differently than other groups. The incidents prove that Berkeley appeared to *not* be following policy in place. In all of these incidents, Jewish identity as a national origin was denied.

Below is a table (“Exhibit 1”) that identifies incidents where Jews were targeted, describes how the university responded, and captures the inconsistency in the university’s response compared to other groups (ie. potential discrimination).

**Exhibit 1:**  
**Incidents of Anti-Jewish Discrimination and Administrations’ Negligence at UC Berkeley**  
**Post-October 7th<sup>3</sup>**

<i><b>Incident of Anti-Jewish Hate and/or Hostility</b></i>	<i><b>Date</b></i>	<i><b>Incident Summary</b></i>	<i><b>Suggested Discrimination and/or Negligence</b></i>
a) Hostile Climate	10/16/23	i) A group of Jewish student leaders were targeted in an email by a University staff member. The students were told to avoid certain parts of campus, avoid eye contact, and avoid becoming a target. Although the email was sent with the intention of keeping Jewish students safe, the email is proof that Berkeley staff are aware of hostility Jews experience and put the onus on Jews to stay safe.	i) If the university was aware of the hostility and tension Jews faced, why was there no action done regarding the source of the problem?
b) Physical Assault [1 of 2] Case #23-02983	0/16/23	i) A Jewish student was walking to class and holding a large Israeli flag, an act expressing his Jewish identity as it relates to Jewish national origin. The student was physically assaulted and	i) The University has an “open investigation,” yet they refuse to investigate this incident as anti-Jewish hate crime. <sup>4</sup> When asked about the potential for hate crime,

<sup>3</sup> Please see the ‘Appendix’ for files of incident evidence. October 7th signals the massacre committed by Hamas in Israel.

<sup>4</sup> University of California PD Daily Crime Log. 16 Oct. 2023. <https://ucpd.berkeley.edu/sites/default/files/dcl20231016.pdf>

		verbally harassed, and the perpetrator attempted to take the student's flag (ie. personal property).	the police responded that they needed to interview the perpetrator to understand their motivation. This policy is not listed in the University of California Police Department Policy Manual. <sup>5</sup>  ii) Furthermore, in response to the incident, the Jewish student was encouraged to seek therapy/mental health support, essentially victim-blaming the student. <sup>6</sup>
c) Physical Assault [2 of 2] Case #23-03105	10/25/23	i) A Jewish student was holding an Israeli flag on campus, expressing their Jewish identity as it relates to national origin. The student was verbally harassed and physically assaulted.	i) The University denied the anti-Jewish component of the hate crime <sup>7</sup> . The student was wrongfully told that the nationality of the flag did not implicate whether the assault was anti-Jewish hate. This rationale fails to account for the student's Jewish national origin as it relates to a symbolic flag.
d) Classroom Misuse for Political Indoctrination	11/17/23	i) Prior to 11/17/23, Berkeley instructors canceled class and/or offered extra credit for political rallies held on campus.  ii) On 11/17/23, a Berkeley instructor used the majority of computer science class—which enrolls 1,100 students—for political indoctrination related to “free Palestine.” The instructor also stressed that “[Berkeley engineering students’] struggles are connected to Palestine’s.” This political indoctrination during class time was recorded on the CS61B Zoom link.	i) According to an email sent by a faculty member, the University sent “three sets of forceful communications” that informed instructors of policy violation. <sup>8</sup> There is no transparency for students or instructors regarding sanctions for any policy violations. <sup>9</sup> If the university is effectively mitigating the problem, then why did it continue to occur after so many rounds of communication?
e) Targeted Hate Crime Vandalism	12/1/23	i) Jewish professor at Berkeley was targeted in vandalism with slander due to his Jewish national origin identity. The vandalism said “Ron Hassner gets horny to genocide” and “Prof Hassner	i) The University did not report the targeted vandalism as anti-Jewish hate crime, so it is not identified in the Daily Crime Log from 12/1/23. Although the targeted Professor did

<sup>5</sup> “Release\_20231114\_university\_of\_california\_berkeley\_police\_department\_policy\_manual.pdf | Berkeley UCPD.” Ucpd.berkeley.edu, 14 Nov. 2023, ucpd.berkeley.edu/file/release20231114universityofcaliforniaberkeleypolicedepartmentpolicymanualpdf.

<sup>6</sup> The Jewish student shared this with Hannah Schlacter.

<sup>7</sup> University of California PD Daily Crime Log. 25 Oct. 2023. <https://ucpd.berkeley.edu/sites/default/files/dcl20231025.pdf>

<sup>8</sup> This was an email sent on November 20, 2023 by Professor Ethan Katz, who chairs the Chancellor's Advisory Committee on Jewish Student Life. The email was sent to a Berkeley alum when asking about political indoctrination in the classroom and repercussions for violations.

<sup>9</sup> When asked for transparency, Berkeley cites privacy law that prevents such confidential information to be shared publicly. Although select confidential information can remain private, there is no accountability to stakeholders for whether repercussions are made.

		lowkey a terrorist.”	not take issue with the targeted vandalism, Jewish students reported feelings of fear in communication to police.
f) Targeted Hate Crime Robbery Case #23-03629 <sup>10</sup>	12/7/23	i) A Jewish student was robbed in his apartment. <sup>11</sup> In their home, the Jewish student was left a note that said “Fuck Jews. Free Palestine. From the River to the Sea.” The next morning, the university sent a campus-wide email detailing a potential hate crime component of the crime. However, the university did not call out the explicit <u>anti-Jewish</u> nature of the crime.	i) Why did the University not call this (specifically) anti-Jewish hate crime? In the past, the University specified anti-trans and anti-Asian American hate crimes. <sup>12,13</sup>
g) Anti-Jewish Riot and Mob Case #24-00557 <sup>14</sup>	2/26/24	<p>i) A university-sponsored student organization organized a riot/mob of 200 people to shut down an event that Jewish students organized on campus for an Israeli speaker. This event was an expression of the Jewish students’ Jewish national origin identity related to the Jewish ancestral homeland, Israel.</p> <p>The Jewish students met with the university administration and UCPD prior to the event to express safety concerns and acknowledgement of a riot—fighting words as well as time and place were shared with the UCPD.</p> <p>The mob broke glass windows, called students “dirty Jew,” and physically assaulted a Jewish student by wrangling her around the neck. The university issued a Campus WarnMe urging people to use caution given the protest, and they reaffirmed free speech—there was zero mention of mob or riot. The university canceled the event and took away Jewish students’ free speech.</p>	<p>i) The next day, a student called UCPD to confirm whether the incident was labeled as anti-Jewish hate crime and/or anti-Jewish intimidation. The representative from UCPD “had no information” about that.<sup>15</sup></p> <p>Additionally, the Chancellor sent out an email that afternoon. The Chancellor’s email did not call out the anti-Jewish intimidation and hate that occurred, nor did the Chancellor’s email call out the Berkeley-funded student organization that organized the riot. Why was the riot not identified as anti-Jewish hate?</p> <p>Three students filed reports with UCPD alleging anti-Jewish hate and physical assault.</p>

<sup>10</sup> Daily Crime Log. 11 Dec. 2023.

<sup>11</sup> This was reported in the UCPD Daily Crime Log as “Burglary: Second Degree; Felony”

<sup>12</sup> These were emails sent to the entire campus as “Campus WarnMe” emails in the fall of 2022 semester. In both emails, they did not determine 100% that the hate crimes were targeted the way they were, but the emails clearly labeled the crimes as being investigated as Anti-Asian (X) and then Anti-Trans (Y). To view those specific crime logs, please contact the Records Unit of the University of California Police Department via phone at (510) 642-6760 or email at [ucpd-records@berkeley.edu](mailto:ucpd-records@berkeley.edu)

<sup>13</sup> “Inconsistent Hate Crime Reporting at UC Berkeley.” [www.youtube.com, 14 Dec. 2023, www.youtube.com/watch?v=0eVmFfCWL94](https://www.youtube.com/watch?v=0eVmFfCWL94).

<sup>14</sup> Please contact Hannah Schlacter for record of the phone call made to UCPD on 2/27/24 regarding the police report.

<sup>15</sup> The representative then called the student back on 2/27 to inform them to email the Public Records Coordination for UCPD at [pra@berkeley.edu](mailto:pra@berkeley.edu) as well as provided their mailing address in 200 California Hall.

**Berkeley ignores anti-Jewish hate crimes, thus ignoring campus policy**

As called out in the cases above, issues emerge when Berkeley *consistently* fails to intervene when such advocacy violates the campus policies, such as identifying hate against Jews based on shared ancestry. In the majority of the incidents above, Berkeley has cited concerns of compromising free speech.

For example, as the riot on February 26, 2024 occurred, the university sent three separate WarnMe alert emails and texts to the campus community. Each alert referred to the riot as “protest activity,” and the messages referenced free speech. None of the communications called the protest a riot. The following day, the Chancellor sent an email, where she mentioned free speech, but she failed to call out the explicit anti-Jewish hate exhibited at the riot.<sup>16</sup>

Despite Jewish students reporting the targeted anti-Jewish hate, Berkeley—along with local law enforcement—has consistently refused to investigate incidents as anti-Jewish hate. In a meeting on February 28, 2024, a Jewish graduate and undergraduate student met with the UCPD Police Captain and a Lt. The police clarified that their role is to decide whether an incident qualifies as hate, not to label it as anti-Jewish or not. Thus, it is clear that decisions to not call out hate against Jews rests in the Berkeley administration.

Continually, Berkeley hides behind and makes justification of free speech; yet, in doing so, the administration is denying students’ legitimate expression of Jewish identity. Berkeley maintains that labeling the incidents as hate and subsequently treating them as targeted hate would imperil free speech.<sup>17</sup>

Here, the context around ‘why Berkeley’ is especially important. Berkeley upholds a legacy of pioneering social activism. The most prominent example, perhaps, is the free speech movement originating at Berkeley in 1964.<sup>18</sup> Attributed to this legacy, it is commonly known that Berkeley attracts students—at all levels—who identify as social activists. Berkeley’s administration plays a role in fostering this culture through their admissions, disciplinary sanction processes, and campus-wide communication.

Regarding communication, Berkeley has, at times, sent formal announcements denouncing general hate. Nevertheless, the university has refused to call out specific targeted incidents, speech and crimes and identify them as anti-Jewish.<sup>19</sup> Because of the university’s inaction to call out hate, hate against Jews has intensified. The anti-Jewish riot that transpired on February 26, 2024 exemplified the culmination of this hate and the crossing of a chasm of no return.

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<sup>16</sup> The Chancellor’s email was sent with the subject ‘Upholding our values.’ The Chancellor referred to the riot as “an incident that violated not only our rules, but also some of our most fundamental values.” There was zero mention of the riot not being protected free speech and instead being lawless, inciting, and violent activity. Moreover, the Chancellor failed to identify the student organization responsible for organizing the riot.

<sup>17</sup> Chen, Hailyn, and Bryan Heckenlively. Motion to Dismiss Complaint and Motion to Strike Jury Demand. 5 Feb. 2024, <chrome-extension://efaidnbmnnnibpcajpegglefindmkaj/fingfx.thomsonreuters.com/gfx/legaldocs/lbpgblrmdvq/UC%20Berkeley%20Motion%20o%20Dismiss.pdf>.

<sup>18</sup> “Free Speech.” University of California, Berkeley, [www.berkeley.edu/free-speech/#:~:text=The%20Free%20Speech%20Movement%20began.](http://www.berkeley.edu/free-speech/#:~:text=The%20Free%20Speech%20Movement%20began.)

<sup>19</sup> Public Affairs. “Chancellor Carol Christ: Reaffirming Our Community.” Berkeley News, 3 Nov. 2023, [news.berkeley.edu/2023/11/03/chancellor-carol-christ-reaffirming-our-community](http://news.berkeley.edu/2023/11/03/chancellor-carol-christ-reaffirming-our-community).

**Berkeley has a ~25 year history of anti-Jewish hostility**

A trend has emerged over nearly 25 years: when war escalates between Israel—the Jewish homeland—and Palestine, hostility and violence towards Jews on Berkeley’s campus increase.

The inherent link between increased hate towards Jews at Berkeley and war in Israel can be reasonably attributed to Berkeley being the birthplace of the Students for Justice Palestine (“SJP”) movement in 1993. This movement was founded by Professor Hatem Bazian, a current Berkeley instructor.<sup>20</sup>

To this day, Professor Bazian remains an instructor at Berkeley, despite his decades-long track record of hatred and bias towards Jews. This is illustrated in his speech delivered on Berkeley’s campus in 2002: “‘Look at the Jewish names on the school buildings ... Haas, Zellerbach ... decide who controls [Berkeley].’”<sup>21</sup>

Prior to Professor Bazian’s arrival at Berkeley (prior to 1993) and the subsequent establishment of SJP, it is evident that the campus environment—particularly hostility and hate—differed dramatically to what has transpired today. Berkeley’s Jewish alumni who were on campus prior to 1993 recall minimal hate and hostility towards Jews regarding their shared ancestry. Below, Ealon Joelson, MD, a two-time Berkeley alum (BS in 1988, Masters in 1993), describes the campus environment for Jews in the 1990s:<sup>22</sup>

“It is not as if there was no anti-Semitism on campus at Cal in the 1990’s. Anti-Semitic voices (which often used anti-Israel sentiment as camouflage), were not uncommon amongst students, and to a lesser extent faculty. However, in the 1990s Jewish students and our allies had a positive working relationship with the administrators at Cal, and we did not have the sense that [the Jewish ancestral homeland] or Jewish students were being specifically undermined by the Administration; or that the Administration turned a blind eye to the harassment and intimidation of Jews on campus who sought to express their [Jewish identity as it relates to the Jewish ancestral homeland]. In that regard, administrators were more appropriately seen as ‘referees’ who enforced rules equally, and allowed for a free exchange of ideas and opinions on campus. But in the current era, where there is increased hostility both amongst the faculty and student body towards [the Jewish homeland], it seems the Administration plays a role in actively siding with those who denigrate students who try to make Israel’s moral case [regarding Jews’ ancestral link to their Jewish homeland] on campus. The Administration turns its back on such students, which only emboldens further vitriol against supporters of Israel. Unlike the 1990s, the atmosphere for Jews on campus is now fraught with danger.”

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<sup>20</sup> “Canary Mission.” Canarymission.org, canarymission.org/professor/Hatem\_Bazian.

<sup>21</sup> Eskenazi, Joe. “U.C. Divestment Petition Troubles Pro-Israel Activists.” J., 14 June 2002, jweekly.com/2002/06/14/u-c-divestment-petition-troubles-pro-israel-activists/.

<sup>22</sup> Ealon Joelson, MD, graduated from UC Berkeley with his Bachelor of Arts in Biochemistry in 1988 and his Master’s in Health and Medical Science in 1993. The quote was sent via email to Hannah Schlacter on February 25, 2024.

Signaling the presence of such danger and hostility, in December of 2022, the US Department of Education opened an investigation into potential anti-Jewish discrimination on the basis of national origin/shared ancestry.<sup>23,24</sup>

Since October 7th, 2023, however, the Jew hate tolerated on Berkeley's campus has severely worsened, reaching a seemingly record high. In the fall of 2023 semester, Jewish Berkeley students conducted a survey to gather data on Jewish students' sentiment in the current campus environment. The survey included 132 unique responses from Berkeley-verified Jewish students.<sup>25</sup>

- **85% of Berkeley's Jewish students felt that "the [Berkeley] administration has [not] adequately addressed the safety concerns of Jewish students impacted by the recent violence in Israel"**
- **75% of Berkeley's Jewish students do not feel safe expressing their Jewish identity on campus (eg. wearing a star of david necklace or talking about being Jewish with peers/faculty)**
- **85.6% of Berkeley's Jewish students confirmed that "before becoming [students], [they were] warned by Jewish friends or family about ... [Berkeley's] 'antisemitic' reputation"**

These findings at Berkeley align to the broader trend of surging antisemitism on university campuses and across the country. Hillel International reported that "since the terrorist attack on Israel by Hamas on October 7 [in 2023], antisemitic incidents against Jewish students on college campuses have ... [increased] by 700% over the same period [in 2022]."<sup>26</sup> Similarly, the *AP* reported that "almost half of American Jews [in a survey] ... [changed] what they wore, what they posted online or where they went so other people wouldn't know they were Jewish."<sup>27</sup>

The below table ("Exhibit 2") details significant incidents of Jew hate at UC Berkeley over the last 20+ years. Note that this is not an exhaustive list.

*(Exhibit continued on the next page)*

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<sup>23</sup> Blaff, Ari. "Department of Education Opens Investigation into Berkeley Law after Jewish Students Report Hostile Environment." Yahoo News, 20 Dec. 2022, [news.yahoo.com/departments-education-opens-investigation-berkeley-211047889.html](https://news.yahoo.com/departments-education-opens-investigation-berkeley-211047889.html).

<sup>24</sup> Note that after the lawsuit was filed in November of 2023, the US Department of Education closed their investigation because of its overlap with the lawsuit—not because the issue was resolved.

<sup>25</sup> This survey, titled "Community Pulse #2: University Action Regarding Terrorism in Israel" was created on October 12, 2023. The survey was written by undergraduate Berkeley Jewish students, and they collected 132 responses in total. If assuming that of the estimated 2,500 Jewish students at Berkeley, about 1,000 have engaged with organized Jewish life, then the sample size is about 10%. Each respondent was verified with their Berkeley email. For further information about the survey, please contact Daniel Conway.

<sup>26</sup> "Antisemitism on College Campuses: Incident Tracking from 2019–2024." Hillel International, 22 Feb. 2024, [www.hillel.org/antisemitism-on-college-campuses-incident-tracking-from-2019-2023/](https://www.hillel.org/antisemitism-on-college-campuses-incident-tracking-from-2019-2023/).

<sup>27</sup> Stanley, Tiffany. "Antisemitism and Safety Fears Surge among US Jews, Survey Finds." *AP News*, 13 Feb. 2024, [apnews.com/article/jewish-muslim-antisemitism-islamophobia-hamas-israel-us-d4220df14c7a40403ba61781f3f87854](https://apnews.com/article/jewish-muslim-antisemitism-islamophobia-hamas-israel-us-d4220df14c7a40403ba61781f3f87854).

**Exhibit 2:**  
**Historical Incidents of Hate and Hostility towards Jews (2001-2023)**

<i>Year</i>	<i>Description of Historic Incident</i>
2001 <sup>28</sup>	i) An impromptu campus memorial set up for 9/11 was vandalized with “It’s the Jews, stupid.”  ii) A Jewish student walking on campus to Hillel was physically assaulted and harassed by people doing the “Heil Hitler” salute.
2002 <sup>5</sup>	i) Berkeley Hillel was vandalized, and a perpetrator threw a cinderblock (reading “Fuck Jews”) through the front Hillel windows.  ii) Protesters at Berkeley violently disrupted a Holocaust Remembrance Day ceremony.
2003 <sup>29</sup>	i) A UC Berkeley instructor, who taught a course in the Near Eastern Studies Department, harassed students based on their Jewish national origin. The instructor taught disinformation that “The Protocols of the Elders of Zion,” which was disseminated by the Nazis as anti-Jewish propaganda, was written by Jews.
2008	i) A Jewish student was physically attacked when confronting protesters. Video evidence proved the Jewish student did not begin the altercation. <sup>30</sup> That Jewish student’s reputation, however, was wrongfully marred by the protesters. Although the District Attorney’s office dropped any charges in the case filed, the severity of the issue prompted university administration to send an open letter. <sup>31,32</sup>  ii) A poster at a bus stop related to the Jewish homeland was defaced with swastikas. <sup>33</sup>
2010 <sup>34</sup>	i) Jewish student was attacked and injured on Berkeley’s campus by another Berkeley student. The Jewish student was attacked when expressing their Jewish national origin identity by holding a sign. As a result of this incident, the student subsequently filed a lawsuit against the university in 2011.
2011 <sup>35</sup>	i) A Jewish student was assaulted on campus when holding a sign expressing their Jewish identity as it relates to the Jewish homeland and their Jewish national origin identity.
2016 <sup>36</sup>	i) The university reinstated a course titled “Palestine: A Settler Colonial Inquiry.” The course was

<sup>28</sup> Star, Anneli, and Josselin Rufus. “Berkeley Intifada.” East Bay Express | Oakland, Berkeley & Alameda, 19 May 2004, eastbayexpress.com/berkeley-intifada-1/.

<sup>29</sup> Shneyer, Beata. “Anti-Semitism and Pro-Israeli Campus Activism, a Case Study: University of California, Berkeley\*.” Jerusalem Center for Public Affairs, 1 June 2008, jcpa.org/article/anti-semitism-and-pro-israeli-campus-activism-a-case-study-university-of-california-berkeley/.

<sup>30</sup> Video was taken by Berkeley student Yoni Weinberg.

<sup>31</sup> “12.19.2008 - Update from Dean of Students Poullard on Nov. 13 Eshleman Hall Incident.” Newsarchive.berkeley.edu, 19 Dec. 2008, newsarchive.berkeley.edu/news/media/releases/2008/12/19\_poullard.shtml.

<sup>32</sup> “11.18.2008 - an Open Letter to the Campus Community.” Newsarchive.berkeley.edu, 18 Nov. 2008, newsarchive.berkeley.edu/news/media/releases/2008/11/18\_letter.shtml.

<sup>33</sup> Smith, Chris. “PR Occupied Berkeley.” Cal Alumni Association, 31 Aug. 2011, alumni.berkeley.edu/california-magazine/fall-2011-the-good-fight/pr-occupied-berkeley/.

<sup>34</sup> Civil Rights Complaint for Damages Re Endangerment of Health and Safety of Jewish University of California Student Jessica Felber: Request for Jury Trial. 3 Mar. 2011, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2011/03/felber-v-yudof-et-al-complaint-11.pdf.

<sup>35</sup> Dinkelspiel, Frances. “Jewish Student Sues UC Berkeley over Assault by Palestine Supporter.” Berkeleyside, 7 Mar. 2011, www.berkeleyside.org/2011/03/07/jewish-student-sues-uc-berkeley-over-assault-by-palestine-supporter.

<sup>36</sup> Levin, Sam. “UC Berkeley Reinstates Class on Palestine Following Outcry over Its Suspension.” The Guardian, 19 Sept. 2016, www.theguardian.com/us-news/2016/sep/19/uc-berkeley-palestine-class-controversy.

	known to discriminate against Jewish national origin. Specifically, the course content denied legitimacy of Jewish self-determination and the existence of a Jewish homeland.
2022	<p>i) In the Berkeley Law School, at least 20 registered student organizations passed a bylaw banning Zionist speakers.<sup>37</sup> This ban extends to individuals who “practice forms of Judaism—including Orthodox, Conservative, and Reform Judaism—which integrate Zionism into their prayers, practices, and theology.”<sup>38</sup> Such individuals were banned as speakers from addressing the Berkeley-funded organizations’ members on any subject.</p> <p>Here, the implied meaning of ‘Zionist’ is Jewish, as underscored by Law School Dean Chermerinsky.<sup>39</sup> Anti-zionism is the discrimination of individuals who recognize Jews’ ancestral heritage, in particular the Jews’ historic connection to the land of Israel and the right of the Jewish people to self-determination in their ancestral homeland, as components of Jewish identity.<sup>25</sup></p> <p>Note that these Berkeley-registered student organizations receive money and resources from the university.</p>
2023	<p>i) Jewish students report hate crimes against them based on Jewish national origin, but the university refuses to investigate the incidents as anti-Jewish hate.<sup>40</sup></p> <p>ii) Louis D. Brandeis Center filed a groundbreaking lawsuit against Berkeley alleging “longstanding, unchecked antisemitism.”<sup>41</sup></p> <p>iii) The discrimination of Zionists and/or individuals who practice Jewish faith (eg. reform, conservative, or orthodox) expanded beyond Berkeley’s Law School. Dan Kalb, a Jewish environmentalist, who is part of Oakland’s City Council, was disinvited from speaking to a Berkeley environmental class because of Jewish identity.<sup>42</sup> Additionally, an Israeli named “Yael Nativ [was] invited [to Berkeley] to teach a course on contemporary dance in Israel, but was disinvited after Oct. 7.”<sup>39</sup></p>

<sup>37</sup> Patel, Vimal. “At Berkeley Law, a Debate over Zionism, Free Speech and Campus Ideals.” The New York Times, 21 Dec. 2022, [www.nytimes.com/2022/12/21/us/uc-berkeley-free-speech.html](https://www.nytimes.com/2022/12/21/us/uc-berkeley-free-speech.html).

<sup>38</sup> Schimmel, Noam. “Disinvited, Excluded, Discriminated Against: Jews at UC Berkeley.” Jewish Journal, 8 Feb. 2024, [jewishjournal.com/commentary/opinion/367974/disinvited-excluded-discriminated-against-jews-at-uc-berkeley/](https://jewishjournal.com/commentary/opinion/367974/disinvited-excluded-discriminated-against-jews-at-uc-berkeley/).

<sup>39</sup> George, Eric M. , et al. THE LOUIS D. BRANDEIS CENTER, INC.; JEWISH AMERICANS for FAIRNESS in EDUCATION (JAFE) vs. REGENTS of the UNIVERSITY of CALIFORNIA; UNIVERSITY of CALIFORNIA at BERKELEY; BERKELEY LAW SCHOOL; MICHAEL DRAKE, in His Official Capacity as President of the University of California; CAROL T. CHRIST, in Her Official Capacity as Chancellor of the University of California, Berkeley; BEN HERMALIN, in His Official Capacity as Provost of the University of California,. 28 Nov. 2023, [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/brandeiscenter.com/wp-content/uploads/2023/11/Brandeis-Center-Complaint-11.28.2023-1.pdf](https://chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/brandeiscenter.com/wp-content/uploads/2023/11/Brandeis-Center-Complaint-11.28.2023-1.pdf).

<sup>40</sup> “Student Danielle Sobkin: “Concerning” Events on US Campuses Are a “Normalization of Antisemitism” | Fox Business Video.” Fox Business, 3 Nov. 2023, [www.foxbusiness.com/video/6340440826112](https://www.foxbusiness.com/video/6340440826112).

<sup>41</sup> “Brandeis Center Sues UC Berkeley for “Longstanding, Unchecked Spread of Anti-Semitism” (11/28/23) - Brandeis Center.” Brandeis Center -, 28 Nov. 2023, [brandeiscenter.com/brandeis-center-sues-uc-berkeley-for-longstanding-unchecked-spread-of-anti-semitism-11-28-23/](https://brandeiscenter.com/brandeis-center-sues-uc-berkeley-for-longstanding-unchecked-spread-of-anti-semitism-11-28-23/).

<sup>42</sup> Stutman, Gabe. “Jewish Environmentalist on Oakland City Council Disinvited from UC Berkeley.” J., 15 Dec. 2023, [jweekly.com/2023/12/14/jewish-environmentalist-on-oakland-city-council-disinvited-from-speaking-to-uc-berkeley-class/](https://jweekly.com/2023/12/14/jewish-environmentalist-on-oakland-city-council-disinvited-from-speaking-to-uc-berkeley-class/).



### III. Berkeley excludes Jews from campus diversity, equity and inclusion initiatives

#### *Berkeley gaslights Jews, faculty says “Jewish students [at Berkeley] are far too privileged”*<sup>40</sup>

On October 11, 2024 at 10:44 PM, a Berkeley faculty member called a Jewish student and said to them, in response to their concerns of antisemitism and anti-Jewish discrimination, that “‘Jewish students [at Berkeley] are far too privileged.’”<sup>43</sup>

By and large, the university has denied allegations of the “longstanding, unchecked spread of anti-semitism” that was brought forth in a lawsuit filed in November of 2023.<sup>44</sup> In a statement made by Dan Mogulof, Berkeley’s Assistant Vice Chancellor for Executive Communications, he maintained that “[Berkeley] has long been committed to confronting antisemitism, and to supporting the needs and interests of its Jewish students, faculty, and staff. That commitment was strengthened in 2015, when the university established the Chancellor’s Committee on Jewish Student Life, and again in 2019 when a groundbreaking Antisemitism Education Initiative was launched on the campus.”<sup>45</sup>

Here is what Dan Mogulof, speaking on behalf of the university, did *not* share:

- *RE: Chancellor’s Committee on Jewish Student Life* --- Berkeley Law Professor Steven Davidoff Solomon, the founding chair of the committee, resigned from his position leading the committee due to systemic marginalization of Jews on campus by the university administration
- *RE: Antisemitism Education Initiative* --- The program receives no funding from UC Berkeley. The single full-time staff member—and the broader operating budget (eg. educational video)—is funded by a nonprofit called the Academic Engagement Network.<sup>46</sup>
- *RE: Helen Diller Institute for Jewish Law and Israeli Studies* --- Majority (if not all) of the Institute’s funding comes from private donations, not Berkeley.

All of these points suggest that when UC Berkeley cites the presence of Jewish life on campus, the administration takes credit where it is not due.

Note, though, that Dan Mogulof did not cite that in 1961, Berkeley has been the home to the Judah L. Magnes Museum/Magnes Collection of Jewish Art & Life, a world-class Jewish history, art, and culture museum.<sup>47</sup> Additionally, in 2020, Berkeley’s Chancellor, Carole Christ, received the 2020 Courageous

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<sup>43</sup> “UC Berkeley Supports Hamas’s Terrorist Attacks - Opinion.” The Jerusalem Post | JPost.com, 16 Oct. 2023, [www.jpost.com/opinion/article-768586](https://www.jpost.com/opinion/article-768586).

<sup>44</sup> “Brandeis Center Sues UC Berkeley for ‘Longstanding, Unchecked Spread of Anti-Semitism’ (11/28/23).” Brandeis Center, 28 Nov. 2023, <https://brandeiscenter.com/brandeis-center-sues-uc-berkeley-for-longstanding-unchecked-spread-of-anti-semitism-11-28-23/>.

<sup>45</sup> The statement was made to a reporter at KPIX-TV San Francisco| CBS News Bay Area

<sup>46</sup> Gregg Drinkwater is the program director for the UC Berkeley Antisemitism Education Initiative, which is housed under the Center for Jewish Studies department.

<sup>47</sup> “Judah L. Magnes Museum | the Magnes Collection of Jewish Art and Life.” Judah L. Magnes Museum, [magnes.berkeley.edu/research-at-magnes/judah-l-magnes-museum/](https://magnes.berkeley.edu/research-at-magnes/judah-l-magnes-museum/).

Leadership Award from the Jewish Community Relations Council of Northern California.<sup>48</sup> These facts can remain true and coexist with Berkeley discriminating against Jews when certain incidents arise.

**When Berkeley tries to support Jews, their efforts fall short**

Here are other efforts the university has made to support Jewish students:

1. Two Berkeley Vice Chancellors serve on the Berkeley Hillel Board. This allows the administration to have access to Berkeley Hillel, a private organization.
  - **However:** if the administrators serve on the board to help foster safe and inclusive Jewish life on campus, then why do the administrators disregard students' concerns of anti-Jewish hate and discrimination?
2. Consistently, the university has told students to report any potential discrimination issues to the Office for the Prevention of Harassment and Discrimination. This ensures there is a centralized process for reporting and handling discrimination.
  - **However:** under Title VI, this is not the only mechanism for students to report and make the university aware of discrimination.<sup>49</sup> Jewish students have put the university on notice via many emails detailing concerns and providing evidence.
3. The university expressed concern for rising antisemitism, and the Provost offered grade leniency for those students (Jewish or not) whose mental health was affected by the ongoing Israel-Gaza war.
  - **However:** why did the emails not call out specific incidents of anti-Jewish hate that were occurring on Berkeley's campus? Failure to call out the incidents meant the university did not recognize those incidents as hate. Moreover, offering grade leniency was a response to a hostile environment, not a solution that tackled the root cause of hostility: anti-Jewish discrimination.
4. The Regents committed \$7 million to combating antisemitism and islamophobia.<sup>50</sup> The university widely publicized their call for proposals, so this process has been kicked off.
  - **However:** what percent of the overall UC system budget is this \$7 million? Over how many years is this allocated, and how meaningful is the budget of \$700k per campus? Above all, this programming does not address the root cause of unequal treatment of Jews: the refusal of Berkeley's administration to identify and call out hate against Jews.
5. The Chancellor celebrated Hanukkah in 2023 with select Jewish students, all members of the Berkeley Hillel board, in a private gathering.
  - **However:** the students who were victims of anti-Jewish hate crimes (eg. the two assaults, home robbery) were not a part of the event. Additionally, the Chancellor's openness to

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<sup>48</sup> "Jewish Group Honors Chancellor Christ for Courageous Leadership." Berkeley, 2022, news.berkeley.edu/2020/03/11/jewish-group-honors-chancellor-christ-for-courageous-leadership#:~:text=That%20willingness%20to%20take%20a.

<sup>49</sup> "OCR FAQs." Www2.Ed.gov, 10 Jan. 2020, www2.ed.gov/about/offices/list/ocr/faqs.html.

<sup>50</sup> "UC Pledges \$7M to Address Islamophobia, Antisemitism on Campuses." San Francisco, ca Patch, 20 Nov. 2023, patch.com/california/san-francisco/uc-pledges-7m-address-islamophobia-antisemitism-campuses.

celebrating a religious holiday with Jewish students does not account for the Chancellor's dismissal of recognizing hate against Jewish ethnic identity.

6. The collective Jewish student community is represented through the Chancellor's Committee on Jewish Student Life.
  - **However:** just because this committee exists, it does not mean the university acts on recommendations from the committee or that the committee has a direct impact on the university's discrimination of Jews. Additionally, this committee fails to include 'Israeli' identity in its name, whereas the counterpart committee<sup>51</sup> for Arab and Muslim students is called the "Chancellor's Advisory Committee on Muslim and Palestinian Student Life and Campus Experience."
7. Since October of 2023, certain administrators have attended training, such as the Summit on Campus Antisemitism held in Los Angeles in November of 2023, as well as joined students for Shabbat at Hillel.<sup>52</sup>
  - **However:** if the administrators are being trained to recognize anti-Jewish hate correctly, then why are incidents targeting Jews continued to be ignored as anti-Jewish hate?
8. Berkeley's executive director of OPHD, Kellie Brennan, reached out to a concerned Jewish student on November 21, 2023, and Kellie met with a graduate student on February 12, 2023.<sup>53</sup>
  - **However:** in order for the university to be aware of discrimination concerns, the Jewish student does not have to file a report with OPHD. Already, via email, the university administrators, including Kellie Brennan, were reasonably aware of discrimination concerns. Following the meeting in February, there was no email follow up or response from Kellie Brennan. Additionally, the anti-Jewish hate incidents against Jews continue to not be investigated as anti-Jewish hate.
9. On February 12, 2023, the University of California Police Department ("UCPD") Police Chief, Yogananda Pittman, along with Kellie Brennan, met with a Jewish student. (This is the same meeting mentioned above). When asked why UCPD was not investigating the specific incidents as anti-Jewish hate, the police chief cited that her department was following regulation under the Department of Justice and District Attorney's office. When the student pointed out inconsistency with the Policy Manual, the police chief responded that her staff completed the mandatory training for Jewish hate, implying there was no reason her team would incorrectly identify hate against Jews.
  - **However:** the police chief failed to account for the definition of Jewish hate by the Department of Education—in addition to the Department of Justice—which accounts for anti-Jewish hate based on shared ancestry and national origin.<sup>54</sup> The police chief also

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<sup>51</sup> "Committee Descriptions | Office of the Chancellor." Chancellor.berkeley.edu, chancellor.berkeley.edu/committee-descriptions#:~:text=Chancellor.

<sup>52</sup> International, Hillel. "250+ University Leaders Join Hillel International and the Jewish Federation of Greater Los Angeles for Summit on Campus Antisemitism." Hillel International, 8 Nov. 2023, www.hillel.org/100-university-leaders-join-hillel-international-and-the-jewish-federation-of-greater-los-angeles-for-summit-on-campus-antisemitism/.

<sup>53</sup> Email was sent to Hannah Schlacter. Meeting was with Hannah Schlacter.

<sup>54</sup> Lhamon, Catherine E. "United States Department Of Education Office For Civil Rights The Assistant Secretary." Assistant Secretary for Civil Rights, 25 May 2023.

mispronounced Hillel (calling it “Hah-lal”) and did not know where the building was located. Given the surge in antisemitism, it is concerning that the head security and safety official at Berkeley appeared to be so disconnected.<sup>55</sup>

10. On February 26, 2024, the UCPD, including the police chief, who attended the event that three different Jewish student organizations were organizing that brought in an Israeli speaker. The police brought in over 15 officers, and they asked the Jewish students to relocate their event location for safety concerns. When the riot became out of control, the police evacuated the Jewish students via underground campus tunnels. No student was harmed physically during the evacuation.

- **However:** Instead of terminating the mob and forcing the riot to end by removing protesters, UCPD forced the Jewish students to cancel their event. Jewish students were then evacuated for their safety. The consistent message the university put forth afterwards was that they were understaffed—they did not have more police officers to send—and that the event was unprecedented.<sup>56</sup> Despite all of this, it is crucial to note that when Jewish students first raised concerns for their safety regarding the event, UCPD said they would not bring security. More alarming, when Jewish students shared images with the police of what was promoting the riot—including fighting language, reference to a specific time and place—the police did not treat it as a direct threat.<sup>57</sup>

This sentiment of denying the antisemitism and Jew hate crisis at Berkeley was further echoed in the university’s motion to dismiss filed in February of 2024. UC Berkeley made the following opening remark: “As a public university, the University of California must balance two equally important principles: The right of students of all faiths and backgrounds to receive the many benefits of a University of California education, and the foundational constitutional principle that government cannot punish speech due to its viewpoint.”<sup>58</sup>

Despite what Berkeley’s administration may posit, the hostility and Jew hate happening on Berkeley’s campus is not protected under free speech—this crisis of anti-Jewish hostility and hate is caused by the university treating incidents involving Jewish students differently from other groups.<sup>59,60</sup>

Ultimately, by failing to condemn the widespread inappropriate behavior of Berkeley community members towards Jews, the university has allowed for subtle and overt discrimination, resembling the discrimination of Jews in the 1950s.

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<sup>55</sup> Meeting notes were written by Hannah Schlacter.

<sup>56</sup> This was heard in various news articles. This also was conveyed by the UCPD Captain in a meeting with two Jewish students on February 28, 2024. The police captain cited that in recent years, the budget and staff for police force had been cut in half.

<sup>57</sup> This refers to the Instagram post made by Bears for Palestine. The image included a photo of the speaker with fire in his eyes. The background is a photo of rockets launching at Israel from Gaza. In dark red and black colors and a large, bold font are the words ‘Shut it down’ referring to the Jewish student’s event.

<sup>58</sup> Chen, Hailyn, and Bryan Heckenlively. Motion to Dismiss Complaint and Motion to Strike Jury Demand. 5 Feb. 2024, <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/fingfx.thomsonreuters.com/gfx/legaldocs/lbpgblrmdvq/UC%20Berkeley%20Motion%20to%20Dismiss.pdf>.

<sup>59</sup> Berkeley’s Chancellor Christ was interviewed in The New Yorker in December of 2023. The article stated that “[the Chancellor hoped] that through free speech, the Berkeley community can find a way to navigate “almost existential differences of opinion.”

<sup>60</sup> Fischer, Molly. “The Chancellor of Berkeley Weighs In.” The New Yorker, 17 Dec. 2023, [www.newyorker.com/news/the-new-yorker-interview/the-chancellor-of-berkeley-weighs-in](http://www.newyorker.com/news/the-new-yorker-interview/the-chancellor-of-berkeley-weighs-in).

**Structural issues at Berkeley prevent a long-term solution to campus hostility and discrimination**

Berkeley's campus climate, condoning hostility towards Jews and leading to a double standard to Jews, can be attributed to structural faults. Thus, without fixing the broken structure that allows for Jew hate to be tolerated, it is impossible for Berkeley to sufficiently stop the discrimination of Jews.

*1. Jew hate and antisemitism are excluded from Berkeley's equity and diversity efforts.*

In 2009, UC Berkeley created the “*UC Berkeley Strategic Plan for Equity, Inclusion, and Diversity: Pathway to Excellence*.” This outlined the university's original commitment to what is now widely called DEIJ. Based on the diversity data the report collects (and subsequently omits), Berkeley hints at the framework of dividing people into oppressed and oppressor groups. Here is an excerpt from the report's section on ‘*Data Findings*’:

“While African American, Hispanic, and Native American undergraduate and graduate students are admitted to and enroll in UC Berkeley at about the same proportion as their size in the applicant pool, there are significant intergroup disparities ... in eligibility and application .... [as well as] retention and graduation rates. For example, in the fall 2002 incoming UC Berkeley cohort of freshmen, the six-year graduation rate for Hispanic and African American undergraduate students is 82 percent and 77 percent, respectively, compared with 93 percent for Asian American students and 90 percent for Whites.”

The issue is not the principle of diversifying the student body; rather, it is that diversity includes protected identity groups, namely: Jews. Moreover, under the framework of oppressed and oppressor, Jewish ancestral identity is excluded and delegitimized. So, millennia of anti-Jewish discrimination seen around the world—including forced ghettos, inflicted refugee status, pogroms, and mass genocide—is not included in such data findings.<sup>61</sup>

In the US at present, hate crime data against Jews is limited to the category of ‘religion’ based, even though the surge of Jew hate is linked to Jewish ethnicity and shared ancestry. What is most shocking is that 60% of hate crimes in the US target Jews, despite Jews making up 2.4% percent of the US population.<sup>62</sup>

Supporting this point, in the fall of 2021 Berkeley collected diversity data on the student body. Nowhere is ‘Jewish’ measured. Most shocking, in the subcategory of ‘underrepresented groups,’ Jews are blatantly excluded. These underrepresented groups are defined as: “African American, Chicano/Latino, Native American/Alaska Native, and Pacific Islander.”<sup>63</sup>

Again, the problem is *not* including and investing resources to support such underrepresented groups. Instead, this confining labeling underscores that despite the history of oppression, attempted extinction

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<sup>61</sup> This refers to ghettos in eastern Europe, forced exile from countries like Spain and Portugal, pogroms throughout Europe and the middle east, and the Holocaust.

<sup>62</sup> Press, Associated. “Jewish People Make up 2.4% of the U.S. Population but Are the Targets of about 60% of Hate Crimes Linked to Religion, Says FBI Director.” MarketWatch, 2 Nov. 2023, [www.marketwatch.com/story/jewish-people-make-up-2-4-of-the-u-s-population-but-are-the-targets-of-about-60-of-hate-crimes-linked-to-religion-says-fbi-director-2dd86906](https://www.marketwatch.com/story/jewish-people-make-up-2-4-of-the-u-s-population-but-are-the-targets-of-about-60-of-hate-crimes-linked-to-religion-says-fbi-director-2dd86906).

<sup>63</sup> “Diversity Data Dashboard | Diversity.” Berkeley.edu, 2016, [diversity.berkeley.edu/reports-data/diversity-data-dashboard](https://diversity.berkeley.edu/reports-data/diversity-data-dashboard).

and ethnic cleansing, and discrimination Jews have faced, they are systematically excluded from UC Berkeley's diversity efforts. Additionally, despite the minority Jews make up in the global population, they are again discriminated against, not considered in diversity efforts.

In perusing Berkeley's website "Berkeley Equity & Inclusion," which has its own university division, it is evident that antisemitism and Jew hate is nearly non-existent. If one searches 'antisemitism,' the website reveals only four results. None of the results reflect the national spike in antisemitism that began in October, coinciding with the war in Israel and Gaza.

As a result, the onus of supporting Jewish life at Berkeley has been outsourced by the university to privately-funded, non-university legally affiliated organizations like Berkeley Hillel and Berkeley Chabad. In outsourcing such efforts, the university takes claim for any sense of inclusion and belonging students receive while systematically excluding Jews from the campus resources that are supposed to support students of diverse backgrounds and marginalization through targeted hate. For instance, anecdotes from current Berkeley students share that in the fall of 2023 semester, the university actively encouraged students to go to Berkeley Hillel for inclusion and belonging. Why were Jews not finding inclusion and belonging in the Division of Equity and Inclusion?

2. *Berkeley instructors and staff that teach diversity and inclusion demonstrate bias against Jewish shared ancestral identity as it relates to Israel as the Jewish homeland.*

All MBA-level graduate students at UC Berkeley Haas School of Business are required to take the course MBA 205D: Business Communication in Diverse Work Environments. Failure to pass the course prevents an MBA student's graduation. Here is an excerpt from the spring 2024 syllabus for the course:

"This course increases awareness and cultural competencies to tackle issues surrounding diversity, equity, inclusion, and belonging (DEIB) within organizations in the 21st century. Leaders must be adept at identifying and addressing structural sources of inequity, having difficult conversations, managing conflict rooted in identity and difference, mitigating problems associated with stereotypes and biases, and managing diverse, equitable, and inclusive environments. We build competency with core concepts and use the diversity within our classroom to practice navigating interpersonal, intraorganizational, and interorganizational dialogues."

Attending mandatory lectures and reviewing presentation slides from lecture, it is clear that antisemitism is omitted as relevant systematic marginalization.<sup>64</sup> In particular, this course is supposed to teach inclusion and belonging, yet it is unclear whether the instructors are qualified to teach this subject given their hostile sentiment, proven in their online actions, towards Jews/Jewish identity.<sup>65</sup> Below are three examples:

- The instructor made herself the victim after she was called out for tweeting something antisemitic (eg. she did not apologize or commit to learning why it was antisemitic)

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<sup>64</sup> This reflects the student experience of Hannah Schlacter.

<sup>65</sup> This includes Professor Hudson's twitter. Please contact Hannah Schlacter for screenshots.

- The instructor teaches frameworks in class and tweets frameworks that explicitly exclude, erasure, and 'other' Jewish identity (eg. power and privilege). This perpetuates the antisemitic trope and stereotype around Jewish privilege
- For a subject like DEI that is so complex and filled with nuance (eg. concepts like identity intersectionality, etc), the instructor's world view fails to account for such nuance as well as promotes misinformation

This claim of Jews' systemic exclusion on campus in diversity efforts is also exhibited in Berkeley's Othering and Belonging Institute. Such exclusion was described in this piece in *Forbes* published in February of 2024.<sup>66</sup>

“One example of a university organization that describes Jewish people as oppressors is Berkeley's Othering and Belonging Institute. The institute omits antisemitism from its focus—while including Islamophobia—thereby not recognizing the unique challenges faced by Jewish students. For example, the institute, in a statement about the Israel-Hamas war on its website, said ‘the root cause of this violence is Israel’s occupation and apartheid system.’ When Berkeley student Hannah Schlacter read this, she told me, she felt isolated, questioning the omission of Hamas, Islamic State, and extremism in such violence.

When I asked why the institute does not include antisemitism among its areas of interest, its director of communications, Cecilie Surasky, responded in an email: ‘We are, of course, deeply opposed to antisemitism. In fact, we are vehemently opposed to the othering of all identity groups.’

Surasky added: ‘Ethno- and ethno-religious states, regardless of ethnicity, race or religion, or where they appear in the world or history, are a if not the prime example of structural othering. So yes, we are critical of all structures that move state power and resources to one group over others, which fuels injustice and violence.’

The institute did not respond to a follow-up question about whether its official position is that Israel should not exist as a Jewish state.”

What is most poignant is the prejudice exhibited by this institute against Jews. The Jewish ancestral homeland of Israel is called out as a nation state; however, the institute fails to account for Hamas charter which calls for the ethnic cleansing of Jews and formation of a state controlled by the Islamic State.<sup>67</sup>

3. *Any academic centers for Judaism and/or Israel are majority self-funded with minimal financial contributions from UC Berkeley.*

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<sup>66</sup> Hernholm, Sarah. “Antisemitism on College Campuses: Challenges within DEI Initiatives.” *Forbes*, 16 Feb. 2024, [www.forbes.com/sites/sarahhernholm/2024/02/16/antisemitism-on-college-campuses-challenges-within-deij-initiatives/?sh=34962e1216d5](https://www.forbes.com/sites/sarahhernholm/2024/02/16/antisemitism-on-college-campuses-challenges-within-deij-initiatives/?sh=34962e1216d5).

<sup>67</sup> “The Charter of Allah: The Platform of the Islamic Resistance Movement (Hamas).” *Fas.org*, 2022, [irp.fas.org/world/para/docs/880818.htm](https://irp.fas.org/world/para/docs/880818.htm).

As mentioned above, UC Berkeley routinely takes credit for any presence of positive Jewish life on campus, such as the Helen Diller institute, Center for Jewish Studies, and the Antisemitism Education Initiative. These centers are all primarily self-funded without any financial contributions from the university—at times, the university has gone as far as to refuse to support funding.<sup>68</sup> This is a sharp contrast to the significant investment the university has made, estimated to be in the magnitude of tens of millions, in DEIJ spend.<sup>69</sup>

4. *When the Law School student organizations banned Zionist speakers (including individuals practicing reform, conservative, or orthodox Judaism), UC Berkeley failed to condemn the action.*

In response to the bylaws, Berkeley's Law School Dean was quoted as explaining that “no, the law school cannot, consistent with the First Amendment, prohibit such bylaws, or punish such students. [The student organizations] have the right to choose speakers for their events based on viewpoint. It would be punishable if they discriminated based on religion (or race or sex or sexual orientation) in inviting speakers.”<sup>70</sup>

What the Law School Dean failed to acknowledge was that the bylaws discriminated against Jewish identity via shared ancestry. This is a characteristic protected under Title VI.

Contradicting himself—and proving such anti-Jewish discrimination—the Law School Dean signed a letter that read the following: “We believe this rule is not only wrong but is antithetical to free speech and our community values. ... Many Jews (including some of us signing below who are Jewish) also experience this statement as antisemitism because it denies the existence of the state of Israel, the historical home of the Jewish people.”<sup>71</sup>

Ultimately, by failing to condemn such bylaws and allowing them to exist, Berkeley is structurally excluding Jews from campus life. Berkeley's resulting widespread inappropriate behavior of community members towards Jews has allowed for subtle and overt discrimination, resembling the discrimination of Jews in the 1950s.

5. *Four Jewish studies positions (the majority of total positions) which the university has not filled.*

The Center for Jewish Studies studies is not a separate department. So, positions for the center are dispersed, requiring other Berkeley departments to approve any of the center's appointments. There are four Jewish studies positions, which is the majority of the total positions, that Berkeley has not filled for quite some time.<sup>72</sup>

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<sup>68</sup> Schimmel, Noam. “Disinvited, Excluded, Discriminated Against: Jews at UC Berkeley.” Jewish Journal, 8 Feb. 2024, [jewishjournal.com/commentary/opinion/367974/disinvited-excluded-discriminated-against-jews-at-uc-berkeley/](https://jewishjournal.com/commentary/opinion/367974/disinvited-excluded-discriminated-against-jews-at-uc-berkeley/).

<sup>69</sup> This is an estimated figure provided by a tenured Berkeley faculty member in the law school.

<sup>70</sup> Joseph, Pat. “Discriminatory Bylaws and Free Speech.” Cal Alumni Association, 1 Dec. 2022, [alumni.berkeley.edu/california-magazine/2022-winter/discriminatory-bylaws-and-free-speech/#:~:text=Indeed%2C%2024%20law%20professors%20here.](https://alumni.berkeley.edu/california-magazine/2022-winter/discriminatory-bylaws-and-free-speech/#:~:text=Indeed%2C%2024%20law%20professors%20here.)

<sup>71</sup> “U.C. Berkeley School of Law Faculty Statement in Support of Jewish Law Students.” Google Docs, [docs.google.com/document/d/1BiOeLJSG7Irbh9DSkvxsYRebE6Ck8a0rZaeBWNtjLPY/edit](https://docs.google.com/document/d/1BiOeLJSG7Irbh9DSkvxsYRebE6Ck8a0rZaeBWNtjLPY/edit).

<sup>72</sup> This anecdote was from a Berkeley faculty member. Jewish faculty have mentioned that among faculty, it is commonly known that Berkeley departments engage in practices that are overtly anti-Jewish/ discriminatory for faculty whose Jewish identity is tied to the Jewish ancestral homeland.



6. *Lack of accountability in adhering to UC Regents Bylaws regarding classroom political indoctrination.*

Berkeley allows students to create university-accredited courses. These are called ‘decal’ courses. The university departments are responsible for approving the decal course, which the Academic Senate then ultimately approves.

On January 26, 2024, a Jewish student raised concern to the Academic Senate regarding the potential discriminatory content as well as political indoctrination of the Berkeley-accredited course titled ‘*Palestine: A Settler Colonial Analysis*.’ The course is set to be offered to Berkeley students in the spring 2024 semester. Per the website, the final authority to approve a course is, indeed, the Academic Senate.

In response, however, on February 6, 2024, a representative of the Academic Senate, emailed the Jewish student to contact the chair of the Department of Ethnic Studies, implying the department head approved the course, even though the Academic Senate supposedly had final approval power.

Note that per the UC Regents Policy 2301: Policy on Course Content, Berkeley is “responsible to ensure that public confidence in the University is justified. [Berkeley must] ... remain aloof from politics and never function as an instrument for the advance of partisan interest.”<sup>73</sup> Historically, courses like this advance partisan interest and dilute the university’s reputation, guised—incorrectly—under academic freedom.

#### **IV. Berkeley dismisses Jews’ concerns regarding anti-Jewish discrimination**

##### **Students are ignored when they raise anti-Jewish discrimination concerns**

As a graduate student on campus, I have volunteered my time to advocate for equal and fair treatment of Jews by the university. My communication has been ignored by the relevant university leaders, and no follow up occurred. Below is a record of Jewish students’ concerns of anti-Jewish discrimination being ignored:<sup>74</sup>

- a. On October 10, 2023: Berkeley’s Vice Chancellor for Equity and Inclusion as well as the Associate Vice Chancellor and Dean of Students sent an email to all Berkeley student organization leaders titled, ‘*Support and Resources for Student Orgs During Current Conflict*.’ In response to that email, a Berkeley undergraduate student sent a follow up email titled ‘*[URGENT] Call for Immediate Action to Protect and Support Jewish Students*.’ That student’s email listed out specific requests to ensure Jewish students’ safety. (**The administration never responded to the student’s email**). The requests, which have not been fulfilled, included:
  - a. “Immediate, open dialogue with Jewish students and faculty to deeply understand and address our concerns.”

<sup>73</sup> “Regents Policy 2301: Policy on Course Content | Board of Regents.” Regents.universityofcalifornia.edu, regents.universityofcalifornia.edu/governance/policies/2301.html.

<sup>74</sup> For documents containing the email evidence, please contact Hannah Schlacter.

- b. “Clear, robust policies and actions aimed at safeguarding students against violence and hate.”
  - c. “Educational initiatives that foster an understanding, inclusive environment for all students and faculty.”
  - d. “Transparent and swift action in response to incidents of violence and hate, ensuring perpetrators are held accountable.”
- b. On October 11, 2023: a Berkeley graduate student sent an email titled, *‘I feel terrified as a Jewish student.’* In the email, the student clarified that after 10/7, they “have felt scared for [their] life to come to campus.” The student also cited a memo that was distributed by the national parent organization for the Berkeley registered student organization group called Bears for Palestine (“BFP”). The student wrote that the “memo encouraged students with ... ‘confrontation by any means necessary’ and ‘meaningful actions that go beyond symbolism and rhetoric.’” As a registered student organization, Bears for Palestine has received sponsorship from the university for nine years as a “Student-Initiated Service Group (SISG),” receiving a final allocation of \$6,500 in sponsorship.<sup>75</sup> **The university did not respond.**
- c. On October 11, 2023: a Berkeley undergraduate student sent an email titled *‘[URGENT] Legal Action to Come.’* The email made Berkeley administration aware of hostility Jews faced. The Jewish student wrote the following: “we, the Jewish community, do not feel safe. We are afraid to show our identity on campus for fear of our physical safety. I have received threats following yesterday's rally and cannot come on campus without feeling scared for my physical safety and well-being.” **The university did not respond.**
- d. On October 15, 2023: the Provost responded to a Jewish student’s various emails regarding safety and antisemitism concerns. The provost wrote that “to claim that the UC Berkeley administration is anti-Semitic is farcical. Would an anti-Semitic organization have a Jewish provost, at least one other Jewish cabinet member, at least five Jewish deans, and hundreds of Jewish faculty?” **The Provost did not respond to the student’s reply.**
- e. On October 25, 2023: a Berkeley undergraduate student sent an email titled *‘Jewish Students Are Scared.’* The student wrote the following: “UC Berkeley has a moral and legal obligation to ensure the safety and well-being of its Jewish students. I urge you to take immediate and decisive action against such hateful expressions and to ensure that UC Berkeley remains a safe space for its Jewish students. I am a Jewish student and I am scared.” **The university did not respond.**
- f. On October 26, 2023: a Berkeley undergraduate student sent a follow up email to share video evidence of a Jewish student physically assaulted and hospitalized at a rally organized by the Tulane community. The Jewish student emphasized that “this [violence] could [target] any one of us [Jews] tomorrow.” **The university did not respond.**

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<sup>75</sup> “ASUC FY24 General Budget [FINAL ABSA ALLOCATIONS].” ASUC, [docs.google.com/spreadsheets/d/1ouDmCcJjprNtTFjpe\\_8Q4\\_1EspneFebcH3pWO5Svdeo/edit#gid=1125001012](https://docs.google.com/spreadsheets/d/1ouDmCcJjprNtTFjpe_8Q4_1EspneFebcH3pWO5Svdeo/edit#gid=1125001012).

- g. On November 10, 2023: a Berkeley graduate student sent an email titled ‘*Addressing Potential Double Standards Affecting Jewish Students*’ to the chair of the UC Board of Regents. This email was co-signed by Berkeley undergraduate students and an alum. Per the documented evidence the student shared with the chair, the Regents had reasonable notice of specific incidents involving Jewish students that were being held to a double standard. In particular, the student referenced the *Dear Colleague* letter sent in May of 2023 by the US Department of Education, and the student wrote “our evidence raises serious questions about potential double standards in handling discrimination and hate crimes against Jewish students” **The chair of the Regents did not respond to the email**, although he helped ensure two Jewish students could share their concerns at the Regents meeting held at UCLA on November 16, 2023.
- h. On November 15, 2023: a Berkeley undergraduate student sent an email titled ‘*Understanding University's response for Tomorrow*’ to the Berkeley administration regarding an event planned by the Berkeley registered student organization BFP. The student called out that “during ... previous BFP events and immediately before/after the events, two different Jewish students were physically assaulted ... and Jewish students were explicitly targeted. Moreover, Jewish students have been harassed by protesters ... who claim they are security when expressing their legal rights.” **No meaningful follow up came from this communication.**
- i. On December 7, 2023: a Berkeley graduate student sent an email titled ‘*Student Concern re: two Jews physical assaulted, Berkeley not investigating as hate crime*’ to Berkeley’s Chancellor, Chief of Police, as well as other stakeholders (leaders at the US Department of Education, California Lt. Governor, and UC Board of Regents Chair). **The student never received a response.**
- j. On December 8, 2023: a Berkeley graduate student followed up with an update to the email titled ‘*Re: Student Concern re: two Jews physical assaulted, Berkeley not investigating as hate crime.*’ The student pointed out the recent anti-Jewish hate crime that occurred by sharing photo evidence left at the crime scene: a piece of paper reading “Fuck Jews. Free Palestine. From the River to the Sea.” **The student did not receive a response.**
- k. On December 8, 2023: a Berkeley graduate student forwarded the email sent to the Chancellor and Police Chief to various university board members to make them aware of concerns of anti-Jewish discrimination. **None of the board members responded to the student’s email.**
- l. On February 12, 2024: a Berkeley graduate student met with the University of California Police Department (UCPD) Police Chief Pittman and Kellie Brennan, the Executive Director of Civil Rights & Whistleblower Compliance (OPHD). During the meeting, the police chief admitted she did not know how to pronounce Hillel and had never been to Hillel before nor knew its location on campus. The police chief also acknowledged that her department does not have explicit training on anti-Jewish training, even though antisemitism has spiked since October 7.<sup>24</sup> **Neither the police chief nor OPHD followed up afterwards with the graduate student.**

- m. On February 27, 2024: a Berkeley graduate student sent emails to the university administration. The student's email had the subject '*\*\*Priority\*\* Request for response to Jewish students re: Riot.*' In the email, the student called out that "The university failed to tell the students the number of police they would bring, and they failed to treat the riot as a direct threat -- even though the students made clear when and where the event would be as well as shared what the fighting language was for the riot." The student also identified the impact of the university's actions on their ability to get an equal and fair education: "[the university's response to the riot] nonetheless interfered with my MBA class yesterday evening. When I was an undergrad, I never had to leave a class early due to emotional duress from a campus riot targeting my identity. All of this is on top of the classes I missed and late coursework I submitted due to last semester's campus hostility towards Jews, intensified by the university's wanting response."

### **Berkeley's response goes against Title VI**

This discriminatory environment, which leads to hostility and hate, raises questions around Berkeley's adherence to Title VI of the Civil Rights Act of 1964. Under this act, a university that receives federal funding cannot discriminate against students based on their race or national origin.<sup>76</sup>

There are two points to call out here:

1. For a university to handle an incident of potential discrimination, the incident does not need to be reported in the university's Office for Preventing Harassment and Discrimination ("OPHD"). Rather, per the US Department of Education website, it is only necessary that "an educational institution knows or reasonably should know of possible ... national origin harassment." This means that a student emailing administrators at the university raising concerns and providing evidence of discrimination is legitimate. On top of this, news and media widely promoting evidence of such harassment also serves as legitimate awareness (eg. CBS news segment).<sup>77</sup>
2. Even if a university is proven of discrimination of an identity group based on national origin, then the university must "take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects." Thus, the emphasis is not on whether an evil act happened in the first place. What matters is how the university responded and whether the problem continued to occur.

Moreover, there already exists precedent, which Berkeley's Chancellor and Police Chief were made aware of via a student's email sent in December of 2023. In 2022, Stanford identified an anti-Jewish hate crime—based on shared ancestry—that involved an Israeli flag.

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<sup>76</sup> "Race, Color, or National Origin Discrimination." Home, US Department of Education (ED), 27 Feb. 2023, [www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/race-origin-pr.html#:~:text=It%20states%3A%20%E2%80%9CNo%20person%20in,arena%2C%20Title%20VI's%20protections%20apply](http://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/race-origin-pr.html#:~:text=It%20states%3A%20%E2%80%9CNo%20person%20in,arena%2C%20Title%20VI's%20protections%20apply).

<sup>77</sup> Yu, Betty. "Jewish Groups Sue UC Berkeley Alleging 'Longstanding, Unchecked Spread of Antisemitism'" - CBS San Francisco." [www.cbsnews.com](http://www.cbsnews.com), 28 Nov. 2023, [www.cbsnews.com/sanfrancisco/news/jewish-groups-sue-uc-berkeley-for-longstanding-unchecked-spread-of-antisemitism/](http://www.cbsnews.com/sanfrancisco/news/jewish-groups-sue-uc-berkeley-for-longstanding-unchecked-spread-of-antisemitism/).

**Exhibit 3:**  
**Precedent at Stanford of a University Identifying Anti-Jewish Hate based on Shared Ancestry/  
National Origin**

<i><b>Key Question</b></i>	<i><b>Explanation</b></i>
<i>What happened?</i>	In 2022, Stanford recognized a targeted anti-Jewish hate crime regarding Jewish national origin in its Clery Act reporting. The report detailed “theft [of] an Israeli flag, stolen from inside a dormitory common area, demonstrating bias against national origin.” <sup>78</sup>
<i>Why does this matter?</i>	This incident establishes university precedent for targeted hate against Jewish national origin when involving an Israeli flag. The report did not clarify whether the perpetrator was identified, nor did it specify if the flag was owned by an Israeli or Jewish student.
<i>How does this apply to UC Berkeley?</i>	Similarly, at Berkeley, two different Jewish students have been physically assaulted when expressing their Jewish identity by holding an Israeli flag. For these cases, the university refuses to investigate them as anti-Jewish hate crimes—let alone report them as such under the Clery Act.  In an email sent on December 7, 2023, a Berkeley graduate student made the administration aware of this legal precedent for anti-Jewish hate reporting. The administration did not respond.

**V. Conclusion: Suggested Congressional Actions**

The crisis of Jew hate that is surging across US campuses must be addressed by stakeholders outside of the university. Universities in the US, whether private or public, are liable to state and federal governments because of the significant role the government plays in overseeing education. This spans budget support, tax status, and adherence to federal law.

**Berkeley benefits from federal funding and tax status advantages while seemingly violating Title VI**

Currently, “a total of about \$3 billion will flow through UC Berkeley as it carries out its teaching, research, and public service mission. Berkeley is not a business, so its goal is not to maximize surpluses or ‘profits’ - however, to maintain the institution’s stability and financial health.”<sup>79</sup> Of this \$3 billion, it is estimated that \$420 million (~14%) will come from federal funding.<sup>80,81</sup> An additional \$120 million (~4%)

<sup>78</sup> “Crimes Reported to the Police and Campus Security Authorities 2020 - 2022.” Stanford University.

<sup>79</sup> “Budget 101 | Office of the Chief Financial Officer.” Cfo.berkeley.edu, cfo.berkeley.edu/budget-101.

<sup>80</sup> These estimates are based on the 2020 budget breakdown, as described on Berkeley’s website sourced above in footnote #39

<sup>81</sup> The 14% encompasses “Federal contracts and grants: ... funds that are awarded to units or individual faculty for federally sponsored research projects that align with our university’s mission. Federal contracts and grants come from agencies such as the National Institutes of Health or the

will come from federal funding through the Pell Grant program as well.<sup>82</sup> Note that Berkeley reports that 27% of the undergraduate student body benefit from Pell Grants.<sup>83</sup>

Under Title VI, the federal funding Berkeley receives is dependent on the university's equal treatment of all students, regardless of their race, color or national origin.<sup>84</sup> Berkeley is also subject to relevant federal tax code, given that the university benefits from "its status as [an] agency of the State of California under Article IX, Section 9, of the California State Constitution[.] [This makes UC Berkeley] ... exempt from federal tax."<sup>85</sup>

Evidence throughout this report suggests that Berkeley refuses to investigate anti-Jewish hate. Congress can play a critical role in holding Berkeley accountable through the House's role in holding the purse strings and making laws.

### **Congress plays a much needed role in holding Berkeley accountable**

The below suggestions apply to UC Berkeley as well as other US universities. propose the following:

**1. Congress to urge the US Department of Justice to update the sub-categorization of hate against Jews.**

Anti-Jewish hate should be classified as being either 'Anti-Race/Ethnicity/Ancestry' or 'Anti-Religion' depending on the incident. Updating this classification is needed to accurately reflect the surge in anti-Jewish hate crimes based on Jewish ethnicity/ancestry.

**2. Congress to pass legislation that limits universities' tax-exempt status when the US Department of Education opens investigations regarding Title VI discrimination.**

The current process led by the US Department of Education does not meaningfully incentivize universities to adjust their behaviors. Thus, additional incentives are needed, such as sanctions or penalties on tax-exempt status, that pressure the university to change its practices of discrimination.

**3. Congress to increase funding for the US Department of Education and Department of Justice.**

To tackle the sharp rise of hate in the US, it is vital that the Department of Justice, particularly the FBI, is financially equipped to handle and mitigate domestic security and safety threats.

Additionally, since October 7th, the US Department of Education received a bevy of cases alleging discrimination of Jews based on shared ancestry (ie. national origin).<sup>86</sup> In part due to

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National Science Foundation. This category also includes federal financial support to students." This percentage and text is sourced from footnote #39 above.

<sup>82</sup> The 4% encompasses "Other: This category includes an assortment of revenue sources, with the primary one being Federal Pell Grants(link is external)." This percentage and text is sourced from footnote #39 above.

<sup>83</sup> "Federal Pell Grant." Financial Aid & Scholarships, [financialaid.berkeley.edu/types-of-aid-at-berkeley/grants/federal-pell-grant/](https://financialaid.berkeley.edu/types-of-aid-at-berkeley/grants/federal-pell-grant/).

<sup>84</sup> "Civil Rights Division | Section v – Defining Title vi | United States Department of Justice." [www.justice.gov/crt/fcs/T6manual5#:~:text=Title%20VI%20states%20that%20no%20program%20or%20activity%20receiving%20%E2%80%9CFederal.](https://www.justice.gov/crt/fcs/T6manual5#:~:text=Title%20VI%20states%20that%20no%20program%20or%20activity%20receiving%20%E2%80%9CFederal.)

<sup>85</sup> "UC's Tax-Exempt Status." [Blink.ucsd.edu](https://blink.ucsd.edu/finance/tax/forms/status.html#:~:text=Because%20of%20its%20status%20as%20agency%20of%20the%20State%20of.), [blink.ucsd.edu/finance/tax/forms/status.html#:~:text=Because%20of%20its%20status%20as%20agency%20of%20the%20State%20of.](https://blink.ucsd.edu/finance/tax/forms/status.html#:~:text=Because%20of%20its%20status%20as%20agency%20of%20the%20State%20of.)

<sup>86</sup> "Pending Cases Currently under Investigation at Elementary-Secondary and Post-Secondary Schools." [ED.gov](https://ed.gov), [ocrcas.ed.gov/open-investigations?field\\_ois\\_state=All&field\\_ois\\_discrimination\\_statute=700&field\\_ois\\_type\\_of\\_discrimination=711&items\\_per](https://ocrcas.ed.gov/open-investigations?field_ois_state=All&field_ois_discrimination_statute=700&field_ois_type_of_discrimination=711&items_per)

staffing shortages, the Department of Education closed open investigations when lawsuits were also filed against the universities. To allow for more robust investigations and prosecutions, more funding is also needed for the US Department of Education.

**4. Congress to update legislation around the Family Educational Rights and Privacy Act (“FERPA”) to require transparency around sanctions for students who commit hate crimes.**

When Jewish students raise concerns to administrators regarding anti-Jewish hate and hostility, university administrators cite privacy regulation.<sup>87</sup> This results in administrators providing zero transparency around any sanctions applied to perpetrators, preventing any form of accountability from stakeholders.

**5. Congress to investigate the source of foreign and domestic funding gifted to US universities.**

All university students should be able to have a transparent view of who is funding their universities.<sup>88</sup> This is especially important because when US institutions—which benefit from the federal government—accept significant funding from foreign states, the universities’ actions affect American diplomacy and potential security concerns. A case example includes Saudi Arabia: “‘Saudi Arabia is an absolute monarchy, hostile to women’s rights and LGBTQ rights and without protections for a free press or open expression, but its associations [by funding American universities] can make [Saudi Arabia] seem ... like an honorary Western nation.’”<sup>89</sup>

## **VI. Closing Commentary**

My great grandparents immigrated to the United States in the late 1800s to escape pogroms and discrimination in eastern Europe. They, like other Jewish immigrants, came to our country for a better, more equal, and more fair future for Jews.

The Jew hate I am witnessing on Berkeley’s campus is blatant anti-Jewish discrimination: Jews are being held to a double standard by universities compared to other identity groups on campus. Therefore, it is imperative that Congress asserts its powers in making laws and holding the purse strings to hold universities accountable to their discriminatory treatment of Jews. Without action from Congress, Jewish students like myself—along with alumni, parents, and community members—will continue to be brushed aside when we raise concerns about unaddressed Jew hate and anti-Jewish discrimination.

*(Appendix follows on the next page.)*

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<sup>87</sup> CDC. “Family Educational Rights and Privacy Act (FERPA) | CDC.” Wwww.cdc.gov, 21 Feb. 2019, www.cdc.gov/php/publications/topic/ferpa.html#:~:text=The%20Family%20Educational%20Rights%20and.

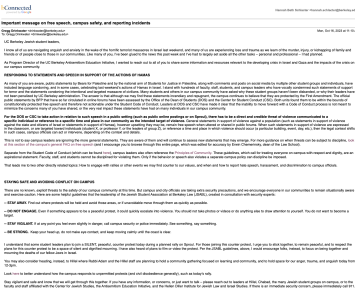


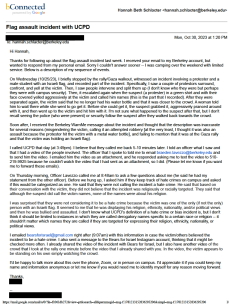
<sup>88</sup> Per a report written by the Executive Director of the American-Israeli Cooperative Enterprise, it is estimated that UC Berkeley has entered into a \$25 million agreement with King Abdullah University of Science and Technology, located in Saudi Arabia. The report was written by Dr. Mitchell Bard, the executive director, and it was first published in 2021.

<sup>89</sup> Hutchison, Joe. “Top US Universities Received \$8 Billion in Arab Funding.” Mail Online, 19 Oct. 2023, www.dailymail.co.uk/news/article-12649249/amp/Cornell-Harvard-NYU-Georgetown-received-billions-funding-Arab-countries-past-30-years.html.

## Appendix

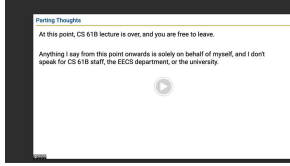
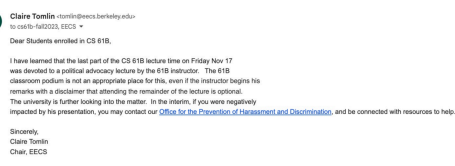


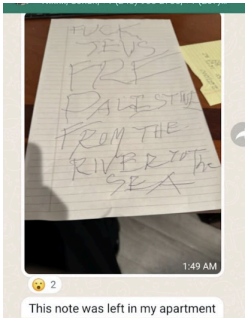
### Item 1

#### Evidence from “Exhibit 1: Incidents of Anti-Jewish Discrimination and Administrations’ Negligence at UC Berkeley Post-October 7th”

Incident	Evidence <sup>90</sup>
a) Hostile Climate	Image is screenshot of the email sent by Berkeley staff member. 
b) Physical Assault [1 of 2], Case #23-02983	Image is screenshot of video of assault. 
c) Physical Assault [2 of 2], Case #23-03105	The two images on the left are screenshots from two different (separate angles) of the assault. The image on the right is a screenshot of a description/ testimony sent by a Berkeley student. This is the same testimony the student provided to the police.  
d) Classroom Misuse for Political Indoctrination	The image on the left is a screenshot of the video of the instructor’s lecture. The image on the right is a screenshot of the email sent to all students in the course by the department head. (Note that the instructor still employed, no transparency around

<sup>90</sup> Please contact Hannah Schlacter to view and access original file links of the evidence.



	<p>sanctions).</p> <div>   </div>
e) Targeted Hate Crime Vandalism	<p>The below are photos of vandalism targeting a well-known Jewish professor at Berkeley, who is commonly known/identified to be Jewish. <i>(The vandalism incidents were not reported as anti-Jewish hate despite a Jewish student reporting the vandalism.)</i></p> <div>   </div>
f) Targeted Hate Crime Robbery, case #23-03629	<p>The image on top left is photo evidence of the anti-Jewish note left in the home of the Jewish student. The image on the top right is the email sent by Berkeley the following morning, calling it a hate crime but not anti-Jewish</p> <p>The two images side-by-side on the bottom are two separate emails sent by Berkeley that specified anti-Asian and anti-trans hate crimes.</p> <div>  <p>UCPD received a report of a burglary of an apartment at the Intersection Apartments in Emeryville. The crime occurred between 7pm and midnight on 12/7/23. The case is additionally being classified as a hate crime.</p> <div> <p>Based on information provided in the initial report of this <b>crime</b>, this <b>crime</b> was believed to have been an anti-Asian hate crime. Any</p> <p>suspects remain outstanding. Based on information gathered during the investigation of this <b>crime</b>, this <b>crime</b> was believed to have been an anti-transgender hate crime. The</p> </div> </div>
g) Anti-Jewish Riot and Mob	<p>The below are photos from the riot that targeted Jews. As of 2/28/24, UCPD has all the evidence that suggest the riot was anti-Jewish and targeted Jews with hate.</p>

Case #24-00557

However, the university has not issued public communication calling the riot anti-Jewish hate.

The first image on the left includes the red marks on a Jewish student's neck—this was caused by the violent mob.

The next photo next to it on the right is the aftermath of the riot's damage. Glass was shattered from the force of the riot trying to break into the building.

Beneath, are police trying to keep protesters out from the building. Next to it is a photo of the Jewish student who, around that time, was physically assaulted and harassed when he was spit on and called a dirty Jew.

The last image on bottom is the mob finding a side entrance and forcefully trying to enter.<sup>91</sup>



<sup>91</sup>For more photo and video evidence from the riot, please contact Hannah Schlacter.

## ***Item 2***

### *Discrepancy in federal government in how anti-Jewish hate is categorized*

The root cause of the anti-Jewish discrimination is due to discrepancy in how Jewish identity is categorized in the United States.

The current regulation in the US around how hate towards Jewish people is categorized does not reflect this nuance between Jewish identity as a religion and Jewish identity as an ethnicity. Under the FBI, the US has a Uniform Crime Reporting Program (UCR) focused on hate crime statistics and data collection.<sup>92</sup> Here, hate crimes can be “motivated by prejudice based on race, gender and gender identity, religion, disability, sexual orientations, or ethnicity.”

Per the FBI website homepage, hate against Jews only qualifies as a bias sub-category ‘Religion.’<sup>55</sup>

In contrast, hate against other identity groups can be categorized as ‘Race/Ethnicity/Ancestry’ or ‘Religion’ motivated, depending on the situation. For example, a hate crime against a Muslim individual can be ‘Race/Ethnicity/Ancestry’ if it is anti-Arab, or it can be ‘Religion’ if it is Anti-Islamic.<sup>55</sup>

## ***Item 3***

### *Discrimination of Jewish Shared Ancestral/ National Origin Identity*

How someone identifies as Jewish varies extensively. It is widely accepted, though, that being Jewish means belonging to an ethno-religious group. Individuals who identify as Jewish do so not just through their religious or prayer-related practices, but also through the notion of shared ancestry, shared culture, and shared history. This means that when someone is asked about how they express their identity as a Jewish person, they may do so as it relates to their religious practices *or* ethnic customs.

On US campuses, Jewish students express their religious and ethnic Jewish identities in different ways. Some Jewish students choose to wear a *kippah* everyday, and other Jewish students choose to attend Shabbat minyan services on Saturday mornings at Hillel or Chabad, two privately-funded centers that support campus Jewish life. These are two valid examples of a Jewish person expressing their religious identity. Other Jewish students may express their Jewish ethnic identity—as it relates to shared history and tradition—by eating *latkes* on Hanukkah, completing a community service project to practice *tikkun olam*, or holding a flag of the Jewish homeland, Israel. These are all valid, equal expressions of Jewish identity.

## ***Item 4***

### *Testimony from UC Berkeley Jewish Student Who Helped Organize the Event on 2/26/24<sup>93</sup>*

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<sup>92</sup> “Hate Crime.” Federal Bureau of Investigation, [www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/hate-crime](https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/hate-crime).

<sup>93</sup> This refers to the event organized by three different Berkeley-sponsored student organizations. Jewish students primarily are involved in the groups as an expression of their Jewish identity. The event included a speaker who was Israeli.

The below testimony was written by a Berkeley undergraduate student. They are Jewish and helped organize the event on 2/26/24. An audio-only testimony from the Jewish student who was spit on and called a 'dirty Jew' was also taken.<sup>94</sup>

“BFI [Bears for Israel], SSI [Students Supporting Israel], and *Tikvah* [three Berkeley-sponsored student organizations] planned to co-host Ran Bar-Yoshafat in Wheeler Hall 204 on Monday February 26 at 6:30 PM. The event details and RSVP were released on Instagram one week in advance. On the evening of Sunday Feb 25, Bears for Palestine put out a post on their Instagram to ‘SHUT IT DOWN’, “it” being our event with Bar-Yoshafat. Their post was liked by over 1,500 people in less than 24 hours. BFP scheduled a counter protest at Wheeler Hall to begin at 6:00 PM on the 26th. Since BFP’s intent was to shut down our event, they were not within the bounds of legal protest (as far as I understand by how the law works in CA). On the evening of the 25th, I sent out an email to advisers from the Berkeley LEAD center and UCPD, warning about the likelihood that they will be violent since their intent was to shut us down. In my first communications with UCPD (by phone on Feb 25 evening), they said they weren’t sure if they would be able to provide security. The next day, the morning of the 26th of February (the day of the event), the LEAD center added many more administrators to the email chain and made it clear that this is a major concern. In a Zoom call with the student organizers and these administrators, ASUC Sen. [name redacted] asked that the event be moved for safety. The administrators also suggested that we go through the list of names and not send the updated location to anyone who was deemed an agitator by the student leaders to be unsafe. (However, if someone deemed an agitator and showed up anyway, we would still need to let them in). The event was set to be moved to the Anna Head facility (owned by UC but not on the main campus). We later asked that the venue be on campus for increased security and accountability, should some incident occur. The administration offered us to use Zellerbach Playhouse, which we agreed to. At around 3:30 PM, I went to Zellerbach so event staff could explain to me the security procedures and protocols. They specified that we should ONLY allow students who RSVPed and keep only one door to be used as the entrance for students who were confirmed to be on the list. Around 5:15 we sent out an email to a list of only non-suspicious students with the updated location (I later realized that this list may have indeed contained people who could have sent the location to BFP). At 5:30, our speaker arrived, and myself and some other student leaders went to the venue to prepare. We met the police Lt. Bill Kasiske, who said that all doors are secured and not able to be opened from the outside. By 6:00 many other administrators were present, including Sunny Lee and Chief of Police Pittman. Also by around 6:00 there was a large crowd beginning to protest outside Wheeler Hall. By 6:18, BFP posted the updated location. Around 5 minutes later, a crowd of protesters surrounded Zellerbach Playhouse. They began protesting loudly, but not necessarily violently for a few minutes. However, by around 6:25 the crowd became extremely violent, banging on the windows of the lobby of the Playhouse. The students checking names outside had to be moved inside for safety. One of these students, ... , was injured when she tried to manage the door and go inside for safety when the rioters were trying to open the door ([that student] has a more specific account of this incident). By 6:30, rioters had somehow entered the building, presumably by a side door on the East side of the building (though this is speculation on my part but is agreed upon by many students). The rioters then opened the side door on the West side of

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<sup>94</sup> Please contact Hannah Schlacter for access.

the theater and UCPD had to fight off a large crowd of rioters who assembled at that door to try to get inside. This is where Brooke was strangled (as far as I know). Some rioters who got inside were not violent when in the theater, so UCPD ignored them despite them violating the rules of the event and thus being trespassers. It was agreed that UCPD would remove all such trespassers if they refused to leave, but I assume that since UCPD officers were busy with the rest of what was going on they did not prioritize these people who were trespassing. By around 6:45, Chief Pittman took the microphone and told everyone to evacuate. I think Ran [the speaker] was evacuated first, followed by a first group of students who were taken through a complex maze of underground tunnels. The second and last group were evacuated a few minutes later and were released in the public to Lower Sproul Plaza, only about 150 feet from the rioters (though the rioters' view was obstructed by Zellerbach Hall, allowing us to quickly leave the area and go to Hillel). A video shows that some time later (I do not know how long), the rioters broke the glass to the front doors of the Playhouse, causing the crowd to disperse."

\*\*\*\* *End of Written Testimony* \*\*\*\*