



**JOURNAL** for the  
**STUDY** of  
**ANTISEMITISM**

Volume 2 Issue #1 2010

ARTICLES

## Whitewashing Antisemitism at the University of California-Irvine

Kenneth L. Marcus<sup>1</sup>

Newly discovered information reveals that a hostile environment supporting antisemitism was established at the University of California-Irvine. In an investigation by the Office for Civil Rights of the U.S. Department of Education (November 2007), the report's conclusions on the presence of such an environment appear to be reversed by political appointees who were averse to pursuing antisemitism cases under any circumstances. The files presented here point to the emotional toll that campus antisemitism has taken on its victims and the serious questions remaining about the failure of university administration to exercise appropriate leadership.

*Key Words: Antisemitism, University of California, Office for Civil Rights*

---

Erwin Chemerinsky, the widely respected dean of the law school at the University of California-Irvine, has claimed that the November 2007 investigation of antisemitism by the Office for Civil Rights (OCR) of the U.S. Department of Education at his institution “did a thorough investigation and then concluded that there was no basis for finding that there was a hostile or intimidating environment for Jewish students on campus. . . .”<sup>2</sup> Such characterizations are dubious, not only because the OCR has not yet reached all of the claims, or because those that it has dismissed are still under appeal before the Obama administration, but also because most claims were dismissed on technical grounds.<sup>3</sup>

---

1. Kenneth L. Marcus is the Lillie & Nathan Ackerman Chair in Equality & Justice in America, The City University of New York, Bernard M. Baruch College School of Public Affairs, and director, Initiative on Antisemitism & Anti-Israelism, Institute for Jewish & Community Research. Marcus was delegated the authority of assistant secretary of education for civil rights at the time that the *Irvine* case was opened. The information contained in this article, however, is based on research conducted subsequent to his departure from the U.S. Department of Education.

2. Erwin Chermersinsky, “The Reality of the University of California, Irvine,” *Jewish Journal*, February 19, 2010.

3. Charles R. Love, program manager, Office for Civil Rights, Region IX, U.S. Department of Education, correspondence to Susan Tuchman, Zionist Organization of America, November 30, 2007.

Soon-to-be-published research suggests additional reasons for suspicion: career officials who conducted the investigation actually concluded that a hostile environment had been established but were reversed by political appointees who were averse to pursuing antisemitism cases under any circumstances.<sup>4</sup>

Through the Freedom of Information Act, the Institute for Jewish and Community Research obtained redacted copies of the official files containing witness interviews by government attorneys. These files provide an extraordinary view of the widespread, serious, and credible claims brought against Irvine by the Zionist Organization of America; the emotional toll that campus antisemitism has taken on many of its victims; and the serious questions remaining about the failure of university administration to exercise appropriate leadership. The investigative files are published here for the first time.

#### SERIOUSNESS OF CLAIMS

The investigative records reveal the environment at Irvine for Jewish students during at least the early and middle years of this past decade. Under OCR guidance, a “hostile environment” consists of “physical, verbal, graphic, or written” conduct that is “sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges” that a university affords its students.<sup>5</sup> Irvine’s administration has steadfastly denied that such conditions exist, insisting that “virtually every incident” alleged at Irvine “involved speech on campus” and that such expressions are protected under the First Amendment.<sup>6</sup> OCR’s UC-Irvine files tell a very different story.

UC-Irvine’s Jewish students detailed incidents of rock-throwing, stalking, vandalism, and various forms of intimidation. One student, whom we will call Jacob,<sup>7</sup> recalls that members of the Muslim Student Union (MSU) said that they would beat him up when he wore a shirt representing Israel’s national soccer team. A friend of his, who heard these students talk, alleged

---

4. These facts and others are revealed in Kenneth L. Marcus, *Jewish Identity and Civil Rights in America*, which Cambridge University Press will publish later this year.

5. OCR, Notice, *Racial Incidents and Harassment Against Students at Educational Institutions*, 59 Fed. Reg. March 10, 1994, <http://2.ed.gov/about/offices/list/ocr/docs/race394.html>.

6. See, e.g., “Unpleasant Speech on Campus, Even Hate Speech, Is a First Amendment Issue,” *William and Mary Bill of Rights* 17, no. 2009-3 (March 2009):765, 767.

7. The names of Irvine students have been changed to protect their privacy.

that “all the MSU people wanted to kill Jacob.” Verbal abuse was common in both public and private discourse. Another student, whom we’ll call Barry, was called “you f—ing Jew” and told to go “back to Russia,” and “that he would burn in hell.”

Many students described anti-Jewish and anti-Israeli aspersions cast at public lectures. One student, named Marc, reported that a speaker referred to Jews and Zionists as a “cancer.” Another student, named Irving, reported that a separate speaker paralleled Zionism to a “disease,” and reasserted that the Jews “control the government.” Kevin described lectures regarding Jewish control, their compliance in 9/11, and their “chosen people-ness mixed with white supremacy.” One lecturer informed the audience, “If you have any questions about why we’re in Iraq, ask the Jews in the audience.” Kevin reported that, at times, school administrators were present and said nothing; in many cases the audience would cheer after the most offensive statements were made.

Students also described offensive antisemitic or anti-Israeli materials posted on campus while the posters of Jewish organizations were torn down. They report, for example, posters that had an image of the Star of David dripping with blood and alleging that Jews like to kill babies. Signs depicted Ariel Sharon as Hitler or as a monkey. One poster reportedly asked, “Why do Israelis love to kill innocent children?” Others equated the [S]tar of David with a swastika, Zionism with Nazism, and Sharon with Hitler. Such signs were often posted next to signs advertising the Shabbat dinner party at Hillel. Barry recalled that any sign posted by Jewish organizations, such as Hillel: The Foundation for Jewish Campus Life or by Alpha Epsilon Pi (AEPi) would be torn down within a day. He recalls that one such sign said, “Chag Sameach” (“Happy Holidays” in Hebrew). Carl said that he would post the signs on a Monday afternoon and by Tuesday morning, they would be gone, replaced with MSU posters.

#### HARM TO STUDENTS

Under OCR policy, the “harassment need not result in tangible injury or detriment to the victims of the harassment.”<sup>8</sup> In OCR’s investigative files, UC-Irvine’s Jewish students described in detail how they had been adversely affected, individually and collectively, by the campus climate and administrative non-action. The conduct alone should be legally sufficient to merit a hostile environment. However, the students describe a remarkable and disturbing toll taken on their emotional well-being, their education,

---

8. OCR, *Racial Incidents*, *supra* note 5.

their ability to use campus facilities, and in some cases their ability to endure continued studies at Irvine.

Debbie describes herself as “a pretty tough girl,” but complained that it was “emotionally distressing” to experience what she found at Irvine. Olga, who points out that she is not a campus activist, said that anti-Israel incidents affected all Jewish students even if a student did not take a political position on Israel. One girl was so upset after being stalked, allegedly, by MSU members that she stopped attending classes for weeks, causing her grades to plummet. Barry transferred out of Irvine because he felt he could not be fully Jewish while studying on this campus. When OCR asked him to elaborate on this feeling, he explained that he felt unwelcome and discriminated against. Jacob said that he felt that he had to leave the university because he did not feel safe. For Jacob, it was like “living in a Jewish ghetto—I could go only where Jews are.”

Irvine’s Jewish students also conspicuously suffered another distinct injury, which civil rights scholars (following Kenji Yoshino) and sociologists (following Irving Goffman) might describe as “coerced covering.”<sup>9</sup> Covering is a form of assimilation, like conversion or passing; it differs from these forms, however, in that it consists of muting disowned characteristics with an out-group—like gay men who act straight or blacks who act white—rather than attempting to leave the group or pretend not to be a member. Although American law has not yet caught up with his analysis, Yoshino astutely describes this “coerced covering” as a “hidden assault on our civil rights.”

Examples of coerced covering appear throughout the Irvine files. Given the campus climate at Irvine, many students stopped identifying themselves as Jewish, i.e., wearing Jewish clothing, displaying Jewish symbols, attending Jewish events, or participating in Jewish organizations. For example, Alan said that he no longer tells people he is Jewish because of the stereotypes that were perpetuated at campus lectures, in posters, on signs, and elsewhere. Like some other Irvine students, he also stopped wearing anything that would identify him as Jewish. Debbie stopped wearing a shirt to school that would have identified her as Jewish; other students told her they would tuck Star of David necklaces under their shirts so that they would not be seen. Kevin’s fraternity brothers told him that they are uncomfortable with his wearing symbols of Israel. At least one student was afraid to let people to know of his association with Hillel. Eve tries to avoid all events about Israel because she finds them too upsetting. Even if the

---

9. See Kenji Yoshino, “Covering,” *Yale Law Journal* 111 (2002):769; and Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (New York: Prentice Hall, 1963):102-104.

speaker is supportive of Israel, Eve would not attend because of the protesters. Some of these students also learned to avoid those parts of campus that the most offensive speakers frequent, but the central location of these speeches makes this difficult.

#### LEADERSHIP FAILURE

When a university has received notice that a hostile environment has arisen on its campus, it “has a legal duty to take reasonable steps to eliminate it.”<sup>10</sup> Beyond this legal duty, it may also be obliged to heed the admonition of the U.S. Commission on Civil Rights that “university leadership should set a moral example by denouncing antisemitic and other hate speech, while safeguarding all rights protected under the First Amendment and under basic principles of academic freedom.”<sup>11</sup> Irvine maintains that its response to allegations of antisemitism has been sufficient and that additional actions requested by Jewish students and their advocates would have been unlawful. OCR’s investigative records, however, are replete with specific examples in which students asked administrators to take a stand against antisemitism and were allegedly rebuffed.

#### CAVEAT

Some words of caution are in order. First, these files contain only witness statements from the alleged victims; this is therefore their story. The administration and the alleged wrongdoers have their story to tell too, but they do not emerge clearly from those of the Irvine files that have been obtained thus far. For example, in fairness, Irvine administrators have taken several actions to address the situation, although the adequacy of those measures will long be debated. Other Jewish students also have had very different experiences at Irvine, and some (who may not have been interviewed by OCR) have spoken in defense of the administration.<sup>12</sup> Moreover, these witness accounts are not corroborated in all cases. Names have been changed or redacted to protect the identities of the persons involved, and OCR redacted a considerable amount of data pursuant to various claims of privilege. Finally, the incidents described in these files occurred between

---

10. OCR, *Racial Incidents*, note 5.

11. U.S. Commission on Civil Rights, *Findings and Recommendations of the United States Commission on Civil Rights Regarding Campus Antisemitism*, April 3, 2006.

12. This phenomenon is discussed in Kenneth L. Marcus, Introduction to Gary A. Tobin, Aryeh K. Weinberg, and Jenna Ferer, *The UnCivil University*, 2nd ed. (San Francisco: The Institute for Jewish & Community Research, 2009): xxix-xxx.

the late nineties and the middle of the last decade. Although new incidents continue to occur each semester, they are not contained within these files. Some of the Irvine administrators described here may still remain, but others, including the chancellor, have been replaced. The incumbent chancellor may be controversial, but he was not at Irvine during the period when these events occurred.

#### THE OFFICIAL FILES

##### *Alan*

[redacted<sup>13</sup>]

*Telephone Interview Notes*

*Witness: [redacted]*

*May 24, 2006*

*The witness [Alan]<sup>14</sup> was interviewed by case attorney [redacted] and team leader [redacted]. OCR provided Alan with information on FOIA [Freedom of Information Act] and protection from retaliation.<sup>15</sup> OCR explained that we had not revealed his identity to the University and that we would not do so without first obtaining his permission. Alan stated that he was familiar with the OCR complaint and was familiar with the allegations. OCR informed Alan that our investigation would focus on the University's response to complaints that Jewish students were being harassed on the basis of national origin. At Alan's request, the complainant [attorney Susan Tuchman, director of the Center for Law and Justice at the Zionist Organization of America] participated in the call.<sup>16</sup>*

*OCR notes that Alan was on a cell phone and was on campus outside of the library during the interview. Alan indicated that because of the location of the call, he sometimes was hesitant to talk with us.*

*Alan began attending the University in [redacted]. He currently is a University student [redacted]. Alan indicated that in the past he was active*

---

13. The term "redacted" is used whenever OCR withholds information subject to a claim of privilege. In the FOIA materials, OCR provides specific codes to identify the claimed privilege. For example, for this redaction OCR's code is "(b)(6); (b)(7)." OCR's redaction codes are omitted throughout.

14. The investigative files identify all witnesses by the letter "W." To avoid confusion, I have provided names to identify each witness.

15. In other words, the witnesses were informed that their testimony would be publicly available under FOIA.

16. In the original documents, each set of interview notes begins with a paragraph substantially similar to this one.

*in Hillel. . . . Alan stated that he was very active in his freshman year, but he became less so for personal reasons and for “environmental reasons.”*

*Alan explained that the environment was very different than what he experienced at high school in terms of the way people acted and the way the school acted. Alan stated that the way the University responded to issues made life harder. He stated that because the University allows speakers in the central part of campus, there is no way to avoid them. The speakers are often near where the U.S. and California flags are; the speakers are in the middle of where everyone walks. Alan indicated that even if you’re not interested, you hear everything that the speaker says because of the central location. Alan stated that though you might not hear every word, you catch bits and pieces of what is said and it has an impact on people.*

*Alan stated that this slowly impacted him. He came to feel that belonging to Hillel was not something beneficial to his college experience. He felt that he did not want people to know of his association with Hillel. Alan stated that he felt the speakers “brainwashed” people and gave them a negative image of who Alan is and this affected him in a negative way.*

*Alan stated that in high school, he was [redacted] Hillel-like organization. During Alan’s freshman year, he commuted to campus two days a week and during his sophomore year, this increased to three days a week. Alan stated that at first, he didn’t see or talk to people very much; he indicated that because he was not on campus full time, he did not experience the negative aspects himself, but saw that other Jewish students were affected.*

*Once Alan was spending more time on campus, he saw more of what the environment was like. Alan stated that he did not want people to know he was Jewish and that he did not feel right being on campus. Alan stated that when there were speakers on campus saying words that made people shiver and tremble, like “You’re bad; you’re crazy; you ruined everything.” Alan stated that his roommates [redacted] would tell him about the speakers. Alan stated that by his third year at the University, he did not tell anyone he was Jewish.*

*Alan reiterated that the speakers preach hate in a dominant place on campus, not in a room, but in the open. Alan stated that people are not given the option of not attending. Alan stated that the speakers made people feel wrong, like they should not be on campus. Alan stated that [redacted] comes to campus two to three times a year. Alan stated that the first time he listened to [redacted] speak was during the middle of his sophomore year [redacted]. Alan stated that [redacted] said things that made Alan feel, not ashamed, but very uncomfortable about being on campus. Alan stated that it was not one thing that was said or that happened, but everything together slowly made Alan feel less than who he is. Alan said that he no longer*



*wears anything that will identify himself as Jewish, and that he does not tell people he is Jewish because of the stereotypes.*

*Alan stated that for the most part, people do not know his religion. Alan stated that he is of Middle Eastern descent. Alan said that he came to know people in the Muslim groups and they learned that Alan was Jewish, but more people's immediate impression of Alan is that he is not Jewish. Alan stated that before, he never had a problem with letting people know he is Jewish. Alan stated that he is from Los Angeles and that it is very different there.*

*Alan recalled that in a Middle East class [redacted] during the second quarter of his third year, he was with a couple of friends and they overheard others talking among themselves, saying "He's Jewish," and that they pointed to Alan. Alan stated that that's all he heard of the conversation.*

*Alan stated that before he attended the University and during his first year at the University, he had no problem wearing a necklace or T-shirt (e.g., a Conference on Israel T-shirt or a Jewish student leadership retreat T-shirt) that identified himself as Jewish. But during Alan's second and third year, he stopped doing this; he could not recall anything specifically because he tried to "just let it go," Alan said [redacted].*

*The complainant [Tuchman] asked Alan about the apartheid wall. Alan said he saw it. It was a 20' wood construction with wire fence on top. Alan said they had the wall in the plaza and people had to walk around it or through it. Alan said that there was no choice but to walk through the wall. Alan said that they had two guys dressed up as IDF soldiers who pretended to beat an old woman on the ground. Alan clarified that this was a few years ago and was supposed to symbolize how the IDF beats Palestinians.*

*Alan said that three years ago, they wouldn't let people walk through the mock checkpoint. Alan said there was something similar this year. Alan said that this year's wall was the longest. Alan was shocked that it was on campus. Alan said it blocked the plaza path so that it forced people to see the wall. Alan said that the wall could not be ignored as it blocked more than half of Ring Road. It was set up where the flagpoles are. Alan said that they blocked Ring Road from 12 p.m. to 2 p.m. and that people would have to walk through the speakers or all the way around the plaza. Alan said that if someone was going about his normal daily business on campus, he would not be able to avoid the wall; he would have to see it.*

*Alan stated that he heard that the girl who was followed by the MSU stopped coming to school for a few weeks and that her grades were bad because of the incident. Alan said this was a few years ago. Alan does not know if this incident was reported to police or administrators; he thinks it*

was, but is not sure. Alan said he also knows that [redacted]. Alan said this affected him along with everything else. Alan once again reiterated that it was not one thing, but everything taken together. Alan said that it all added up and slowly moved him away.

*Barry*

[redacted]

*Telephone Interview Notes*

*Witness:* [redacted]

*(Tel)* [redacted]

*May 22, 2006, 11:00 a.m. – 12:10 p.m.*<sup>17</sup>

*The witness [Barry] was interviewed by case attorney, [redacted], and team leader [redacted], who left at approximately 11:30 a.m. . . .*

*OCR notes that the witness was on a cell phone and the call was international. We had a poor connection throughout the entire interview.*

*Barry . . . was an active member of AEPi and Hillel. OCR asked Barry if he was ever singled out as an individual target of discrimination, harassment or intimidation on the basis of his national origin at the University. Barry stated that because some years have passed since he attended the University, he did not remember everything clearly and may be confused about some of the specifics. However, Barry stated that he recalls how the environment made him feel, because the environment is what caused him to leave the University. Barry stated that he recalled at one point while he was a University student someone looked directly at him and told him to go back to Russia and that he would burn in hell. Barry recalls that these incidents may have happened in or around the Student Center around Zionist Awareness Week. Barry also stated that at one time while he was walking around campus, someone came up to him and said, “you f—ing Jew.” Barry stated that he recalled that any sign that Hillel or AEPi put up would be torn down within a day. He recalls that one sign that was torn down said, “Chag Sameach” (“Happy Holidays” in Hebrew).*

*OCR asked Barry if he notified administrators or staff about these incidents. Barry replied that he and another student [redacted] went to speak with [redacted] and discussed not only what happened to Barry, but everything that was happening to Jewish students on campus. Barry could not recall whether other Jewish students also attended this meeting, but speculated there may have been one student, [redacted]. Barry could not recall which administrator was present although he believes it was*

---

17. Although Barry’s interview was apparently conducted before Alan’s, it appears afterward in OCR’s production of the official case file.

[redacted]. Barry could not recall if other administrators were present at this meeting. Barry recalls that the University responded that it could not do anything unless Jewish students had been physically threatened and that the threat had to be specific to an individual. The administrator suggested that Jewish students try to work it out with Muslim students.

Barry stated that he only went to complain to the administration once because after being told at that meeting, which was two hours, that there was nothing the administration could do, Barry did not feel anything would change by meeting with the administration again.

OCR asked Barry if he or other Jewish students at the meeting informed the administrators what they wanted the University to do in response. Barry stated that he did not remember. He recalls just that the students made their complaints and that the University said it could only respond to physical threats. Barry stated he felt that the University's message to them was to not come back and complain about the types of things Jewish students had experienced. . . .

Barry said he decided to transfer out of the University because he felt he could not be Jewish on campus. When asked to elaborate on this feeling, Barry could not describe how he could not be Jewish, but stated that he felt unwelcome and discriminated against. He felt that based on the University's response to the Jewish students' complaints and that by not doing anything to stop events like Zionism Awareness Week, the University's position was that it did not want Barry there because he was Jewish. Barry said he initially thought about leaving during his first year and made the decision to leave by the end of his second year because nothing was done to improve the situation. Barry transferred to [redacted] and graduated from there. . . .

### Carl

[redacted]

Telephone Interview Notes

Witness: [redacted]

(Tel) [redacted]

May 30, 2006, 4:30 p.m.

The witness [Carl] was interviewed by case attorney, [redacted], and team leader, [redacted] . . .

Carl attended the University from [redacted]. He was active [redacted] in Hillel and AEPI.

OCR asked Carl if he believed that he was ever singled out as an individual target of discrimination, harassment or intimidation on the basis of his national origin while he was a student at the University. Carl stated

*that this was done against Jews, but no one came up to Carl and yelled in his face. Carl stated that they were afraid of Carl because he looks like a [redacted]. Carl stated that he witnessed others being harassed on a number of occasions. OCR asked Carl to describe some of these incidents. Carl stated that he would try to remember. He stated that MSU or SAS members would hold banners and signs that contained hostile wording or post hostile signs in front of Hillel or AEPi booths and try to engage Jewish students in 1:1 conversations that would become screaming matches that got edgy. Carl said their goal seemed to be these 1:1 confrontations that put Jewish students' political and social beliefs into question. Usually they would identify Jewish students as Jews and point out why that was bad. They discussed why Jews were evil and would say that Jews did horrible acts against mankind. There would be a group event and then it would become more pronounced when members would get into these 1:1 conversations with Hillel or AEPi.*

*Carl stated that Jewish students were afraid that the shouting matches would turn physical, but that Jewish students never let them get to that level because the individuals involved would be expelled and there were police around. Carl stated that the other side also never let things get to that point for the same reasons. OCR asked how frequently this would occur. Carl replied that over the years it became progressively more frequent. For example, Carl recalls that in 1998-99, there was one anti-Jewish week. During his sophomore year, there were two such events. The following year, they were held twice a quarter—so there were six events during the school year. Carl said that the 1:1 incidents were tied to the week-long events. The 1:1 incidents tried to destroy the religious, cultural, and political heritage and beliefs of Jewish students all at once . . . .*

*Carl said that Hillel asked the University to send a letter to the campus community condemning the events, remove offensive posters and not allow the events to be held in University spaces. Carl said Hillel asked that they (the MSU/SAS) not be allowed to reserve spaces for their events. Carl said that the University would remove the offensive posters, but this would last only a week or so. Carl then said that actually, although Jewish students asked the University to remove offensive posters, the University never did. For example, the posters that had an image of the Star of David dripping with blood or said something like Jews like to kill babies were not removed. Carl then stated that the University never took down the offensive posters in response to Jewish student requests that it do so. Carl believes that if Jewish students removed the posters themselves, they would have gotten in trouble because doing so was against the campus policy.*

*Carl said that he would post events, for example a Shabbat dinner Friday night. He would hang up the signs on a Monday afternoon and by*

*Tuesday morning, they would be gone, replaced with MSU posters. Carl said that Hillel complained but nothing was done. The administration would always ask if Hillel had any witnesses. Since Hillel never had any witnesses, the University never did anything. . . .*

*OCR asked Carl about the Holocaust Memorial incident from [redacted]. Carl stated that [redacted] then. Hillel received University permission to have an exhibit behind the administration building. Carl said that Jewish students spent eight hours preparing the exhibit. Carl stated that the University agreed to post a guard because of past problems. Carl described the guard as [redacted]. Carl stated that the guard drove up around 8 p.m. and [redacted].*

*Carl stated that Monday morning it was discovered that the exhibit was knocked down. The whole thing was knocked down. It looked very deliberate. Carl first found out about this Monday morning, less than 12-15 hours after the exhibit had been set up. Carl said he filed a police report, contacted [redacted] and a University administrator. Carl said that the students spent 12-13 hours setting up the exhibit and that it lasted less time than it took to set it up.*

*The police said that they would do what they could. The University said it would issue a newsletter to the campus. Carl said that a week or two later there was a general email to the campus community, but it did not reference the incident. Carl recalls speaking to the police about the incident. Carl was very upset. It was 9-10 a.m. and the police arrived fairly quickly. Carl said that the display was not repaired right away. Carl said the campus newspaper took photographs of the damage before the display was re-erected. Carl doesn't recall if the police took any pictures. Carl said that there was an article in the school newspaper, but he doesn't know what happened to the photographs.*

*Carl informed OCR that he was not the person who discovered what had happened to the display. Carl does not recall who made the discovery. Carl said that he does not remember if he was the person who made any of the calls to the police or administrators. Carl said that he did not recall going to speak with any administrator 1:1. Carl said he only had a vague memory of this incident. He recalls that at least one administrator came to the site of the damage, but he doesn't recall who. Carl said that several other students made statements to the police, but he does not recall who.*

*Carl stated that he does not think he heard back anything from the police or administrators about this incident. Carl said it wasn't the first year that Jewish students had problems and at that point, Carl said he felt pretty jaded. Carl said he felt that all he got from the administration was a tuition bill.*

OCR asked the student about the swastika. Carl said this happened at a Hillel event. He doesn't know when it happened, but he saw it. Carl said that the swastika was probably about 2' x 2'. It was put on one of the food court tables during a candle ceremony. It was discovered while they were cleaning after the event. Carl said he was one of the five people who discovered it or he was immediately informed about it. Carl thinks that [redacted] called the police about the incident. [redacted] was at a lot of events. Carl said he does not recall speaking to the police about this incident, but he recalls seeing a police officer there. According to Carl, there are only four police officers who were ever around, so it would be easy to narrow down which ones were at the event.

OCR asked Carl about the presence of MSU students in the Dean's office. Carl said that the way things were situated, if you had to go to the Dean's office, you had to go down the stairs from the student center. There was a large room where all clubs had their mail boxes. The MSU would meet there and spend time socializing and planning events there. There were sofas in the area and the MSU would gather there. Carl said that whenever a member of Hillel walked through, the atmosphere would be tense. MSU would cease conversation and watch the Hillel member like [redacted]. Carl said there were rumors that some comments would be made, but when he walked through there would be a hush through the crowd. Carl said that several Hillel members that knew MSU members would say hello. Carl said that to his knowledge, the MSU members would just stare in response. They tried to scare the Hillel members by the awkwardness and tension in the room. Carl said he only knew of AEPi and Hillel students and did not know if this happened to other students. Carl said that this was not a busy area. If a person did not have to go to the Dean's office, there would be no reason to be going through the area. Carl said that the actions that took place in this area would not easily witnessed.

Questions from complainant [Susan Tuchman]:

Tuchman confirmed that Carl saw signs that equated the [S]tar of David with a swastika, Zionism with Nazism, and Sharon with Hitler.

Tuchman asked Carl to explain what he meant when he was talking about the Holocaust memorial and said that it wasn't the first time there had been problems. Carl said that there have been problems every year. Carl said that the first incident probably occurred during the 1999-2000 school year. Carl said he did not recall the specifics.

Tuchman asked Carl if the administration spoke out after the Holocaust memorial was destroyed in 2003. Carl said that he did not recall, but that if the administration did anything, it was on a small level. Tuchman

*asked Carl if the administration spoke out about the swastika. Carl said he did not recall the specifics. He recalled receiving an email that was general in nature and that did not discuss any particular incident.*

*Carl said that the one thing Jewish students asked for was for the University to condemn the events. Carl said that by not doing so, the University condoned the events and the things the MSU/SAS-sponsored speakers said, such as Jews control the world, government and media and other anti-Jewish statements and theories that were espoused by the speakers. Carl said that the speakers were well-spoken, but prejudiced, and that they spoke like they were inciting violence. . . .*

*Tuchman asked Carl if the speaker could be avoided. Carl said that a person would have to go out of his way to avoid the speaker and that if a person wanted to get lunch, it was nearly impossible to avoid the speaker because the person would have to go out of his way to avoid being in ear-shot. Just by walking from class to class, one would have to pass by the speaker.*

*Tuchman asked Carl about the mock checkpoint. Carl said that this happened once or twice while he was a student. Carl said that there was a big event in 2003. The complainant asked Carl if the checkpoint obstructed the walkway. Carl said that he had to walk through the event just to get to the other side. The MSU tried to engage as many people in the display as possible. Carl said there was a physical structure with mock guards who prevented people from passing through. Carl does not recall how much space was available to walk around the structure. Carl said it was near the ATMs on the main part of Ring Road known as Ring Mall, which is near the entrance to the book store and food courts. There are no classroom buildings near there; it is just the administrative and social part of campus. If a person was on the walkway coming from social sciences to the book store, he would have to walk through the area. According to Carl, Ring Mall is 15' wide and most of the walkway was covered by the physical structure.*

*Carl said they would scream at people to a point. Carl explained that the University has a large Asian American population and the Asian American students walking by were ignored. When a white student or Middle East student would pass by, the MSU would try to bring them in, especially those they recognized as Jewish, to try to elicit a response. Those who did not care went about their way. Carl said there were about 30 involved MSU members and about ten involved Jewish students and that these events affected "those of us who were involved."*

*Carl asked OCR what would happen if OCR found on behalf of the complainant organization. OCR explained that we could only discuss the type of remedy that we typically get when we find a hostile environment. We explained that remedies typically involve the development of policies and*

*procedures as well as training on identifying issues and responding to and investigating complaints.*

*Debbie*

*Telephone Interview Notes*

[redacted] *Former University Student*

(Tel) [redacted]

*May 18, 2006 3:00 – 4:20 p.m.*

*Docket Number 09-052013*

*The witness [Debbie] was interviewed by Team Leader [redacted] . . .*

*Debbie entered the University as a freshman in September 2000. She graduated in June 2004.*

*Debbie was [redacted] Anteaters for Israel (AFI).<sup>18</sup> [redacted] Before [redacted] she was active at Hillel, where she coordinated various activities.*

*Debbie stated that she felt hostility directed at her and other Jewish students while she attended the University. Even while hostility was not directed at her personally, she still interpreted attacks on Jewish and Israeli students as attacks on her. Her reaction to this hostility was [redacted]. This decision on her part made her very visible. Other students knew who she was and what she represented.*

*Debbie recalls walking into the Dean of Students' Office during her years at the University, or walking through the free speech area on campus, and feeling "eyes on the back of her head." She heard people whisper when she went past. She recalls a feeling that hostility was being directed towards her because of who she was. She recalls situations that started out as attempts to discuss and debate that ended up with people yelling at her, and she recalls times when these incidents brought her close to tears. She recalls that during her time at the University, she felt lots of discomfort walking through the free speech area. Students would say things in Arabic as she passed and she could not understand what was being said, but she thinks they were epithets of some kind, or curse words. This definitely made her think carefully about where she walked. The students whom she observed saying these things were usually students affiliated with the MSU or SAS. When tensions in the Middle East rose to high levels, the tensions on campus rose in a similar way. Tensions also frequently were high in the spring of every year, when the Muslim students held their annual Zionism Awareness events. Jewish students would usually put on a couple of differ-*

---

18. The anteater is the mascot of the University of California-Irvine. "Anteaters for Israel" is Irvine's Israel student group.



ent activities at the same time. For example, one side (Jewish students) might be putting on an event for Israeli Independence Day or Holocaust Remembrance Day at the same time that the other side (Arab/Muslim students) put on their Zionism Awareness event. The degree of tension “ebbed and flowed.” These events and confrontations that took place at them did not make Debbie feel personally singled out as a victim of harassment until she [redacted]. . . .

Debbie states that when she walked through the free speech area during her years at the University, she sometimes felt she was being followed. She made attempts to walk across campus with others, for this reason. She recalls some encounters between protesting Arab/Muslim and Jewish students when they were arguing and close to each other. She recalls some students trying to sit on each other. However, she never felt personally threatened by these events.

The really important thing she wants OCR to understand is how completely offended she felt, on her own campus. . . .

She stated that “no one likes to feel that they are being watched” and no one likes to feel like a “pariah” just because of what they believe in. Debbie stated she is “a pretty tough girl,” but that it was “emotionally distressing” to experience what she experienced at the University. She can usually transform such negative experiences into energy to get something constructive done, and this is what [redacted].

Debbie stated that she filed no complaints with the University about anything she personally experienced. She did once make a complaint about offensive posters. She had just returned from Israel and saw posters on a public walkway—one had the Israeli flag, filled with bullet holes and drops of blood, and said that the Israeli government was equal to a swastika. The posters also said Israelis like to kill Palestinians.

When she saw these, Debbie would go to [redacted] out into the courtyard, so [redacted] had to look at the posters, and Debbie would ask [redacted] “Do you allow this at the University?” [redacted] would reply by saying “I can see why it bothers you” and then making a comment to the effect “Keep your chin up.” [redacted] did not really respond to Debbie’s complaints. Debbie spoke mainly with [redacted] but sometimes spoke with other administrators. These other administrators sometimes attended MSU or SAS events if they felt a protest was likely to be provoked. . . .

. . . Debbie stated that the University took the position that free speech permitted students to say what they wanted on campus. The administration didn’t seem to care about the provocative tone of speech from MSU/SAS events. Debbie would like to have seen a letter from the administration to the entire University community, describing the “norms” of speech on cam-

*pus. Were there any rules for what could and could not be said or published? She never saw evidence that the University attempted to provide such guidance.*

*OCR asked Debbie about whether she had seen posters saying that “Israelis love to kill innocent children.” Debbie recalls complaining about these posters to [redacted]. She was nearly in tears when she had this conversation with him. She was upset that the MSU/SAS were permitted to post statements that had no grounding in fact at all, and which misrepresented Middle Eastern politics. Comments of this nature have nothing to do with the political situation in the Middle East. A comment like this about Israelis killing innocent children is simply a “blatant, libelous smear” and to see this in a place of learning was very disturbing. At the very least the University could have made the effort to encourage groups on both sides of political issues to educate each other about their views, without taking “below the belt” shots at the other side.*

*In order to address these things that made her upset, Debbie [redacted] with [redacted]. The University’s response, as expressed to her by [redacted] and [redacted], seemed to be nothing more than “Oh, we’ll look into it, and make them take [the poster] down if they did that.” The poster might come down, but it would reappear again in a week. Debbie felt this response was inadequate. She would have expected that, in response to the student complaints, University administrators would at least have held a meeting for dialogue with the MSU/SAS students who had put up the posters, and asked them why they had done so. She expected the “adults to step in” and say that the posters were “inflammatory.” This sort of activity should not have been tolerated. University administrators should have intervened on behalf of Jewish students and done what was right whether the administrators agreed with the Jewish students on the substance of the issue or not. The University took no such steps.*

*OCR asked Debbie about her recollection of vandalism to the Holocaust memorial. Debbie recalled that a friend told her about the vandalism and she went to see it herself an hour or two later. She recalls going to see the vandalized memorial with [redacted], who was “completely in tears and ready to quit [redacted].” [redacted] had been [redacted] responsible for assembling the Holocaust memorial exhibit.*

*Debbie states that there was no University response to this incident. The running joke among students was that “The wind blew [the exhibit] over.” There was complete inaction on the part of the University—they did not even acknowledge that it MIGHT have been an act of vandalism.*

*Debbie states that Hillel would probably have brought a complaint about this incident. Debbie was not personally involved in any complaint on this issue. . . .*

OCR asked Debbie about her recollection of students wearing green armbands on campus. Debbie did recall that students did this during the time she attended the University. To Debbie, the wearing of green armbands was a sign that the wearer was expressing support for Hamas, which in her eyes and in the view of the U.S. government is a terrorist organization. She saw green armbands being worn at almost all major events. Muslim students would dress up in more traditional styles—she would see Muslim men wearing tunics and sometimes they would wear green armbands. Sometimes they would wear green headbands.

AFI held a rally in spring 2003—the theme was “Stop hate speech on campus.” Muslim students decided to wear green armbands while protesting this event. Debbie [redacted] event, and she stated that while Jewish students simply stood silently, holding placards saying “Stop hate,” the Muslim students present at the event “just railed,” and the quieter the Jewish students were, the angrier the Muslim students became. No complaint was filed regarding the armband issue until the graduation ceremony, where sashes were worn. MSU and SAS members did not wear the green armbands every day—they mainly did so at big campus events.

Debbie recalls seeing the Zionist Awareness Week events that were staged during her years at the University. The first time she saw these events she was “enraged.” The second time she got a list of the events in advance and felt very dispirited because it represented a continuation of the same types of events she had seen previously. The University is supposed to be a neutral party. In her opinion, Zionism Awareness Week is an example of the University giving the MSU and SAS University endorsement and a speaking platform. The UC symbol was displayed on the podium where speakers invited by SAS and MSU were presenting. These groups were using University property to stage their events. To Debbie, this was not neutrality—it was a tacit endorsement of SAS/MSU-sponsored speech by the University. The fact that the University allowed these speakers to present on campus, knowing full well that their comments would be offensive to a group of people, seemed inappropriate to Debbie. It was more than offensive, it was “gut-wrenching.”

Debbie did bring a complaint to the University about Zionism Awareness Week. The University response was that it was not going to tell student groups what to do and not do. Debbie never asked that the University regulate MSU/SAS’s agenda. She just wanted “norms” for what kind of speech would be protected and what would not be, in the sense that one cannot “yell fire in a crowded theater.” Debbie brought these complaints to [redacted] and others. All of these complaints were met with no response. Some efforts were made by the University to get Muslim and Jewish students together to air concerns to each other, and Debbie is under the

*impression that, while there may have been some meetings of the student groups facilitated by the University, nothing concrete came out of the meetings other than students “airing their complaints.” No one walked away from these meetings with a sense that an agreement had been reached. She felt bad for Jewish students who had been considering attending the University and who chose not to do so. She knows from Hillel that a number of Jewish students told Hillel they would not attend the University because of these problems.*

*OCR asked Debbie about the “mock checkpoint” that was constructed in 2004. Debbie stated that 2004 was not the first time this happened. She recalls that, previously, large trash bags stuffed to resemble “body bags” were used at MSU/SAS events to represent “Palestinians killed by Israelis.” The mock checkpoint was meant to simulate an Israeli checkpoint. There were arguments and confrontations among students who saw this checkpoint—Debbie recalls students swearing at each other. She cannot recall if campus security was present when the mock checkpoint was used, but she believes University administrators were present, because they were afraid there would be a fight. Debbie recalls seeing the display and that students were upset and shouting at each other about it. She got out of there quickly and did not return to see it again. By that point she was [redacted] and she did not have the same level of involvement in contesting these events that she had previously had.*

*When Debbie heard that the cardboard “security wall” had been destroyed, she was terrified that Jewish students would be blamed for the destruction. She was even afraid that one of her own group might in fact have been responsible for the destruction of the wall, because tensions on campus at that point were so high that it was not inconceivable that a Jewish student had been involved in destroying the wall. This turned out not to be the case, but she worried about it, because it would “give the other side the upper hand.”*

*Following the destruction of the wall, she remembers hearing “the loudest complaints she had ever heard” being brought to the University. There was a perception that Muslim students had been subjected to discrimination, and there was a “rapid and dramatic” University message, disseminated to the whole University, condemning the destruction of the wall. There was also a rally at which University administrators were invited to speak. A lot of press covered the event. The words “hate crime” were used by University personnel to describe the event although there was no evidence to support that conclusion.*

*Debbie recalls that Jewish students were not invited to the rally. Jewish students had asked the MSU to be invited, because they wanted to show solidarity with the proposition that there should not be destruction of some-*

*thing that represented a message of a student group. The same kind of situation (destruction of a message) had occurred when the Holocaust memorial was damaged. However, Debbie understands that Jewish student groups were told that they were not welcome at the rally. Debbie recalls that [redacted] received this message when they expressed interest in joining with the MSU to participate in the rally.*

*Debbie recalls that a complaint was brought to [redacted] regarding the Jewish students' being excluded from the rally. [redacted] just shrugged his shoulders. This was a "big slap in the face" for Jewish students. Debbie felt that AFI was under attack because it was likely that people thought a Jewish student had been responsible for destroying the cardboard wall. It was hard to have this [redacted].*

*OCR asked Debbie about the graduation ceremony in 2004 at which Muslim students wore sashes that Jewish students perceived to be offensive. Debbie stated that this event received a lot of press attention. She recalls a radio show that generated national attention. University graduates frequently wore sashes at graduation ceremonies, in order to show their affiliation with a fraternity, campus group, etc. She recalls that at this graduation, some Muslim students wore green sashes with the Shahada imprinted on them. To Debbie, this expressed these students' celebration of others' [terrorists']<sup>19</sup> martyrdom. In Debbie's opinion, graduation is not something that should be politicized. The students who wore these sashes gave offense to many people, given the history of what the campus had experienced in the year leading up to the ceremony. For students to glorify acts of martyrdom seemed inappropriate.*

*Responses to questions from complainant [Susan Tuchman]:*

*. . . Debbie cannot recall specific things that he said in his speeches. Upon prompting from Tuchman, Debbie recalled that [one speaker] praised suicide bombing. He said that Jews controlled all of the media and the government. He made references to how Jewish people tried to get Al Gore elected president so that Joe Lieberman could ascend to the presidency. Debbie states that administrators were present at these speeches. Administrators never tried to interfere if the speaker asked students to segregate themselves by gender. These speeches were open, public events.*

*Was it clear to administrators that Jewish students were complaining about hostile environment on the basis of national origin? Debbie believes that it was clear, based on "the sheer number of complaints." Also, the University had to hire security all the time for all kinds of events, and campus police had to be put on alert for certain events. If a student "shows up*

---

19. This bracketed term appears in the original.

*at an administrator's door in tears and feels that his/her identity is on the chopping block," it seems reasonable to assume that the administrator would realize that this was a complaint about hostile environment. University administrators were patronizing to her—their attitude was to convey to her "Calm down, honey," rather than to take her concerns seriously, until there was pushing, shoving and physical confrontations. People who were not Jewish felt the same way as she did—the Campus Republicans took a similar view about speakers invited by the MSU—their reaction was also, "That's not fair—how can you say that?"*

*Did the environment affect what Debbie would wear on campus? Debbie has a T-shirt that says [redacted]. Others she knows have similar shirts. She would not wear that shirt to school because it would have identified her as Jewish. Other students told her they would tuck Star of David necklaces under their shirts so that they would not be seen. Some students wore Israeli army shirts—these shirts would have been taken to mean "f— you" by Muslim students. Debbie tried not to draw attention to herself on campus.*

*Did the events she experienced affect her behavior in any other way? She tried to avoid going into public areas, if she knew MSU students would be staring at her back. If she was walking at night, she would avoid the central campus area where the speakers' activities took place. Eventually she did not want to see the posters and speakers anymore; she became sick of them. It was not easy to stomach seeing these events.*

Eve

*Telephone Interview Notes  
[redacted] University Student  
(Tel) [redacted]  
March 14, 2005 11:00 a.m.  
Docket Number 09-05-2013*

*The witness [Eve] was interviewed by case attorney [redacted]. EOS<sup>20</sup> also participated in the interview. OCR provided Eve with information on FOIA and protection from retaliation. . . . OCR informed Eve that our investigation would focus on the University's response to complaints that Jewish students were being harassed on the basis of race or national origin. . . .*

*Eve has been attending the University since fall 1999. She is now a graduate student. She has been involved in Jewish student groups in the*

---

20. "Equal Opportunity Specialist" (EOS) is the title used by most non-attorney OCR civil rights investigators.

*past, but is not currently participating in them. She was active in Hillel during her 2nd and 3rd years at the University, starting in Fall 2000. She was also a participant in Anteaters for Israel (AFI) for a time, probably starting around 2002.*

*Eve stated that the first time she was aware of antisemitic hostilities on campus was in [redacted] at a demonstration or protest that became what Eve believes was a riot. She went up to one of the Moslem students at the demonstration—previously, this person had been a student in a course section where Eve was [redacted]. This student told Eve that the protest was supposed to be silent, yet protesters were behaving like they were crazy, and her former student could not get them to stop. They had signs saying “Zionists are racists,” “Sharon is a Nazi,” etc. [redacted] Some students knew Eve was Jewish—they screamed in her face. Some tried to hide from Eve. Eve approached the administrators who were present and asked, How could they allow this? They said something about free speech, but Eve told them she thought it was scary. . . .*

*Were there statements calling for violence against Jews on campus? Eve stated that there were screaming students at the protest, but she doesn't remember what they were screaming. It made her feel sick. She had been [redacted] for some of the students and they knew she was Jewish. Eve doesn't think they were screaming directly at her because she doesn't think the protesters knew she was Jewish. Eve does not know if they targeted other students directly. When Eve cut through the line to get to the Israeli speaker, the students screamed in her face. Eve is sure there were police there. Some Jewish students had hired security, but Eve did not pay attention to the police. There was just a big wall of people—they would not even let elderly people pass through. . . .*

*Eve felt there was no way she could argue with the protesters—there was no way to counter what they were doing. Nothing said in response to irrational people. Eve does not disagree with everything that they said; the problem was the way they said things. Eve does not feel it is safe for her to stand up and respond. At the time of this protest, Eve had not heard of AFI. She sent the e-mail of [redacted] to some other students as well, and [redacted] put her in touch with AFI. Previously Eve had done things with Hillel. Later, AFI held a couple of counter-demonstrations. Eve went to one of them. Then the MSU counter-protested that. One of the signs said that Israelis kill Palestinian babies. AFI did hold other events, but they were calm and peaceful—not inflammatory.*

*Did other students (Jewish) feel the same way about the protests? Eve does not know. She does know someone who transferred—[redacted]. Eve thinks the atmosphere on campus was a big part of the reason for his transfer. Lots of students said things to him in Arabic. He was of [redacted]*

*descent and could understand them. Eve would not have come to the University if she had known it would be like this. Eve had never seen an anti-Israeli protest in college. Eve does not remember which of her Jewish and non-Jewish friends she was referring to in her e-mail. . . .*

*Eve tries to avoid all events about Israel because it is too upsetting. Eve doesn't go to hear any more speakers. Even if the speaker is pro-Israel, Eve won't go, because she does not want to see the protesters. From Eve's understanding these events take place in front of the ATMs, so she tries to avoid that area at lunch time (11:30-2). She doesn't know what events are happening, since she avoids the area all the time if it is lunch time. . . .*

*Eve's responses to follow-up questions from complainant [Susan Tuchman]:*

*Eve tries to avoid events relating to Israel. She would attend such events, and would be more involved in Jewish organizations, if the environment were different. Different things affect the amount of time Eve spends on campus, but Eve does believe that if the environment were different she would come to campus more for Jewish events. The environment has also affected Eve's willingness to wear Jewish symbols—she sometimes will wear them but discreetly. . . .*

*Eve stated that she would not have come to the University to study if she had known that this environment would exist. Her undergraduate college [redacted] would never have allowed it. Administrators at that college did take action in cases where there was harassment of students. Eve does not recall exactly what they did. In Eve's [redacted] to the administration of the University (copy provided to OCR), she wrote that as a public university, the University had an obligation to protect her, but the University never addressed this. Eve supports free speech, but not hate speech, which contributes to a hostile environment. . . .*

*Eve stated that she never felt safe on campus, and she just avoided events, because administrators never promised the protection that Eve sought. Eve believes that students should not be allowed to say anything about students who are of a different national origin or religion. These speakers still come to campus. Eve has not witnessed more protests—but now the MSU brings in antisemitic speakers. There is no way Eve would go to anti-Zionist events. Eve would never be on the part of the campus where these events take place, which is by the administration building. Eve stated that she now goes off campus for lunch or to a place that's on campus that's closer to her building, rather than the student center, where events often occur. Eve stated that she used to go to the student center for lunch on a regular basis.*



*Francine**Telephone Interview Notes*

[redacted] *Former University Student*

(Tel) [redacted] Cell: [redacted]

February 28, 2005 1:30 p.m.

Docket Number 09-05-2-13

The witness [Francine] was interviewed by case attorney [redacted]. EOS [redacted] also participated in the interview. . . . OCR informed Francine that our investigation would focus on the University's response to complaints that Jewish students were being harassed on the basis of race or national origin. . . .

Francine was a student at the University from 1998 to 2002. While at the University, she was active in Hillel, the Jewish Student Union. . . .

Francine recalled that in the spring of her freshman year, she was walking on Ring Road, coming from Chemistry class. She saw a sign with a Star of David, advertising Zionist Awareness Week. The sign frightened her because it said "Anti-Zionism Week." Francine knew what Zionism was and when she saw "anti-Zionism," she was not sure what to make of it. At that time she was not very involved in Jewish student group activities. . . .

During her sophomore year, there were more speakers, and at that point, Jewish students had become more active. A speaker came during the spring of 2000; he spoke in front of the ATMs, the most central location for speakers, and said Israel had no right to exist. He used a PA system rented from the University. . . .

. . . When someone said something negative against Israel, Francine believed that they were attacking Jews as a whole. The undertone of the speeches was the illegitimacy of Jews as a people and the illegitimacy of their existence. . . .

Francine did not fear for her physical safety at these events—at the time she thought it was just political discussion.

Francine, along with the Anti-Defamation League (ADL), asked the Moslem Student Union (MSU) to change the name of Anti-Zionist Week. . . . The Jewish students suggested other names. The MSU refused and kept the event as Anti-Zionist Week. They use it as an advertisement. . . . The name of the event was changed later to Zionism Awareness Week. . . .

. . . Francine went to the head of the Cross-Cultural Center. Francine was in tears and told her what was going on. The director there comforted her and told her to talk to another administrator. Later Francine found out that the Cross Cultural Center director had nominated the MSU as the University's "religious organization of the year." Francine was very troubled

*that this was the same person she was supposed to go to as a resource. At that point, Francine gave up. . . .*

*One of the MSU signs said “Why do Israelis love to kill innocent children?” These words were written in red on fabric. The sign generated a lot of interest—a lot of people complained about this sign, not just Jewish students. University police asked the MSU to take down the sign. . . . The MSU refused to take the sign down. When they refused, the police did not do anything because the MSU had not broken a law. . . .*

*She also felt a little reluctant about wearing a Star of David. She wore it under her shirt because she was uncomfortable—she didn’t want MSU members to know who she was. MSU females wear a hijab and men wear a full beard—if she saw them, she would tuck the Star of David into her shirt. She felt comfortable in knowing the MSU could not identify her as Jewish.*

*Other students expressed fear about wearing a kephah. They just didn’t want to be associated with the conflict between the MSU and Jewish students.*

### *Gail*

#### *Telephone Interview Notes*

*[redacted], University Student*

*(Tel) [redacted]*

*February 24, 2005 9:00 a.m.*

*Docket Number 09-05-2013*

*The witness [Gail] was interviewed by case attorney, [redacted]. EOS [redacted] also participated in the interview. . . .*

*Gail was active in Hillel and also worked on the student newspaper.*

*Gail started at the University in the fall of 1999 and graduated in spring 2003. She recalls no hostility directed at Jewish students in 1999. Her first recollections of a hostile environment are from 2001. Gail recalls no harassment directed at her personally, but does recall harassment directed at Jewish students.*

*Gail recalls that, in the spring of 2001, there was a Zionist Awareness Week. . . .*

*Gail does not recall specific names of speakers, but remembers one person who was a frequent speaker at UCLA and UC San Diego. . . . A sign on the podium had the name of the speaker and the topic of his speech. Gail recalls signs that said “Zionism = Nazism,” or that had blood dripping from a Star of David, or that said, “Why do Israelis love to kill innocent children.” Signs displayed Israeli soldiers shooting at children, another sign displayed a soldier carrying a boy who had wet his pants. Signs also*

*depicted Ariel Sharon as Hitler or as a monkey. . . .The speakers made references to the Holocaust—Gail cannot remember which speaker said what—but speakers said that what Israelis are doing to Palestinians is like what happened to the Jews in the Holocaust. The speakers tried to equate those killed in the Holocaust with Palestinians killed by Israel. The speakers said that everything Israel did was racist and that Israel didn't deserve to exist. Over the years Gail was a student at the University, the majority of speakers had this message. Gail recalled that the audience in 2001 would chant and say "Allah Akhbar."*

*. . . In 2002, the Moslem students started putting up more posters around campus. They started using signs that said "Why do Israelis love to kill innocent children?" In the past, they just used signs at rallies. In 2002 postings occurred around campus, in places where students usually advertise events, not political messages. . . . They were often posted next to signs advertising the Shabbat dinner party at Hillel. Also, Gail found that lots of Jewish student organization signs had been torn down and replaced with MSU signs. Gail complained about this, but the administration said there was nothing they could do unless there was a witness. Space on the walls is limited and most students will pull down others' signs, especially if the sign is already starting to come down . . .*

*Gail noted that the MSU uses student fees to pay for its speakers—there are grants provided by the Associated Students Union and each student group can apply for money from these grants to pay for speakers. . . .*

*Hannah*

*Telephone Interview Notes*

*[redacted] Exchange Student*

*(Tel) [redacted]*

*February 22, 2005 9:15 – 10:45 a.m.*

*Docket Number 09-05-2013*

*The witness [Hannah] was interviewed by case attorney [redacted]. OCR provided Hannah with information on FOIA and protection from retaliation. . . .*

*Hannah spent her junior year, 2003-2004, at the University as an exchange student from [redacted]. She applied as an exchange student to the University of California and was placed at Irvine.*

*Hannah became active in Jewish student organizations as soon as she started attending the University. . . .*

*Hannah stated that Jewish students would not be able to do something like the mock checkpoint because all the "lefties" would not support them. Hannah stated that Jewish students did not want to do any of the same types*

*of actions that the Muslim students did anyhow. Hannah stated that Jewish students were limited because their political viewpoint—that Israel has a right to exist—was not well-accepted on campus. Hannah stated that she thinks it is the nature of the conflict. She stated that the Jewish students' position is under attack to . . . more than the Muslim students' position. Therefore, Jewish students are constrained because they are already “under fire” and under more scrutiny. . . .*

*Hannah stated that her reaction to the talks was that she felt scared and freaked out because she had never heard such hate before and she could not believe there was nothing the administration could do. Hannah does not recall asking the administration to do anything specifically. Hannah remembers at some point saying that the principles of community were violated by the speaker. The University would not even stand by that. The University just said that it wasn't hate speech even if it targeted Jews as a group if it didn't target any one specific individual student. . . .*

#### *Irving*

##### *Telephone Interview Notes*

[redacted] *University Student*

(Tel) [redacted]

*February 11, 2005 9:30 a.m. – 12:15 p.m.*

*Docket Number 09-05-2013*

*The witness [Irving] was interviewed by case attorney, [redacted]. EOS [redacted] also participated in the interview. . . .*

*Irving stated that he is currently applying for admission to the University's graduate program, and he is therefore very concerned about his privacy as a witness in this interview. Irving has also spoken to a private attorney about this.*

*Irving is a baccalaureate student and will graduate in the spring of 2005. He expects to find out in a few months whether he has been admitted to graduate school. . . .*

*Regarding the environment on campus, Irving referred to the first section of the judicial code for this campus—section 102.11 (harassment of any person). The Moslem Student Union (MSU) has repeatedly invited a speaker [redacted] to speak in front of a University podium, sometimes inside, and sometimes outside. The first time Irving saw [redacted] was on February 26, 2004. . . . Irving attended half of the presentation. The speaker described Zionism as a “disease” and brought up “the old adage that Jews control the government.” Irving went to speak with Jewish groups about this, and they told him that the MSU likes to bring this speaker;*

[Irving] stated that he heard that in the past, before [he] began attending the University, this speaker caused a riot. . . .

Irving recalls that there was a poem at the beginning of the event. Irving recalls that a Moslem student presented the poem—it may have referenced the Jews as having killed Christ. . . . The speaker said, “Don’t take me out of context; you need to understand that I’m talking about Zionists, the bad Jews—I’m not talking about good Jews.” He proceeded to deliver a vitriolic, hateful speech.

After the event Irving met with [redacted] and complained to him. [redacted] said the speech was protected as free speech. . . .

Irving recalls that in May of 2004 the MSU and Society for Arab Students (SAS) held the fourth annual Zionist Awareness week. This was yet another example of vitriol and hate. One of the speeches discussed the “apartheid wall,” but [Irving] did not go to this. [redacted] said that the speaker told the audience, “If you have any questions about why we’re in Iraq, ask the Jews in the audience.”. . .

. . . When [redacted] presented, there were posters next to him with quotes, to which he pointed. The quotes are set out below; words in bold were printed in red on the posters.

1. “Zionism is defined as a **political** movement with the aim of establishing a **Jewish state in Islamic Palestine by any means necessary.**”
2. “**One million Arabs** are not worth a **Jewish finger nail.**” Rabbi Ya’acov Perin, February 24, 1999.
3. “Why should Arabs make **peace**? If I was an Arab leader I would **never** make terms with Israel. That is natural: **We have taken their country.** . . . Why should they accept that?” David Ben Gurion, former “**Israeli**” **Prime Minister**, quoted in The Jewish Paradox.
4. “We must use **terror, assassination, intimidation, and confiscation** and the cutting of all social services to **rid** the Galilee of **Arab Population.**” David Ben Gurion, former “**Israeli**” **Prime Minister**, to his personal staff, May 1948.

With respect to quote number 1, Irving, who “freaked out” when he saw it, said “by any means necessary.” This is not the purpose of Zionism. Irving knows the intent of posting this was to make Zionism look bad and Judaism look bad. This was an attack on Judaism as a religion. Jews believe that when the Messiah comes, there will be peace on earth and the Jews will return to Israel. . . .

Irving stated that, whenever anyone speaks badly about Zionism, this is really coded speech for speaking badly about Jews and Judaism, which,

*unlike other religions, is a set of ethics and laws. If the rules are followed, one does good for the world. To say that Zionism is a system to create a Jewish state is an assault on Judaism (Irving states that by saying the last sentence, he is paraphrasing Martin Luther King). Irving says that the Catholic Church takes the same position as Irving does, as did Harvard University President Larry Summers (when Harvard students were protesting in favor of divestment from Israel). Anti-Zionism is antisemitic in its intent. Irving referenced the Principles of Community, which states that persons on campus are supposed to show tolerance. Attacks on religion such as this quote about Zionism are uncalled for. . . .*

*At several of [redacted] events he said he was a full supporter of Hamas (he said this in February 2004). Hamas is a terrorist organization and according to Irving, article 7 of the Hamas covenant quotes from the Koran and says, "The day of judgment will not come until Moslems kill Jews." In other words, by speaking in favor of Hamas, [redacted] is saying that Irving is a target on campus. The MSU had an event commemorating the assassination of Sheik Akman Yassim, who was the spiritual leader of Hamas. . . .*

*Irving stated to OCR that he does not feel that he has been placed in physical danger on campus, but he looks over his shoulder all the time and tries to be careful about talking about things on campus. Irving has not been threatened by the MSU, but Irving intends to file a formal complaint with the Dean of Students and if other people become aware of this, Irving is worried that someone in the future may attack him because of what is in the complaint. . . .*

*Jacob*

*Telephone Interview Notes  
[redacted] University Student  
(Tel) [redacted]  
January 25, 2005 11:00 a.m.  
Docket Number 09-05-2013*

*The witness [Jacob] was interviewed by case attorney, [redacted]. EOS [redacted] also participated in the interview. . .*

*Jacob is enrolled at the University for the spring quarter of 2005. He is now studying abroad in [redacted] taking [redacted] classes. He first enrolled at the University in the fall of 2002 and attended the University through the spring of 2004, including the time period when graduation occurred.*

*Jacob has attended Hillel events although he is not a member. He*

*belongs to Anteaters of Israel (AFI) and helped to set up things for this group although he did not attend all of their meetings.*

*Jacob recalls an incident that took place in February 2004; it was during Israel week, and AFI was tabling for Israel. He brought a box of items to the Dean of Students' office. A Moslem student group of about 8-11 people threatened Jacob. One student made most of the threats. At the time, Jacob did not know his name, but he now knows, through friends in the Moslem Student Union (MSU), that this person was named [redacted]. . . .*

*Jacob did file a report with the campus police later that day or the next. He also informed the [redacted], who directed him to a different office near the Social Science building. Jacob did file a written complaint. . . .*

*Jacob spoke to someone with a [redacted] name in the campus police office. The police said they would investigate and talk with people at the University. The police never got back to Jacob. Jacob just remembers filing the report. The University never responded to Jacob either, and never took any action. Jacob did not follow up with campus police. The University [redacted] told Jacob "We can't do anything if you don't know who they are." Jacob asked, why can the Moslem students meet in the area near the Dean's office if th[e]y harass Jews? . . .*

*There was another incident in which the same student—[redacted]—harassed Jacob. . . .*

*There was a speaker outside at a podium near the ATMs, who said that "Jews don't have real religion." . . .*

*[redacted] also called Jacob racist and a dirty Jew . . .*

*The complainant [Tuchman] asked Jacob whether he typically wore a kepah on his head. Jacob said occasionally he did and Moslems would stare when he wore it. During Passover, Jacob recalls that he was eating matzoh—Moslem students came over to him and said, "Ick, look what he's eating," then walked away. They thought it "had blood in it." Jacob felt uncomfortable when he was stared at, and felt uncomfortable when Arab students pointed him out for wearing a kepah.*

*Jacob stated that he went to an event regarding Malcolm X, sponsored by the MSU. Jacob wore a shirt representing the national soccer team of Israel. All of the persons at the event were Moslems, segregated by gender (about 300 people) and they were staring at Jacob, and he felt he needed to leave. [redacted], an AFI member, was present. . . . He told Jacob that some MSU members said they were going to beat Jacob up. He informed Jacob that all the MSU people wanted to kill Jacob.*

*Jacob in the beginning was trying to avoid trouble, but because the administration does not get involved in protecting Jewish students, Jacob is*

going to do what he wants. He is just “pissed off” about the lack of response.

*Was Jacob accused by Moslem students of destroying the “apartheid wall”? The MSU probably implicated Jacob, but the administration never interviewed Jacob about it. The MSU felt that all the Jewish students were responsible. Jacob is 100% sure that none of the Jewish students were involved in the burning of the wall.*

*Why did Jacob leave the University? He did not feel safe. One of his friends said that Jacob should carry pepper spray. Jacob felt like he was living in a Jewish ghetto—he could only go where Jews are. He decided to go to [redacted] and he is not sure if he is going to return to the University in the spring.*

*Kevin*

*Telephone Interview Notes*

*[redacted] University Student*

*(Tel) [redacted]*

*January 21, 2005 9:00 p.m.*

*Docket Number 09-05-2013*

*The witness [Kevin] was interviewed by case attorney, [redacted]. [redacted] also participated in the interview. . . .*

*Kevin is a 4th-year student at the University. . . .*

*Kevin is involved in activities with Hillel . . . and Anteaters for Israel (AFI) [redacted]. He also has belonged to the Jewish fraternity since his freshman year.*

*Kevin stated that he has not experienced harassment and intimidation . . . directed towards him as an individual (e.g., Kevin stated he has not received harassing phone calls or email messages), but there have been incidents where, because Kevin is Jewish, he felt discriminated against. Kevin stated that harassment, intimidation and discrimination have been directed towards the organizations to which he belongs and towards Jews in general.*

*Kevin stated that although he has not been harassed in person, his name has been mentioned in the school newspaper in a negative way. Kevin explained that he had been interviewed by an outside newspaper and made certain comments. The school newspaper took what Kevin said out of context to say that Jews on campus are whiny and should stop complaining . . .*

*Kevin . . . stated that there have been different speakers on campus who say Zionists are bad and Jews control the world from the outside. Additionally, students on campus speaking on behalf of their organizations*



*say the same types of things. Kevin added that it is not just the speakers saying things that are not true or are negative about Jews, but audience members cheering and clapping when the speakers say these things. . . .*

*. . . Kevin stated that he attended more than one of [redacted] talks. . . . The speaker's whole idea is that Jews control the United States and are responsible for everything. The speaker said that good Jews support the Arab cause and bad Jews don't. The speaker said that Jews have "chosen people-ness mixed with white supremacy." The speaker said that Israelis are responsible for 9-11 and that Jews control who the president is. . . . Kevin stated that [redacted] is a very charismatic speaker even though what he is saying is completely absurd. Students cheer him on and say, "Allah Akbar" (God is great) after he says offensive things about Jews. Kevin stated that about two thirds of the audience cheered when antisemitic statements were made. Kevin stated that administrators were present and he believes that [redacted] attended. [redacted] told Kevin that the University could not speak out against the speaker. Kevin wants the administration to say something that says to the community that the University does not agree with what [redacted] says. The University has refused to do so, but has given no reason for its refusal. . . .*

*. . . People in his fraternity tell him that they are uncomfortable with him wearing symbols of Israel. Jewish students have expressed fear about being associated with Jewish student groups. . . .*

### *Leila*

*Telephone Interview Notes  
[redacted] University Student  
(Tel) [redacted]  
January 19, 2005 4:00 p.m.  
Docket Number 09-05-2013*

*The witness [Leila] was interviewed by case attorney, [redacted]. EOS [redacted] also participated in the interview. . . .*

*Leila is a 3rd-year student at the University. She enrolled in the fall of 2002. . . .*

*Leila stated that she has experienced harassment and intimidation based on race/national origin. During her freshman year, she saw posters on campus equating the Star of David with a swastika. The Moslem Student Union (MSU) and the Society for Arab Students (SAS) also conducted a Zionist Awareness Week and brought in speakers who were anti-Israel. Leila also recalls that last spring (2004) there was a situation in which Arab/Moslem students wanted to attend graduation wearing a green sash with the words of the Shahada. This was scary to Leila because all year*

*long, speakers at Moslem/Arab events had expressed hate towards Israel. Leila also stated that she had felt intimidated/harassed by the mock checkpoint that was set up in spring 2004. . . .*

*Marc*

*Telephone Interview Notes  
[redacted] University Student  
(Tel) [redacted]  
January 7, 2005 9:30 a.m.  
Docket Number 09-05-2013*

*The witness [Marc] was interviewed by case attorney, [redacted]. EOS [redacted] also participated in the interview. . . .*

*Marc is a 5th-year student at the University. He enrolled in 2000 as a graduate student.*

*He attends Hillel events and participates in other Jewish student events but is not a registered member of any student group.*

*Marc has not personally been subjected to discrimination nor has he personally witnessed discrimination, but others have shared their experiences with him.*

*He recalled seeing a “bad environment” beginning in 2002. He recalled that the main issue was the “Jenin problem.” Arab students were very emotionally charged about events there and wanted to do something about it. The Arab students acted aggressively against this operation and they did not know how to handle their response to it. They targeted Jewish students. In May 2002, one Jewish student [redacted] was threatened by an Arab student. . . .*

*The University administration held meetings with new student leaders in 2004. . . .*

*Examples that were raised with the administrators at this meeting included:*

- A Jewish student said that a stone had been thrown at him.*
- A Jewish student was followed by Arab students.*
- A student complained that any time he walked by the Arab students’ table, they would say, “That’s a Jew!”*
- A student said that some Arab students, at cultural events, would say “Where are the Jews?” . . .*

*Marc has attended . . . events, such as one in February 2004 where the speaker referred to Jews and Zionists as a “cancer.” . . .*

*Nadav**Telephone Interview Notes*

[redacted] *University Student* [redacted]

*December 16, 2004 11:00 a.m.*

*Docket Number 09-05-2013*

*The witness [Nadav] was interviewed by case attorney [redacted]. EOS [redacted] also participated in the interview. . . .*

*Nadav entered the University in September 2002. He is [redacted] of the Jewish fraternity Alpha Epsilon Pi, and is a member of two student groups: Anteaters for Israel and Hillel.*

*Nadav has complained to University administrators about the types of incidents that are the subject of this complaint. . . .*

*Olga**Telephone Interview Notes*

[redacted] *Former University Student*

*December 2, 2004 11:00 a.m.*

*Docket Number 09-05-2013*

*The witness [Olga] was interviewed by case attorney, [redacted]. . . .*

*Olga began attending the University in the fall of 2000, graduated in March 2004 and shortly thereafter began graduate school. However, she lived in Irvine until May 2004. She was active in Hillel and [redacted] Epsilon Phi. . . .*

*OCR asked Olga whether, while she was a student at the University, she was subjected to discrimination, harassment or intimidation on the basis of her race or national origin. Olga stated that she feels as though Judaism put her into an uncomfortable situation with Muslim students. Olga stated that when there was an anti-Israel incident, it affected all Jewish students even if the students did not take a political position on Israel. Olga stated that she is not a Zionist activist. However, she felt that all Jews were being classified as Zionists. . . .*

*Every year in the spring, Jewish students organize a Holocaust Memorial Week. During Holocaust Memorial Week in the spring of 2003, Olga participated in a candlelight vigil on the Student Center terrace. After the event, Olga was cleaning up the area and found a swastika on one of the tables. . . .*

*Olga stated that when she started college, she was not politically involved. Over time, she felt that she was lumped into a category of being*

*Jewish and being Zionist or pro-Israel. Olga stated that she felt fear about what she could do religiously. . . .*

*Olga stated that the environment on campus was very hostile. Olga stated that she was glad that she was not around for graduation because she would not have wanted to see students walking by her with the shahada sashes. While she was a student, she eventually began to feel uncomfortable participating in events on campus. Olga stated that a large number of Jewish students including most of the members of the Hillel Board stopped wearing outward signs of being a Jew. They stopped wearing Stars of David. Hillel stopped having social events and just focused on having religious events. Jewish students were afraid to have widely advertised events. Jewish students altered the paths they took because they did not want to walk on the Ring Road while the sign was posted. . . .*

*. . . Olga stated that she never felt that she was in danger, but she felt intimidated. She stated that there was never a specific physical threat to her because the administration made clear that if there were a physical threat, that would cross the line and the administration would take action.*

*OCR asked Olga if she knew of any students who were physically threatened. Olga stated that she knew of one, but that she did not want to give OCR specific facts about the incident because she does not know exactly what happened. Olga stated that she also knows somebody who was followed to a meeting by a member of the MSU and was very upset by that incident. . . .*

*The witness reiterated that she would try to get hold of other students who would be willing to speak to OCR. . . . The complainant [Tuchman] stated that she believes Jewish student leaders who have links to the administration may feel uncomfortable speaking with OCR.*

*Paul*

*Telephone Interview Notes*

*[redacted] University Student*

*(Tel) [redacted]*

*November 29, 2004 10:30 a.m.*

*Docket Number 09-05-2013*

*The witness [Paul] was interviewed by case attorney, [redacted]. . . . Paul began attending the University in the fall of 2002. . . . Paul stated that no one event created the problem, but rather it was an atmosphere of non-action on the part of the University.*

*. . . The students asked the administrators to come out with a statement to the effect that while freedom of speech was welcome on the University campus, it came with responsibility. The University refused to grant their*

*request. OCR asked Paul if the students ever made their complaints in writing. Paul and other Jewish students sent e-mails to the administrators on this issue on a regular basis. . . .*

*Paul stated that the University's lack of response made it clear that the administration was not willing to support Jewish students. . . .*

#### POSTSCRIPT

While many of these incidents are now several years old, the issue of antisemitism persists on the Irvine campus. In May 2010, as this article was being completed, a few dozen Irvine faculty members issued a public letter decrying this continuing problem:

We, faculty at the University of California-Irvine, are deeply disturbed about activities on campus that foment hatred against Jews and Israelis. The troubling events over the past few years include the painting of swastikas in university buildings, the Star of David depicted as akin to a swastika, a statement (by a speaker repeatedly invited by the Muslim Student Union) that the Zionist Jew is a party of satan, a statement by another MSU speaker that the Holocaust was God's will, the tearing down of posters placed by the student group Anteaters for Israel, and the hacking of their Web site. Some community members, students, and faculty indeed feel intimidated, and at times even unsafe.<sup>21</sup>

At the same time, over a dozen major Jewish organizations have recently joined together to urge the Obama administration to change its apparent current policy of non-enforcement in antisemitism cases.<sup>22</sup> Unless the Obama administration returns the OCR to its prior policy of investigating campus antisemitism under Title VI of the Civil Rights Act of 1964, it is likely that claims like those made by Irvine's Jewish students will continue to be ignored by the federal government.<sup>23</sup>

---

21. Marlon Boarnet, et al., Letter, "Some community members, students, and faculty indeed feel intimidated, and at times even unsafe," Orange County Independent Task Force on Antisemitism (blog), <http://octaskforce.wordpress.com/2010/05/10/some-community-members-students-and-faculty-indeed-feel-intimidated-and-at-times-even-unsafe/#more-2126>.

22. Josh Nathan-Kazis, Can the U.S. Government Officially Protect Jewish Students?, *Ha'aretz* (April 19, 2010), <http://www.haaretz.com/jewish-world/news/can-the-u-s-government-officially-protect-jewish-students-1.284534>. Correspondence from these organizations to the U.S. Department of Education can be found at [http://jewishresearch.org/Letter\\_Education.htm](http://jewishresearch.org/Letter_Education.htm).

23. A full discussion of this issue is provided in Marcus, *supra*, *Jewish Identity and Civil Rights in America*, note 4.