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March 19, 2024

Dr. Carol T. Christ
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Mr. Richard Leib
Chair, University of California Board of
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1111 Franklin St., 12th Floor
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Dr. Michael V. Drake,
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1111 Franklin St., 12th Floor
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Dear Dr. Christ, Dr. Drake, and Mr. Leib:

The Committee on Education and the Workforce (the Committee) is investigating the University of California, Berkeley's (UC Berkeley) response to antisemitism and its failure to protect Jewish students. We have grave concerns regarding the inadequacy of UC Berkeley's response to antisemitism on its campus. Several recent incidents have been particularly troubling. On February 26, 2024, an anti-Israel protest organized by the student group Bears for Palestine erupted into a violent riot in which anti-Israel activists assaulted Jewish students and shattered glass windows, forcing the cancellation of an Israeli speaker's lecture.¹ In recent weeks, anti-Israel students have occupied and blocked UC Berkeley's landmark Sather Gate, a key entrance to the center of campus, and harassed Jewish passersby.² UC Berkeley's failure to address this activity breaches a specific and longstanding university commitment to keep the gate unobstructed as part of a legal settlement and constitutes a selective dereliction of duty to enforce university rules against harassment.³

¹ Itay Hod, *Jewish UC Berkeley Student Recalls Fearing for Her Life When Protesters Disrupted Event*, CBS NEWS (Mar. 11, 2024), <https://www.cbsnews.com/sanfrancisco/news/jewish-uc-berkeley-student-recalls-fearing-for-her-life-when-protesters-disrupted-event/>.

² Lea Loeb, *In Wake of Chaos, UC Berkeley Jewish Students Feeling Demoralized, Angry*, THE JEWISH NEWS OF N. CAL. (Mar. 6, 2024), <https://jweekly.com/2024/03/06/in-wake-of-chaos-uc-berkeley-jewish-students-feeling-demoralized-angry/>.

³ Dan Mogulof, *Plaintiffs in Felber v. Yudof Case Dismiss Lawsuit*, BERKELEY NEWS (July 12, 2012), <https://news.berkeley.edu/2012/07/12/plaintiffs-in-felber-v-yudof-case-dismiss-lawsuit>.

An environment of pervasive antisemitism has been documented at UC Berkeley dating back to well before the October 7, 2023, terrorist attack. In 2016, a Brandeis University research study on antisemitism on college campuses⁴ found that over a third of students surveyed at UC Berkeley and three other University of California system (UC) campuses perceived a hostile environment toward Jews on their campuses.⁵ In 2017, the Jewish publication *The Algemeiner* ranked UC Berkeley fifth on its list of the 40 worst colleges for Jewish students in the U.S. or Canada, writing that “Berkeley has long been accused of fostering an environment that can be unfriendly to Jews and Zionists.”⁶ A December 2023 Brandeis University research study that surveyed Jewish students at 51 campuses in the wake of the October 7, 2023, terrorist attack ranked UC Berkeley in its worst category, “Highest antisemitic hostility.”⁷

An October 2023 survey of 132 Jewish UC Berkeley students found that 85 percent of Jewish students felt “the [UC Berkeley] administration has [not] adequately addressed the safety concerns of Jewish students impacted by the recent violence in Israel,”⁸ 75 percent do not feel safe expressing their Jewish identity on campus, and 85.6 percent were warned by family or friends about UC Berkeley’s “‘antisemitic’ reputation.”⁹

The pattern of deeply troubling incidents and developments at UC Berkeley includes the following:

- On October 7, 2023, while Hamas’ terrorist attack against Israel was still ongoing, the UC Berkeley student organization Bears for Palestine issued a statement on social media explicitly supporting the terrorist attack and glorifying it as “resistance.”¹⁰ The statement said, “[w]e display our unwavering support of the resistance in Gaza and the broader occupied Palestinian lands” and “to demonize

⁴ LEONARD SAXE ET AL., HOTSPOTS OF ANTISEMITISM AND ANTI-ISRAEL SENTIMENT ON US CAMPUSES, STEINHARDT SOC. RESEARCH INSTITUTE 16 (2016) (aggregating results for UC Berkeley, UC San Diego, UC Santa Cruz, and UC Davis, but noting that “students at both UC Davis and UC Berkeley were significantly more likely to perceive hostility to Israel on their campus compared to students at UC San Diego or UC Santa Cruz.”), <https://hdl.handle.net/10192/33070>.

⁵ *Id.*

⁶ *The 40 Worst Colleges for Jewish Students, 2017*, THE ALGEMEINER, <https://www.algemeiner.com/list/the-40-worst-colleges-for-jewish-students-2017/>.

⁷ GRAHAM WRIGHT ET AL., IN THE SHADOW OF WAR: HOTSPOTS OF ANTISEMITISM ON US COLLEGE CAMPUSES (2023), <https://scholarworks.brandeis.edu/esploro/outputs/report/9924312184701921>

⁸ *Antisemitism at Post Secondary Institutions: Bipartisan Roundtable Before the H. Comm. on Ed. & the Workforce*, 118th Cong. 10 (2024) (statement of Hannah B. Schlacter), https://edworkforce.house.gov/uploadedfiles/022924_schlacter_testimony-updated.pdf [hereinafter *Schlacter Statement*].

⁹ *Id.*

¹⁰ Bears for Palestine (@bearsforpalestine), *Bears for Solidarity in Palestine Solidarity Statement: Resistance to Uprising in Gaza*, INSTAGRAM (Oct. 7, 2023) (first page of statement), https://www.instagram.com/p/CyHT8iXSh0m/?igshid=MTc4MmMlYmI2Ng%3D%3D&img_index=1; Bears for Palestine (@bearsforpalestine), *Bears for Solidarity in Palestine Solidarity Statement: Resistance to Uprising in Gaza*, INSTAGRAM (Oct. 7, 2023) (second page of statement), https://www.instagram.com/p/CyHT8iXSh0m/?igsh=MzRlODBiNWFlZA%3D%3D&img_index=2

and condemn indigenous resistance is to overshadow the decades of oppression, ethnic cleansing, and destruction of the Palestinian people.”¹¹ The post also stated, “[f]rom River to Sea, glory to the Palestinian resistance, and glory to our martyrs.”¹² The statement continued, “[i]n light of Towfan Al-Aqsa [translates to Al-Aqsa flood] (square brackets in the original), we recognize the Second Intifada as one of the last major historic markers of the **resistance. The occupational borders of 1967 haven’t been broken like this since the Second Intifada** (emphasis in original.) Towfan Al-Aqsa now stands as a revolutionary moment in contemporary Palestinian resistance. We honor Palestinians who ‘are working on the ground on several axes of the so called ‘Gaza envelope’ alongside our comrades in blood and arms, and what is coming is greater. Victory or martyrdom.’” The statement also says “[w]e as students possess an obligation to support the liberation movement and embody a solidarity that transpasses theory and is grounded in practice” and “[w]e **support the resistance, we support the liberation movement, and we indisputably support the Uprising**” (emphasis in original.)¹³

- The UC Berkeley administration’s October 8 statement responding to the October 7 attack failed to use the words “Israel,” “Gaza,” or “ Hamas” or to address the student groups’ endorsement of terrorism, prompting Ethan Katz, the Director of UC Berkeley’s Center for Jewish Studies, to criticize it as “very upsetting” and “very weak.”¹⁴ UC Berkeley Chancellor Carol Christ subsequently issued an October 11 statement disapproving of both “[t]he brutal attack by Hamas on Israel” and “Israel’s subsequent blockade and bombing of the Gaza Strip.”¹⁵ While Christ subsequently signed onto a more forceful letter with more than 300 UC Berkeley faculty condemning Hamas’ attack and students’ endorsements of it, she notably did so in her capacity as an Emeritus Professor of English rather than as UC Berkeley’s Chancellor.¹⁶
- On October 16, 2023, anti-Israel activists assaulted a Jewish UC Berkeley student during an anti-Israel rally and violently attempted to steal an Israeli flag he was holding.¹⁷ According to Jewish UC Berkeley students, the university has failed to investigate the

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Emma Goss, *A Tense Berkeley Campus Reacts to Hamas Massacre and War*, THE JEWISH NEWS OF N. CAL. (Oct. 19, 2023), <https://jweekly.com/2023/10/19/a-tense-berkeley-campus-reacts-to-hamas-massacre-and-war/>.

¹⁵ *Id.*

¹⁶ *Open Letter on Recent Events in Israel and Gaza to the UC-Berkeley Community* (Oct. 18, 2023), https://docs.google.com/document/d/1L2RmaSrmKztuxK_Gfvca-qnGSDhf3G_C/edit?pli=1.

¹⁷ StopAntisemitism (@stopantisemitism), TWITTER (Oct. 19, 2023, 9:06 PM), <https://twitter.com/StopAntisemitism/status/1715172700631507345>.

incident as a hate crime.¹⁸ At the same rally, protestors chanted hateful slogans, including “resistance is justified when people are occupied!”¹⁹

- On October 19, 2023, Jewish UC Berkeley professor Steven Davidoff Solomon received an antisemitic e-mail at his university account with the subject line “You are a dirty Jew” and the message, “[i]f the Holocaust were happening right now, you’d be the first one to be gassed.”²⁰
- On October 25, 2023, a Jewish UC Berkeley student holding an Israeli flag was assaulted at an anti-Israel rally. Anti-Israel activists attempted to steal the flag and struck the victim in the head with a metal water bottle.²¹
- On December 1, 2023, graffiti targeting Jewish UC Berkeley professor Ron Hassner was written on objects, stating, “Prof. Ron Hassner lowkey a terrorist” and “Ron Hassner gets horny to genocide” and listing Hassner’s university e-mail address.²²
- On December 7, 2023, a Jewish student’s apartment was robbed, and an antisemitic note was left in it saying, “Fuck Jews. Free Palestine. From the River to the Sea.”²³ While a campuswide email the following morning identified the event as a potential hate crime, it failed to identify it as antisemitic in nature, in contrast to university communications about hate crimes toward other groups.²⁴
- On February 26, 2024, the anti-Israel student group Bears for Palestine organized activists to disrupt a speech by an Israeli speaker at UC Berkeley’s Zellerbach Playhouse, sparking a violent riot. Hundreds of activists banged on and shattered the venue’s glass doors and windows, assaulted and harassed Jewish students, and gained unauthorized entry to the venue, resulting in the speech’s cancellation. At least two Jewish students were assaulted during the riot.²⁵ A Jewish student present stated, “I saw a girl get grabbed by the neck and shoved, I saw my friend get spat at, and I saw just how much anger and hatred they had towards us at this moment.”²⁶ A February 25 Instagram post by Bears for Palestine with the message “SHUT IT DOWN” depicted the speaker with glowing red

¹⁸ *Schlacter Statement*, *supra* note 8, at 5.

¹⁹ Dave Pehling, *Pro-Palestinian and Pro-Israeli Rallies Compete for Attention at UC Berkeley*, CBS NEWS (Oct. 16, 2023), <https://www.cbsnews.com/sanfrancisco/news/pro-palestinian-and-pro-israeli-rallies-compete-for-attention-at-uc-berkeley/>.

²⁰ E-mail to Prof. Steven Davidoff Solomon (Oct. 19, 2023, 7:49 PM) (on file with Comm.).

²¹ Emilie Raguso, *Robbery Attempt of Israeli Flag at UC Berkeley Rally for Palestine*, <https://www.berkeleyscanner.com/2023/10/25/uc-berkeley-crime/uc-berkeley-robbery-rally/>.

²² *Schlacter Statement*, *supra* note 8, at 29.

²³ *Schlacter Statement*, *supra* note 8, at 7.

²⁴ *Id.*

²⁵ *Schlacter Statement*, *supra* note 8, at 30.

²⁶ Hod, *supra* note 1.

eyes and the label “murderer” and stated, “[h]e has now been invited to speak on our campus to spread settler colonial Zionist propaganda about the very genocide he participated in” and “[h]e has committed crimes against humanity, is a genocide denier, and we will not allow for this event to go on. GENOCIDAL MURDERERS OUT OF BERKELEY.”²⁷ The university’s response to the incident failed to identify the riot as an act of anti-Jewish hate.²⁸

- Since early February 2024, members of UC Berkeley’s Graduate Students for Justice in Palestine have occupied and blocked Sather Gate.²⁹ The anti-Israel protestors obstructed the main entrance of Sather Gate with yellow tape for weeks. On February 26, the protestors hung a banner saying “Flood Sather Gate,” an apparent reference to Hamas’ codename for the October 7 attacks, Operation Al-Aqsa Flood.³⁰ When the university finally removed the yellow tape in recent days, the protestors again blocked the gate with a large banner.³¹ The protestors have also harassed and intimidated Jewish students and journalists and have continuously played a loop of amplified audio with drone sounds, explosions, and screaming.³² The university’s failure to address this matter violates a specific and longstanding commitment in a legal settlement to keep the gate unobstructed and also constitutes a failure to enforce university rules against harassment.³³ UC Berkeley spokesman Dan Mogulof acknowledged that the banner “represents a violation of time, place and manner rules” but that the university chose not to enforce its rules, because “using law-enforcement to clear it would create turmoil.”³⁴
- In August 2022, nine student groups at Berkeley Law School passed bylaws pledging to engage in the boycott, divestment, and sanctions (BDS) movement against Israel; committing to exclude speakers who support “Zionism, the apartheid state of Israel, and the occupation of Palestine;” and requiring their board members to undergo a “Palestine 101” indoctrination session by UC Berkeley’s Law Students for Justice in Palestine (LSJP) chapter.³⁵ According to a November 2023 legal complaint by the Louis D.

²⁷ Bears for Palestine (@bearsforpalestine), *CAMPUS WIDE CALL TO ACTION*, INSTAGRAM (Feb. 25, 2024), https://www.instagram.com/p/C3ytamHJyIg/?img_index=1.

²⁸ Schlacter Statement, *supra* note 8.

²⁹ Alex N. Green, *Jewish Students at UC Berkeley Demand Greater Protections from University*, BERKELEYSIDE (Mar. 11, 2024), <https://www.berkeleyside.org/2024/03/11/uc-berkeley-protest-sather-gate>.

³⁰ Daniel J. Solomon, Opinion, *Mob Violence at Berkeley Shows Free Speech Doesn’t Exist for Zionists*, THE JEWISH NEWS OF N. CAL. (Feb. 27, 2024), <https://jweekly.com/2024/02/27/mob-violence-at-uc-berkeley-shows-free-speech-doesnt-exist-for-zionists/>.

³¹ Gloria Rodríguez & Leslie Brinkley, *UC Berkeley Jewish Students Successfully March Without Confrontation*, ABC 7 (Mar. 11, 2024), <https://abc7news.com/uc-berkeley-jewish-students-march-sather-gate/14514475/>.

³² Loeb, *supra* note 2.

³³ Mogulof, *supra* note 3.

³⁴ Rodríguez, *supra* note 31.

³⁵ Aaron Bandler, *Berkeley Law Student Groups Pass Bylaw Pledging to Not Invite Pro-Israel*, JEWISH JOURNAL (Sept. 2, 2022), <https://jewishjournal.com/news/351239/berkeley-law-student-groups-pass-bylaw-pledging-to-not-invite-pro-israel-speakers/>.

Brandeis Center, at least 23 Berkeley Law student organizations have adopted such exclusionary bylaws.³⁶ These organizations include student-run legal clinics and law journals, including the Community Defense Project and *Berkeley Journal of Gender, Law & Justice*, which refuses to publish authors supportive of Zionism and Israel.³⁷ Berkeley Law Dean Erwin Chemerinsky condemned the exclusionary bylaws but defended them as “free speech,” despite acknowledging that they would exclude “90 percent or more of our Jewish students.”³⁸

- Multiple UC Berkeley faculty and staff have made antisemitic statements, engaged in anti-Israel political indoctrination in violation of UC system rules, and justified Palestinian terrorism, including the following instances:
 - On October 24, 2023, a teaching assistant for a UC Berkeley “Asian American Communities and Race Relations” course offered extra credit for students to either “attend the national student walkout tomorrow against the settler-colonial occupation of Gaza” or “watch a short documentary on Palestine and call/email your local California representative.”³⁹ This violated UC system policies prohibiting “political indoctrination” and “providing grades without commensurate and appropriate student achievement.”⁴⁰
 - On November 1, 2024, UC Berkeley’s Othering & Belonging Institute issued a statement on the conflict, which included the statement “we must recognize the root cause of this violence is Israel’s occupation and apartheid system, made possible to an extraordinary degree by the United States’ longstanding and overwhelming military support and diplomatic cover.”⁴¹ The institute provided further comment on its statement to a media outlet, but did not reply when asked whether its official position is that Israel should not exist as a Jewish state.⁴²

³⁶ Complaint, *The Louis D. Brandeis Ctr. v. Regents of the Univ. of Cal.*, No. 3:23-cv-06133 (N.D. Cal. filed Nov. 28, 2023), <https://brandeiscenter.com/wp-content/uploads/2023/11/Brandeis-Center-Complaint-11.28.2023-1.pdf>.

³⁷ COMMUNITY DEFENSE PROJECT CONSTITUTION (2023),

<https://callink.berkeley.edu/organization/communitydefenseproject>; BERKELEY JOURNAL OF GENDER, LAW & JUSTICE BYLAWS (2024), <https://callink.berkeley.edu/organization/gaberkeleyjournalofgenderlawandjustice>

³⁸ Gabe Stutman, *Several Berkeley Law Student Groups Adopt ‘No Zionist Speakers’ Rule*, THE JEWISH NEWS OF N. CAL. (Aug. 26, 2022), <https://jweekly.com/2022/08/26/several-berkeley-law-student-groups-adopt-no-zionist-speakers-rule/>.

³⁹ Danielle Greyman-Kennard, *Points for Palestine: US Lecturer Offers Students Extra Credit for Anti-Israel Efforts*, THE JERUSALEM P. (OCT. 26, 2023), <https://www.jpost.com/diaspora/article-770184>.

⁴⁰ *Regents Policy 2301, Policy on Course Content*, UNIV. OF CAL.,

<https://regents.universityofcalifornia.edu/governance/policies/2301.html> [hereinafter *Policy on Course Content*].

⁴¹ Othering & Belonging Institute, *We Belong to Each Other: A Call to End the Violence* (Nov. 1, 2023), <https://belonging.berkeley.edu/we-belong-each-other-call-end-violence>.

⁴² Sarah Hernholm, *Antisemitism on College Campuses: Challenges Within DEI Initiatives*, FORBES (Feb. 16, 2024), <https://www.forbes.com/sites/sarahhernholm/2024/02/16/antisemitism-on-college-campuses-challenges-within-dei-initiatives/?sh=6d87450416d5>.

- On November 17, 2023, UC Berkeley Computer Science Lecturer Peyrin Kao announced he was ending his CS61B course lecture early and delivered an approximately 19-minute anti-Israel presentation to his students, a violation of UC system policies prohibiting the use of classrooms for “political indoctrination.”⁴³ In his remarks, Kao stated, “we are not free until Palestine is free,” accused Israel of “committing a genocide,” and displayed photographs of anti-Israel protestors.⁴⁴ Following his own remarks, Kao invited a representative of Graduate Students for Justice in Palestine to address his students.⁴⁵
- UC Berkeley Professor of History and Chancellor’s Chair Ussama Makdisi has made numerous anti-Israel, antisemitic, and pro-terrorism statements. The day after the October 7 attack, Makdisi tweeted, “[t]he Western idea of morality has long had a Palestine-shaped hole in it. The West simply does not count Arab Palestinians as equal human beings. Which is why Palestinians turn to armed struggle in face of massive Western-funded & backed oppression. Then the West condemns them.”⁴⁶ On December 27, 2023, Makdisi tweeted, “[Israel’s Minister of Strategic Affairs] Ron Dermer embodies colonial Zionism. He is now an Israeli representative negotiating with the United States, presumably to ask for more time to carry out more genocide. Like many other Zionists, he is not actually from Palestine. He is from Florida.”⁴⁷ On January 11, 2024, Makdisi tweeted, “I think Zionist denialism, and the denialism inherent in colonial Zionism, is the real problem, not the word ‘intifada.’”⁴⁸ On February 5, 2024, Makdisi tweeted “I could have been one of those who broke through the siege on October 7” along with posting an article by Salman Abu Sitta of the same title.⁴⁹ The article endorsed by Makdisi praises Hamas terrorists’ “determination and courage,” states that they “heroically defended [their] homeland,” and denies well-documented reports of Hamas’ sexual violence towards Israeli women as “entirely

⁴³ Chrissa Olson, *EECS Lecturer Faces Administrative Backlash Following Post-Lecture Talk in Solidarity with Palestine*, THE DAILY CAL. (Dec 11, 2023), https://www.dailycal.org/news/campus/eeecs-lecturer-faces-administrative-backlash-following-post-lecture-talk-in-solidarity-with-palestine/article_d85be7ee-957e-11ee-977e-fb6f59eb55e1.html; *Policy On Course Content*, *supra* note 40.

⁴⁴ *Id.*

⁴⁵ Peyrin Kao, *After Lecture, November 17, 2023 (Part 2)*, YOUTUBE (Nov. 17, 2024), <https://www.youtube.com/watch?v=6qJsNDcHj4k>.

⁴⁶ Ussama Makdisi (@UssamaMakdisi), X (Oct. 8, 2023, 3:33 PM), <https://twitter.com/UssamaMakdisi/status/1711102459337376136>.

⁴⁷ Ussama Makdisi (@UssamaMakdisi), X (Dec. 27, 2023, 9:49 AM), <https://twitter.com/ussamamakdisi/status/1740022119277441517>.

⁴⁸ Ussama Makdisi (@UssamaMakdisi), X (Jan. 11, 2024, 8:51 PM), <https://twitter.com/ussamamakdisi/status/1745624491512979828>.

⁴⁹ Ussama Makdisi (@UssamaMakdisi), X (Feb. 5, 2024, 9:26 AM), <https://twitter.com/UssamaMakdisi/status/1754511867891044719>.

false.”⁵⁰

- UC Berkeley Ethnic Studies Continuing Lecturer Hatem Bazian, a co-founder of the national organization Students for Justice in Palestine (SJP), has a long history of grotesquely antisemitic, anti-Israel, and pro-terrorism statements, including saying “it’s about time we had an intifada in this country.”⁵¹ In 2017, Bazian’s posting of antisemitic tweets, including an image of a stereotypical ultra-Orthodox Jew with the statement “MOM LOOK! I IS CHOSEN! I CAN NOW KILL, RAPE, SMUGGLE ORGANS & AND STEAL THE LAND OF PALESTINIANS *YAY* ASHKE-NAZI” (emphasis in original), was condemned by the UC Berkeley administration.⁵² On April 19, 2018, Bazian tweeted, “[t]he ‘Jewish nation’ is the central myth of Zionism. It needs to be dismantled.”⁵³ On July 26, 2017, Bazian tweeted, “[s]orry American Jews, you don’t have a birthright.”⁵⁴ On December 20, 2016, Bazian tweeted that “[h]istorical evidence does not support Zionist claims re the Western Wall.”⁵⁵ In 2002, Bazian said at a UC Berkeley SJP rally, “take a look at the type of names on the building [*sic*] around campus – Haas, Zellerbach – and decide who controls this university.”⁵⁶
- In fall 2016, UC Berkeley offered a student-taught, credit bearing course titled “Palestine: A Settler Colonial Analysis.”⁵⁷ The course syllabus required students to make a final presentation proposing a “decolonial alternative” to Israel.⁵⁸ Forty-three Jewish, civil rights, and education advocacy organizations expressed their

⁵⁰ Salman Abu Sitta, Opinion, *I Could Have Been One of Those Who Broke Through the Siege on October 7*, MONDOWIESS (Jan 4, 2024), <https://mondoweiss.net/2024/01/i-could-have-been-one-of-those-who-broke-through-the-siege-on-october-7/>.

⁵¹ Barnard, *Community Response to the Current International Conflict*, <https://barnard.edu/response-current-international-conflict>; Alana Goodman, *Columbia’s Barnard College Defends Inclusion of Anti-Semitic Terror Defender in University’s ‘Day of Dialogue’*, WASH. FREE BEACON (Jan. 23, 2024), <https://freebeacon.com/campus/columbia-defends-inclusion-of-anti-semitic-terror-defender-in-universitys-day-of-dialogue/>.

⁵² Stuart Winer, *Berkeley Lecturer Apologizes for retweet College Condemned as Anti-Semitic*, THE TIMES OF ISRAEL (Nov. 27, 2017), <https://www.timesofisrael.com/berkeley-lecturer-apologizes-for-retweet-college-condemned-as-anti-semitic/>; Canary Mission, *Hatem Bazian*, https://canarymission.org/professor/Hatem_Bazian.

⁵³ Dr. Hatem Bazian (@HatemBazian), TWITTER (Apr. 19, 2018, 9:57AM) (screenshot captured by Canary Mission), https://canarymission.cdnazur.com/image_gallery/Hatem_Bazian_cm09_Twitter_Apr_19_2018_NKV0Wb.jpg.

⁵⁴ Dr. Hatem Bazian (@HatemBazian), TWITTER (July 26, 2017) (screenshot captured by Canary Mission), https://canarymission.cdnazur.com/image_gallery/Hatem_Bazian_cm08_Twitter_Jul_26_2017_KXTohJ.jpg.

⁵⁵ Dr. Hatem Bazian (@HatemBazian), TWITTER (Dec. 20, 2016, 5:24 AM) (screenshot captured by Canary Mission), https://canarymission.cdnazur.com/image_gallery/Hatem_Bazian_cm07_Twitter_Dec_20_2016_LLm7eY.jpg.

⁵⁶ Joe Eskenazi, *U.C. Divestment Petition Troubles Pro-Israel Activists*, THE JEWISH NEWS OF N. CAL. (Jun. 14, 2002), <https://jweekly.com/2002/06/14/u-c-divestment-petition-troubles-pro-israel-activists/>.

⁵⁷ Alice B. Lloyd, *U.C. Berkeley Suspends, Then Un-suspends, Anti-Israel ‘Palestine’ Class*, WASH. EXAM’R, <https://www.washingtonexaminer.com/news/2023222/uc-berkeley-suspends-then-un-suspends-anti-israel-palestine-class/>.

⁵⁸ *UC Berkeley Suspends Course Labeled Anti-Israel by Critics*, THE TIMES OF ISRAEL (Sept. 14, 2016), <https://www.timesofisrael.com/uc-berkeley-suspends-course-labeled-anti-israel-by-critics/>.

concern over the course and its content.⁵⁹ While UC Berkeley briefly suspended the course, it was reinstated a week later.⁶⁰

- In January 2023, antisemitic graffiti was found at a student union building at UC Berkeley. The words “No Jew Go Away” were written across a door in red marker.⁶¹

UC Berkeley’s failure in responding to this explosion of antisemitism has drawn significant criticism. In a written statement submitted to the Committee, UC Berkeley MBA student Hannah Schlacter identified no less than 13 instances in which university officials failed to respond to Jewish students’ reports and concerns.⁶² Berkeley Law Professor and former Chair of UC Berkeley’s Chancellor’s Advisory Committee on Jewish Life and Campus Climate Steven Davidoff Solomon has resigned from the Committee because he felt “the university has failed to respond to what’s been persistent and deep-rooted anti-Jewish bias and antisemitism.”⁶³ On March 7, 2024, Berkeley Political Science Professor Ron Hassner began a sit-in protest in his office over UC Berkeley administrators’ failure to protect Jewish students, writing, “If my students feel that they cannot walk safely across campus without being bullied, then I will not cross campus either.”⁶⁴ Rabbi Gil Leeds, co-director of UC Berkeley’s Rohr Chabad Jewish Student Center said, “[i]t’s kind of hard to continue to be trusting in the university and their enforcement of policies and their stewardship of our students’ academic experience when they just let things be trampled on time and time again.”⁶⁵

Antisemitism at UC Berkeley and other public universities in California prompted the California Legislative Jewish Caucus to send a letter on November 7, 2023, to the UC and California State University systems on antisemitism that referenced a physical attack on a Jewish UC Berkeley student and stated that an Israeli UC Berkeley student was told she could not participate in a class related conference because of her nationality.⁶⁶ The letter stated, “[s]adly, there is a widespread feeling among Jewish students—as well as within the broader Jewish community—that many campus administrators do not understand the severity of the crisis and have been unwilling to take appropriate action to meet this moment. This is unacceptable and must change

⁵⁹ Letter from 43 Jewish Orgs. to Nicholas B. Dirks, Chancellor, Univ. of Cal., Berkeley (Sept. 13, 2016), <https://amchainitiative.org/letter-to-uc-berkeley-chancellor-dirks>.

⁶⁰ *Palestine: A Settler-Colonial Analysis*, <https://decal.berkeley.edu/courses/4524>.

⁶¹ Lillian Ilsley-Greene, ‘No Jew Go Away’ Scrawled on Door at UC Berkeley, THE JEWISH NEWS OF N. CAL., <https://jweekly.com/2023/01/26/no-jew-go-away-scrawled-on-door-at-uc-berkeley/>.

⁶² *Schlacter Statement*, *supra* note 8 at 22-24.

⁶³ Gabe Stutman, *UC Berkeley Hit with Lawsuit Alleging it Has Not Done Enough to Protect Jewish Students* (Nov. 28, 2023), <https://jweekly.com/2023/11/28/uc-berkeley-hit-with-antisemitism-lawsuit/>.

⁶⁴ Emma Goss, ‘Shiva-Worthy’: Berkeley Prof Starts Sit-In to Force Action Against Antisemitism, JEWISH NEWS OF N. CAL. (Mar. 8, 2024), <https://jweekly.com/2024/03/08/shiva-worthy-berkeley-prof-starts-sit-in-to-force-action-against-antisemitism/>.

⁶⁵ Alex N. Gecan, *Jewish Students at UC Berkeley Demand Greater Protections from University*, BERKELEYSIDE (Mar. 11, 2024), <https://www.berkeleyside.org/2024/03/11/uc-berkeley-protest-sather-gate>.

⁶⁶ Press Release, Cal. Jewish. Legis. Caucus, *Following Antisemitic Incidents on Campuses, California Legislative Jewish Caucus Calls for Immediate Action by UC & CSU Leadership* (Nov 7, 2023), <https://jewishcaucus.legislature.ca.gov/press-release/2023-11-07-following-antisemitic-incidents-campuses-california-legislative-jewish>.

immediately.”⁶⁷ Jewish Caucus Co-Chair Senator Scott Wiener stated the letter was necessitated because, “the situation is escalating. It’s getting worse and not better.”⁶⁸ On February 27, 2024, the Jewish Caucus issued a statement condemning the February 26 riot at UC Berkeley and “demand[ed] immediate action from University administrators to hold those responsible accountable and to protect our students.”⁶⁹

To assist the Committee in understanding antisemitism at UC Berkeley and the university’s response, please provide the following items no later than 12:00 PM EDT on April 2, 2024.

1. All reports of antisemitic acts or incidents and related documents and communications since January 1, 2021, including but not limited to all reports of antisemitic acts, incidents, or discrimination at UC Berkeley made to the following:
 - a. The Office of the Chancellor;
 - i. The Office of the Associate Vice Chancellor & Dean of Students;
 - b. The Office of the UC System President;
 - c. The Office of the Provost;
 - d. The Office of the General Counsel;
 - e. The Office for the Prevention of Harassment and Discrimination;
 - f. The Division of Equity & Inclusion and any other UC Berkeley offices focused on diversity, equity, and inclusion, including but not limited to those of individual schools and offices, the Centers for Educational Justice & Community Engagement, the Berkeley People & Culture Office of Diversity, Equity, Inclusion, and Belonging, and the Othering & Belonging Institute;
 - g. UCPD Berkeley;
 - h. Any hotlines, inboxes, or other mechanisms that collect reports of bias, discrimination, and harassment; and
 - i. Berkeley People & Culture (UC Berkeley Human Resources);

⁶⁷ *Id.*

⁶⁸ Ryan Torok, *California Jewish Legislators Demand that UC and CSU Systems Protect Jewish Students*, THE JEWISH NEWS OF N. CAL. (Nov. 10, 2023), <https://jweekly.com/2023/11/10/jewish-legislators-demand-that-uc-and-csu-protect-jewish-students/>.

⁶⁹ Press Release, Cal. Jewish. Legis. Caucus, *Jewish Caucus Condemns Antisemitic Violence on UC Campuses, Demands UC Hold Perpetrators Accountable and Do More to Address Antisemitism on Campus* (Feb. 27, 2024), <https://jewishcaucus.legislature.ca.gov/press-release/2024-02-27-jewish-caucus-condemns-antisemitic-violence-uc-campuses-demands-uc-hold>.

2. All documents containing UC Berkeley disciplinary, academic, personnel, administrative, or other processes through which allegations of hate crimes, discrimination, bias, or harassment are responded to, including but not limited to any written policies, procedures, guidance, handbooks, rubrics, and/or tables of penalties. Please also identify the offices, individuals, boards, and/or bodies that are responsible for evaluating and/or determining such responses, including the composition of any offices, boards, or bodies;
3. Documents sufficient to show UC Berkeley's policies and procedures that ensure and preserve access to safe and uninterrupted learning environments and respond to and address reported violations, including through law enforcement, investigative, and disciplinary processes. Please also identify the offices, individuals, boards, and/or bodies that are responsible for evaluating and/or determining such responses, including the composition of any offices, boards, or bodies;
4. All documents referring or relating to the findings and results of any disciplinary processes, changes in academic status, or personnel actions by UC Berkeley toward UC Berkeley students, faculty, staff, and other UC Berkeley affiliates related to conduct involving the targeting of Jews, Israelis, Israel, Zionists, or Zionism since January 1, 2021;
5. All documents referring or relating to the findings and results of any disciplinary processes or changes in status by UC Berkeley toward UC Berkeley student organizations related to conduct involving Jews, Israelis, Israel, Zionists, or Zionism since January 1, 2021, including but not limited to Bears for Palestine, Law Students for Justice in Palestine, Graduate Students for Justice in Palestine, and Palestinian Public Health;
6. All documents and communications relating to or reflecting sources of funding for Bears for Palestine, Law Students for Justice in Palestine, Graduate Students for Justice in Palestine, and Palestinian Public Health, including but not limited to university, departmental, faculty, and student organization funds, as well as foreign donations;
7. All findings and results of any disciplinary processes, changes in academic status, or personnel actions by UC Berkeley toward UC Berkeley students, faculty, staff, student organizations, and other UC Berkeley affiliates as a result of the following:
 - a. Allegations of hate crimes, discrimination, bias, or harassment on the basis of religion, race, ethnicity, national origin, sex, sexual orientation, gender identity, and disability at UC Berkeley since January 1, 2021; and
 - b. Reports of denial or disruption of access to safe and uninterrupted learning environments at UC Berkeley since January 1, 2021.
8. All documents and communications since January 1, 2021, referring and relating to antisemitism, Jewish, Israeli, or Palestinian issues, or Israel, involving the Office of the Chancellor (including the Office of the Associate Vice Chancellor & Dean of Students),

Office of the Provost, Office for the Prevention of Harassment & Discrimination, Division of Equity and Inclusion, Berkeley Law School, the dean's offices of all Berkeley undergraduate and graduate schools, and/or UCPD Berkeley;

9. All documents and communications since January 1, 2021, relating to faculty and staff hiring in Jewish Studies and Middle Eastern Languages and Cultures;
10. All UC Board of Regents meeting minutes and/or summaries, whether formal or informal, including minutes of meetings of any components, such as committees, executive committees, subcommittees, and/or task forces, since October 7, 2023;
11. All documents and communications since January 1, 2021, referring and relating to antisemitism and/or Israel involving the UC Board of Regents (including all members and/or officers);
12. All documents and communications since January 1, 2021, referring and relating to the Chancellor's Advisory Committee on Jewish Life and Campus Climate;
13. All documents and communications since January 1, 2021, referring and relating to the Chancellor's Advisory Committee on Muslim and Palestinian Student Life and Campus Experience;
14. All documents and communications, including but not limited to those involving the Office of the Chancellor, Office of the UC President, Office of the Provost, Office for the Prevention of Harassment & Discrimination, Department of Public Safety, UC Berkeley's undergraduate and graduate/professional schools, Berkeley People and Culture, Division of Equity & Inclusion, and/or any other entities responsible for investigating and determining consequences for misconduct and violations of university standards, referring and relating to:
 - a. The October 16, 2023, assault and attempted robbery of a Jewish student;
 - b. The October 25, 2023, assault and attempted robbery of a Jewish student;
 - c. The December 1, 2023, vandalism targeted at UC Berkeley professor Ron Hassner;
 - d. The December 7, 2023, robbery of a Jewish student's apartment;
 - e. The February 26, 2024, eruption of violence and disorder at a protest of an Israeli speaker;
 - f. The occupation and blocking of Sather Gate by anti-Israel activists since approximately early February 2024;

- g. Any violations of UC Berkeley/UC System policies regarding faculty conduct relating to the targeting of Jews, Israel, Israelis, Zionism, and/or Zionists, since October 7, 2023, including but not limited to the October 24, 2023, email by a teaching assistant for the course “Asian American Communities and Race Relations” and the November 17, 2023, presentation by Lecturer Peyrin Kao;
 - h. The activities of Bears for Palestine, Law Students for Justice in Palestine, Graduate Students for Justice in Palestine, and Palestinian Public Health since October 7, 2023;
 - i. Posts by UC Berkeley students, faculty, staff, and other UC Berkeley affiliates on social media platforms targeting Jews, Israelis, Israel, Zionists, or Zionism;
 - j. Anti-Israel protests at UC Berkeley since October 7, 2023, and any assaults, harassment, and/or other disruptions to education and student life related to them; and
 - k. Allegations of antisemitic conduct and/or discrimination against Jewish and/or Israeli UC Berkeley students since October 7, 2023.
15. All documents and communications, including but not limited to those involving the Office of the President, Office of the Provost, undergraduate and graduate/professional school administrations, and/or any academic departments, programs, and centers, referring or relating to any efforts by UC Berkeley students, faculty, and staff to engage in the BDS movement against Israel since January 1, 2021, and communications by UC Berkeley officials relating to such efforts;
16. All products of diversity, equity, and inclusion offices and programs, and similar offices and programs from any UC Berkeley components since January 1, 2023, including but not limited to the Division of Equity & Inclusion, individual UC Berkeley schools’ diversity, equity, & inclusion offices, the Centers for Educational Justice & Community Engagement, the Berkeley People & Culture Office of Diversity, Equity, Inclusion, and Belonging, and the Othering & Belonging Institute, relating to Jews and/or antisemitism, including but not limited to reports, publications, presentations, personal or professional development materials, guidance, and other related materials;
17. Documents sufficient to show the mandate, size, budget, agenda, and performance metrics of all diversity, equity, and inclusion offices and programs, and/or any similar offices and programs from any UC Berkeley components, including but not limited to the Division of Equity & Inclusion, individual UC Berkeley schools’ diversity, equity, & inclusion offices, the Centers for Educational Justice & Community Engagement, the Berkeley People & Culture Office of Diversity, Equity, Inclusion, and Belonging, and the Othering & Belonging Institute, including documents sufficient to show any updates to the mandate, size, budget, agenda, or performance metrics of such offices since October

7, 2023;

18. All UC Berkeley policies concerning the acceptance and rejection of donations from foreign sources, including UC Berkeley policies concerning:

- a. Faculty and staff receiving and disclosing donations and funding from foreign sources; and
- b. Donations and funding from foreign sources being directed toward academic departments, programs, and centers.

19. Documents sufficient to show:

- a. The annual total amount of foreign donations and funding (including but not limited to governmental bodies, nongovernmental organizations, and private individuals) to UC Berkeley since January 1, 2021, by country;
- b. All foreign donations and funding (including but not limited to governmental bodies, nongovernmental organizations, and private individuals) to UC Berkeley of \$50,000 or more since January 1, 2021. Please identify the amount, donor, and use;
- c. All donations and funding to UC Berkeley from Qatari sources (including but not limited to the Qatar Foundation, governmental bodies, nongovernmental organizations whether incorporated in Qatar or elsewhere, and private individuals) since January 1, 2021, including the amount, donor, and use; and
- d. All UC Berkeley faculty positions or programs/centers as of October 7, 2023, endowed by foreign governments and entities, including the faculty position or program/center, foreign government/entity, and amount donated.

Congress' oversight powers are derived from the U.S. Constitution and have been repeatedly affirmed by the United States Supreme Court.⁷⁰ Under House Rule X, the Committee has legislative and oversight jurisdiction over "education or labor generally."⁷¹

Please see the attached instructions for relevant definitions and other directions for the production of documents. This request encompasses responsive materials in the possession of not

⁷⁰ See generally U.S. CONST. art. I, § 8, cl. 8; *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) (holding that "the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function"); *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 504 (1975) (holding that "the power to investigate is inherent in the power to make laws"); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (holding that "the scope of power of inquiry ... is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.").

⁷¹ *Rules of the House of Representatives: One Hundred Eighteenth Congress*, U.S. HOUSE OF REP. 7 (Jan. 10, 2023), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.

Dr. Carol T. Christ, Dr. Michael Drake, and Mr. Rich Leib

March 19, 2024

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only UC Berkeley faculty, staff, students, and other affiliates, and the UC system administration and staff but also of individual members of the UC Board of Regents. The request also extends to any informal communications such as text or other electronic messages. We expect that this request will be conveyed promptly to all parties who would be reasonably expected to have responsive materials.

If you have any questions about this request, please contact Ari Wisch of the Committee staff at 202-225-4527 or ari.wisch@mail.house.gov.

Sincerely,



Virginia Foxx

Chairwoman

Committee on Education and the Workforce