



The Louis D. Brandeis Center for Human Rights Under Law is an independent, unaffiliated, nonprofit corporation established to advance the civil and human rights of the Jewish people and promote justice for all.

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BRANDEIS CENTER SUES UC BERKELEY FOR “LONGSTANDING, UNCHECKED SPREAD OF ANTI-SEMITISM”

Once a Beacon of Civil Rights, Berkeley Now Home to Physical Intimidation and Violence Against Jews and 23 Orgs that Ban “Zionists”

Washington, D.C., Nov. 28, 2023: [The Louis D. Brandeis Center for Human Rights Under Law](#) is [suing](#) the University of California (UC) Regents, UC President Michael Drake, UC Berkeley Chancellor Carol Christ, and other officials, for the “longstanding, unchecked spread of anti-Semitism” on Berkeley’s campus that has resulted in a current hotbed of anti-Jewish hostility and harassment. The complaint was filed today in the U. S. District Court for the Northern District of California.

Since Oct. 7 anti-Semitism has run rampant at the school, according to the Brandeis Center. Reported for the very first time in this complaint are numerous incidents of intimidation, harassment and physical violence against Jewish students.

For example, during one of the numerous rallies held at UC Berkeley celebrating Hamas, a Jewish undergraduate draped in an Israeli flag was set upon by two protesters who struck him in the head with a metal water bottle. Jewish students and faculty are receiving hate mail calling for their gassing and murder. Many Jewish students report feeling afraid to go to class.

Pro-Palestinian protesters disrupted a prayer gathering by Jewish students. Pro-Palestinian rallies blocked the main entrance to campus. And a UC Berkeley faculty member went on an anti-Israel rant for 18 minutes, with roughly 1,000 freshman as his captive audience.

Students participating in the pro-Hamas rallies have spouted hatred and threats against Jews, harassed Jewish students, demanded the dismantling of Israel, honored Hamas “martyrs” who were killed while butchering Jewish civilians, and chanted phrases such as “intifada, intifada,” condoning violence against Jews, and “from the river to the sea, Palestine will be free,” calls for the elimination of Israel and the eradication of the 7 million Jews that live there.

UC Berkeley Law Dean Erwin Chemerinsky acknowledges the rampant anti-Semitism at his school, writing recently, “I am a 70-year-old Jewish man, but never in my life have I seen or felt the antisemitism of the last few weeks.” He noted that, “[t]wo weeks ago, at a town hall, a student told me that what would make her feel safe in the law school would be to ‘get rid of the Zionists.’” He added he had “heard several times that I have been called ‘part of a Zionist conspiracy,’ which echoes antisemitic tropes that have been expressed for centuries.”

UC Berkeley Jewish students shared in the complaint that the school does so little to protect Jewish students, it feels as if the school is condoning anti-Semitism. They added that officials at the university display a “general disregard” for Jewish students. Indeed, many Jewish students have reported feeling afraid to go to class during the pro-Hamas rallies because they have little confidence UC will protect them from anti-Semitic mobs.

“The anti-Semitism Berkeley’s Jewish students find themselves embroiled in today did not start on Oct. 7,” stated Kenneth L. Marcus, former U.S. Assistant Secretary of Education for the Bush and Trump administrations, current founder and chairman of the Brandeis Center, and a graduate of UC Berkeley’s law school. “It is a direct result of Berkeley’s leadership repeatedly turning a blind eye to unfettered Jew-hatred. The school is quick to address other types of hatred, but why not anti-Semitism? Berkeley, once a beacon of free speech, civil rights, and equal treatment of persons regardless of race, religion, ethnicity,

national origin, gender, and sexual orientation, is heading down a very different and dangerous path from the one I proudly attended as a Jewish law student.”

The most prominent example of pre-Oct. 7 willful blindness Marcus is referring to, and a primary focus of this lawsuit, is a decision last year by nine law student organizations to amend their constitutions with a bylaw that bans all Zionist speakers. The numbers have now swelled to 23 groups, including academic journals that prohibit Zionists from publishing and pro-bono organizations that prevent Jewish students from receiving hands-on legal experience, training, supervision and mentorship. The Zionist ban denies Jewish law students networking opportunities provided to others; deprives them of earning pro-bono hours for state bar requirements; curtails their avenues for developing and improving legal research, writing, and editing skills; and limits their choices for obtaining academic credits towards graduation. This is all illegal under federal law and university policies.

It has become commonplace for persons seeking to disguise their anti-Semitism to use the word “Zionists” to mean Jews. The Biden National Strategy to Counter Antisemitism notes that, “[w]hen Jews are targeted because of their beliefs or their identity, when Israel is singled out because of anti-Jewish hatred, that is antisemitism.” The White House explains that protection of Jews as a religious, national and ethnic group includes protection from anti-Israel bias and discrimination. Anti-Zionism is different from criticism of Israel or opposition to the policies of the Israeli government. Anti-Zionism rejects the very right of Israel to exist and denies Jews the fundamental right to self-determination. A [Pew survey](#) found that 80% of Jews view Israel as integral to their Jewish identity. Dean Chemerinsky himself has acknowledged the ban excludes “90 percent or more” of Jewish students at Berkeley law.

While UC Berkeley leaders have repeatedly acknowledged the Zionist ban is blatant anti-Semitism, they have done nothing to address it. This has allowed anti-Jewish bigotry to normalize and escalate.

The UC leaders have, instead, excused the discrimination as “viewpoint discrimination,” protected, they claim, by the First Amendment. The lawsuit makes abundantly clear, however, that UC Berkeley leaders’ choice to ignore discriminatory behavior violates federal law and university policies. According to the Brandeis Center, the discriminatory ban does not exclude individuals based on viewpoint because it has nothing to do with anything a given speaker might say or author might write. Instead it excludes Zionist speakers because of who they are.

“Making Jews renounce that core component of their identity to participate in a student organization is no different than asking members of the LGBTQ community to remain ‘in the closet’ as the cost of membership—a cost that is not imposed on other students who are free to participate fully in those organizations without disavowing or hiding their identities,” stated Rachel Lerman, vice chair and general counsel at the Brandeis Center and also a graduate of UC Berkeley Law School.

According to the complaint, Berkeley’s acquiescence to these discriminatory policies has helped give anti-Semitism free reign on campus in violation of the law. “This suit targets the longstanding, unchecked spread of anti-Semitism at the University of California Berkeley, which, following the October 7 Hamas attacks, has erupted in on-campus displays of hatred, harassment, and physical violence against Jews,” states the complaint. “Court intervention is now needed to protect students and faculty and to end this anti-Semitic discrimination and harassment, which violates University policy, federal civil rights laws, and the U.S. Constitution.”

Earlier this month, the Brandeis Center, along with the ADL, Hillel International, Gibson, Dunn & Crutcher LLP, and other leading law firms and Jewish organizations, launched the [Campus Antisemitism Legal Line \(CALL\)](#), a free legal protection helpline for college students who have experienced antisemitism. Over the past month, the Brandeis Center has filed two Title VI complaints with the U.S. Department of Education against the [University of Pennsylvania \(UPenn\)](#) and [Wellesley College](#), and sent a strong legal warning to [Harvard University](#) regarding its failure to take action against a professor that Harvard itself admitted had discriminated against Jewish Israeli students. Two weeks ago the Department of Education announced it was formally investigating Brandeis’ UPenn and Wellesley complaints.

The Department of Education recently reached an unprecedented agreement with the [University of Vermont](#) to address growing antisemitism on its campus in response to a complaint filed by the Brandeis Center on behalf of UVM Jewish students, and, in addition to UPenn and Wellesley, the Department of Education is investigating another four pending Brandeis Center complaints at [SUNY New Paltz](#), the [University of Southern California \(USC\)](#), [Brooklyn College](#), and the [University of Illinois](#).

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