

**JOEL H. SIEGAL**  
**ATTORNEY AT LAW**

**703 Market Street, Suite 801**  
**Central Tower Building**  
**San Francisco, California 94103**  
**Telephone: (415) 777-5547**  
**Facsimile: (415) 777-5247**  
**Email: joelsiegal@yahoo.com**

**NEAL M. SHER**  
**ATTORNEY AT LAW**

**132 East 43<sup>rd</sup> Street, Suite 304**  
**New York, NY 10017**  
**Telephone: (646) 201-8841**  
**Email: nealsher@gmail.com**

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Thomas E. Perez  
Anarima Bhargava  
Franz Marshall  
Whitney Pellegrino  
Assistant Attorney General  
United States Department of Justice  
Civil Rights Division  
Educational Opportunities Section  
950 Pennsylvania Avenue NW  
Patrick Henry Building, Suite 430  
Washington, DC 20530

Arthur Zeidman  
Russlynn Ali  
US Department of Education  
Office of Civil Rights  
50 Beale Street, Suite 7200  
San Francisco CA 94105-1813

Re: **TITLE VI COMPLAINT AGAINST THE  
UNIVERSITY OF CALIFORNIA-BERKELEY**

Dear Messrs. Perez and Zeidman:

The undersigned represented plaintiffs in the recently concluded case, *Jessica Felber and Brian Maissy v. Regents of the University of California* (U.S. District Court, Northern District of California, San Francisco Division, Case No. CV-11-1012-RS). Through our representation of Ms. Felber and Mr. Maissy, we have become acutely aware of, and have obtained substantial evidence demonstrating, a pervasive hostile environment towards Jews on the campus of the

University of California, Berkeley (“Berkeley” and “University”). Such hostile environment is based on actual or perceived shared ancestry or ethnic identity as Jews. As you know, one difficulty with private relief in federal Title VI litigation is that once students such as plaintiffs Felber and Maissy graduate and leave the university, they cannot obtain injunctive relief and the opportunity to effectively eliminate hostile racist environments on campus. Also, they lack standing to compel the educational institution to engage in more effective reporting, and administrative and educational opportunities to combat racism on campus. As we discuss below, such proactive enforcement measures were recently instituted by your departments in the resolution that your departments negotiated following the “Compton Cookout” at University of California, San Diego,.

Indeed, Ms. Felber, who was physically assaulted on campus because of her religion (Jewish) did not want to bring an action while she remained on the campus, and she waited until her premature graduation to bring an action. Thus, we file this Complaint with your agencies. The issue of a racist anti-Semitic environment on the Berkeley campus persists today. It is broader than a week-long Apartheid Week – an event strikingly analogous to the infamous “Passion Play” depicting Jews as blood-thirsty barbarians - which is University sanctioned and performed in the midst of the most heavily traversed portion of the campus, “Sather Gate.” The most recent on campus Apartheid Week/Passion Play occurred in March 2012, within the 180 day filing period. There are, however, dozens of other occurrences on campus, such as unequal enforcement of campus rules and regulations as they relate to groups with an anti-Jewish bias, to the unauthorized use of campus computer platforms to broadcast an anti-Jewish agenda.

As stated, we are also very well aware of the “Resolution Agreement” recently entered into with the University of California, San Diego. We applaud that investigation and measures undertaken in response in part to the offensive and racist events at that campus, especially the notorious “Compton Cookout,” an off campus event which portrayed the entire campus African-American community in a racist stereotype. By confronting the hostile racist environment created by the condoning of such an offensive event, and by instituting effective reporting and educational requirements, you have faithfully implemented the Title VI mandate of your offices. Indeed, that Resolution Agreement was most encouraging and in no small measure contributed to our decision to file this Complaint against Berkeley. We also took particular note that your San

Diego investigation probed deeply into events occurring well before the Compton Cookout. We believe that the hostile environment at Berkeley deserves an investigation at least as broad and far ranging as that successfully undertaken at San Diego. The hostile environment against Jews on the Berkeley campus is no less offensive than the racist “Compton Cookout” at UCSD, or the sexist taunts at Yale University where a fraternity was disciplined for requiring that their pledges chant “no means yes and yes means anal” (see attached materials).<sup>1</sup>

The Berkeley Apartheid Week can only be seen as a modern day version of the “Passion Play”, the notorious anti-Semitic performance, initially performed at Oberammergau, Bavaria which portray Jews as bloodthirsty and treacherous villains. It was performed initially in 1264, and has been performed every four years. After each performance, the level of anti-Semitism in the surrounding communities increased geometrically as Jews were beaten and persecuted as a result of the performance. When Hitler came to power in the 1930’s, he himself attended and applauded the Passion Play, and recognized it as an effective propaganda tool and tool to propagate violence against Jews, and to increase anti-Semitism in the surrounding communities. (See Oberammergau by Prof. James Shapiro, Vintage Books, 2001.)

During Berkeley’s Passion Play, student activists from the Muslim Student Association (“MSA”) and Students for Justice in Palestine (“SJP”) – both officially recognized student organizations which operate with the blessing of school officials – portray themselves as Jews by wearing Stars of David, yarmulkes (skull caps), fringed garments (tsizit), and their depictions of Jews are clearly racist and anti-Semitic. Moreover, they have been authorized by the University to carry realistic looking assault weapons which they brandish as they interrogate innocent students on campus about their religious and ethnic backgrounds. All this in an effort to convey a portrayal that “all” Jews are blood-thirsty barbarians. Ms. Felber, Mr. Maissy, and a host of other Jewish students, report that for weeks after Apartheid Week they are afraid to wear symbols which identify themselves as Jews, for fear of retaliation.

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<sup>1</sup> We should point out that the Justice and Education Departments have special significance to the undersigned. As you may know, for many years Neal Sher was the Director of the Office of Special Investigations in the Criminal Division of Justice. The Department of Education is equally significant for us, as we both serve as Legal Advisors to the Louis Brandeis Center of Civil Rights, founded by Ken Marcus, who is recognized as a driving force in the development of Title VI.

However, we would make clear that, as was done in the San Diego case, your departments should undertake a broad inquiry into the environment at Berkeley. Like the “Compton Cookout,” the Berkeley Apartheid Week/Passion Play is patently offensive and racist. Indeed, the Berkeley situation presents an even stronger case than San Diego, because the offensive activities of Apartheid Week occurred on campus by registered student organizations with the permission and imprimatur of University officials; the “Compton Cookout,” by comparison, was off campus with no official University involvement.

The Berkeley “Passion Play,” masquerading as a political protest, is nothing short of racist hate speech in clear violation of Title VI. It is at least equal in legal odiousness to use of the “N” word or similar racist and sexist expressions. However, unlike the Oberammergau Passion Play in Germany, which is preformed on a traditional pay-to-view stage setting, the University has allowed – in fact has been part of the planning and execution of – the racist outbursts which have taken place at the center of an important public campus crossroad and which have included hostile confrontations and violence against students such as Jessica Felber and Brian Maissy, and we fear will occur again in March 2013.

## **BACKGROUND**

On March 5, 2010, Jessica Felber, a twenty year old Jewish student at Berkeley was attacked and injured on the Berkeley campus. The attack came in the middle of Apartheid Week. The clear purpose of Apartheid Week is to delegitimize the existence of the State of Israel and to equate her with the system of government in place in South Africa between 1948 and 1993. While parts of Apartheid Week might be considered protected free speech, certain actions, such as the establishment of checkpoints where students brandish realistic-looking assault weapons, place barbed wire on campus walkways, and interrogate students as they pass, are not protected. Moreover, they create a hostile environment for Berkeley students and interfere with their education, freedoms and privileges.

Felber was assaulted because of her Jewish ancestry and religious affiliation while she was peacefully holding a sign stating “Israel wants Peace.” The assailant, Husam Zakharia, also a Berkeley student, was then the leader of SJP. SJP and Zakharia have been involved in other incidents on campus to incite violence against and intimidate Jewish and other students.

Importantly, Berkeley officials had detailed prior knowledge of this history of incitement and intimidation, but took no reasonable steps to adequately control Zakharia or other student members of the SJP to protect against the hostile environment created for Jewish students.

The SJP conspires and coordinates with another Berkeley RSO, the MSA, which has a publicly documented history of affiliation with and support of organizations deemed “terror organizations” by the United States Department of State. In fact, eleven students from those groups were convicted under California law of unlawfully inciting and disrupting a speech given by Israeli Ambassador Michael Oren, at University of California, Irvine.

Also attached is a Declaration of Brian Maissy describing events on campus which make him and other Jewish students feel endangered, intimidated, and harassed.

**THE HARASSMENT, INTIMIDATION AND ASSAULT ON MS. FELBER  
WERE ORCHESTRATED BY THE STUDENTS FOR JUSTICE IN  
PALESTINE AND OTHER LIKE-MINDED STUDENT  
ORGANIZATIONS, INCLUDING THE MUSLIM STUDENT  
ASSOCIATION AND MUSLIM STUDENT UNION; THOSE ACTIONS  
HAVE EFFECTIVELY BEEN CONDONE BY THE UNIVERSITY**

In order fully to appreciate the situation at Berkeley, it is important to understand the background and objectives of the student groups which organize Apartheid Week and other events which create the prohibited hostile environment.

**STUDENTS FOR JUSTICE IN PALESTINE (SJP)**

SJP is a national student organization that was founded at Berkeley in 2001. Its primary aim is to persuade academic institutions to divest their financial assets from companies that conduct business with Israel, and to organize boycotts of Israeli goods and services, including academic boycotts. Unfortunately, a review of the Cal Daily for the past several years confirms that SJP does not limit its protest to events about Israel. They disrupt Jewish hip hop concerts, Passover, cedars and other religious events.

The SJP is overtly political, and accounts for the majority of anti-Israel activism and anti-Semitic posturing among students at the academies where there are chapters. At Berkeley the SJP and MSA not only co-sponsor events and cooperate on strategic projects, but they even share the same office and campus facilities.

The members of SJP have often employed aggressive tactics, and sometimes commit acts of violence. As described on SJP's Facebook page (the resolution of the plight of the Palestinians): "...includes the full evacuation of Jewish occupants from all illegally held Palestinian lands." As confirmed by the Declaration of Tenured Professor Mel Gordon, the SJP has been a violent force on campus.

### **FORMATION AND EARLY ACTIVITY OF SJP**

"Students for Justice in Palestine" first appeared in the Berkeley campus paper, The Daily Californian, on October 25, 2000, when it was described as "a coalition of campus groups." At that time the organization had not yet been registered with the Associated Students of the University of California (ASUC), although soon it would be. The coalition's leaders called for an international boycott of all Israeli products and an end to U.S. economic support of Israel.

Four months later, the newly born SJP staged its first mock checkpoint protest in connection with "Apartheid Week." We understand that the campus newspaper condemned the checkpoint of the demonstrators as violating Berkeley's Code of Conduct by posting materials on University property without permission and interfering with University activity. However, checkpoint protests continue, with the most recent occurring in March 2012. In fact, during Apartheid Week 2011, a student in a wheelchair was accidentally entangled in the barbed wire. See the Declaration of Brian Maissy, Exhibit A, including an email from the Dean of Students, Jonathan Poullard. Also attached to the Maissy Declaration as various exhibits are photos depicting "Apartheid Week" and campus checkpoints for several years leading up to the March 2011 events.

On April 24, 2001, thirty-two SJP demonstrators who called for cutting economic ties with Israel were arrested for obstructing access to Wheeler Hall during a six-hour siege. In violation of fire codes and other regulations, the SJP had chained closed nine of the twelve doors to the building and linked their arms to block the remaining entrances. At that demonstration,

Professor Gordon was beat up so severely that he needed to be hospitalized. The assault on Professor Gordon did not occur because he is “pro-Israel.”

It is not without significance that the SJP has been involved in numerous other violent, anti-Israel, anti-Semitic demonstrations on several campuses of the University of California System. In January 2011, SJP and MSA protestors were so disruptive at a speech given by the Israel Ambassador, Michael Oren, that the District Attorney in Orange County has brought conspiracy indictments against eleven students. As stated by the Orange County District Attorney on February 4, 2011, and reported in the Orange County Register, “...These defendants meant to stop this speech and to stop anyone else from hearing his ideas.” The students were convicted. Disrupting the free speech of others is a “modus operandi of these groups.”

#### **THE NATIONAL MUSLIM STUDENTS ASSOCIATION (MSA)**

The Muslim Students Association (MSA) was created in January 1963 at the University of Illinois Urbana-Champaign. According to its Constitution, its aims and purposes are “to serve the best interest of Islam and Muslims in the United States and Canada so as to enable them to practice Islam as a complete way of life.” According to MSA’s Facebook page, the initial leadership of the MSA, “came from Arabic-speaking members with the Muslim Brotherhood’s help to establish the group. A Saudi Arabian charity, the Muslim World League, provided early funding for the group.”

#### **THE MSA AT UNIVERSITY OF CALIFORNIA, BERKELEY**

Founded during the 1986-87 academic year, the MSA at Berkeley (which is also known as the Muslim Student Union (MSU)) has become one of the largest and most active chapters in North America. Ostensibly its mission is to support those who wish to understand, appreciate, and practice their Islam without compromising their morals and beliefs; to educate non-Muslims about the misconceptions regarding Islam and the Islamic way of life; and to foster a social community for Muslims.

The MSA is a funded organization on campus, and received \$9,040.14 from the Associated Students of the University of California-Berkeley (ASUC) for the 2008-09 academic year. The group received \$8,500 for 2006-07, \$7,840.35 for 2005-06, and \$8,250 for 2004-05. The MSA publication AI-Bayan, founded in 2000, was allocated \$1,225 in 2008-09, \$1,255 in 2006-07, and \$935 in 2004-05. These sums are supplemented by monies that are raised from

fundraising events, or allocated from MSA National. Student groups that are political in nature, receive less money than religious or cultural associations. The political activities of the MSA, outlined below, have not negatively affected its public funding allocation.

In recent years, the MSA at Berkeley does not merely promote social networking, encourage observance of Islam, and plan religious, cultural and charitable events; it engages in political activism and mobilizes Muslims, both on and off campus, for activist projects. The Constitution of the Muslim Student Union of Berkeley states one objective is to “develop activism of Muslims on campus and in the community.” The chapter has its own Political Action Committee. Significantly, a sub-section of the National MSA manual entitled “Political/Campus Action” urges members to “consider forming committees for certain issues that need to be addressed on the campus or larger level. The MSA on campus has been actively involved in “Apartheid Week,” and has been instrumental in creating the hostile environment complained of herein and in which the University has acquiesced.

**UC BERKELEY HAS LONG BEEN ON NOTICE THAT MEMBERS  
OF THE SJP AND MSA POSE THREATS ON CAMPUS AND THAT  
THEY CREATE AN IMPERMISSIBLE HOSTILE ENVIRONMENT**

The March 5, 2010 assault against Jessica Felber was not the first time that Husam Zakharia and others from SJP acted violently against Jewish students. Physical intimidation and violence were frequently employed as a tactic by SJP and other campus groups in an effort to silence students on campus who support Israel, and who attend Jewish and non-Israel related events. In addition, the University has consistently failed to discipline and effectively condemn SJP and its affiliate RSO, the MSA. Moreover, the University had ample notice of harassment, intimidation, incitement and violence committed by the SJP and MSA against Jewish students at Berkeley. Such incidents continue to the present.

At the Berkeley campus, the SJP and MSA have at several times staged an armed “checkpoint” which are pictured in Exhibit B, attached hereto, flaunting and brandishing realistic-looking assault weapons. Also attached are the following: Exhibit C are photos of the March 17, 2011 checkpoint barbed wire and interrogations; Exhibit D are photos of SJP and MSA demonstrators with coffins blocking campus walkways; Exhibit E are photos of the 2009



checkpoints; Exhibit F are photos of the 2010 checkpoints; Exhibit G are photos of the most recent 2011 checkpoint (referenced in the Declaration of Maissy); Exhibit H are photos of vandalized Jewish signs on campus. Jessica Felber's assailant Husam Zakharia is pictured at the checkpoint talking to Campus Police on May 7, 2008 in Exhibit B. At the checkpoint, Berkeley students are confronted and demanded to state their religious affiliation, specifically if they are Jewish. Although many students have complained to the University, it has done nothing to prevent the continuance of these hostile "checkpoints."

On information and belief in or about November 2008, the SJP and MSA, lead by Zakharia, disrupted a concert organized by a campus Jewish group on the Berkeley campus. Zakharia assaulted a Jewish Berkeley student. Zakharia and two other SJP activists were cited for battery by Campus Police. However, the University failed to effectively discipline SJP or Zakharia, such that the University's actions allowed and encourage the SJP and MSA to continue and amplify their aggressive and violent threats, plans and activities. This incident was reported on publicly; however, there was no effective means for resolving the dispute and hence the hostile environment festered.

On February 24, 1995, at the Berkeley campus, the MSA conducted a rally in support of Hamas, the Middle East extremist group. This took place soon after a series of bus and sidewalk bombings in Israel. Students from several northern California campuses carried signs depicting an Israeli flag with a swastika and proclaimed their willingness to serve as future suicide bombers. A Jewish observer was spit on by one of the demonstrators. Berkeley officials neither condemned nor took any meaningful measures in response to actions in support of a known and officially designated terrorist group. On information and belief, there was no effective condemnation by the University, even though officials were well aware of the incident as it was reported on publicly.

On October 2000, the president of UCLA's MSA led a crowd of demonstrators at the Israeli consulate in chants of "Death to Israel!" and "Death to the Jews!" This incident was reported on publicly.

In December 2001, a member of Chabad, a Jewish religious group at Berkeley, was assaulted on campus near the Chabad house. During spring break of 2002, the Hillel window was smashed and graffiti stating, “Fuck the Jews,” was painted on the building. This too was reported on publicly.

In the Fall of 2002, Berkeley established a course, entitled “The Politics and Poetics of Palestinian Resistance” offered in the Department of English: According to the Fall 2002 course catalogue, Course # R1A, to be offered in the Department of English, was titled “The Politics and Poetics of Palestinian Resistance.” An excerpt from the course description: “The brutal Israeli military occupation of Palestine, [ongoing] since 1948, has systematically displaced, killed, and maimed Palestinian people. And yet, from under the brutal weight of the occupation, Palestinians have produced their own culture and poetry of resistance. This class will examine the history of the [resistance] and the way that it is narrated by Palestinians in order to produce an understanding of the Intifada .... This class takes as its starting point the right of Palestinians to fight for their own self-determination. Conservative thinkers are encouraged to seek other sections.” The class was to be taught by graduate student Snehal Shingavi, a leader of the SJP.

On March 3, 2008, the SJP sponsored a “die-in” purportedly in response to Israel’s decision to defend its citizenry against rockets that were launched into Israeli towns from Gaza. During the event, approximately 30 to 40 SJP student activists lay on the ground on Sproul Plaza, obstructing traffic and blocking the walkway. They held signs accusing Israel of starting another Holocaust, equating Israelis with Nazis. When the SJP held anti-Israel rallies and events on the Berkeley campus, Jewish students peacefully gathered and held up signs to counter the false and hateful messages that the SJP promotes about Jews and Israel. The SJP has deliberately interfered with those rights, blocking the Jewish students’ signs and attempting to destroy them.

On November 13, 2008, at a university approved student pro-Israel “hip-hop concert” at Eshleman Hall on the Berkeley campus, , SJP student activists deliberately disrupted that concert by draping two Palestinian flags from the Eshleman Hall balcony directly over the stage and thus precipitated a riot needing response from Campus Police. This event was also reported on publicly. While the conduct of the SJP activists apparently was in violation of university policy, officials did nothing, thus making a mockery of whatever policy might have been in place.

Many Jewish and non-Jewish students have complained to Berkeley Dean of Students Jonathan Poullard about the SJP's threatening and intimidating conduct, and about the group's violations of Berkeley's Code of Student Conduct. Several Jewish students spoke up at an ASUC senate meeting on March 3, 2008, at which Dean Poullard was present. Student after student described being harassed and intimidated by members of the SJP. They described the SJP's refusal to follow multiple requests by Campus Police and faculty to stop their intimidating tactics. And they described how unsafe they felt on their own campus. No effective resolutions were proposed.

Berkeley's Dean Poullard acknowledged that those who violated Jewish students' personal space and threatened their personal safety engaged in a Student Conduct violation. These infractions have occurred repeatedly. However, no effective disciplinary proceedings against SJP have been taken, and the SJP and MSA aggressive and offensive conduct continues. Indeed, as evidenced by the Declaration of Maissy, as of March 17, 2011, checkpoints on campus with barbed wire and realistic-looking assault weapons continue; and a student in a wheelchair became accidentally entangled in the barbed wire without apparent appropriate concern from the Administration.

Chancellor Birgeneau has commented on the need to limit hate speech which incites violence following the assassination attempt of Congresswoman Giffords in Tucson in January 2011. Yet each year on the Berkeley campus, with the checkpoints which are an integral part of "Apartheid Week," the University and its Administration condones hate speech which endangers the health and safety of Jewish students.

In 2007, Egyptian-born author, Nonie Darwish spoke at Berkeley about her experiences growing up in Egypt and immigrating to the United States. The film "Obsession" (about the rise and dangers of radical Islam) was also screened. During her speech she was repeatedly interrupted by the SJP student activists. According to The Daily Californian, Ms. Darwish could not begin her speech for about a minute because of the heckling. The student paper noted that Campus Police had to escort several "loud opponents" out of the lecture hall at various points during the event.

SJP student activists staged another disruption when Middle East scholar, Dr. Daniel Pipes, was invited to speak at the Berkeley campus in 2004. Although signs were posted outside the lecture hall, warning that no banners, signs, shouting or violence would be permitted, SJP student activists violated these rules without any condemnation by the University. SJP student activists drowned out Dr. Pipes' speech several times, by chanting and jeering inflammatory slogans, including "Death to Zionism," "Zionism is racism," and "Israel out of Palestine." The protestors screamed "Zionist Jew" and "racist" at Dr. Pipes, and "racist Jews" at the audience, chanted "Seig Heil" and gestured the Nazi salute. The disruptions continued until the Campus Police finally had to eject many SJP student activists.

The University had no known official response to the aforementioned disruptive conduct staged by the SJP. Hence, the hostile environment remains as the University refuses to deal with this serious problem.

This history makes it quite clear that the SJP and MSA and their supporters have no interest in civil dialogue; their modus operandi is harassment and intimidation. To its shame, the university has turned a blind eye to the problem and has effectively endorsed a hostile environment. The intervention of your respective offices is the only way to cure this intolerable situation.

**ADDITIONAL ACTIONS DEMONSTRATING A BLATANT  
HOSTILITY TOWARDS ISRAEL AND HER SUPPORTERS  
WHICH FUEL THE HOSTILE ENVIRONMENT FOR JEWS**

On October 26, 2010, the "Muslim Identities and Cultures Working Group" of The Townsend Center for the Humanities, situated at Berkeley within the College of Letters and Sciences, was the co-sponsor of the event entitled "What Can American Academia Do to Realize Justice for Palestinians" (see, <http://www.mecaforpeace.org/events/berkeley-ca-what-can-american-academia-do-realize-justice-palestinians>). The focus of the event was to promote a boycott Israeli academics and institutions as well as United States corporations which do business with Israel. The event was organized partially by the SJP. The event's speakers: Lisa Taraki, Associate Professor at Bir Ziet University and co-founder of the Palestinian Campaign

for the Academic and Cultural Boycott of Israel, and Hatem Bazian, a Lecturer at UC Berkeley. Co-sponsors were the Israel Divestment Campaign, the U.S. Campaign for the Academic and Cultural Boycott of Israel, and the Middle East Children's Alliance. These political organizations aggressively campaign against Israel and Jewish American academics, scholars and students. These academic programs, viewed in combination with the yearly sanctioned and supported checkpoints as part of "Apartheid Week," create an environment where Jewish students feel endangered.

Said political campaign is an infringement of academic freedom as described by the American Association of University Professors. Said campaign is anti-Semitic according to the Working Definition of Anti-Semitism of the European Monitoring Center on Racism and Xenophobia as adopted by the U.S. State Department.

### **A CHILLING REMINDER OF THE DARKEST CHAPTER OF HISTORY**

The aforesaid conduct, acts and omissions of the University to tolerate and condone the aggressive and violent and threatening on-campus activities of the MSA and SJP against Ms. Felber, Mr. Maissy, and other students of Jewish religion and ancestry is particularly ominous because the University's actions and omissions present a disturbing echo of incitement, intimidation, harassment and violence carried out under the Nazi regime and those of its allies in Europe against Jewish students and scholars in the leading universities of those countries during the turbulent years leading up to and including the Holocaust..

Ms. Felber, Mr. Maissy, and other students of Jewish ancestry, at University of California campuses are entitled to the highest levels of tolerance and respect for their religious beliefs, practices, traditions and identity. However, due to the pattern and practices of the University to condone and allow the acts of aggressive MSA and SJP violence, confrontation and harassment alleged, Ms. Felber, Mr. Maissy, and other Jewish students, are despairing that the tragic lessons of history have not yet been learned by the University. They fear that the University of California campuses are no longer places of hope and dignity, of academic and personal freedom, or of peaceful life and personal safety.

There has been on the part of the University a deliberate indifference to the development of a dangerous anti-Semitic climate on its campuses. They have failed utterly to adopt and implement policies, regulations and student organizations procedures to prevent threats, intimidation and harassment by the anti Semitic/anti-Israel SJP, MSA and MSU, all of which that threatens and endangers the health and safety of the University's Jewish students. Moreover, there is no escaping the conclusion that the University has adopted a double standard when dealing with Jewish students, as the University provides greater protection against hostile acts directed against blacks, females, and gay students, than they provide for Jewish students.

The activities at Berkeley have created a hostile environment for Jews based on their actual or perceived shared ancestry or ethnic identity as Jews and warrant a full investigation by your respective departments. Moreover, as is made clear from the emails between Mr. Maissy and the Berkeley Dean of Students, as well as Ms. Felber's complaints to the Dean of Students about having been spat at by anti-Jewish students, Berkeley officials – just like those at San Diego – must be required to uphold the protections under Title VI.

Since the University has failed to eliminate the hostile environment – indeed its behavior has served to strengthen it – the Justice and Education Departments represent the only hope in requiring Berkeley to fulfill its obligations under Title VI.

As part of our complaint, we include the following binder of exhibits:

Exhibit "A": Maissy Declarations and E-mails

Exhibit "B": STP and MSA Students  
Brandishing Realistic-Looking Assault Weapons

Exhibit "C": March 17, 2011 Checkpoint at Sather Gate

Exhibit "D": STP and MSA Demonstrators  
with Coffins Blocking Campus Walkway  
(Not an "Apartheid Week" Event)

Exhibit "E": 2009 "Checkpoint" part of "Apartheid Week"

Exhibit "F": 2010 "Checkpoint" part of "Apartheid Week"

Exhibit “G”: 2011 “Checkpoint” part of “Apartheid Week”  
referenced in the Maissy Declaration

Exhibit “H”: Vandalized Signs on Campus

Exhibit “I”: Declaration of Ronald Sandee

Exhibit “J”: ZOA October 11, 2004 Complaint

Exhibit “K”: ZOA December 30, 2008 Letter

Exhibit “L”: Declaration of Jessica Felber

Please feel free to call if you have questions or concerns.

Respectfully submitted,

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JOEL H. SIEGAL

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NEAL M. SHER