

LDB Urges UC Irvine Chancellor to Take Stronger Stance Against Disruptive Protest

WASHINGTON, D.C. – May 25, 2016: Yesterday, [the Louis D. Brandeis Center for Human Rights Under Law](#) (LDB) issued a letter to UC Irvine Chancellor Howard Gilman, addressing an aggressive protest that occurred on the campus last week. LDB, a national civil rights organization, is best known for its work fighting anti-Semitism in higher education.

In addition to violating several provisions of the UC Student Code of Conduct, the protestors violated California Law – specifically, California Penal Code § 403, which makes it a misdemeanor to willfully disturb or break up any assembly or meeting that is not unlawful. “Based on the reports that we have seen, there is no question as to whether the student protestors violated § 403,” said LDB President Kenneth L. Marcus. “Not only did they shut down the event, but also, the attendees had to be escorted home by law enforcement. In addition to undergoing student discipline by UC Irvine, the student protestors should be prosecuted criminally.”

Media outlets reported that a group of approximately 50 confronted a much smaller group of students, primarily young women, who had gathered for a screening of “Beneath the Helmet” in one of the campus classrooms. “Beneath the Helmet” is a documentary about the Israel Defense Forces (IDF), and the screening was to be followed by a panel featuring two IDF representatives. The event, sponsored by Students Supporting Israel (SSI) as part of Israel Peace Week, was small and not widely publicized.

According to the UC Irvine student paper, *New University*, the protest was planned by Students for Justice in Palestine, who learned of the film screening shortly before it was scheduled to begin. Within that short time, SJP contacted members of the Muslim Student Union, Black Student Union and others, until they amassed a group of about 50 – over four times the size of the attendance at the event.

The *Orange County Register* reported that the angry mob congregated around the classroom where the screening was held, waving signs and repeating “profanity-laced chants.” According to a report by the *Observer*, a female student on her way to attend the event arrived to find the angry mob pounding on the doors and windows. She was verbally accosted by the protestors, who shouted, “If we’re not allowed in, you’re not allowed in.” Afraid for her safety, the student ran to hide in another classroom with other young women and called the police.

Numerous accounts report that the students in the classroom where the movie was to be shown were afraid of the protestors, and locked the door that separated them from the angry mob. In response, the protestors remained, blocking the exit and “angrily and forcefully demanding entry.” The students in the classroom were trapped until the police arrived.

The Brandeis Center’s letter acknowledges Chancellor Gillman’s statement condemning the aggressive protest, but urges him to take a stronger position. These events are

currently under investigation by UCI.

[LDB President Kenneth L. Marcus](#) commented, “It is disappointing that such an aggressive attempt to stifle free speech and open dialogue has occurred on the UC Irvine campus, despite the [UC Regents’ recent adoption of the Principles Against Intolerance](#) and [their statement that denounced anti-Semitism](#). If the investigation finds that these reports are true, we hope that the students responsible will be held accountable for their actions.”

The full text of the letter can be found below:

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May 24 2016

Chancellor Howard Gillman
University of California – Irvine
Office of the Chancellor ☐
510 Aldrich Hall
Irvine, CA 92697-1900 ☐

RE: Aggressive disruption of Students Supporting Israel event

Dear Chancellor Gillman,

We write on behalf of the Louis D. Brandeis Center for Human Rights Under Law (LDB), a national public interest advocacy organization dedicated to eradicating anti-Semitism on college campuses. We do so through legal advocacy, and through our work with university administrators to establish best practices to address anti-Semitism at their schools. Our President and General Counsel, Ken Marcus, is one of four experts that served as a consultant to the University of California’s Task Force on Intolerance. We write today to express significant concern over the aggressive, disruptive protest on the UC Irvine campus on the evening of Wednesday, May 18. This event is of particular importance to us, as it involves serious physical intimidation, and reflects a sharp escalation of anti-Semitic confrontations at UCI, in blatant disregard of the newly-adopted Statement of Principles Against Intolerance.

According to media reports, a group of approximately 50 protesters bombarded a much smaller group of students – primarily young women – who had gathered in a classroom to view a screening of “Beneath the Helmet,” a documentary about the Israel Defense Forces (IDF), to be followed by a panel featuring two IDF representatives. The event – small, and not widely publicized – was sponsored by Students Supporting Israel (SSI) as part of Israel Peace Week.

According to the UCI student paper, *New University*, the protest was planned by Students

for Justice in Palestine (SJP), who learned of the film showing shortly before it was scheduled to begin. In short time, SJP contacted members of the Muslim Student Union (MSU), Black

Student Union (BSU) and others, until they had amassed the group of about 50 – four times the size of the attendance at the event they would disrupt.

According to the *Orange County Register*, the angry mob congregated around the classroom where the movie event was taking place, waving signs and repeating “profanity-laced chants.” “They were screaming. They tried to push open the door, but we were holding the door from the inside,” the president of SSI told the *Register*.

At the time, according to the *Observer*, a female student on her way to watch the film arrived to find the angry mob pounding on the doors and windows. She was verbally accosted by the protesters, who shouted, “If we’re not allowed in, you’re not allowed in.” The student hid in another classroom with other young women, and called the police.

According to numerous accounts, the angry mob continued to block the door of the classroom where the movie was to be shown, angrily and forcefully demanding entry. The students in the classroom were trapped until the police arrived.

We are firm believers in the First Amendment. What we hope for, on the UC Irvine campus and on campuses across the country, is for an open dialogue. We do not believe that students have a right to be protected from those with divergent points of view. Open debate – and the discomfort that sometimes follows from disagreement – is a critical piece of education.

But, as you acknowledged in your campus-wide statement, “threats, harassment, incitement, and defamatory speech are not protected. We must shelter everyone’s right to speak freely – without fear or intimidation – and allow events to proceed without disruption and potential danger.”

We agree. The conduct here is not protected by the First Amendment, and it did indeed “cross the line of civility.” We commend you for making this statement, however, we urge you to take a stronger position.

The protestors here did not only “cross the line of civility” – they also violated California Penal Code § 403, which makes it a misdemeanor to “willfully disturb[] or break[] up any assembly or meeting that is not unlawful in its character[.]” Students from UC Irvine were prosecuted for violation of § 403 just a few years ago, after disrupting a speech by Michael Oren, former Israeli ambassador to the United States. There seems to be no question as to whether the students at Wednesday’s protest violated § 403. Not only did they shut down the event, but the attendees had to be escorted home by law enforcement. This seems to be a clear violation of § 403 – and likely a violation of other state and local laws as well.

We also believe, based on the same news reports, that the protesters violated several sections of the Code of Student Conduct, including the following:

- Physical abuse including but not limited to physical assault; threats of violence; or other conduct that threatens the health or safety of any person (§ 102.08); □
- Harassment, defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities. Harassment includes, but is not limited to, conduct that is motivated on the basis of a person's race ... national or ethnic origin ... religion ... or perceived membership in any of these classifications. Pursuant to section 104.90, sanctions may be enhanced for conduct motivated on the basis of the above classifications (§ 102.09); □
- Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities (§ 102.13); □
- Disorderly or lewd conduct (§ 102.14); □
- "Participation in a disturbance of the peace or unlawful assembly (§ 102.15).

We understand that UCI is engaged in an investigation of these events. We believe that a thorough, factual investigation is necessary. If the investigation reveals that the news reports are correct, all applicable charges should be brought against the students, and appropriate penalties applied. □

Sincerely, □

The Louis D. Brandeis Center for Human Rights Under Law □

Signed: /s/*Kenneth L. Marcus* □
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The [Louis D. Brandeis Center](#), Inc., or LDB, is an independent, nonprofit organization established to advance the civil and human rights of the Jewish people and promote justice for all. The Brandeis Center conducts research, education, and advocacy to combat the resurgence of anti-Semitism on college and university campuses. It is not affiliated with the Massachusetts University, the Kentucky law school, or any of the other institutions that share the name and honor the memory of the late U.S. Supreme Court justice. For more information, contact Michelle Yabes at myabes@brandeiscenter.com, or find us at [our website](#).