

For Immediate Release

Brandeis Center Urges Stronger Action from San Francisco State University

Washington, D.C., September 12, 2016: Earlier this month, San Francisco State University released a 24-page investigative report, compiled by the Van Dermyden Maddux Law Corporation, detailing the disruption by anti-Israel student activists of an April 6, 2016, event featuring Jerusalem Mayor Nir Barkat. This morning, the [Louis D. Brandeis Center for Human Rights Under Law \(LDB\)](#) expressed concern that the San Francisco State response demonstrates a lack of understanding about anti-Semitism on SFSU's campus – and an apparent unwillingness to address it.

LDB President & General Counsel [Kenneth L. Marcus](#) said, “San Francisco State needs to take anti-Semitism, including anti-Semitic forms of anti-Zionism, as seriously as it takes the other issues described in the Van Dermyden report. It would be terrible for San Francisco State, in its response to the Nir Barkat incident, to fail to do anything whatsoever to improve the climate for Jewish students – and yet that is precisely what is implied by the university's response, since there is nothing at all in there about what they will do to address anti-Semitism and anti-Semitic forms of anti-Zionism. Extraordinarily, it appears as if they have missed this issue altogether – even though it is staring them right in the face. This report does nothing to address the concerns of those Jewish San Francisco State students who fear for their safety.”

Marcus continued, “To give praise where praise is due, we need to recognize the San Francisco State University administration for publicly acknowledging its complete failure at handling this disruption. This was a breakdown of colossal proportions, and President Les Wong deserves acknowledgement for having the courage to recognize this. However, we also need to recognize that this report fails to address the current problem of anti-Semitism on SFSU's campus and does nothing to require SFSU administration to support the Jewish community or to address misconduct by the General Union of Palestine Students (GUPS).”

The facts are as follows: on April 6, 2016, Jerusalem Mayor Nir Barkat was scheduled to speak at San Francisco State University. At the event, dozens of anti-Israel protestors from GUPS and affiliated groups gathered and disrupted Mayor Barkat's speech with loud chants, and using amplified sound, of “Intifada! Intifada! Long Live the Intifada!” [a term long associated with violence against Jewish Israelis, and especially troubling in the context of recent attacks on Jewish civilians in Israel], “From the River to the Sea, Palestine Will be Free!” [a chant calling for the destruction of the Jewish State of Israel], “You are not welcome on our campus,” and “Get the f*** off our campus!,” among other hateful things. The Mayor was not able to conduct his speech as planned. Instead, a small group of students interested in hearing him huddled closely around him. Several Jewish students were crying, and others left because they felt unsafe. The chanting lasting for over 45 minutes, while the law enforcement officers in attendance stood by doing nothing.

Marcus commented, “Significantly, neither the Van Dermyden report, nor President Wong’s statement, acknowledge that these chants reflect an eliminationist form of anti-Zionism. They miss the issue altogether.”

Following this extraordinary disruption, San Francisco State University received numerous letters, complaints, and negative media attention. SFSU retained an outside group, the Van Dermyden Maddux Law Corporation, to conduct an “independent investigation” into the events surrounding this April 6, 2016 disruption. Their findings were summarized in an “Independent Review Regarding April Event” report.

The report had six primary findings: (1) There Was Not Enough Lead Time To Properly Plan The Event And Key Pre-Event Planning Did Not Occur [according to the report, the event was organized on or around March 28, 2016, which gave the organizers and the administration less than two weeks to prepare]; (2) The Protestors Disrupted The Event; (3) Student Affairs’ Inaction Impliedly Sanctioned The Protest; (4) There Was No Credible Threat To Public Safety; (5) The Actions Were Directed Towards The Mayor, Not The Audience; (6) Student Affairs Did Not Follow Clear Processes In The Aftermath Of The Event. The report also gave guidance for moving forward.

The report accurately found that the protestors disrupted the event, that San Francisco State University’s Office of Student Affairs’ inaction impliedly sanctioned the protest, and that the Offices of Student Affairs and Student Conduct did not follow clear processes in the aftermath of the event. The report noted that “[i]n the end, the process they chose to use was not implemented correctly. . . . Student Affairs, including the Student Conduct Office, failed to acknowledge or respond to three student complaints that were filed shortly after the Event.”

However, as LDB President Marcus explained, “Despite certain accurate findings, the report has major flaws. In neither the findings nor the recommendations for moving forward did the investigators mention the root cause of this disruption was anti-Semitism, or that SFSU administrators need to address anti-Semitism on SFSU’s campus.” President Les Wong, in his accompanying statement, did not address anti-Semitism, either.

Instead of addressing anti-Semitism and anti-Semitic forms of anti-Zionism in a constructive manner, the report describes an environment in which anti-Semitic forms of anti-Zionism are viewed as acceptable as long as they do not directly target students. For example, the report cited a student who said: “I have no problems with the students on campus. They are peers to me. I do not talk to them, I do not make eye contact. We make it a thing to not talk to an Israeli student ...” LDB’s President Marcus commented, “For the Report to acknowledge that students of Israeli national origin are deliberately shunned in this manner, and to find nothing wrong with that, demonstrates an unacceptable acceptance of prejudice. I don’t know what is worse: that SFSU students are behaving like this or that SFSU’s administration is okay with it.”

Additionally, of the many outside groups that reached out to San Francisco State University for guidance and assistance, only a staff attorney from Palestine Legal, an anti-Israel legal advocacy organization was interviewed in the report. This staff attorney gave biased and distorted explanations to the students' anti-Semitic chants, saying that, "From the river to the sea, Palestine will be free," means: "I want dignity and justice through the region. People call it a one state solution. It is the end of Israel in its current formation. That is not a call for Jews to be pushed into the sea, it is a vision of freedom for all people who live there." This explanation runs counter to the common interpretation of this phrase – backed by leaders of the Boycotts, Divestment, and Sanctions (BDS) movement and leaders of the terrorist organization Hamas – which is that it is a call for Israel's destruction.

The report also said that she "explained the meaning of 'intifada' from the Palestinian viewpoint: ...an Arabic word translated as struggle or shaking off. Saying we are going to resist and work against our historical experience of having our land stolen and having to live under military rule. It has meant violent resistance. It means resist and protest. The staff attorney asserted that the Palestinian activist students do not know how the term "intifada" is interpreted by the Zionist community, although they have since learned because of this process. She commented, "This campus is where you learn." While the literal Arabic translation of Intifada is "uprising," the three periods of Palestinian Intifadas have unfortunately come to mean violent terror attacks within Israel, leading to the deaths of hundreds of innocents. The Palestine Legal attorney is admitting here that intifada is a call for violence. Her explanation that Palestinian activist students do not how "intifada" is interpreted is incredibly hard to believe.

The report also noted that "[t]he protesting students and other witnesses pointed out that the campus has a history of emotional protests, and that amplified sound is often used in a manner that was arguably also a violation of this same policy, yet without any ramifications to the offenders." However, the administration and law enforcement's improper enforcement of school policy in the past should not be a defense for this disruption being acceptable. This plays into the overall theme of complete administrative failure in the organizing of and carrying out of the event.

SFSU has a long history of controversial events. In 2013, a GUPS student leader posted a photo of himself holding a knife on social media with the caption, "I seriously cannot get over how much I love this blade. It is the sharpest thing I own and cuts through everything like butter and just holding it makes me want to stab an Israeli soldier." In 2014, LDB, the AMCHA Initiative, and six other organizations wrote a letter to SFSU demanding an investigation into the misuse of taxpayer funds in a SFSU professor's trip to the Middle East to meet with persons affiliated with terrorist organizations.

In addition to the report, SFSU's Office of the Vice President & Title IX Coordinator issued a list of "Immediate & Short-Term Responses" to the incidents at the Mayor Nir Barkat event. Some of the current and future responses do have potential to make change on campus. For example, the current Student Organization Conduct Policy underwent

minor cosmetic changes in Summer 2016, and SFSU has pledged for it to undergo a full review and overhaul during the 2016-17 academic year.

“SFSU’s pledged policy changes are certainly a step in the right direction,” commented LDB President Marcus, “but SFSU’s administration must acknowledge the damage that this disruption caused for Jewish students on SFSU’s campus, and acknowledge the anti-Semitic aspects of the disruption in order to more appropriately address and prevent anti-Semitism on campus in the future.”

Marcus commented, “Rather than ignoring the issues of anti-Semitism and anti-Semitic forms of anti-Zionism, San Francisco State should tackle them head-on. [The Regents of the University of California](#) provided an instructive example earlier this year of how a university system can seriously study and address the problem of campus anti-Semitism. At a minimum, the leadership of the California State system should study their example.”

Marcus concluded, “The fact is that nothing in the new report even addresses the core problem at SFSU, which is the aggressive, disruptive, emergence of extreme anti-Israel activists who are not only silencing pro-Israel speech but also intimidating Jewish students.”

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About The Louis D. Brandeis Center: 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 avogelst@brandeiscenter.com, or find us at our website.