



May 1, 2019

VIA EMAIL

Robert J. Zimmer
President
The University of Chicago
5801 South Ellis Avenue, Suite 501
Chicago, Illinois 60637
president@uchicago.edu

Daniel Diermeier
Provost
The University of Chicago
5801 South Ellis Avenue
Chicago, Illinois 60637
ddiermeier@uchicago.edu

RE: Disruption of April 9 LDB Law Student Event with Prof. Eugene Kontorovich

Dear President Zimmer and Provost Diermeier,

We write on behalf of the Louis D. Brandeis Center for Human Rights Under Law (“LDB”), a national non-profit civil rights organization committed to combating anti-Semitism in education. We are proud that we have a chapter of our organization at your esteemed law school.

As you are undoubtedly aware, in recent years there has been a serious, disturbing increase in anti-Semitism in the United States, including anti-Semitism relative to Israel. (Worldwide bodies and the U.S. Department of State have recognized that there are times when anti-Zionism crosses the line into anti-Semitism. See <https://www.state.gov/s/rga/resources/267538.htm>). The Anti-Defamation League’s annual report, released this week, recorded 1,879 anti-Semitic incidents in the U.S. alone in 2018, including 201 campus related incidents (see <https://www.adl.org/audit2018#executive-summary>).

It is against this backdrop, that we wish to address a recent disruption of one of our University of Chicago LDB law student chapter events.

It is highly regrettable that an April 9, 2019 LDB chapter event held at the law school, featuring Professor Eugene Kontorovich (who is an alumnus of both the University of Chicago College and Law School) was disrupted by a law student and several outside organizers. We commend your administration for its strong response to this incident.

Within hours after the disruption, Dean Charles N. Todd issued a statement stressing the University's commitment to freedom of expression and condemning the chanting as a violation of the University's policies. We concur with his clear exposition of the governing principles:

It is the right of any speaker invited to our campus to be heard and for all who choose to be present to hear the speaker. Moreover, it is the right of members of the audience to ask tough questions of those speakers. The heckler's veto is contrary to our principles. Protests that prevent a speaker from being heard limit the freedoms of other students to listen, engage, and learn.


The disrupters were issued trespass warnings and were asked to leave the premises because they violated 720 ILCS 5/21/3, the Illinois Criminal Trespass statute. **We write to bring to your attention the Disorderly Conduct provision of the Illinois Penal Code, which the disrupters may also have violated.** The Illinois Disorderly Conduct statute (720 ILCS 5/26-1) provides in subsection (a)(1): "A person commits disorderly conduct when he or she knowingly does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace." A violation of this section is a Class C misdemeanor. *See* 720 ILCS 5/26-1(b). The misdemeanor of disorderly conduct is committed by anyone who "knowingly did any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace." *See e.g., People v. Steger*, 422 Ill. Dec. 646, 653, 103 N.E.3d 1010, 1016 (2018).

The disrupters entered and disrupted the LDB event in an orchestrated and coordinated manner. They chanted loudly so that the speaker could not be heard. They refused to engage with the speaker as part of the program despite being invited to do so by the speaker and by student organizers of the event. The disrupters' goal was to prevent the students who attended from hearing Professor Kontorovich's presentation. The disruption continued for more than 30 minutes. During that time, Dean Todd repeatedly asked the disrupters to leave the room but they refused and continued chanting. The police had to be called to escort them out. Their conduct was unreasonable and manifestly intended, as the Illinois Appellate court defined the offense, to alarm and disturb the speaker and the attendees in the classroom.

The University of Chicago Law School LDB Chapter has submitted a formal complaint regarding the disruption of the April 9 event. We ask that you look to Statute 21, the university's laudable policy prohibiting disruptive conduct, when considering penalties for the student disrupter, and that you consider the Illinois Disorderly Conduct statute when determining potential penalties for both the student and the non-student disrupters. Without proper legal action, it is hard to see how future non-student disrupters will be deterred from shutting down events like this one. A Disorderly Conduct charge should be considered now, and for any similar disturbances in the future.

We appreciate your support of the free speech rights of all students and your prompt and effective response to this unfortunate disruption. We would be pleased to share our expertise on these issues, and can be reached at the e-mail addresses listed below or by phone at (202) 559-9296.

Sincerely yours,


Alyza D. Lewin
President & General Counsel
*The Louis D. Brandeis Center
for Human Rights Under Law*
alewin@brandeiscenter.com


Aviva Vogelstein
Director of Legal Initiatives
*The Louis D. Brandeis Center
for Human Rights Under Law*
avogelst@brandeiscenter.com

CC:

Thomas J. Miles
Dean, University of Chicago Law School
tmiles@law.uchicago.edu

Charles N. Todd
Dean of Students, University of Chicago Law School
cntodd@uchicago.edu

Richard H. McAdams
Deputy Dean, University of Chicago Law School
rmcadams@uchicago.edu

Randal C. Picker
Professor of Law, University of Chicago Law School
r-picker@uchicago.edu

Jeremy Inabinet
Associate Dean of Students for Disciplinary Affairs, University of Chicago
inabinet@uchicago.edu

Kim Taylor
Vice President and General Counsel, University of Chicago
kimtaylor@uchicago.edu

Michele Rasmussen
Dean of Students, University of Chicago
mrasmussen@uchicago.edu

Kenton W. Rainey
Chief of Police, University of Chicago Police Department
krainey@uchicago.edu