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Director of the Center for Law and Justice

February 9, 2007

BY FAX AND FIRST-CLASS MAIL

Mr. James M. Wood
Gloria Guinto, Esq.
Office for Civil Rights
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105

Re: Title VI Complaint Against UC Irvine (Case No. 09-05-2013)

Dear Jim and Gloria:

Daniel Pipes is a Middle East scholar, the director of the Middle East Forum, an award-winning columnist, and a visiting professor at Pepperdine University. On January 31, 2007, he spoke at UC Irvine, in the Physical Sciences Lecture Hall. Jewish student groups (Anteaters for Israel, Hillel and Alpha Epsilon Pi) co-sponsored the event, which was titled "The Threat to Israel's Existence: Why It's Back, What It Means."

Approximately five minutes into Dr. Pipes' lecture, members of the Muslim Student Union (MSU) disrupted it. Someone in the audience screamed out, "Mr. Pipes! Mr. Pipes!" and then over 100 MSU members and supporters began shouting and chanting, "Anti-occupation, anti-Israel" and "anti-hate, anti-Israel." The disruption was loud, startling and intimidating, and lasted for several minutes.

Reut Cohen, a UCI student whom you have interviewed, was present at the event and videotaped it. You can watch Ms. Cohen's videotape at her blog (http://reutcohen.blogspot.com/2007/02/clips-from-131-daniel-pipes-event_01.html). Risking her personal safety, Ms. Cohen followed the hecklers with her camera as they eventually left the lecture hall. The MSU students laughed and jeered at her.

Outside, one of the MSU leaders spoke to his group and not only applauded their disruptive conduct, but affirmed their goal to destroy the State of Israel. The MSU leader said, "They have no future. And it's just a matter of time before the State of Israel will be wiped off the face of the earth." The crowd cheered in response. Then he said, "So just keep on doing what we're doing. Our weapon, our jihad, our way of struggling in this

Mr. James M. Wood
Gloria Guinto, Esq.
Office for Civil Rights
February 9, 2007
Page 2

country is with our tongues. We speak out, and we deflate their morale, and this is the best we can do right now. And our brothers and sisters on the other side of the world, they're handling business in their own way. May Allah give them strength . . . [underlined for emphasis].”

The MSU's message could not be clearer: These UCI students were calling for the elimination of the State of Israel. They recognized that they themselves could not use violence to accomplish Israel's destruction, at least “right now.” But they condoned and encouraged the terrorism and violence against Jews that is being employed by the Palestinian Arabs to destroy Israel.

It may be the right of the MSU to express these despicable anti-Semitic views, and the ZOA is not contending that their speech should be suppressed. But the ZOA does condemn the UCI administration for failing to respond to the MSU's actions, once again at the expense of Jewish students.

The administration did not make any effort to stop the MSU from disrupting the Daniel Pipes event. At least one member of the administration was present, but he did not say or do anything, according to Reut Cohen. He simply followed the MSU members and supporters when they eventually left.

On February 6, 2007, the administration finally made a public statement about what had occurred. On that date, Daniel Pipes appeared on the television program Hannity and Colmes, to talk about his experience at UCI. You can watch his segment on Ms. Cohen's blog (<http://reutcohen.blogspot.com>). The program featured a statement issued by UCI, which provided as follows:

The disruption lasted about two minutes, extended somewhat by other audience members voicing their support for Mr. Pipes. There were no further interruptions and afterward, the hosts of the event went before the audience and thanked the university police for its assistance on what the organizers would characterize as a successful event.

Shockingly, UCI whitewashed the incident. The university did not condemn the MSU for its disruptive conduct, which, as outlined below, violated several provisions of the university's own policies. Nor did UCI condemn the MSU's hateful statements that condoned the killing of Jews and the elimination of the State of Israel. In fact, as is characteristic of the administration, UCI publicly blamed the disruption of the event in part on the Jewish students, who responded to the MSU's anti-Israel protest with the singing of “Am Yisrael Chai” (the nation of Israel lives).

Mr. James M. Wood
Gloria Guinto, Esq.
Office for Civil Rights
February 9, 2007
Page 3

I have already furnished you with a copy of UCI's policies, entitled "University of California Policies Applying to Campus Activities, Organizations, and Students." Several provisions were violated.

Section 30.10 provides that "[t]he University is committed to assuring that all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship." The university violated this commitment. Dr. Pipes had a protected right of free speech and expression, and the audience had a protected right of assembly. The MSU violated these rights by their disruptive, heckling and intimidating conduct, and the university did nothing to stop them, nor did it chastise the group for engaging in this conduct.

Section 30.30 provides that "[t]he time, place, and manner of exercising speech and advocacy on the campuses are subject to campus regulations that shall provide for noninterference with University functions and reasonable protection to persons against practices which would make them involuntary audiences." The MSU interfered with Dr. Pipes' speech, and made Dr. Pipes and his listeners an involuntary audience to the MSU's anti-Israel yelling and chanting, in violation of Section 30.30.

Section 30.30 also provides that though the rights of free expression, speech and assembly are protected, those activities "must not . . . interfere with the right of the University to conduct its affairs in an orderly manner and to maintain its property, nor may they interfere with the University's obligation to protect rights of all to teach, study, and fully exchange ideas. Physical force, the threat of force, or other coercive activities used to subject anyone to a speech of any kind is expressly forbidden."

The MSU has the rights to free expression, speech and assembly, but not, as UCI policy provides, at the expense of the right of Dr. Pipes to make his presentation in an orderly and uninterrupted fashion, and not at the expense of those who were there to hear Dr. Pipes. Moreover, the MSU's disruptive conduct was coercive and threatening. As is evident from the videotape, it was sudden, loud and intimidating, forcing Dr. Pipes to stop speaking. According to Reut Cohen, members of the audience were frightened.

According to Section 100 of UCI's policies, students are expected to comply with the policies. This would include the MSU, but there is no evidence to suggest that UCI has taken any action against the group for its numerous policy violations. Based on the university's public statement, which does not reflect that the administration had any problem with the MSU's conduct, it is unlikely that UCI plans to take any steps to enforce its own policies and hold the MSU accountable – again, at the expense of Jewish students.

Mr. James M. Wood
Gloria Guinto, Esq.
Office for Civil Rights
February 9, 2007
Page 4

To make matters worse, the administration has not condemned the MSU's hateful speech against Jews and Israel. As the U.S. Commission on Civil Rights stated in its Findings and Recommendations on campus anti-Semitism, colleges and universities have the moral duty to denounce anti-Semitic and other hateful speech and conduct. But the UCI administration has maintained its characteristic silence in response to speech that is hateful toward Jews and Israel, thus sending the message to the university community that the MSU's message – calling for Israel's destruction and condoning the murder of Jews – is acceptable and will be tolerated.

Reut Cohen wrote an article for New University, the UCI student newspaper, about the Daniel Pipes event. A copy is enclosed. Ms. Cohen would be willing to talk to you again to discuss the event and its impact on Jewish students. Ms. Cohen, a student activist on campus has herself given up on the administration. In fact, she is graduating a year early because she wants to get out of the hostile environment at UCI as soon as possible.

UCI has been given opportunity after opportunity to demonstrate that it understands its legal obligation to ensure Jewish students a campus environment that is free from harassment, intimidation and discrimination. The University has had ample time to show that it will affirmatively and proactively protect the right of Jewish students to an educational environment that is not hateful and hostile to them. Yet even in the face of an ongoing federal investigation into its conduct, the university has done little if anything to ensure that it is complying with Title VI of the Civil Rights Act. Indeed, UCI has continued not to enforce already-existing policies that would provide some protection for Jewish students.

UCI must be held accountable for its continuing violation of Title VI. I urge you to look into the university's handling of this incident, including whether the administration has taken any steps in response to the MSU's reprehensible conduct. Reut Cohen would be pleased to talk with you again to furnish you with additional information about what happened.

Thank you. If I can provide you with more information or answer any questions, please let me know.

Very truly yours,



Susan B. Tuchman

Enclosure
cc: Ms. Reut R. Cohen