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I am a civil rights attorney who lives in Berkeley. I am familiar with the Campus, and Civil Rights law, having brought a Title Six case to Federal Court against the University, when my client a Jewish student, wearing a shirt that said "Israel wants Peace" was assaulted by a leader of the Students for Justice in Palestine. That experience educated me on UC Berkeley's often inadequate responses to antisemitism on campus.

With this experience, I can state that Mr. Hassner and Mr. Katz's views expressed that "U.C. Berkely has many Jewish -filled zones", (October 2, 2022) is myopic, dangerous, and illegal. I would urge that they, and other members of the Berkeley Antisemitism Education Initiative (AEI) go back to school and get a better education on Civil Rights law and History.

A good place to start, might be in reviewing any one of Professor Rafael Medoff's twenty books about the Holocaust. Dr. Medoff relates that on many University campuses in Poland, prior to the Nazi invasion, antisemitic faculty and students humiliated Jewish students by forcing them to sit in the back of the class. These areas came to be known as "ghetto benches". In some cases, the benches were marked with stars of David or the letter J. Clearly after the Nazi invasion, the situation significantly worsened, as real ghettos and deportations commenced. Will deportations in Berkeley soon start? Probably not, but as Ken Burns recently reminded us in the Documentary, "The U.S. and the Holocaust," our ability as American to be silent in the face of injustice is as American as Apple Pie.

Aside from a historical education, Mr. Katz and Mr. Hassner, and the AEI, ought to speak with a civil rights professor at the Law School. I urge that they review the United States Supreme Court Decision in Christian Legal Society Chapter of the University of California Hastings college of Law v. Martinez. There the Supreme Court determined that it is a violation of a school's nondiscriminatory policy when the Christian organization on campus can preclude gay students

from joining that organization. The court stated, "A vibrant dialogue is not possible if students wall themselves off from opposing points of view", Martinez at 561 U.S. 661, 705. Similarly here, the University has backed a policy walling off students from hearing opinions.

It is clear, that when the Law School precludes speakers who are Zionist, that the law school is violating the standard set in Martinez and is opening itself up to civil rights litigation.

More importantly than that though, is the question of how we are educating lawyers. Have we become so intolerant that even law students who are asked to be advocates are refused the opportunity to hear all opinions? This is a particularly sad circumstance.

Law School Dean Edwin Chemerinsky position is hypocritical as well. Dean Chemerinsky ought to win the famed Harvey Silverglate "muzzle award" for violating free speech on campus, and muzzling opinions.

To preclude any person with a political view from speaking on campus, exposes us all to an extremely dangerous and slippery slope of fascism. The Supreme Court agreed in *Tinker v. Des Moines Independent School District*, when they affirmed the rights of students to wear black arm bands on campus to protest the Vietnam war at a time that it was unpopular to do so. It is ironic that my friends in the progressive community fail to equate the recent Berkeley decision, with a violation of rights for us all, and a move down the slippery slope towards fascism.

Differing rules for Jews, or Zionist on campus, needs to be called out for what it is- antisemitism. Whether it appears from the right side of the political ledger in the form of white supremacist, or from the left side of the ledger from progressives, or from well meaning folks like Mr. Katz, Mr. Hassner and the AEI, it needs to be condemned by all of us.

Sincerely,



Joel H. Siegal