

October 8, 2013

Timothy P. White  
Chancellor California State University  
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Dianne F. Harrison  
President, California State University, Northridge  
President's Office  
California State University, Northridge  
18111 Nordhoff Street, Northridge, CA 91330

Dear Chancellor White and President Harrison,

We, the California Scholars for Academic Freedom,\*\* write to express our appreciation for your support of the academic freedom and first amendment rights of faculty at your universities. We also write to urge you to make a public statement to that effect in the case of Professor David Klein. California Scholars for Academic Freedom is an organization devoted to defending academic freedom. We represent nearly two hundred faculty at universities throughout California.

Recently, the AMCHA Initiative tried to apply political pressure on the Board of Trustees of California State University to reprimand Professor David Klein for his website-based statement pertaining to the Palestine-Israel conflict. The AMCHA Initiative's attempt to ask the Board to abrogate Professor Klein's freedom of speech and academic freedom is motivated by their partisan political stance, which attempts to repress any speech critical of Israeli policies.

The AMCHA Initiative is part of a larger campaign to repress free speech about the Palestine-Israel conflict. This campaign conflates criticism of Israel with anti-Semitism. They use intimidation and harassment to silence debate. Targeting Professor David Klein is but one of their numerous harassment activities.

The AMCHA Initiative operates as a pressure group. Its tactics are by now well-known and predictable. Despite its claims, it does not represent the larger Jewish community. AMCHA has previously tried to silence scholars in the California University system. They twice tried to abrogate Professor Klein's freedom of speech. Their previous attempts to silence Professor Klein were categorically rejected, first by California State University, Northridge's then interim President Harry Hellenbrand, and then by California Attorney General Kamala Harris. In his public letter of April 2012, President Hellenbrand noted that "invoking the apparatus of the state to proscribe broad categories of speech in hubs of innovation and disruption like public universities will have the paradoxical effect of chilling public exchange while heating up zealotry." Attorney General Harris similarly concluded that the evidence does not support a finding of misuse of state resources.

The issues at stake in this most recent attempt by AMCHA to silence Professor Klein were succinctly put by CSU's general counsel, G. Andrew Jones, in a letter to Tammi Rossman-Benjamin that is now posted on the AMCHA website. That letter states: "...it is our assessment that [Professor Klein's] actions do not constitute a violation of Government Code 8314. Likewise, we do not believe his actions violate Education Code 89005.5 because it is unlikely that a reasonable person would interpret the "Boycott Israel" web page as an endorsement by the CSU or CSUN of the material contained therein." General Counsel Jones further states that the CSU sought advice from the Anti-Defamation League, who stated that there is a distinct difference between anti-Semitism and criticism of Israel.

Other related attempts to clamp down on free speech in California public institutions of higher learning have similarly been thrown out of court. In January 2012, a federal judge in San Francisco threw out a lawsuit by members of a Zionist student organization alleging that administrators at the University of California, Berkeley had allowed an "anti-Semitic climate" to develop due to the activities of Students for Justice in Palestine and the Muslim Student's Association. They found the claim of an anti-Semitic culture to be unfounded.

Public universities have a special responsibility to protect academic freedom and freedom of speech. Academic freedom includes the freedom of professors to conduct and disseminate scholarly research, to design courses and teach students in the areas of their expertise, and to enjoy First Amendment protections for extramural speech. (The latter is a right enjoyed by everyone within the jurisdiction of the U.S. Constitution. As we know and as the courts have recently reinforced in these cases, free speech is an essential part of academic freedom because professors should not be professionally penalized for non-academic speech that they engage in beyond the academy.) Institutions of higher learning bear a special responsibility for the protection of free speech and academic freedom as part of their educational mission.

In our view it is imperative to ensure that interest groups like the AMCHA Initiative are not allowed to suppress free speech and academic freedom of speech in the state of California and, by extension, in the United States.

We applaud you for standing firm against this pressure group and urge you to make a public statement affirming that the California State University stands by the California Constitution and the U.S. Constitution in its protection of academic freedom of speech.

Sincerely Yours,

California Scholars for Academic Freedom

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**\*\*CALIFORNIA SCHOLARS FOR ACADEMIC FREEDOM** is a group of nearly 200 academics who teach in 20 California institutions. The group formed as a response to various violations of academic freedom that were arising from both the post-9/11/2001 climate of civil rights violations and the increasing attacks on progressive educators by neo-conservatives. Many attacks have been aimed at scholars of Arab, Muslim or Middle Eastern descent or at scholars researching and teaching about the Middle East, Arab and Muslim communities. Our goal of protecting California Scholars based mainly in institutions of higher education has grown broader in scope to include threats to academic freedom across the United States, and where relevant, globally as well. We recognize that violations of academic freedom anywhere are threats to academic freedom everywhere.