



November 30, 2016

The Honorable Regents of the University of California  
The Honorable Janet Napolitano, President of the University of California  
Chancellors of the University of California

**By Email and U.S. Mail**

Dear Regents, President Napolitano and Chancellors:

We continue to commend you for the unanimous decision of the Board of Regents to adopt and seek implementation of its Principles Against Intolerance, a landmark declaration in addressing intolerance, discrimination, and antisemitism. Once again, the University of California is a leader in defense of diversity, nondiscrimination, and freedom of expression.

Notwithstanding this achievement, you are being urged by some detractors to repeal the Principles Against Intolerance. The recent letter, dated November 21, 2016, from Palestine Legal, a consortium of Students for Justice in Palestine (SJP) chapters, American Muslims for Palestine, Jewish Voice for Peace (JVP), and several other groups makes two unsubstantiated claims. The authors of the letter insist that the Principles—which they cynically refer to as the “Intolerance Statement”—“is an inadequate tool to confront racism, Islamophobia, and antisemitism in the current political climate.” They also assert that it is “actively harmful for students who are Arab, Muslim, and/or activists for Palestinian rights.”

The UC Regents statement of Principles Against Intolerance is the best tool thus far developed by any public or private university to confront racism, Islamophobia, and antisemitism and to ensure equal treatment of all. There is not a shred of evidence that the statement of Principles, embracing a broad policy of non-discrimination and closely adhering to First Amendment dictates, is harmful to Arabs or Muslims, harms learning environments, or limits free speech rights. The Principles clearly prioritize free speech on public campuses; the decision not to enact disciplinary rules along with the Principles clearly recognizes the overarching value of freedom of expression. The Principles call on university leaders to confront hateful speech with critical speech, in other words to provide moral leadership.

The Palestine Legal letter remarks that the original Regents’ statement failed to define “anti-Semitic forms of anti-Zionism.” Operationally, this is because the Principles adopt a common law approach to intolerance: the campuses will seek to define the concepts in light of their respective experiences. It would have been odd for the Regents or its working group to try to define with clarity and authority where antisemitism and anti-Zionism have come in recent years to overlap

and interact. This is now the business of the respective universities integrating the Principles into practice and also of scholars studying antisemitism, who are equipped to offer practical guidance as to what is antisemitic anti-Zionism and what are its properties.

It is unfortunate that the Palestine Legal letter demeans recent efforts at the University of California Irvine under Chancellor Gillman, described in a report called “Higher Ground,” to develop positive practices aimed at diminishing intolerance, charging the report mistakenly conflates anti-Zionism and antisemitism. We disagree with the imputation that action at UC Irvine is biased against SJP or Palestinian rights or overly solicitous of Jewish rights. We commend Chancellor Gillman for his thoughtful approach.

Regrettably, in the eyes of its detractors, the original sin in the statement of Principles is its even daring to mention antisemitism and anti-Zionism in the text. Each reference to protecting Jewish students at UC Irvine is met in the Palestine Legal letter with a deflection strategy, a specious contention that other students, whether LGBT, racial, ethnic or other minorities, are stripped of their rights. Not so. There is no basis for saying that when UC leaders insist Jewish students deserve the same rights as other students that this means that they think that other minorities deserve less. The statement of Principles simply does not support that conclusion.

In the context of concern for undocumented and special status students on campuses, President Napolitano recently highlighted the Principles as an aspiration for campus life:

Diversity is central to our mission. We remain absolutely committed to supporting all members of our community and adhering to UC’s Principles Against Intolerance. As the Principles make clear, the University “strives to foster an environment in which all are included” and “all are given an equal opportunity to learn and explore.”

We urge you to continue your support for the landmark Principles Against Intolerance and for President Napolitano’s visionary leadership in these critical matters.

Sincerely yours,



Mark G. Yudof  
Chair, Board of Advisors  
Academic Engagement Network



Kenneth Waltzer  
Executive Director  
Academic Engagement Network