

# PRESS RELEASE

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## **FIRST LEGAL ACTION FILED AGAINST UNIVERSITY OF CALIFORNIA, BERKELEY LAW SCHOOL, OVER STUDENT GROUPS DISCRIMINATORY DECISION TO EXCLUDE ZIONIST SPEAKERS**

A groundbreaking complaint has been filed with the US Department of Education Office of Human Rights against University of California, Berkeley Law School, over the August 2022 discriminatory decision of at least 9 student groups to adopt a bylaw excluding Zionist speakers.

Gabriel Groisman, a Florida-based attorney and partner at LSN Law, PA and Arsen Ostrovsky, an Israel based attorney and CEO of The International Legal Forum submitted the joint complaint. The complaint alleges that the bylaw represents “profound and deep-seated antisemitic discrimination” against Jewish students, faculty and staff at UC Berkeley Law School.

The complaint has been filed pursuant to Title VI of the Civil Rights Act (1964), which prohibits recipients of federal funding from discriminating on the basis of “race, color, and national origin”, and requests the Office of Civil Rights to open an investigation against the UC Berkeley Law, to direct it to immediately invalidate the bylaw in question, and to adopt a number of additional remedies.

Groisman and Ostrovsky:

*We cannot sit idly by while Jewish students are being discriminated against at UC Berkeley School of Law. Title VI of the Civil Rights Act is meant to protect students from the exact kind of discriminatory actions that have been implemented at UC Berkeley. It is for this reason that we filed this Complaint.*

*The groups that have implemented this discriminatory policy attempt to hide their discrimination against the Jewish community by excluding “Zionists.” This thin veil is completely transparent as Zionism is an integral, indispensable and core element of the Jewish identity.*

*There can be no equivocation: anti-Zionism is antisemitism. And, by effectively saying “Zionists not welcome,” these student groups – and by extension UC Berkeley Law School – are excluding, marginalizing and silencing Jews, and only exacerbating what is already a deeply hostile environment for Jewish students, faculty and staff.*

*We are confident that the US Department of Education will conduct a full investigation of the matter and will ultimately either invalidate the discriminatory bylaws or prohibit the University from continuing to fund and host organizations that engage in such blatant discriminatory conduct which is violative of Title VI of the Civil Rights Act.*

At its core, Zionism refers to the Jewish people's right to self-determination and liberation in their ancestral homeland, the Land of Israel, which has for millennia formed an integral part of Jewish identity. A rejection of those who identify as Zionists, which is a vast, overwhelming majority of Jews, is therefore no different to excluding anyone else on the basis of their faith, shared ancestry or national origin.

The complaint acknowledges that the Dean of Berkeley Law School, Professor Erwin Chemerinsky, has condemned the adopted bylaw, noting that according to its framing, he too would be banned from speaking because he supports the existence of the State of Israel, however, it is alleged he has not taken any meaningful steps in response to this egregious act of discrimination, as required under Title VI of the Civil Rights Act.

Moreover, incredulously, Dean Chemerinsky has stated that "only a handful of student groups" adopted the bylaw at issue. Groisman and Ostrovsky contend *"it is unfathomable that a similar statement would ever be made that "only a handful" of student groups banned speakers of any other ethnic, religious or racial group. Yet such blatant discrimination directly targeted against Jews is being excused, justified and mainstreamed."*

The complaint also outlines the widespread condemnation of the bylaw, by Jewish students and faculty at UC Berkeley, community leaders, legal experts, and Members of Congress, a number of whom have called on the Department of Education to investigate this matter.

In addition to calling on the Office for Civil Rights to initiate an urgent investigation of UC Berkeley Law School and revoke the discriminatory bylaw, the complaint calls on the Office to compel UC Berkeley to adopt the widely endorsed International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism and require the University to create a training program, to educate about antisemitism, its history and modern manifestations, in order to foster an environment on campus that is open, inclusive and free of antisemitism, and does not discriminate or marginalize Jewish students, including those who publicly identify as Zionist.

See **attached** for copy of the complaint.

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**Gabriel Groisman** is an attorney and Partner at LSN Law, and a Jewish rights leader focused on combating and confronting antisemitism throughout the United States, educating the public about the rise of antisemitism in our nation, and standing with victims of antisemitism to help strengthen them and, amongst other things, to help victims of antisemitism to find recourse in civilized society, whether in courts of law or in other branches of government.

**Arsen Ostrovsky** is a human rights lawyer and CEO of the International Legal Forum (ILF), a global network of lawyers and activists, committed to educating about and combating antisemitism and racial hatred in all its manifestations in the legal arena, including in the United States, and across campuses and educational institutions.