

1 David Abrams (Pro Se)
305 Broadway Suite 601
2 New York, NY 10007
212-897-5821
3 Fax Number: 212-897-5811
Email: dnabrams@wjlf.org
4

5 David Abrams, IN PRO PER

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **FOR THE COUNTY OF LOS ANGELES**
8

9 David Abrams,
10
11 Plaintiff(s),
12 vs.
13 Regents of the University of California
14 Defendant(s).

) Case No.: 19STCP03648
)
) **PETITIONER'S REPLY MEMORANDUM**
) **OF POINTS AND AUTHORITIES IN**
) **SUPPORT OF COMPLAINT FOR**
) **INJUNCTIVE RELIEF AND PETITION**
) **FOR WRIT OF MANDATE**
)
) **DATE: 3/11/2021**
) **TIME: 9:30am**
) **DEPT: 85**
)
) Judge: Hon. James C. Chalfant
) Dept: 85
) Action Filed: 8/22/2019
) Trial Date: March 11, 2021

15
16
17
18
19
20 Does 1-8,
21 Intervenor(s)
22 vs.
23 David Abrams
24 Defendant in Intervention
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

INTRODUCTION..... 1

ARGUMENT 2

 A. Applicable Standard..... 2

 B. The Conference was Subsidized by the University 3

 C. The Law Enforcement Exemption Does Not Apply 5

 D. The Law Enforcement Exemption Requires Disclosure of Names 6

 E. The Constitution Does Not Require an Exemption..... 6

 F. The Alleged Dangers Cited by Intervenors are Not Credible and are Irrelevant..... 7

 G. The Privacy Exemption Does Not Apply..... 10

 H. Intervenors are Incorrect Regarding Petitioner’s Background..... 10

 I. The Remaining Arguments of the University and Intervenors Lack Merit..... 11

CONCLUSION..... 12

1 TABLE OF AUTHORITIES

2 Cases

3 *Awad v. Fordham University*
4 2020 NY Slip Op 07695 (Dec. 22, 2020) 11
5 Case No. 14 cv 6899
6 (S.D.N.Y) 10
7 *CBS Inc. v. Block*,
8 42 Cal.3d 646, 666 n.14 (1986) 10
9 *Cf. People v. Duarte*,
10 101 Cal. Rep. 2nd 701, 707 (2000) 7-8
11 *NAACP v. Alabama*,
12 357 U.S. 449 (1958) 6, 7
13 *Sierra Club v. Superior Court*,
14 57 Cal. 4th 157, 166 (2013) 3
15 *State of New York v. New Israel Fund*,
16 Case No. 20cv2955 (S.D.N.Y. Feb. 16, 2021)..... 10
17 *State v. Amireh*,
18 62 N.E.3d 672 (Ohio Ct. App. 2016) 8
19 *United States v. Norwegian Peoples Aid*..... 10
20 *Williams v. Superior Court of San Bernadino Cty.*,
21 5 Cal. 4th 337, 355 (1993) 5
22 *Williamson v. Superior Court*,
23 21 Cal. 3d 829, 840 n.2 (1978) 5
24 *Zschernig v. Miller*,
25 389 U.S. 429 (1968) 9

15 Statutes & Rules

16 Cal. Const.I(3)(b)(1)..... 3, 7
17 Cal. Ev. Code § 1221..... 4
18 Cal. Ev. Code §1280..... 4
19 Cal. Gov’t Code 6254(c) 10
20 Cal. Gov’t Code 6254(f)..... 6, 9

1 **I. Introduction**

2 Since the arguments of both the University and the Intervenors are both based on
3 exemptions from the Records Act, one thing should be emphasized from the beginning: Under
4 applicable law, such exemptions are to be narrowly construed in favor of disclosure. Based on this
5 standard, it is very clear that both the arguments of the Intervenors and the University lack merit.
6

7 The Intervenors' voluminous submission (containing 14 affidavits) is essentially an appeal to
8 emotion with two fundamental problems: First, the parade of horrors described in those affidavits is
9 for the most part unverifiable. Even the non-anonymous affidavits are composed primarily of self-
10 serving claims with little or no corroborating evidence. Common sense says that a political activist
11 would be likely to exaggerate; describe events out of context; or otherwise spin when he or she
12 knows that there will be no cross-examination or procedural opportunity to challenge those claims.
13 Moreover, it is reasonable to assume that the Intervenors have submitted testimony only from
14 individuals with allegations that support the Intervenors' narrative.
15

16 More importantly, the Intervenors' affidavits distract from the narrow question before this
17 Court. And that question is decidedly *not* what is likely to happen when a campus activist -- for the
18 express purpose of provoking a reaction -- publicizes a video with her pouring simulated blood over
19 herself.
20

21 Rather, the narrow question before this Court is whether the University and the Intervenors
22 have "clearly" demonstrated that there is a "danger" to individuals simply for being revealed as
23 having presented at an anti-Israel conference with no disclosure of the substance of their
24 presentation. Clearly, the answer to that question is "no." This conclusion is actually corroborated
25 by the affidavit of the conference organizer, Mr. Thockchom, who by his own admission has been
26 publicly been profiled on Canary Mission since 2018 as an organizer of the conference at issue but
27 does not complain of any threats, harassment, or other adverse consequences -- not even by means
28 of self-serving unverifiable claims.

1 As for the University, its opposition papers score a substantial own-goal. Apparently
2 realizing that its original claimed ground of exemption is baseless, the University for the first time
3 argues that the Law Enforcement exemption applies. Putting aside the common sense principle that
4 a public agency cannot shield records from disclosure through the expedient of forwarding copies of
5 those records to law enforcement, there is a more serious hole in the University's argument: The
6 Law Enforcement exception, by its own terms, explicitly requires the producing agency to disclose
7 the names of the persons involved in the incident, i.e. the exact information being sought in this
8 matter.
9

10 Even more helpful is the University's submission of an affidavit from its law professor
11 waxing on the importance of free speech and the First Amendment to campus life. Evidently it
12 never occurred to the professor that flyers accusing students of Jew hatred are entitled to the same
13 First Amendment protections as students who wish to hold anti-Israel conferences. Indeed, the
14 professor at issue has not hesitated to publicly name those anonymous pamphleteers he deems to be
15 "hateful."
16

17 The legal standard here must again be emphasized: Exemptions are to be construed
18 narrowly in favor of disclosure and the University (and the Intervenors) have the burden of showing
19 that the interest in nondisclosure "clearly outweighs" the interest in disclosure. Thanks to the
20 submissions of the University and Intervenors, one does not even need to speculate about the likely
21 consequences of disclosure: At the very worst, the conference presenters will be the subject of
22 legitimate protected public criticism. For these reasons, the Petition should be granted.
23

24 **II. Argument**

25 **A. Applicable Standard**

26 Since the University and the Intervenors rely exclusively on exemptions to the Records Act
27 to resist disclosure, it should be emphasized that under applicable precedent, exemptions are to be
28 construed narrowly in favor of disclosure: "A statute, court rule, or other authority. . shall be

1 broadly construed if it furthers the people's right of access, and narrowly construed if it limits the
2 right of access." *Sierra Club v. Sup. Ct.* 57 Cal. 4th 157, 166 (2013) (quoting Cal. Const.I(3)(b)(1)).

3 Thus, to the extent that there is any ambiguity in a potentially applicable exemption, that
4 ambiguity should be resolved in favor of Petitioner. Similarly, to the extent the facts are
5 inconclusive, Petitioner should prevail.

6 **B. The Conference Was Subsidized by the University**

7 Although the Intervenors have submitted a self-serving affidavit claiming that University
8 funds were not used to subsidize the conference at issue, there is still no question but that the
9 conference was heavily subsidized with public resources. As an initial matter, the affidavit, if read
10 carefully, does not deny that the conference organizers paid nothing at all for much of the space it
11 used. The affidavit states as follows:

12 While we were planning the conference, a UCLA administrator told me that one of the
13 stipulations for reserving **certain** spaces for free as a campus organization was that the event
14 would have to be open to the UCLA community. Because we had a specific sector of people
15 we were inviting to the conference exclusively—members of SJP chapters—we decided to
16 pay rental fees for the rooms rather than using them for free and having them open to the
17 public

18 Thockchom Decl. Para. 9 (emphasis supplied).

19 In reality, a review of the actual invoice from the conference shows that there was no charge
20 applied for *any* space. (*See* Greendorfer Decl. Para. 1-5) This is entirely consistent with the
21 statements of the University's witness Mr. DeLuca, who stated in an email that the conference "isn't
22 viewed as a space rental," (*id.*) Additionally, Mr. DeLuca testified at deposition as follows:

23 Question: In this case, did the conference organizers pay any fee to UCLA for use of
24 space?

25 Answer: To my knowledge, they did not. Because as a registered campus organization
26 . . . based on the venues they would not pay a facility use fee.

27 (Deluca Deposition Transcript, p. 37).

28 Furthermore, the documentary evidence confirms that the conference was financially
subsidized by the University by means of the BEST Grant first mentioned in Petitioner's moving

1 papers. More specifically, Exhibit A-1 to the Abrams Declaration of December 25, 2020 states
2 unequivocally that the conference had been funded in part through the "BEST Grant." Although the
3 Intervenors object to this document as hearsay, the University's representative testified at deposition
4 that a university employee known as a "SOLE Advisor" was required to certify as to the accuracy of
5 the document and also that the document was kept by the University in the ordinary course of
6 business. (DeLuca Dep. Transcript p. 31-32, 41-42). Thus, Exhibit A-1 is fully admissible both as
7 an "adoptive admission," (Cal. Ev. Code § 1221) as well as an official record made by a government
8 employee in the ordinary course of his or her job duties. (Cal. Ev. Code §1280).

10 Putting the technical aspects of the hearsay rule aside, it is important to note that the
11 University's representative testified at deposition that the University would have full records
12 showing how the grant monies were spent:

14 Question: So those records in UCLA's files, that would allow us to figure out exactly
15 where that \$8000 went. Is that fair to say?

16 Answer: I would say that would be accurate.

17 Deluca Dep. Trx. p. 31.

18 Moreover, the University, which has full access to these records, has been very careful to
19 avoid denying that the conference was subsidized with University monies through the BEST Grant,
20 stating in its opposition papers that "the University did not provide any **direct** funding to the
21 conference" (Respondent's Opp. p. 3) (emphasis added).

22 Significantly, neither the University nor the Intervenors have produced receipts, cancelled
23 checks, or any other reliable documentary evidence refuting the contents of Exhibit A-1 even
24 though such evidence would be logically available to them. Moreover, the Intervenor's witness, Mr.
25 Thockchom, carefully left himself some wiggle room in his affidavit, stating that "To my
26 knowledge, NSJP paid the expenses for the conference directly." Thockchom Aff. Para. 8.
27
28

1 Under the circumstances, there is only one reasonable inference which is that the University
2 subsidized the conference both through offering free space and through a financial subsidy:

3 A defendant is not under a duty to produce testimony adverse to himself, but if he fails to
4 produce evidence that would naturally have been produced he must take the risk that the
5 trier of fact will infer, and properly so, that the evidence, had it been produced, would have
been adverse.

6 *Williamson v. Superior Court*, 21 Cal. 3d 829, 840 n.2 (1978) (citation omitted).

7 Nevertheless, if the Court is of a mind to accept the self-serving and uncorroborated claim of
8 Mr. Thockchom that no financial subsidy was used, Petitioner respectfully requests the opportunity
9 to take limited additional discovery, specifically to have the University produce the records it claims
10 to have which show how the \$8000 was spent. Moreover, it should be emphasized that the question
11 of whether the conference was state-subsidized, while important, is tangential to the central issue in
12 this matter: Whether there has been a showing that anyone is in "danger" as a result of having their
13 name revealed as having spoken at the conference.
14

15 **C. The Law Enforcement Exemption Does Not Apply**

16 At the outset, it should be noted that the University's reliance on the Law Enforcement
17 exemption is clearly an afterthought. There was no mention of this exemption in the University's
18 denial letter nor any mention of it in the University's Answer to the Petition in this matter.

19 The reason for this omission is reasonably obvious: The records sought are not actually part
20 of any investigative file. Rather, the University, on its own initiative, forwarded copies of the
21 records to Campus Police and later decided that this could be the basis for an exemption argument.
22 Common sense and applicable authority indicate that a public agency cannot convert otherwise
23 disclosable records into exempt materials simply by forwarding copies to law enforcement:

24 No one argues, and the law does not provide, that a public agency may shield a record from
25 public disclosure, regardless of its nature, simply by placing it in a file labelled
26 "investigatory."

27 *Williams v. Superior Court of San Bernadino Cty.*, 5 Cal. 4th 337, 355 (1993).

1 Additionally, the facts set forth by the University do not show that there was any actual
2 investigation take place in the sense of an inquiry into actual crimes.

3 **D. The Law Enforcement Exemption Requires Disclosure of Names**

4 Nevertheless, giving the University the benefit of the doubt and assuming that the records at
5 issue were part of a bona fide law enforcement investigation, the exemption in question mandates
6 that disclosure of "the names and addresses of persons involved in . . . the incident" Cal. Gov't
7 Code 6254(f). Of course that is the exact information being sought here, except that Petitioner is
8 seeking names only and not addresses.

9 This disclosure mandate has a limited exception for when the disclosure of names would
10 "endanger the safety of a witness or other person." *Id.* And of course the Court must interpret the
11 word "safety" in favor of disclosure. "Safety" should not mean a "safe space," i.e. blanket immunity
12 from judgment, criticism, or other words which might make a person feel bad. Nor should "safety"
13 be interpreted to refer to a person's subjective feelings of being unsafe as a result of being publicly
14 criticized even if that criticism is unfair. The only reasonable way to interpret the word "safety" is
15 to refer to actual physical danger.

16 Significantly, neither the University nor the Intervenors have been able to produce a shred of
17 evidence, let alone proof, that anyone has ever been in any actual danger as a result of presenting at
18 an SJP conference. As mentioned in Petitioner's moving papers, it is obvious that the real concern
19 here is public criticism which might result from disclosure of the names in question. But such
20 concerns do not rise to the level of actual threats to anyone's safety.

21 **E. The Constitution Does Not Require an Exemption**

22 Neither the University nor the Intervenors have cited any case law for the proposition that
23 there is a First Amendment right to speak anonymously at a publicly funded conference at a public
24 university. Instead, they rely on case law which clearly has nothing to do with the situation here.

25 For example, in *NAACP v. Alabama*, 357 U.S. 449 (1958), the issue was whether the
26 NAACP had to turn over its entire membership roster in response to a subpoena. Significantly, the
27 Supreme Court in the *NAACP* decision was very careful to make clear that there was no dispute that
28

1 the NAACP was required to turn over the names of its directors and officers and various other
2 information. *Id.* at 465. What was in dispute was the full membership rosters -- the names of the
3 "rank and file" members. *Id. at 464-65.* Of course here, Petitioner is not looking for the
4 membership roster of SJP. Petitioner is not even looking for the names of everyone who attended
5 the conference. Petitioner is seeking the names of the speakers and presenters and nobody else.

6 More importantly, the NAACP is a private organization and therefore there is no
7 presumption that its records should be open for public inspection. By contrast, the University is a
8 public organization and therefore there is a Constitutional presumption in favor of access. Cal.
9 Const.I(3)(b)(1). Thus, the Constitution actually works against the position of the University and
10 the Intervenors. Finally, in the *NAACP* case, there was a bona fide concern that NAACP members
11 would suffer illegitimate reprisals solely as a result of their NAACP membership,. *See id.* at 462, as
12 opposed to here where the only serious concern is public criticism.

13 Put another way, both the University and the Intervenors are attempting to muddy the
14 distinction between negative consequences simply for speaking at a conference and negative
15 consequences for engaging in specific public acts, such as threatening to poison people because of
16 their religion or posting a video with fake blood for the express purpose of provoking a reaction.

17 In short, both the University and the Intervenors are inviting the Court to wildly expand the
18 holding of the United States Supreme Court while ignoring the clear language of the California
19 Constitution in favor of disclosure. The Court should decline this invitation.

20 **F. The Alleged Dangers Cited by Intervenors are Not Credible and are Irrelevant**

21 Although there is not time and space to offer a point-by-point rebuttal to the approximately
22 20 affidavits submitted by Intervenors and the University, it is worth pointing out a few examples to
23 illustrate the general flaws in their submission.

24 First, it is likely that the contents of the various affidavits are exaggerated. This follows
25 from the simple principle that hearsay submissions are to be given less weight as there as is no
26 opportunity for cross-examination and very little opportunity to independently verify the claims. It
27 should be emphasized that essentially none of these affidavits append copies of police reports;
28 records of restraining orders; or any kind of independent proof of the claims asserted. *Cf. People v*

1 *Duarte*, 101 Cal. Rep. 2nd 701, 707 (2000) ("[A] self-serving statement lacks trustworthiness")
2 (citation omitted). Indeed, according to news reports, Megan Marzec (the "blood bucket challenge"
3 lady) specifically requested that the police not investigate the supposed death threats which had
4 allegedly been made against her. (Abrams Reply Decl. Para 6).

5 Significantly, it appears that Ms. Marzec gave an interview a few years ago regarding the
6 incidents described in her affidavit in which she downplayed the situation. (Abrams Reply Decl.
7 Para. 7-9) There was nothing at all in the interview about Ms. Marzec losing sleep or having
8 psychological problems as a result of the reaction to her blood bucket video; rather she apparently
9 expressed that her only regret was in not having produced a more professional quality video. (*Id.*)
10 To be sure, it seems likely that she was downplaying the situation for purposes of the interview, but
11 that is exactly the point: Just as she was likely downplaying things in her interview, it is likely that
12 she is exaggerating in her affidavit in this matter.

13 But more importantly, the testimony of Ms. Marzec and similar witnesses is irrelevant. Ms.
14 Marzec admits that she posted a video of herself online pouring fake blood on herself and that she
15 did so in order to "spark conversations" which is a charitable way of saying that she was attempting
16 to provoke a reaction. (Marzec Aff. Para. 7-8). Obviously nobody deserves death threats for this
17 kind of provocative behavior, but the key point is that the firestorm allegedly experienced by Ms.
18 Marzec is completely irrelevant to the question of whether anyone will be endangered by simply
19 having their name revealed as someone who presented at a conference. Indeed, Ms. Marzec has
20 apparently been prosecuted and convicted for blocking traffic in connection with public protests.
21 *See State v. Amireh*, 62 N.E.3d 672 (Ohio Ct. App. 2016). In other words, Ms. Marzec is obviously
22 an activist who deliberately courts controversy and her experiences are not predictive of the
23 experiences of someone who simply has their name released solely as a conference presenter.
24

25 Similarly, the Intervenors present the affidavit of Professor Bill Mullen, a self-described
26 "revolutionary socialist" who states that he is "inspire[d]" by "radical resistance." (Abrams Decl.
27 Para. 11) Professor Mullen is also apparently caught up with Antifa as well as the "Occupy Wall
28

1 Street" movements. (*Id.*) Obviously Professor Mullen has every right to be such a public and
2 controversial figure. The point is that his experience in terms of being on the receiving end of
3 (allegedly) phony sexual harassment allegations is completely irrelevant to the question of whether
4 the mere release of someone's name as a conference presenter poses some kind of danger.

5 All of the same reasoning applies with the Intervenor's claims about entry to Israel. Putting
6 aside the fact that it is largely impossible to verify the self-serving uncorroborated claims submitted
7 by Intervenor, they do submit an exhibit which apparently spells out the law at issue:

9 No visa and temporary residency permit of any kind shall be granted to a person who is not
10 a citizen of Israel or a person holding a permanent residency visa in the State of Israel if they
11 or the body or organization on behalf of which they act had knowingly issued a public call to
12 boycott the State of Israel as defined in the Law for the Prevention of Harm to the State of
13 Israel - 2011, or has undertaken to participate in such a boycott.

14 Intervenor Exhibit 14A, p. 8. Significantly, what matters is calling for a boycott. Not having one's
15 name disclosed as having made a presentation at an anti-Israel conference.

16 Of course one could take a step back and ask whether the public interest is actually benefited
17 by excluding boycott proponents from entering Israel. Certainly the policy makers in Israel --
18 which is an American ally -- seem to think so. Indeed, there is a serious question as to whether any
19 State level authorities in California have standing to make these sort of determinations which
20 necessarily implicate foreign relations. *See Zschernig v. Miller*, 389 U.S. 429 (1968).

21 However the Court does not need to reach this thorny issue for the simple reason that
22 Petitioner is absolutely not asking for disclosure of the contents of anyone's conference
23 presentation. Whether any given presenter advocated for boycotts; against boycotts; or said nothing
24 at all about boycotts is well beyond the scope of the records request. And the Intervenor has not
25 shown that simply being a critic of Israel is grounds for exclusion.

26 Finally, in any event, the applicable legal standard is whether disclosure would "endanger
27 the safety" of the individual in question, *see* Cal. Gov't Code 6254(f), not whether disclosure would
28 impede anyone's ability to travel anywhere in the world.

1 **G. The Privacy Exemption Does Not Apply**

2 If, as Intervenors argue, the name of a person who made a presentation at a publicly
3 subsidized conference on public property constitutes a "[p]ersonal, medical or similar file[]," it is
4 difficult to see what would not be potentially covered by the privacy exemption. *See CBS Inc. v.*
5 *Block*, 42 Cal.3d 646, 666 n.14 (1986) ("The information relating to holders of concealed weapons
6 permits is not in any way comparable to personnel or medical records").
7

8 More importantly, this exemption applies only when the disclosure is an "unwarranted
9 invasion of personal privacy." Cal. Gov't Code 6254(c). Significantly, Petitioner is not requesting
10 information about anybody's salary, home address, email address, telephone number or anything
11 like that. Moreover, Petitioner is not requesting the names of all conference attendees but rather
12 just the presenters. In short, Intervenors are asking for a blanket and absolute privacy exemption
13 not justified by the law or by any applicable exemption. Intervenors request should be declined.
14

15 It is also worth noting that the University has freely released the names of hundreds of
16 people who wrote letters of complaint to the University regarding the conference. (Greendorfer
17 Aff. Para. 6). Why was this information not withheld as "similar files"? Presumably, it is because
18 the University knows perfectly well that this type of disclosure is not exempt.

19 **H. Intervenors Are Incorrect Regarding Petitioner's Background**

20 As an initial matter, it should be noted that in reality, Petitioner has achieved substantial
21 litigation success over the past few years representing different clients. This includes a \$2 million
22 counter-terrorism settlement in the case of *United States v. Norwegian Peoples Aid*; \$700,000
23 counter-terrorism settlement in Case No. 14 cv 6899 (S.D.N.Y.) which still remains partially under
24 seal; and other anti-boycott claims. (Abrams Reply Decl. Para. 12). Ironically, just a few days
25 after Intervenors cited the *New Israel Fund* lawsuit as a supposedly "frivolous" claim brought by
26 Petitioner, a Manhattan Federal Judge denied the New Israel Fund's motion to dismiss. *See State of*
27 *New York v. New Israel Fund*, Case No. 20cv2955 (S.D.N.Y. Feb. 16, 2021).
28

1 To be sure, Petitioner has also lost numerous cases but that in no way implies that Petitioner
2 has a practice of bringing frivolous lawsuits. Indeed, Intervenor's counsel is no stranger to losing in
3 Court, for example *Awad v. Fordham University*, 2020 NY Slip Op 07695 (Dec. 22, 2020). That is
4 simply the nature of public interest litigation.

5 In any event, the significance to this matter of Petitioner's victories in counter-terrorism
6 litigation is very simple: It shows that a passionate amateur who carefully combs public records can
7 often find important information missed by law enforcement. Which demonstrates the strong public
8 interest in permitting the type of disclosure sought in this matter.

9 Indeed, investigating whether an individual is caught up with terrorism is a much more
10 involved inquiry than simply checking the person's name to see if they are on the "blocked persons"
11 list. For example, the name "Leila Khaled" does not appear on such list and yet she is a well known
12 member of the Popular Front for the Liberation of Palestine. (Abrams Reply Decl. Para. 13) And
13 indeed, the USAID materials submitted by the University make clear that simply checking the
14 blocked persons list is not sufficient. (Abrams Reply Decl. Para. 14). This underscores the value in
15 allowing the public to make an independent assessment beyond that of a campus police force, which
16 apparently did a basic check of the list and little more.

17
18
19 **I. The Remaining Arguments of the University and Intervenors Lack Merit**

20 The remaining arguments of the University and Intervenors were more or less anticipated in
21 Petitioner's Moving papers. Most importantly, as noted above it is reasonable to assume that all of
22 the supposed threats and harassment complained have been exaggerated, taken out of context, and
23 cherry-picked to give the worst possible impression of the behavior of those who are adverse to the
24 activists at issue. Here, there is no practical way to verify that any of the supposed incidents
25 actually took place as described.

26 Further, of the events for which there is actual corroborating evidence, e.g. the flyers on the
27 University's campus, all of the supposed threats and harassment are clearly well within the bounds
28

1 of protected speech. Indeed, the University's witness Professor Kang seems to agree that free
2 speech is important. Presumably if he were to be cross-examined, Professor Kang would admit that
3 a flyer calling out a Jew-hater for their Jew-hatred is deserving of First Amendment protection.

4 What is also interesting is that Professor Kang has not hesitated to publicly name individuals
5 who he believes engage in "hateful" conduct. For example, in 2015 Professor Kang identified a
6 University alumni who, 9 years earlier, had anonymously identified Kang as one of the "dirty thirty"
7 of radical professors. (Abrams Decl. Para. 3-4). Professor Kang apparently made this identification
8 publicly on UCLA's web site in his official capacity as Vice Chancellor for Diversity Equity and
9 Inclusion. (*Id.*) If it is vital for the educational environment of the University that critics of Israel
10 have their identities shielded, does the same reasoning apply to critics of Professor Kang himself?

11 Nevertheless, the bottom line here is that there is no evidence of any negative consequences
12 of any nature for anyone simply for having spoken at an SJP conference. Indeed, the Intervenors
13 submitted an affidavit from the organizer of the SJP Conference, Mr. Thockchom, who testifies that
14 he has been profiled on Canary Mission since 2018. (Thockchom Aff. Para. 12) And yet there is no
15 indication of any threats, harassment, or other negative consequences in Mr. Thockchom's affidavit,
16 not even self-serving unverifiable statements. (*Id.*) Thus, the Court does not even need to speculate
17 about what might happen if the Peitition is granted -- based on the Intervenor's own submissions it
18 is clear that there is no legitimate danger to anyone other than the danger of legitimate public
19 criticism.

20 For these reasons, none of the exemptions relied upon by the Defendants and Intervenors
21 apply.

22 **III. Conclusion**

23 For the foregoing reasons, the Petition should be granted.

24 Respectfully submitted,

25 

26 DATED: February 22, 2021

27 _____
28 David Abrams
In Pro Per

1 David Abrams
2 305 Broadway Suite 601
3 New York, NY 10007
4 212-897-5821
5 Petitioner/Plaintiff, In Pro Per
6
7
8

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF LOS ANGELES

11 David Abrams

12 Plaintiff(s)

13 vs.

14 Regents of the University of California

15 Defendant(s)

) Case No.: 19STCP03648

) REPLY DECLARATION IN SUPPORT OF
) COMPLAINT FOR INJUNCTIVE RELIEF
) AND PETITION FOR WRIT OF MANDATE
) OF DAVID ABRAMS

16 I, David Abrams, Declare as follows.

17 1. I am the Plaintiff/Petitioner in the above referenced matter. I make this reply declaration
18 in support of my position at trial.

19 2. In preparing a response to the University and Intervenors' submissions, I did internet
20 searches on some of the individuals who submitted declarations in opposition to my position.

21 3. One such individual is Professor Jerry Kang, who is apparently a UCLA law professor
22 who is also UCLA's Vice Chancellor of Diversity, Equity and Inclusion.

23 4. Attached as Exhibit A to this Reply Declaration is a posting I found on UCLA's web site
24 which was apparently posted by Professor Kang as a part of his official commentary.

25 5. I also researched an individual named Megan Marzec the Intervenor witness who had
26 apparently posted a "blood bucket challenge" of herself online.
27
28

1 6. Attached as Exhibit B is a published news report I found online regarding Ms. Marzec.

2 7. Additionally, I have found what purports to be an interview of Ms. Marzec online from a
3 series of podcasts known as "The Last Semester" which is described as "A podcast with
4 entertaining individuals that reflect on Ohio University's culture as well as keep Bobcats in the
5 know." See Exhibit C.

6
7 8. I have listened to the entirety of the Podcast entitled "Megan Marzec Part 3: Hate Mail
8 Critiques and the Fake Twitter Account." Although the interview is too lengthy to create a
9 complete transcript, in substance the discussion purports to be about the response Ms. Marzec
10 received to her "blood bucket challenge" video. At one point, the following exchange can be
11 heard:

12 Interviewer: Are you sad or offended about any of this really?

13 Marzec: Like I said, I think racism is very sad. It's enraging, it's horrible. Sexism,
14 misogyny, rape culture, yeah, all that upsets me and makes me very upset.
15
16 Am I upset that Zionists don't like me? No, of course not.

17
18 At another point in in the audio, the following exchange can be heard:

19 Interview: Would you have done anything different in the whole process from start to
20 finish?

21 Marzec: Yeah, I think that like, had I known the potential for this video, I think I
22 could have like better organized support . . . way better video, way better
23 blood, perhaps a better scene, I would have memorized my lines

24
25 9. Moreover, Ms. Marzec's tone in the interview is clearly that of someone who is amused
26 rather than frightened. Additionally, there is no indication in the remainder of the interview that
27 Ms. Marzec lost sleep or was otherwise psychologically disturbed by the reaction to her "blood
28

1 bucket challenge" video. From the interview, it appears that Ms. Marzec's only regret was that
2 her video was not of a more professional quality.

3 10. Obviously I cannot confirm that the interview was actually of Ms. Marzec and not some
4 kind of fabrication, however all the indicia strongly indicate that it is genuine. The interview is
5 available at the following internet address: [https://soundcloud.com/the-last-semester-1/megan-](https://soundcloud.com/the-last-semester-1/megan-marzec-part-3-hate-mail-critiques-and-the-fake-twitter-account)
6 [marzec-part-3-hate-mail-critiques-and-the-fake-twitter-account](https://soundcloud.com/the-last-semester-1/megan-marzec-part-3-hate-mail-critiques-and-the-fake-twitter-account) I have also downloaded a copy
7 of the audio file and can produce it to the Court if necessary.
8

9 11. I also did some searches on Professor Bill Mullen, who evidently runs his own web site
10 "billvmullen.com." Attached hereto as Exhibit D are true copies of excerpts from that web site.
11

12 12. With respect to my own activism, I have filed numerous successful legal claims,
13 including a \$2 million counter-terrorism settlement in *United States v. Norwegian Peoples Aid*; a
14 \$700,000 counter-terrorism settlement in in Case No. 14 cv 6899 (S.D.N.Y.) which still remains
15 partially under seal; and other successful anti-boycott claims, including one against the National
16 Lawyers Guild, an organization which apparently has close ties to Intervenors' counsel in this
17 matter.
18

19 13. With respect to the particulars of counter-terrorism litigation, what I have learned over
20 the years is that the official United States "blocked persons list" is a very useful resource but it is
21 not the beginning and end of an inquiry. For example, there is an individual named "Leila
22 Khaled" who is a member of the Popular Front for the Liberation of Palestine. Ms. Khaled's
23 name appears nowhere on the "blocked persons list."
24

25 14. Indeed, the USAID certification submitted by the University in this matter makes clear
26 that in addition to checking the official blocked persons lists, an aid recipient must consider "all
27 public information" that is "reasonably available." (University Exhibit D, Para. 2C)
28

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct.

3 

4 Dated: February 22,2021 _____

5 David Abrams
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Equity,
Diversity &
Inclusion

EDI
@
UCLA
▼

Who
We
Are
▼

Services
▼

EDI
Voices

Resources
▼

Report an
Incident

[CrossCheck](#) • [Equal Learning Environment](#) • Hateful Posters

CROSSCHECK

Hateful Posters



Jerry Kang • November 25, 2015

CATEGORY: [Equal Learning Environment](#) **TAGS:** [discrimination](#) , [politics](#) , [religion](#)

Fellow Bruins,

SHARE

Extraordinary times

This has been a breathless quarter for higher education. Just on our campus, consider: “[Kanye Western](#)”; [#BlackBruinsMatter](#) (which triggered [the launch of this CrossCheck platform](#)); the Regents’ Working Group on Principles Against Intolerance (with anti-Semitism taking the limelight); hateful posters targeting student organizations. And of course, all of this is happening in the [national context](#) of Mizzou, Yale, CMC, Occidental, Princeton, and horrifically and saliently, Paris, Beirut, and Mali. When I took this position as Vice Chancellor of Equity, Diversity and Inclusion, I knew that it would be a hard job. But I had no real idea. As a stranger recently tweeted to me, “You should’ve said no [to the job], bruh.”

Hate Posters by Outside Provocateurs

In this CrossCheck, let me specifically address the hateful posters that appeared in

Support EDI

secular political organization whereas MSA is a religious affinity organization). The posters featured visceral juxtapositions of text and images that created powerful, emotional, and inflammatory associations between SJP and MSA with terrorism, murder, and hatred of Jews. These were not nuanced arguments on the merits; they were designed to shock and terrify.

Eventually, David Horowitz took credit. This man has no direct connection to UCLA. But as he has done before, here and elsewhere (similar posters appeared on college campuses in southern California and the D.C. area), David Horowitz posted vitriolic images that sent hostile political messages targeting members of our community. And his desire to gain publicity and notoriety worked according to plan, including a “Letter to the Editor” in the Daily Bruin.

Harm + Response

What harm did these posters cause? From personal conversations, I know that members of our Bruin family felt threatened, politically chilled, disrupted from their daily practices. They felt caricatured, demonized, isolated, targeted. And after Paris, some of our fellow Bruins feel even more anxious that they will be judged not on the content of their character but on stereotypes and prejudices. It can’t be easy studying for final exams in this climate.

UCLA responded by taking down the posters immediately because they vandalized property, like graffiti. (The last time similar posters appeared, [Bruins for Israel and other student organizations volunteered to do just the same.](#)) The Chancellor clearly [expressed disapproval of the posters.](#) I and other administrators met with all relevant student organizations. And the Dean of Students wrote a “[Letter to the Editor](#)” urging students to “engage in compassionate debate” and “elevate” the political discourse instead of allowing outsiders to coarsen it.

The Internet has taught us to stop “[feeding the trolls.](#)” But, still more is warranted, which is why I’m writing here and now.

It’s personal

Back in 2006, some organization calling itself the “Bruin Alumni Association” (BAA)—with no official connection to UCLA—blacklisted 31 faculty members as radicals. Frankly, [I was puzzled](#) to find myself listed as one of the “dirty thirty” because historically I’ve been viewed as too moderate. The BAA even [offered students \\$100 to secretly tape lectures](#)



write about the *Japanese American* internment, when I'm ethnically *Korean*.

As it turned out, the BAA was essentially a one-man organization run by Andrew Jones, a UCLA grad, who had worked for David Horowitz. I don't want to taint by association, and as I recall, David Horowitz denied specific involvement in that gambit and [indeed said he fired Jones](#). Regardless, that was my first taste of bullying tactics. Even my own brother, who's completely apolitical, asked me suspiciously what all this stuff was about. That's why it's personal. It's also why I "get it" about the importance of academic freedom.

It's also academic, or as Sam Cooke sings, "[Don't know much about history...](#)"

Besides being personal, it's also academic. As a [scholar of the Japanese American internment](#), I am particularly sensitive to political opportunists scapegoating an unpopular outgroup under the cloak of national security. After the bombing of Pearl Harbor, we locked up almost 120,000 persons of Japanese ancestry in camps, without individual determinations of guilt. Two thirds of them were United States citizens because they were born on American soil. (The other third—even if they wanted to become citizens—were racially barred from naturalization.) Every branch of government—the liberal icon Franklin Delano Roosevelt, Congress, and the Supreme Court—[failed that civil rights moment](#) miserably.

[After 9/11, some politicians invoked Japanese American internment favorably](#). After Paris, politicians have already started to invoke internment as justification for mistreating Syrian refugees, [in historically clueless ways](#). This falls into a [long history of ethnic hostility to refugees](#), ranging from Catholics to Jews to Asians. While I recognize that national security in the face of modern terrorist tactics presents extraordinary challenges, I also understand the real harms caused by terrorists attacking people publicly and anonymously, creating anxiety and fear, then taking responsibility in order to broadcast some political message across social media. But we also have obligations to learn from the past—or at least to remember and consider it. As George Santayana cautioned: "Those who cannot remember the past are condemned to repeat it."

"Don't know much about psychology..."

In reaction to increased campus activism across the nation, a growing backlash has emerged. It characterizes students as wimps, overly sensitive, fragile, and worse, humorless and clueless about the First Amendment. University administrators are criticized for coddling and capitulating

remarkable. They have thicker skins than you can imagine. But what's being characterized as conclusion is in fact an empirical question. Do certain events—whether they be posters, costumes, or words—have a measurable impact on student welfare? Or are students making a mountain out of a molehill (or as one professor privately assured me, a “tempest in a teapot”)?

Did you know there's a phenomenon called “stereotype threat” that can actually inhibit students' performance when negative stereotypes about them are in the air? (For details, check out the [amicus brief I helped write for the Supreme Court *Fischer II* affirmative action case](#) on behalf of the nation's leading stereotype threat scholars.) Did you know that when Native American students are exposed to Indian “mascots” such as [Chief Wahoo](#) or Pocahontas, they report less self-esteem and “[fewer achievement-related possible selves](#)”? Did you know that most Americans implicitly associate Asians with “foreign,” and that such associations [predict the likelihood of giving national security jobs to Asians](#)? (Remember [Wen Ho Lee](#)? Have you heard that Rep. Ted Lieu, who represents UCLA's district, has asked for [an investigation](#) to see why there's been a spate of espionage arrests of Asian American scientists, only to have charges summarily dropped?)

And where do you think all these negative stereotypes come from? Do you think hateful posters might fuel the flames? Do you think that the propaganda of dehumanization, on all/sides of contentious issue, is harmless?

Final confessions

I expect this essay to draw fierce criticism by those who believe that David Horowitz got things just right, even if he exaggerated a bit. Immediately, critics will pull me into substantive policy debates concerning a set of international politics about which I am far from expert. The punchline will be: “How dare you defend those people?”

Here's the answer: That's my job. I am not taking a stance on international politics. I am, however, questioning the tactic of guilt by association, of using blacklists, of ethnic slander, and sensationalized images engineered to trigger racially-tinged fear.

I am an immigrant, but I grew up mostly in Skokie, Illinois. I remember the neo-Nazi march. Most of my friends were Jewish. I attended more Bar and Bat Mitzvahs than I can recount. I also recognize the strong affinity I have with Jewish culture and people because of that familiarity. But I also know that I must check myself against motivated reasoning, which invites breaking in favor of friends and ingroups. My job is to build

every day, with uncertain success.

I'm haunted by that joking tweet: "You should've said no, bruh." But at bottom, I believe in the possibility of deliberative discourse, about intellectual honesty, about engagement on the merits. I believe in rejecting caricature, simplification, threats. I believe that we can actually change our minds through persuasion, not coercion.

Bruh, that's why I took this job.

References

[Fisher II Amicus](#)

[Fryberg et al. 2008 \(indian mascots\)](#)

[Yogeeswaran & Dasgupta 2010 \(Asians and national security jobs\)](#)

SHARE

Equity, Diversity and Inclusion

The Office of Equity, Diversity and Inclusion leads and advances campus strategies for enhancing equity, diversity and inclusion, combatting discrimination and achieving our shared values of upholding dignity for all.

[UCLA
Homepage](#)

(310)
825-3935

[UC
Diversity](#)

Murphy
Hall, Los
Angeles, CA
90095-1405

[Terms of
Use](#)

[Support EDI](#)

Exhibit B

https://www.athensnews.com/news/campus/backsplash-from-bucket-of-blood/article_b688f79c-1a4a-5fef-99e7-7ab3d94898af.html

Backsplash from 'Bucket of Blood'

Conor Morris

Sep 7, 2014



Megan Marzec, president of Ohio University's Student Senate, Wednesday evening at a meeting.
Photo by Eli Hiller.

EDITOR'S NOTE 9/8/2014: A previous version of this article said that Marzec advocated for African-American rights in Cleveland. She actually worked for African refugee rights, and the article has been changed accordingly.

Ohio University's Student Senate president has received numerous death threats over the past week after a self-released video of her dumping simulated blood on herself to protest Israeli attacks on Palestinians stirred controversy locally and nationally.

Student Senate president Megan Marzec posted the video last week on Vimeo, and shared it on her own Facebook page, in response to OU President Roderick McDavis, who had challenged her to the popular ALS Ice Bucket Challenge. The said the video was a way of "standing in solidarity" with Palestinians in the ongoing Israeli-Palestinian conflict. During the video, Marzec, identifying herself as Student Senate president, asks the university to divest itself from and cut all economic ties with Israel.

The day after she posted the video last Tuesday, Student Senate publicly apologized for her actions. Numerous students and campus organizations, including Bobcats for Israel, also called her out during Wednesday evening's Student Senate meeting (see related article in this issue), and OU released a statement distancing President McDavis and the university in general from Marzec's views as stated in the video.

Marzec apologized during the Student Senate meeting for linking the expression of her views on Palestine to her role with Student Senate. She said in an initial interview with *The Athens NEWS* that she never wanted the video to become a Student Senate issue.

Marzec's Restart Party won most of the executive seats on Student Senate last spring, running a maverick platform against two more traditional student political parties.

Marzec, in an interview Friday afternoon, shared some of the vitriolic responses she has received since the video was posted (it has since been removed by Marzec). Many of the threats and declarations used racist and misogynist terminology. (In each of the following quotes, the profanity showing asterisks here was actually spelled out.)

"I hope ISIS cuts your f***in' head off, you f***in despicable c***," one message to her LinkedIn profile stated.

Marzec said a number of the threats not only threatened and disparaged her, but President McDavis as well. She said that's when Ohio Homeland Security (ODPS) got involved in monitoring the threats. OU police chief Andrew Powers confirmed

Sunday that OUPD took a report related to telecommunications harassment of Marzec on Thursday, and that OUPD has been coordinating monitoring efforts with ODPS.

"When the threat came to the Office (of the President), they were of course prompted to call the police, and this was all carried out through the university police," Marzec said. "I have requested that... on the death threats that I'm solely getting that don't involve the president, I have requested that no criminal charges be pursued for now."

One rambling email to the President's Office at OU, for example, threatens Marzec, and includes the text "Pollack c***" over a still image of Marzec in the blood bucket video, and poses the question to McDavis: "Suppose Dr. McDavis, that this b**ch were calling for N***ER BLOOD??! Just how would you react to that?"

Marzec said the OUPD has taken steps to protect her if she's interested in that help.

"It was recommended that I go into protective on-campus housing. I've been recommended to not walk alone on campus, to not be alone at any time," Marzec said. "The police (OUPD) have been in fairly constant contact with me."

Marzec said the threats haven't necessarily made her feel afraid while on campus, however. She said she has received plenty of support from the administration and other students as far as her personal safety goes.

For example, on Friday, the Ohio University Student Union, which Marzec belongs to, posted a status that shared a petition expressing solidarity with Marzec in terms of her right to free speech.

"(Marzec) has recently experienced extreme intimidation for creating a video in solidarity with the oppressed people of Palestine," the status reads. "This onslaught has included over 1,000 messages of extremely offensive hate mail within the past 24 hours. The worst messages have included death threats."

As of Sunday morning, the petition had 601 signatures.

At Student Senate's meeting last Wednesday, a number of students called for Marzec's resignation. Marzec said she has no intention of resigning, and called those asking her to resign "opposed to freedom of speech."

"I don't believe that this is a Student Senate issue. I also don't want anyone to be afraid to express their political beliefs," she said. "It needs to be clear that we are able to express our political beliefs without getting threats of death. That we can stand in the face of criticism. That's important."

Rebecca Sebo, president of Bobcats for Israel, said Friday that while she does not agree with the way Marzec expressed her views, the threats Marzec has been receiving are "completely inappropriate and very upsetting."

"I've been talking to some of the administration, and it's (the threats) been coming outside of the student body, they believe. It's so wrong. She (Marzec) should feel safe here just as every student should feel safe here," Sebo said.

As of Friday, Sebo said Marzec had not responded to her invitation to talk about the video and issues relating to it over coffee.

Marzec said Friday she had had to remove her entire online social media presence as a result of the threats. As of Saturday, she was back on Facebook, with a status stating:

"Reactivated - with letters of support from Palestinian students, Jews for Palestinian Right to Return, and many strong comrades in the struggle against oppression. Strong solidarity."

Marzec, who said she has been politically engaged for much of her life, said she felt the "blood" bucket video was a "very standard political expression of views."

"It's interesting that it was in the format of an existing video trend," she said.

"Especially in a time where this is how we share our beliefs and information, is via the Internet, so to make a video to stand in solidarity for people who are living through genocide was really the only goal."

Marzec said she took part in the Occupy protests in New York, and has devoted time in Cleveland to creating an organization that helps support the large inner-city African refugee population in terms of teaching job skills and advocating for anti-slum housing.

Marzec said outside of the threats she's received after making the "blood bucket" video, a number of groups and individuals have reached out, some in support of her right to freedom of speech, some in support of her position on Palestine.

She said the backlash surrounding the "blood bucket" video is evidence of a problem with making one's voice heard in American media.

"I think this whole situation is an interesting point of how difficult it is to make your voice heard as a student, and even after you're able to make your opinions heard, it's not hard to see why we are fearful to show dissent," she said.

Some of the criticism Marzec received, however, has been neither profane nor threatening.

For example, Eliot A. Ratzman posted a comment identifying himself as "the first left-wing president of OU's Student Senate, 1990-92."

Ratzman, now an assistant professor at Temple University according to his Facebook profile, lists his various involvements in protests during his tenure, but then admits that he's "ambivalent" about Marzec's efforts.

"As a socialist-Zionist who also wants Israel to end its occupation of the West Bank and Gaza, I am all for steps that will help the Palestinian people achieve freedom... However I think that asking OU - which has a responsibly critical voice in its Hillel - to divest from academic programs, with a socialist kibbutz no less, is counterproductive, blocks ally outreach to critical Jews, and will now bring a distracting s***-storm to the issue. Fight the Occupation? Advocate for Palestine? Sure. BDS from progressive institutions in Israel? Leftist firing squad...

"Turning off allies - from left Jews to average students aghast at the hyperbolic blood bucket rhetoric - does not help Palestinians and is a strategic step backwards for peace and justice in the region," Ratzman concluded.

Exhibit C

Apple Podcasts Preview

The Last Semester

The Last Semester

Comedy



A podcast with entertaining individuals that reflect on Ohio University's culture as well as keep Bobcats in the know. FOLLOW US ON TWITTER @TLSmedia15

[Listen on Apple Podcasts ↗](#)



MAY 1, 2015

Final Project For Lemay Katie Markijohn



Final Project For Lemay Katie Markijohn by The Last Semester

[▶ PLAY](#) 16 min

APR 30, 2015

Final Essay creative non-fiction



Final Essay creative non-fiction by The Last Semester

[▶ PLAY](#) 17 min

APR 30, 2015

AUDIO ESSAY



AUDIO ESSAY by The Last Semester

[▶ PLAY](#) 6 min

APR 27, 2015

Keith Wilbur on his experience as Student Trustee



Keith Wilbur on his experience as Student Trustee by The Last Semester

[▶ PLAY](#) 30 min

APR 20, 2015

The Last Semester Music Featuring Draya Jade and Zach Vargo



The Last Semester takes on the music scene with Draya Jade and Zach Vargo. FOLLOW THEM ON SOUND CLOUD!!

[▶ PLAY](#) 6 min

APR 20, 2015

Megan Marzec Part 3: Hate Mail Critiques and the Fake Twitter Account.



The Megan Marzec saga comes to an end! Jordan Wilson and Katie Markijohn read her hate mail and explore her fake twitter account.

[▶ PLAY](#) 19 min

[Show 3 More Episodes](#)

© All rights reserved

Top Podcasts In Comedy

[See All](#)

Exhibit D

NEW BLOG (/NEW-BLOG-1)



BILL V. Mullen

AUTHOR

FROM THE RIVER TO THE SEA

ACTIVIST

RESIST NEWS (/RESIST-NEWS-OVERVIEW)

CONTACT

Activism: Making history from below



Karl Marx said that "the emancipation of the working class is the task of the working class." Marx's theory of oppression simply argued that the oppressed must free themselves.



(/from-the-river-to-the-sea)



(/resist-news-overview)

As a revolutionary socialist, activism for me is in the name for this activity. It means participating in movements for social justice led by and organized by oppressed groups and people, in solidarity with their oppression.

In recent years I have been involved in campus-based political movements like Occupy Purdue and the Purdue Antiracism Coalition; national political organizations like the International Socialist Organization; the United States Campaign for the Academic and Cultural Boycott of Israel; support for the Chicago Teachers Union strike of 2012; the Campus Antifascist Network.

This page is dedicated to expressions of solidarity that have emerged

(/email-signup)

(/my-books)

from some of this work. It is meant as a testament to individuals working collectively to transform social relationships under capitalism into something more human, less estranged, something charged with the capacity to stop exploitation, racism, and oppression in the name of solidarity, justice, love and struggle.

Keywords: Karl Marx, Occupy, International Socialist Organization, United States Campaign for the Academic and Cultural Boycott of Israel, Chicago Teachers Union, Campus Antifascist Network

MY ARTICLES

(/scholarly-articles)

**PALESTINE
& BDS**

(/palestine-bds-activism)

**ANTIFASCIST
NETWORK**

(/antifascist-network)

ACTIVISM

(/activism)

Testimonial

"This site takes its impetus, its hope, from those pushing back collectively against all varieties of exploitation and oppression. It is motivated especially by exceptional struggles around the world to which its creator has been a part: anti-capitalist fights for socialism; the struggle for a Free Palestine and BDS; anti-racism; the fight against creeping fascism."

(http (http (http (http

BILL V. MULLEN

Bill V. Mullen is Professor of American Studies at Purdue and affiliate faculty to the Global Studies Program.

His specializations are American Literature and American Studies, African American Studies, Cultural Studies, Working-Class Studies, Critical Race Theory and Marxist Theory. At Purdue he is faculty adviser to Students for Justice in Palestine.

He is a member of the organizing collective of USACBI, the United States Campaign for the Academic and Cultural Boycott of Israel and of the Campus Antifascist Network.

He is the author of several books including W.E.B. Revolutionary Across the Color Line and Afro-Orientalism. In 2019 he will publish James Baldwin: Living in Fire.

CONTACT

EMAIL:

bill.mullen2[at]gmail.com

(mailto:

bill.mullen2@gmail.com)

Copyright 2017 by Bill V. Mullen

**EMAIL
SIGNUP ()**

NEW BLOG (/NEW-BLOG-1)



BILL V. Mullen

AUTHOR

FROM THE RIVER TO THE SEA

ACTIVIST

RESIST NEWS (/RESIST-NEWS-OVERVIEW)

CONTACT

My Books – Why I Write

I write about things that anger and inspire me: capitalism and radical resistance; racism and the fight against it. The rulers of our society not only try to tell us things that are untrue to keep us divided, but keep us from knowing stories we need to live, stories of solidarity.

Stories of liberation and emancipation

Each of my books is an exercise in 'truth-telling' about how ordinary people – commoners, workers, activists, students, writers, artists, intellectuals – devise means of thinking their own liberation and emancipation. I am interested in how the radicalism of famous people like W.E.B. Du Bois has been hidden from us by anti-communism and the Cold War, and how the creative resistance of unheralded people, like activists on the South Side of Chicago during the depression, is a story equally worth telling.

My scholarship and writing is dedicated to the idea that stories of the underdogs are more important than stories of victors, and that what's most important, as Howard Zinn once said, is not who is sitting in the White House, but who is sitting in.

My Authored Books

Un-American: W.E.B. DuBois and the Century of World Revolution Read more (/un-american) Link to publisher (<https://www.plutobooks.com/author/bill-v-mullen/>)

W.E.B. Du Bois: Revolutionary Across the Color Line Read more (/web-du-bois) Link to publisher (<https://www.plutobooks.com/author/bill-v-mullen/>)

Afro-Orientalism: Reveals a century of political solidarity uniting Asians



(/from-the-river-to-the-sea)



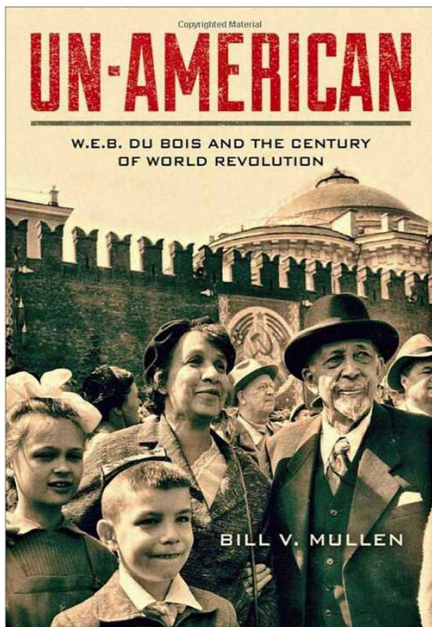
(/resist-news-overview)

EMAIL SIGNUP

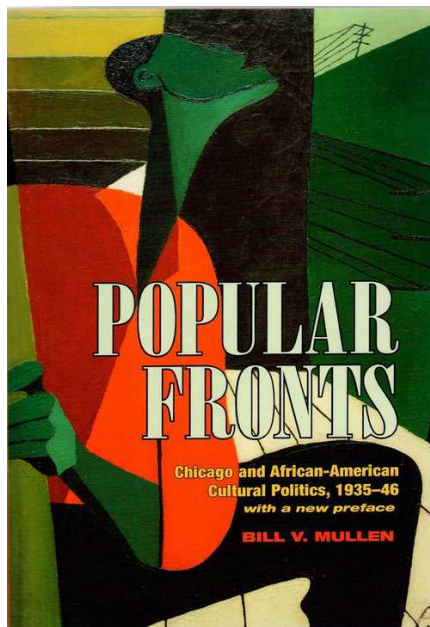
(/email-signup)

MY BOOKS

(/my-books)



(/un-american)



(/popular-fronts)

and

MY ARTICLES

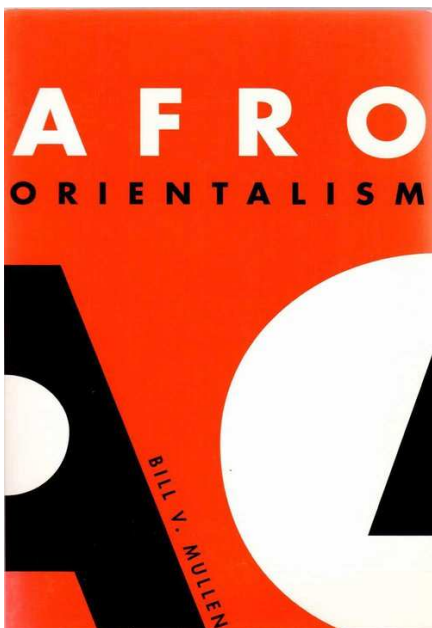
(/scholarly-articles)

PALESTINE & BDS

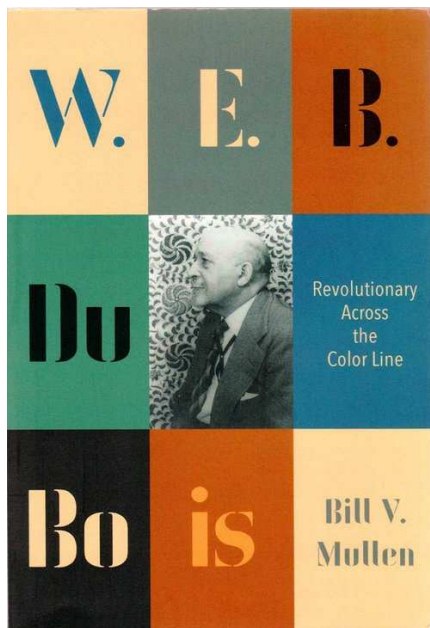
(/palestine-bds-activism)

ANTIFASCIST NETWORK

(/antifascist-network)



(/afro-orientalism)



(/web-du-bois)

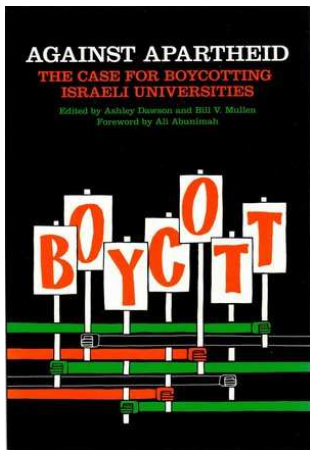
ACTIVISM

(/activism)

African Americans Read more (/afro-orientalism) Link to publisher
(https://www.upress.umn.edu/book-division/books/afro-orientalism)

Popular Fronts: Chicago and African-American Cultural Politics,1935-46
Read more (/popular-fronts) Link to publisher
(https://www.press.uillinois.edu/books/catalog
/87c9r8wt9780252081071.html)

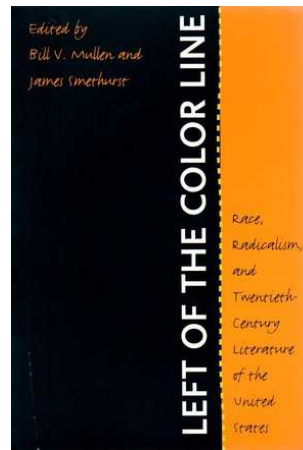
My Edited Books



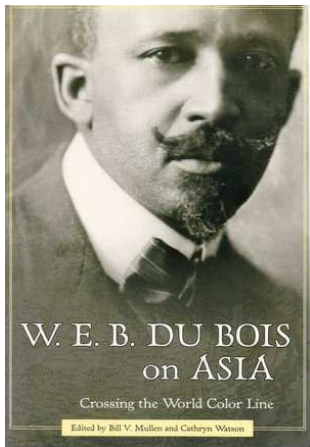
(/against-apartheid)



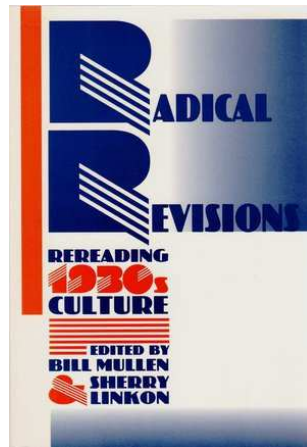
(/afro-asia)



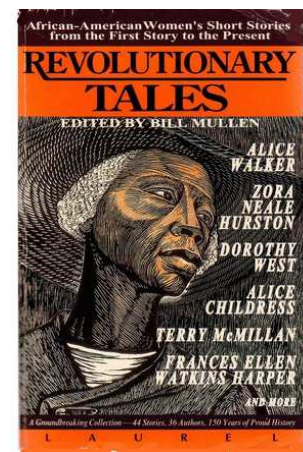
(/left-of-the-color-line)



(/web-du-bois-on-asia)



(/radical-revisions)



(/revolutionary-tales)

Testimonial

"This site takes its impetus, its hope, from those pushing back collectively against all varieties of exploitation and oppression. It is motivated especially by exceptional struggles around the world to which its creator has been a part: anti-capitalist fights for socialism; the struggle for a Free Palestine and BDS; anti-racism; the fight against creeping fascism."

My edited works have been done in collaboration with some of the best scholars and activists I know.

Against Apartheid: The case for boycotting Israeli universities. Edited by Bill Mullen and Ashley Dawson. Read more (</against-apartheid>) Link to publisher (<https://www.haymarketbooks.org/books/749-against-apartheid>)

Afro-Asia: Revolutionary political & cultural connections between African American & Asian Americans. Edited by Bill Mullen and Fred Ho. Read more (</afro-asia>) Link to publisher (<https://www.dukeupress.edu/afro-asia/?viewby=title>)

W.E.B. Du Bois on Asia: Crossing the world color line. Edited by Bill Mullen and Cathryn J. Merla-Watson Read more (</web-du-bois-on-asia>) Link to publisher (<http://www.upress.state.ms.us/books/797>)

Radical Revisions: Rereading 1930s culture. Edited by Bill Mullen and

Sherry Lee Linkon [Read more \(/radical-revisions\)](#) [Link to publisher \(https://www.amazon.com/Radical-Revisions-REREADING1930S-CULTURE/dp/0252065050\)](#)

Left of the Color Line: Race radicalism and twentieth century literature of the United States. Edited by Bill Mullen and Jim Smethurst [Read more \(/left-of-the-color-line\)](#) [Link to publisher \(https://www.uncpress.org/book/9780807854778/left-of-the-color-line/\)](#)

Revolutionary Tales: African-American women's short stories from the first story to the present. Edited by Bill Mullen [Read more \(/revolutionary-tales\)](#) [Link to publisher \(https://www.amazon.com/%20Revolutionary-Tales-Bill-Mullen/dp/0440220823\)](#)

Interviews about the books

"Across the Color Line." With Scott McLemee. Inside Higher Education. October 12, 2016. [Link to full interview \(https://www.insidehighered.com/views/2016/10/12/interview-bill-v-mullen-his-book-web-du-bois-revolutionary-across-color-line\)](https://www.insidehighered.com/views/2016/10/12/interview-bill-v-mullen-his-book-web-du-bois-revolutionary-across-color-line)

"W.E.B. Du Bois and World Revolution: An Interview with Bill V. Mullen." AAIH. Phillip Sinitiere. Oct. 18, 2016. [Link to full interview \(http://www.aaihs.org/w-e-b-du-bois-and-world-revolution-an-interview-with-bill-v-mullen/\)](http://www.aaihs.org/w-e-b-du-bois-and-world-revolution-an-interview-with-bill-v-mullen/)

"W.E.B. Du Bois: Revolutionary Across the Color Line." Interview with James Stancil. New Books Network. Dec. 17, 2016. [Link to full interview \(http://newbooksnetwork.com/bill-v-mullen-w-e-b-du-bois-revolutionary-across-the-color-line-pluto-press-2016/\)](http://newbooksnetwork.com/bill-v-mullen-w-e-b-du-bois-revolutionary-across-the-color-line-pluto-press-2016/)

Keywords:
Radicalism,
AfricanAmericans,
Communism,
AfroOrientalism,
Popular Front,
W.E.B. Du
Bois, Chicago
Renaissance,
Solidarity,
Boycott,
Divestment,
Sanctions,
Israeli
Apartheid,
BDS,
Palestine,
Occupation,
Afro-Asia,
Color Line,
Marxism

(h'tp (h'ttp (h'ttp (htip

BILL V. MULLEN

Bill V. Mullen is Professor of American Studies at Purdue and affiliate faculty to the Global Studies Program.

His specializations are American Literature and American Studies, African American Studies, Cultural Studies, Working-Class Studies, Critical Race Theory and Marxist Theory. At Purdue he is faculty adviser to Students for Justice in Palestine.

He is a member of the organizing collective of USACBI, the United States Campaign for the Academic and Cultural Boycott of Israel and of the Campus Antifascist Network.

He is the author of several books including W.E.B. Revolutionary Across the Color Line and Afro-Orientalism. In 2019 he will publish James Baldwin: Living in Fire.

CONTACT

EMAIL:

bill.mullen2[at]gmail.com

(mailto:

bill.mullen2@gmail.com)

Copyright 2017 by Bill V.
Mullen

**EMAIL
SIGNUP ()**

NEW BLOG (/NEW-BLOG-1)

**BILL V. Mullen**

AUTHOR

FROM THE RIVER TO THE SEA

ACTIVIST

RESIST NEWS (/RESIST-NEWS-OVERVIEW)

CONTACT

Campus Antifascist Network



(/from-the-river-to-the-sea)

In early summer of 2017 a group of 40 U.S. academics, responding to the rampant rise of white supremacist and neo-Nazi groups in the U.S., created the Campus Antifascist Network.

The Network had two aims: to resist the incursion of white supremacists, neo-Nazi and white nationalist ideas on college campuses, and to defend faculty under increasing political attack by the alt.right After Heather Heayer was murdered by a white supremacist in Charlottesville in August, 2017, the Network exploded and grew to more than 450 members.

Today, there are more than 13 chapters of the Campus Antifascist Network on campuses in the U.S., Canada and the U.K.

The Network has been endorsed by Pulitzer Prize winning authors Junot Diaz and Viet Nguyen, by numerous academic departments and academic unions, and by prominent scholars like Robin D.G. Kelley.

Below is the Network Mission Statement which can be found at our



(/resist-news-overview)

Search

EMAIL SIGNUP

(/email-signup)

MY BOOKS

(/my-books)

website (<http://campusantifascistnetwork.com>). At the site you'll find an extensive Antifascist Syllabus, and documents to build your own campus chapter of CAN.

For more information write to cannetwork.fighttheh8@gmail.com (mailto: cannetwork.fighttheh8@gmail.com).



CAN Mission Statement

The time to take action is now. We call on all concerned individuals and organizations to join the Campus Antifascist Network (CAN).

CAN brings together faculty, students, staff, and community members across US campuses to stem the rise of fascism, whether proudly displayed in hateful exclusionary slogans and posters, or disguised as "free speech." We come together to stand with threatened members of our campus communities and oppose fascist mobilizations.

Though existent for decades, the election of Donald Trump has emboldened fascist and white nationalist groups across the country.

These groups have used blatant racist, Islamophobic, anti-indigenous, anti-semitic, transphobic, misogynist, and ableist messaging and iconography to recruit to their ranks and intimidate campus

MY ARTICLES

(/scholarly-articles)

PALESTINE & BDS

(/palestine-bds-activism)

ANTIFASCIST NETWORK

(/antifascist-network)

ACTIVISM

(/activism)

Testimonial

"This site takes its impetus, its hope, from those pushing back collectively against all varieties of exploitation and oppression. It is motivated especially by exceptional struggles around the world to which its creator has been a part: anti-capitalist fights for socialism; the struggle for a Free Palestine and BDS; anti-racism; the fight against creeping fascism."

communities. They have used “free speech” as a façade for attacking faculty and anyone who stands in solidarity against the threat that these organizations and individuals pose. These groups and their allies continue to scapegoat and target amongst others: immigrants, non-whites, and non-Christians, as well as women, LGBTQ+ people, native peoples, and the alternatively abled. Several have also engaged in outright physical violence, including murder.

[Read more](#)

CAN looks to mass counter-mobilizations and broad-based coalitions as key to the fight against these forces.

We have diverse political views on multiple issues, but are united in our commitment to stopping fascist intimidation from taking root in our campus communities. In addition to protests, we encourage the development of educational and political spaces on campuses for teach-ins, reading groups, workshops and strategy sessions on the history of fascism in its many guises and how to combat it.

CAN seeks to build local chapters across the country upon these principles and help coordinate antifascist efforts at the national level.



FIGHT FASCISM—JOIN CAN! Articles about Campus Antifascist Network

“Trump Hates the Antifascist Network: Let’s Refuse to Follow His Lead.” Tithi Bhattacharya, Bill V. Mullen and David Palumbo-Liu. Aug. 31, 2017. Truthout. [LINK \(http://www.truth-out.org/opinion/item/41777-trump-hates-the-antifascist-movement-let-s-refuse-to-follow-his-lead\)](http://www.truth-out.org/opinion/item/41777-trump-hates-the-antifascist-movement-let-s-refuse-to-follow-his-lead)

Campus Antifascist Network Website, LINK

(http://campusantifascistnetwork.com)

“Faculty Fight Against ‘Fascists’ gets start at Purdue.” LINK

(http://www.jconline.com/story/opinion/columnists/dave-bangert/2017/09/19/bangert-faculty-fight-against-fascists-getsstart-purdue/680155001/)

(http (http (http (http

BILL V. MULLEN

Bill V. Mullen is Professor of American Studies at Purdue and affiliate faculty to the Global Studies Program.

His specializations are American Literature and American Studies, African American Studies, Cultural Studies, Working-Class Studies, Critical Race Theory and Marxist Theory. At Purdue he is faculty adviser to Students for Justice in Palestine.

He is a member of the organizing collective of USACBI, the United States Campaign for the Academic and Cultural Boycott of Israel and of the Campus Antifascist Network.

He is the author of several books including W.E.B. Revolutionary Across the Color Line and Afro-Orientalism. In 2019 he will publish James Baldwin: Living in Fire.

CONTACT

EMAIL:

bill.mullen2[at]gmail.com

(mailto:

bill.mullen2@gmail.com)

Copyright 2017 by Bill V. Mullen

Search

EMAIL SIGNUP ()

1 David Abrams
305 Broadway Suite 601
New York, NY 10007
2 212-897-5821
3 Petitioner/Plaintiff, In Pro Per
4
5
6
7

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10 David Abrams) Case No.: 19STCP03648
11 Plaintiff(s))
12 vs.) DECLARATION IN SUPPORT OF
13 Regents of the University of California) COMPLAINT FOR INJUNCTIVE RELIEF
14 Defendant(s)) AND PETITION FOR WRIT OF MANDATE
15) OF MARC GREENDORFER
16)
17)
18)
19 Does 1-8,)
20 Intervenor(s))
21 vs.)
22 David Abrams)
23 Defendant in Intervention)
24)
25)
26)
27)
28)

1 I, Marc Greendorfer, Declare as follows.

2 1. I am the founder of the Zachor Legal Institute. I make this Declaration in support of the
3 Petition of David Abrams for release of the names of presenters at the 2018 Students for Justice
4 in Palestine Conference which took place at UCLA (the "Conference").

5
6 2. I make this Declaration on the basis of official records which were provided to me by the
7 Regents of the University of California (the "University").

8 3. Attached hereto as Exhibit A is a copy of what I understand to be the invoice in respect of
9 the Conference. Significantly, Exhibit A does not contain any charges for space rental; it
10 appears strictly limited to services and such.

11
12 4. This is consistent with the email attached hereto as Exhibit B, in which a Mr. DeLuca,
13 who I understand to be a University official, states that the event "isn't viewed as a space rental."

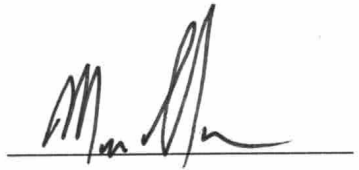
14 5. Additionally, I am familiar with the rates charged by the University for event services
15 such as custodial services; event set-up; and so forth. From reviewing the invoices, it appears to
16 me that the Conference received substantially subsidized rates compared to what would be
17 charged an outside organization.
18

19 **[continued on next page]**
20
21
22
23
24
25
26
27
28

1
2 6. Finally, the University has also provided me with copies of hundreds of letters which
3 were sent to the University from various individuals regarding the Conference. A sample is
4 attached hereto as Exhibit C. Significantly, none of the names of these individuals were
5 redacted.
6

7
8 I declare under penalty of perjury under the laws of the State of California that the foregoing is
9 true and correct.

10
11 Dated: February 17, 2021



12 Marc Greendorfer
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A



Preliminary Credit Memo

[REDACTED]
 - Students for Justice in Palestine
 105 Kerckhoff Hall
 Los Angeles, CA 90095

Account: 00002295
 Credit Memo Amount: -969.16

Students for Justice in Palestine National Conference (13806)

Start-End: Sat 11/17/2018 08:00 AM - Sun 11/18/2018 04:00 PM

Department Summary

Audio Visual Services	\$1,800.00
Contingency	\$0.00
Facilities Custodial	\$1,235.62
Facilities Grounds	\$501.90
Swayzers	\$392.00

Order	Description	Units	Rate	Charges
Contingency				
Booking Function (11/17/2018 07:00 AM - 11/18/2018 05:00 PM)				
42208	Contingency 10%	1.00 EA	445.00 / EA	\$445.00
	MSA CREDIT Contingency 10%	1.00 EA	-445.00 / EA	-445.00
Total For Contingency:				\$0.00
Facilities Grounds				
Booking Function (11/17/2018 07:00 AM - 11/18/2018 05:00 PM)				
42205	Labor to deliver/set-up/remove clear streams (1	2.00 EA	181.22 / EA	\$362.44
	Clear Stream Recycling Container, each (No ch	10.00 EA	0.00 / EA	0.00
	Clear Stream Compost Container, each (No ch			
	Blue Recycling Dumpster	1.00 EA	0.00 / EA	0.00
	Green Compost Dumpster	1.00 EA	30.00 / EA	30.00
	Labor to deliver/set-up/remove 3 yard dumpster	1.00 EA	109.46 / EA	109.46
Total For Facilities Grounds:				\$501.90
Facilities Custodial				
Booking Function (11/17/2018 07:00 AM - 11/18/2018 05:00 PM)				
42206	Room Opening & Closing, up to 3 rooms in the :	2.00 EA	45.33 / EA	\$90.66
	Opening Closing Room/Bldg, each additional ro	8.00 EA	22.67 / EA	181.36
	Opening Closing Room/Bldg, each additional ro	8.00 EA	22.67 / EA	181.36
	MSA CREDIT - room opening cost adjust	1.00 EA	-12.16 / EA	-12.16
43173	Standby Custodian (Dodd indoors) Saturday	8.00 EA	66.20 / EA	529.60
	Standby Custodian (Dodd Indoors) Sunday	4.00 EA	66.20 / EA	264.80
Total For Booking Function:				\$1,235.62
Total For Facilities Custodial:				\$1,235.62
Audio Visual Services				
Booking Function (11/17/2018 07:00 AM - 11/18/2018 05:00 PM)				
42209	AVS: Installed classroom video/data projector -	11.00 EA	100.00 / EA	\$1,100.00

Preliminary Credit Memo

Students for Justice in Palestine National Conference (13806)

Start-End: Sat 11/17/2018 08:00 AM - Sun 11/18/2018 04:00 PM

<u>Order</u>	<u>Description</u>	<u>Units</u>	<u>Rate</u>	<u>Charges</u>
Audio Visual Services (Continued)				
	AVS: Installed classroom video/data projector -	11.00 EA	100.00 / EA	1,100.00
	CREDIT Reduce amt of	4.00 EA	-100.00 / EA	-400.00
Total For Audio Visual Services:				\$1,800.00
Swayzers				
Booking Function (11/17/2018 07:00 AM - 11/18/2018 05:00 PM)				
43172	Swayzers Custodian, per hour Saturday	12.00 EA	28.00 / EA	\$336.00
	Swayzers Custodian, per hour Sunday	6.00 EA	28.00 / EA	168.00
	MSA CREDIT - reduce hours	4.00 EA	-28.00 / EA	-112.00
Total For Swayzers:				\$392.00
Total Services:				\$3,929.52

<u>Previous Payments</u>	<u>Amount</u>
12/04/2018 Deposit 116731 EV-CHEK CK# 101	\$-4,898.68

<u>Invoice Summary</u>	
	Total Services: 3,929.52
	Total Taxes: 0.00
	Credit Memo Total: 3,929.52
	Total Payments: -4,898.68
	Credit Memo Amount: -969.16

Please make checks payable to:

**Regents of the University of California
 Events & Transportation
 555 Westwood Plaza, Suite 100
 Box 951360
 Los Angeles, California 90095-136**

Exhibit B

From: [Palmer, Emily](#)
To: [Cordola, Marisa](#); [Brennan, Patricia](#)
Cc: [Champawat, Roy](#)
Subject: RE: Ballpark estimate
Date: Thursday, November 08, 2018 10:34:00 AM
Attachments: [Payment Request-74781.pdf](#)
[image001.png](#)
[image002.png](#)

Here is the estimate for AGB + BRR on all 3 days including the timelines for the events. I will have to make a separate one for meeting rooms but we still have no idea what the capacities are for the breakout sessions.

Emily Palmer
Event Manager, [Student Programming](#)
UCLA Student Union
Ackerman Union I Room A262
308 Westwood Plaza, Los Angeles, CA 90095
310-206-0839 o | 310-629-3873 c
www.asucla.ucla.edu



From: Cordola, Marisa
Sent: Thursday, November 08, 2018 10:08 AM
To: Brennan, Patricia; Palmer, Emily
Cc: Champawat, Roy
Subject: Fwd: Ballpark estimate

What do we have interns of cost estimates that we could provide?

Marisa
Sent from my iPhone

Begin forwarded message:

From: "Deluca, Mick" <mdeluca@saonet.ucla.edu>
Date: November 8, 2018 at 10:02:02 AM PST
To: "Champawat, Roy" <rchampawat@asucla.ucla.edu>, "Cordola, Marisa" <mcordola@asucla.ucla.edu>
Subject: Ballpark estimate

First and foremost, thank you for being great colleagues and thank you for your flexibility, last minute minutes, and strategic planning for the Nov 16-18 conference. As we discussed, we are continuing to get push back in many, many fashions.

For IRT today, do you have a quick, preliminary, ballpark questimate of what the billable costs would be: first if it was just the Friday, Saturday, Sunday large

programs, and then second if by chance other consolidated meeting space or the patio space for meals was available. As this isn't viewed as a space rental, it should cover all of the direct costs: set-up, strike, house staff, building mgt staff, equipment or rentals, food, etc.

The meeting is at 1:00p today.

Thanks again,
Mick

Mick Deluca
Assistant Vice Chancellor, Campus Life
UCLA
mdeluca@saonet.ucla.edu

Exhibit C

From: [paul edward](#)
To: [Chancellor Gene D. Block](#)
Subject: Anti semitism becoming acceptable on campus
Date: Monday, October 29, 2018 5:53:01 AM

Dear Sir.

The planned sips proposed annual conference on your campus is an affront to all things civilised and an affront to Jewish people everywhere who are tired of this continual attack.

This should not happen on university property and be endorsed by a civilised university.

I call on you from the UK to stop this senseless continual attack on Israel right to exist and all Jewish people together with rational thinking people who know this is just wrong.

You can stop this and only need the decent courage to say no this will not continue on my watch.

Thank you for reading my email.

Yours.

P Edward.

UK citizen.

[Sent from Yahoo Mail on Android](#)