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US Campaign for  
Palestinian Rights

March 31, 2020

Chancellor Carol Christ  
University of California, Berkeley  
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Dear Chancellor Christ:

We are a coalition of organizations writing to voice our support for UC Berkeley’s Bears for Palestine club and to encourage you to remedy an increasingly hostile environment on the Berkeley campus for Palestinian students. We understand that there are many issues that the administration is grappling with in light of the pandemic, but we urge you to continue working with students on this important matter.

As described below, students have experienced severe and pervasive harassment based on their actual or perceived race, national origin and religious backgrounds and have faced differential treatment based on their political opinions. The hostile environment on campus affects Palestinian students and extends to other supporters of Palestinian equality on your campus, including Arab, Black, Indigenous, Jewish, Muslim, Queer and students of color who all face particularly virulent harassment when they express support for Palestinian freedom.

For years, students and faculty who support Palestinian rights have been systematically intimidated, harassed, falsely accused, censored, frivolously sued<sup>1</sup> and even targeted by a multimillion-dollar destabilization campaign by veteran Israeli spies.<sup>2</sup> Throughout this academic year in particular, Bears for Palestine and their allies have been demonized and bullied by right-wing Israel advocacy groups on and off campus, culminating at a February 10th student government meeting, in which a student announced his plan to eliminate Palestinians from the world.

As students explained to you on February 20, to your staff on February 11, and in a public statement on February 12,<sup>3</sup> the threat came amid a cluster of verbal and physical attacks on Bears for Palestine and their allies:

<sup>1</sup> Rights Groups Tell Universities Across the U.S. to Stand Up For Students and Faculty Under Attack, Palestine Legal (April 17, 2018), <https://palestinelegal.org/news/rights-groups-tell-universities-protect-free-speech>; Palestine Legal and Center for Constitutional Rights, The Palestine Exception to Free Speech (2015), <https://palestinelegal.org/the-palestine-exception>; Palestine Legal, 2019 Year-in-Review, <https://palestinelegal.org/2019-report>.

<sup>2</sup> Adam Entous and Ronan Farrow, Private Mossad for Hire, New Yorker (Feb. 11, 2019), <https://www.newyorker.com/magazine/2019/02/18/private-mossad-for-hire>; Adam Entous, How a Private Israeli Intelligence Firm Spied on Pro-Palestinian Activists in the U.S., New Yorker (Feb. 28, 2019), <https://www.newyorker.com/news/news-desk/how-a-private-israeli-intelligence-firm-spied-on-pro-palestinian-activists-in-the-us>.

<sup>3</sup> Bears for Palestine, Facebook (Feb. 12, 2020), [https://www.facebook.com/BearsforPalestine/posts/2406757619614878?\\_\\_tn\\_\\_=K-R](https://www.facebook.com/BearsforPalestine/posts/2406757619614878?__tn__=K-R).

In the past week, a hijabi woman was spat on, and another had her hijab torn off her head. A Black student was attacked with urine, another student was followed home, another was called a “terrorist sympathizer.”<sup>4</sup>

Students explained to you and your staff in great detail how these threats have caused severe interruptions to their education by causing them to miss midterms, classes, and study time, forgo religious observance, and stay home for fear of walking alone on campus.

We are glad to hear that the university is taking steps in response to hearing that physical threats and intimidation targeting Palestinian and Middle Eastern, Muslim and South Asian students are disrupting their education. It is vital that the university continue to take seriously the students’ needs and work with them to find solutions that will ensure equal access to education regardless of race, ethnicity, or religion. The university must also ensure that administrators and the student government do not treat students and student organizations differently because of their political opinion.

### **Factual Summary**

Bears for Palestine, a group of Palestinian students and allies who are working to share the Palestinian story with the campus community through activism, have increasingly been the target of campaigns to misrepresent their message and expose them to racist rhetoric and harassment on and off campus, culminating in the February 10 threat to eliminate an entire ethnic group.

For example, during a November 21, 2019, campus rally for Palestine, an individual who arrived with a group of counter-protestors tried to stand near Bears for Palestine and its allies holding a sign with an antisemitic message, suggesting an effort to associate Bears for Palestine with that message.<sup>5</sup> On November 26, the pro-Israel student group Tikvah also posted a message misrepresenting the rally and falsely accused students who participated in the rally of antisemitism and support for terrorism. This post sparked racist online comments regarding Bears for Palestine members referring to them as “circling hyenas” and calling for them to be placed under FBI surveillance.<sup>6</sup>

<sup>4</sup> Id.

<sup>5</sup> Bears for Palestine, Facebook (Nov. 25, 2019),

<https://www.facebook.com/BearsforPalestine/photos/a.1653500221607292/2337795233177784/?type=3&theater>

<sup>6</sup> Tikvah: Students for Israel, Facebook (Nov. 26, 2019), <https://www.facebook.com/watch/?v=2471906469734331>.

Weeks later, the same group again sparked racist online harassment against Bears for Palestine by claiming that the group was co-opting Jewish tragedy when it shared a link to a vigil host by Jewish Voice for Peace. Tikvah: Students for Israel, Facebook (Dec. 11, 2019),

<https://www.facebook.com/tikvah.berkeley/photos/a.947819548582048/2850089895021661/?type=3&theater>. The

comments include claims that Bears for Palestine supports “terrorists” and “savages.” Notably the post included a screenshot taken one minute after Bears for Palestine shared the event, suggesting that Tikvah is closely monitoring Bears for Palestine.

## The Associated Students of the University of California (ASUC) resolution

On December 4, 2019, then-ASUC senator Milton Zerman introduced senate resolution 19/20-032, calling for Bears for Palestine to remove photos of Palestinian female political figures from a display in their cubicle space in Eshleman Hall and threatening unspecified “further action” if Bears for Palestine did not comply. The resolution proposed to violate students’ free speech rights, singling them out for censorship. ASUC has no policy limiting photographs in cubicles, and according to students, the display had been up for more than a year without issue.

On December 13, Bears for Palestine members discovered through a Facebook post that their photo display had been vandalized. Mr. Zerman posted a photo of the vandalized display on his Facebook page alongside a caption that tried to link Bears for Palestine to recent antisemitic killings in New Jersey.<sup>7</sup>

The vandalism of their space, just ahead of finals, together with the ASUC resolution’s call to censor their speech, was disturbing and distracting for students with Bears for Palestine. As the students explained at the time:

Being Palestinian at Berkeley, or anywhere else in the world, means we all live in constant fear. We have no safe space no matter where we go. When we are given a corner with a few square feet as a safe space for Palestinians on campus, we are attacked. Our homes have been occupied, we are treated as second-class citizens where we seek refuge, and yet, half a cubicle is too much of a space for Palestinians. Who protects us? When we stand up for ourselves, we are terrorized. Why is this institution entertaining a bill that clearly targets the Palestinian population on campus? We have been forced to put our dead week at a pause to defend our humanity.<sup>8</sup>

Consideration of the resolution was pushed back several times, causing students continuing stress and distraction.

On February 3, ASUC held its first hearing on the resolution, drawing a crowd of supporters of Bears for Palestine and allies. The senator facilitating the hearing set the ground rules: Signing up for public comment required registering through a webform that resulted in a list of names being projected onto a screen behind the podium; speakers could ask not to be recorded; if anyone was seen recording or taking a photo, they would be asked to leave the room; and anyone making a physical threat would also be asked to leave. At multiple points during the meeting individuals were identified as recording Bears for Palestine members and their supporters despite their requests for privacy. When it became clear that ASUC was unable to enforce its ground rules, students began using poster boards to shield each other from being recorded against their consent.

<sup>7</sup> ASUC Senator Milton Zerman, Facebook (Dec. 13, 2019), [https://www.facebook.com/milt4senate/photos/a\\_303150497049543/445185239512734/?type=3](https://www.facebook.com/milt4senate/photos/a_303150497049543/445185239512734/?type=3).

<sup>8</sup> Bears for Palestine statement (Dec. 13, 2019) (on file with Palestine Legal).

Bears for Palestine supporters criticized the resolution as Islamophobic and racist because it labeled students as terrorist supporters for insisting on Palestinians' right to exist. In response to this criticism Mr. Zerman called Bears for Palestine and their supporters, many of whom wore or carried visible markers of their various religious identities, "godless" and argued that his resolution could not be Islamophobic because of this godlessness. Several other students speaking in support of the censorship resolution made racist, Islamophobic and antisemitic comments. For example, several blamed Bears for Palestine for recent incidents of white supremacist violence while others accused the many Jewish supporters of Bears for Palestine of being "token Jews." Some supporters of the censorship resolution said that the display made them feel uncomfortable on campus, though none accounted for how they had encountered the display in the Bears for Palestine cubicle and whether it had caused them discomfort in the months or years prior to the social media campaign launched by Mr. Zerman and his resolution to censor the display.

Eventually the meeting was adjourned without a vote.

At the next meeting on February 10, the ASUC committee took their vote ahead of public comment, amending and eventually rejecting the censorship resolution.

During the public comment period that followed, one student, who signed up for public comment anonymously, announced, **"I plan, after I graduate, on joining the IDF [Israeli military] to eliminate Palestinian nationalism and Palestinians from the world."**

This statement, and the commenter's sudden fleeing from the room, sent shockwaves of fear among members of the student community, with Bears for Palestine and their allies frantically texting each other to avoid being out alone in public in case the student decided to act on his genocidal threat immediately.

### Student experiences

Palestine Legal has spoken with multiple students who have shared their stories with you and your staff. These examples illustrate the need for administrators to make students feel more secure on campus and to rebuild their trust.

- After the first ASUC meeting, a Palestinian student who spoke during the public comment session was spit on while giving a campus tour to Yemeni students from an Oakland high school. The student felt compelled to pretend it had been a joke so that the students would not see Berkeley as a dangerous place and would not lose their aspirations to attend the university. The student had been taking a midterm during the February 10 ASUC meeting. When they left the exam, they received multiple text messages from friends telling them not to walk home alone because someone was threatening to eliminate Palestinians. In the ensuing weeks, the student has felt unsafe walking on campus. Not knowing which direction a threat might come from, the student constantly looked over their shoulder as they walked across campus, scared of who might be waiting in the shadows or when they might be physically attacked. As a result, the student has been unable to focus on their studies.

- Another student, who is the daughter of Palestinian refugees, was told at the first ASUC hearing by then-senator Zerman that he would personally make sure that she was added to the blacklisting site Canary Mission.<sup>9</sup> As a result she was unable to participate in the public comments for fear of being recorded and doxed.<sup>10</sup> Having had a close friend added to Canary Mission in the past, the student was aware of the threats and cyberbullying that can result from being doxed on Canary Mission. This student was also taking an exam during the February 10 hearing. When she stepped out of the midterm, she immediately received a call from a friend who was at the hearing warning her that someone wanted to kill them. The call was noisy and unclear because of the background noise at the hearing, so all the student could understand was that her life was in danger. She had also received 10 text messages from friends during her midterm telling her to leave the midterm and not to walk home alone. The experience was very overwhelming. In recent weeks, the student has had difficulty sleeping, experiencing nightmares of her family being doxed, getting hurt, and no longer being allowed to visit family in Palestine. Each day she wakes up and checks to see if she has been doxed. As a visibly Muslim woman, she has felt particularly vulnerable on campus. She no longer feels comfortable praying in public.
- Another student was verbally attacked after attending the first ASUC hearing. An individual he recognized as having spoken in favor of the censorship resolution called him a “f\*\*\*\*\* terrorist sympathizer” on his way home from the Black resource center. He did not alert police because he was wearing a kufi, a Muslim head cap, and believed that as a Black Muslim male, the police would view him as the aggressor. He no longer wears a kufi. Additionally, three days later, another individual he recognized as having spoken in favor of the censorship resolution followed him to the mosque as he sought to attend Friday prayer. He could not go to class for days because of stress vomiting. He initially felt unable to get help because he was worried people would see him as weak when he wanted to be strong for the community. Eventually he sought support from the campus administration and was told by a dismissive administrator not to let the anti-Blackness and Islamophobia get in the way of his studies.
- An Arab student—who was not at the hearing but had heard about the threat to eliminate all Palestinians from a friend who was present—learned on social media that the student who made the threat is in one of his classes. He immediately emailed the professor, explaining that he felt uncomfortable being in a classroom with someone threatening to eliminate Palestinians. Though the professor cancelled the next session and notified

<sup>9</sup> Canary Mission is a blacklisting site that compiles dossiers on Palestinian rights advocates and labels them racists. For more information, see <https://theintercept.com/2018/11/22/israel-boycott-canary-mission-blacklist/>

<sup>10</sup> Doxing has been defined, by the cyber-security firm, Equality Labs as “the violent [Internet](#)-based practice of researching and broadcasting private or identifiable information about an individual or organization in order to harass and traumatize activists from organizing activity. Additionally, such attacks can also be accompanied by real world violence and spread disinformation about and individual and/or a movement.” Equality Labs, Anti-Doxing Guide for Activists Facing Attacks from the Alt-Right, Medium (Sept. 1, 2017), <https://medium.com/@EqualityLabs/anti-doxing-guide-for-activists-facing-attacks-from-the-alt-right-ec6c290f543c>.

Threats of blacklisting a student publicly online can violate California’s anti-stalking laws (California Penal Code Section 646.9) if it involves willfully harassing another individual by making that person fear for his or her own safety or that of his or her family members, as was the case with the BFP student here.

authorities, the professor told the student that she had no authority to remove the student from class. The class is one that requires students to work in rotating groups, and the Arab student expected at the time that it would eventually require him to work with the student who made the threat. For weeks, the student considered dropping the course because he felt that he had no other way to ensure his safety.

- A Muslim student who spoke at the second ASUC hearing felt afraid walking on campus after the hearing and was conscious of people glaring at them. After the threat, the student spent two days in bed, sick with stress. The cluster of attacks on visibly Muslim students in the wake of the ASUC hearings left the student worried that they will be assaulted or attacked. In the past, the student felt comfortable studying on campus until midnight and walking home alone, but after the hearing, they no longer felt able to do so. The student has missed classes and homework assignments and lost sleep and valuable study time in order to attend meetings with administrators and draw attention to their concerns about safety and equal access on campus.
- Multiple students reported generally fearing for their safety and going out of their way to establish impromptu systems to protect each other, including escort systems, taking time and energy that would otherwise have been spent preparing for exams and completing assignments.

It has been difficult for students to rely on the university for support. During the February 10 hearing, word spread that UCPD had detained one of Bears for Palestine's indigenous allies in a case of mistaken identity, leaving students feeling that law enforcement could not be trusted to provide safety but rather posed an additional threat.

As noted above, students, particularly Middle Eastern, Black, and Muslim-identified students have been repeatedly targeted on campus, with multiple students attempting to hide their identity and religious beliefs out of fear. Students have been threatened and targeted due to their race, national origin, and religious identities and due to their perceived affiliation with those identities. In the weeks ahead of the quarantine, students missed classes and valuable on campus study time, missing educational opportunities due to the climate of intimidation on campus.

Students have met with you and your staff in an attempt to explain what they are experiencing and what the university must do to support them. Students who have experienced trauma have felt compelled to recount their experiences in these meetings in order to accurately convey to administrators why the threats they are facing are so dangerous. Reliving these experiences is in itself traumatizing and has further interfered with students' educational experiences. One student pointed out during a meeting with administrators that she had an assignment to complete after the meeting and that she knew that she would not be able to focus on her assignment after sharing her story, but she was nevertheless willing to do so in an effort to help administrators understand.

## History of Censorship and Bias

These incidents have taken place against the backdrop of nearly a decade of pressure from Israel advocacy groups demanding that UC Berkeley censor discussion of Palestinian equality and liberation on campus.

For example, records show that university administrators coordinated with the Israeli consulate in crafting the university's response to a 2010 student government resolution calling for divestment from companies profiting from Israel's human rights abuses, noting with approval that the "consulate is quite pleased with this approach."<sup>11</sup>

In 2016, the university responded to a pressure campaign by suspending a course on Palestine in the middle of the semester, justifying its action with a spurious claim that the student facilitating the course had not complied with procedures. The administration only reinstated the course after widespread outcry from faculty, students, and other academics about the blatant academic freedom violations.<sup>12</sup> Records from that incident show that administrators were eager to discover their ultimately groundless justification for suspending the course.<sup>13</sup>

In 2018, the university failed to adequately protect students who wanted to hold a vigil on campus to "honor the 11 lives lost in the antisemitic massacre at the Tree of Life Synagogue in Pittsburgh on October 27th as well as the 3 children killed in Gaza due to Israeli air raids that same weekend."<sup>14</sup> After announcing the event, students faced harassment, threats to their physical safety, and legal threats. Students felt that their only option was to cancel the public vigil and instead hold the event privately off campus where they could assure their own safety. Students felt unable to rely on the university or campus security to protect them because of the bias and disregard they had encountered when asking for help in the past. For example, in responding to posters attacking members of the campus community, the university ignored repeated requests by Students for Justice in Palestine to publicly defend them and to refute the false claims made against them by the David Horowitz Freedom Center.<sup>15</sup> The university issued only a tepid response thanking people for reporting the flyers and explaining that the flyers had been removed.<sup>16</sup> This response contrasted starkly with the university's appropriately forceful

<sup>11</sup> Yaman Salahi, Behind the scenes with Israel's campus lobby, Al Jazeera (Sept. 26, 2011), <https://www.aljazeera.com/indepth/opinion/2011/09/201192384847314840.html>.

<sup>12</sup> UC Berkeley Suspended Course on Palestine, Palestine Legal (Oct. 17, 2017), <https://palestinelegal.org/case-studies/2017/10/13/uc-berkeley-suspended-course-on-palestine>.

<sup>13</sup> A day before the university incorrectly announced that the course facilitator did not comply with university policies and procedures, Carla Hesse, dean of social sciences, wrote to the university spokesperson saying, "I think I got it." E-mail from Carla Hesse, dean of social sciences, UC Berkeley, to Dan Mogulof, assistant vice chancellor for public affairs, UC Berkeley (Sept. 12, 2016).

<sup>14</sup> Students for Justice in Palestine at UC Berkeley, Facebook (Nov. 9, 2018), <https://www.facebook.com/notes/students-for-justice-in-palestine-at-uc-berkeley/joint-statement-on-vigil-with-jewish-voice-for-peace-at-berkeley/1917395535013465/>.

<sup>15</sup> E.g., Rights Groups to UC Irvine, UC Berkeley and SFSU: Condemn David Horowitz Posters, Protect Students From Intimidation Campaign, Palestine Legal (Oct. 20, 2016), <https://palestinelegal.org/news/2016/10/11/rights-groups-to-uc-irvine-condemn-david-horowitz-posters-protect-students-from-intimidation-campaign>.

<sup>16</sup> Hank Chapot, Anti-BDS Posters Appear on U.C. Berkeley Campus; Management Responds, Berkeley Daily Planet (April 22, 2016), [www.berkeleydailyplanet.com/issue/2016-04-22/article/44419](http://www.berkeleydailyplanet.com/issue/2016-04-22/article/44419).

response to an antisemitic flyer, which called the flyers disturbing, disgusting and toxic.<sup>17</sup> The lack of response to harassment of Palestinian rights activists also contrasted with the university's response to posters targeting Berkeley College Republicans, which specified its intent to impose consequences for violations of policy.<sup>18</sup>

### **The University's Responsibilities**

The U.S. Department of Education has underscored the vital importance of efforts by universities and colleges to ensure that students do not face discrimination and harassment at times "when fear and anger are heightened, and when public debate sometimes results in the dissemination of misinformation."<sup>19</sup> Failure to take the necessary action against discrimination and harassment "can jeopardize students' ability to learn, undermine their physical and emotional well-being, provoke retaliatory acts, and exacerbate community conflicts."<sup>20</sup>

Students have worked hard to persuade the university to take this responsibility seriously. Despite being aware of the February 10 threat, the university took no public steps to assure impacted students of the university's commitment to their safety. A group of impacted students had to plead with administrators to even secure a meeting with them. After explaining, in excruciating detail, the concrete harms they suffered and the concerns that they still had, students felt compelled to mobilize public pressure in order to be heard.

We are happy to learn that the administration has had conversations with students about meeting their needs. The university has the ability and the responsibility to profoundly change the chilling atmosphere students encounter on campus. We urge you to meet students' demands for the university to institutionalize mechanisms of representation and consultation with their communities, including through a committee on Palestinian life. We hope you will also take the following actions in line with students' demands:

#### Condemn Canary Mission

Palestinian students and their allies have made it clear to you that the intimidating activities of Canary Mission chill freedom of speech and expression and prevent students from fully engaging on campus. The silencing effect is especially potent for Palestinians and other students of color who are not class privileged and who are not yet profiled on Canary Mission—as demonstrated by Mr. Zerman's threat effectively wielded to silence a student opponent. The silencing effect especially threatens students who are not yet profiled on Canary Mission, and thus self-censor in order to avoid it.

<sup>17</sup> Public Affairs, 'Disturbing, disgusting' poster prompts message from the chancellor, Berkeley News (Oct. 10, 2018), <https://news.berkeley.edu/2018/10/10/disturbing-disgusting-poster-prompts-message-from-the-chancellor/>.

<sup>18</sup> Associate Chancellor Nils Gilman, Statement regarding intimidation on campus, Berkeley Office of the Chancellor (March 1, 2017), <https://chancellor.berkeley.edu/statement-regarding-intimidation-campus-march-1st-2017>.

<sup>19</sup> Arne Duncan, Letter to educational leaders regarding discrimination and harassment based on race, religion, or national origin (Dec. 31, 2015), <https://www2.ed.gov/policy/gen/guid/secletter/151231.html>.

<sup>20</sup> Id.



We urge you to explicitly condemn Canary Mission and the tactics it uses to silence and intimidate students and to stand by students who have been wrongly smeared based solely on their campus activism.

Because Canary Mission's aim is to impair students' employability, the university could allay students' fears by expressly prohibiting the university from using Canary Mission and similar blacklisting websites as a screening tool in admissions and employment decisions.

The university should also explicitly state that threatening to add students to blacklisting sites like Canary Mission may amount to harassment in violation of the student code of conduct if it is so severe and/or pervasive, and objectively offensive, and so substantially impairs a person's access to university programs or activities that the person is effectively denied equal access to the university's resources and opportunities.

The university has the ability to reduce the harms of the website by leveraging its institutional power to undermine Canary Mission's claims to legitimacy. If students knew that they had institutional support when they faced Canary Mission threats, they would be less likely to self-censor in response. While such a condemnation would only reflect UC Berkeley's approach, it is a small step that is within your power and could potentially pave the way for other institutions and employers to engage in similar harm reduction when it comes to doxing.

#### Revise Golden Bear Orientation Training

We also urge you to take seriously students' concerns that incoming students are being trained during Golden Bear Orientation to believe that criticism of Israel is antisemitic and thus impermissible on campus. Golden Bear Orientation materials branded with the university logo include slides that claim that it is antisemitic to apply double standards to Israel, to question the state's legitimacy or to compare Israel's policies to those of the Nazis. This distorted definition blurs the important distinctions between criticism of Israel as a nation-state and antisemitism. The definition could be read to encompass nearly all criticism of Israel.<sup>21</sup> As educators preparing students to understand complex ideas, it is a betrayal of the First Amendment for the university to instruct incoming students what they can and cannot say about a nation state, its policies or political ideologies.

#### Defend Bears for Palestine's Free Speech Rights to Display Pictures of Historical Figures

While we hope the issue of the Bears for Palestine display is now resolved, we do want to note that the resolution and subsequent criticism of the Bears for Palestine display seemed to hold Bears for Palestine to a different standard than other student groups or campus units. Like Nelson Mandela, who was similarly a political prisoner branded by the United States as a terrorist, the images of Palestinian political figures in the display are political figures who many view as national heroes, and others may view as criminals. Regardless of how Mandela and other complex historical figures are viewed, their images have been featured on campus without the type of censorship campaign Bears for Palestine had to overcome.

<sup>21</sup> For more info, see Palestine Legal, *Backgrounder on Efforts to Redefine Antisemitism as a Means of Censoring Criticism of Israel*, <https://palestinelegal.org/redefinition-efforts>.

Students are facing a hostile environment with systemic issues of harassment based on their race, national origin and ethnicity, resulting in severe interruptions to their education. Students have exerted serious energy to make sure that you and your staff are fully aware of their experiences, and they have likewise strategized to find solutions that would blunt the harms they face and make them feel more secure in pursuing their education at UC Berkeley. We urge you to follow through on their demands.

Thank you for your ongoing attention to this important matter.

Sincerely,

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