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February 28, 2024

Honorable Kristen Clarke
Assistant Attorney General for Civil Rights
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

VIA FEDEX

Dear General Clarke,

Earlier this week, U.C. Berkeley's Bears for Palestine circulated on the Internet a flyer urging students to "shut down" a speaker who supported Israel's actions in Gaza. Despite a police presence, a move to a less convenient location was necessary for security purposes. The meeting became a by-invitation-only event, thus limiting attendance. Those objecting to the meeting overwhelmed the police, broke down the door, used anti-Semitic epithets and ultimately forced the cancellation of the meeting and the evacuation of those in attendance.

Although the University has promised an investigation, it lacks the resources of an agency with criminal investigative powers and capabilities. Federal law limits the University's ability to name names, so the public will largely be left to speculate on who was responsible for the outrageous events, and whether they have been sufficiently punished—and others deterred—by University sanctions

The meeting that was interrupted was a lawful meeting conducted on a public university campus. Those organizing the meeting had a Constitutional right to conduct that meeting. Those who called for the disruption of that meeting because participants were Jewish, and those who participated in that disruption, are, prima facie, guilty of a violation of 18 U.S.C. § 245(b)(2)(B), amongst other federal statutes.

We understand that investigating ostensibly political groups like Bears for Palestine and those aligned with it can be politically sensitive. No doubt, such an investigation will be met with claims of suppressing speech. But it is precisely the point that freedom of speech does not include contemporary Brownshtirts violently shutting down speech they

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don't like. What happened at Berkeley was a direct assault on American democracy and cannot go unchallenged and uninvestigated.

We urge you to deploy the full resources of the Department of Justice to identify and prosecute those responsible for this outrage.

Sincerely,



Marc D. Stern
Chief Legal Officer
American Jewish Committee

/drs