

March 25, 2024

The Honorable Merrick B. Garland
Attorney General
Department of Justice
950 Pennsylvania Ave. N.W.
Washington, DC 20530

Dear Attorney General Garland:

On behalf of the undersigned concerned organizations, Zachor Legal Institute submits the attached prosecution request relating to the deprivation of rights of Jewish students by Students for Justice in Palestine (“SJP”) and groups aligned with SJP.

SJP has launched a nationwide campaign of violently harassing, intimidating and silencing voices that are supportive of Israel or Jews, with a particular focus on Jewish university students.

The objectives of SJP's campaign include preventing American Jews from exercising their First Amendment rights as well as their rights to participate in federally funded programs such as public education. Their tactics include brandishing weapons on campuses, physically attacking Jews and using large crowds to physically prevent Jews from attending classes or using campus facilities. This constitutes an organized deprivation of rights of Jewish Americans.

The attached prosecution request contains a detailed exposition of what SJP and its allies have done across the country since the October 7, 2023 terror attack on Israel, a history and analysis of 18 U.S.C. §§ 241, 242 and 245 and a comprehensive application of the law to the facts of this case. Because the attached contains hyperlinks, we have also posted a copy of this letter at the following page of the Zachor Legal Institute website: <https://zachorlegal.org/wp-content/uploads/2024/03/ZLI-Coalition-Prosecution-Request-to-AG.pdf>.

The country is witnessing an unprecedented and exceedingly dangerous rise of violence and intimidation directed at Jewish Americans and only the Department of Justice has the power and authority to protect the country by enforcing these laws.

The undersigned respectfully ask the Department of Justice to enforce 18 U.S.C. §§ 241, 242 and 245.

Academic Council for Israel
AMCHA Initiative



Americans for Peace and Tolerance
ARISE Foundation
Atlanta Israel Coalition
B'nai B'rith International
Club Z
Coalition for Jewish Values
Combat Antisemitism Movement
Davis Faculty for Israel
Endowment for Middle East Truth (EMET)
Facts and Logic About the Middle East (FLAME)
Hasbara Fellowships
Institute for Black Solidarity with Israel
Israeli American Council
Jewish Policy Center
Middle East Forum
National Jewish Advocacy Center
Orthodox Jewish Chamber of Commerce
Rabbinical Alliance of America
Rhode Island Coalition for Israel
Russian Jewish Community Foundation
Shurat HaDin
StandWithUs
Stop Antisemitism
S.A.F.E. Campus - Students, Alumni, and Faculty for Equality on Campus
The Israel Forever Foundation
Zachor Legal Institute
Zionist Rabbinic Coalition

Klansmen in Keffiyehs: The Case for Prosecuting Organized Hate on Campuses under Federal Civil Rights Laws¹

For well over a decade there has been an increasingly violent movement spreading across American university campuses. [The movement, spearheaded by an organization named “Students for Justice in Palestine” \(“SJP”\), targets Jews while also working to advance an overtly anti-American agenda.](#) Though this movement is not new, in the wake of the horrific Hamas terror attack in Israel on October 7, 2023 (referred to herein as the “October 7 Terror Attack”) it has abandoned all prior claims that it was a civil rights movement and has, instead, [opened up a new front for Palestinian Arab terror on American campuses.](#)

From California to New York, campuses across the country have become no-go zones for Jewish students, especially those that openly identify as Jews or Zionists. Mobs led by SJP literally hunt down Jewish students to subject them to assaults, harassment and intimidation, all meant to drive Jews from campus and create [Judenrein](#) public places. Rather than shying away from Hamas, a U.S. designated foreign terror organization responsible for the universally condemned massacre of civilians, SJP and allied groups have embarked on a public relations campaign to justify the slaughter, portray Hamas as freedom fighters and further the Hamas agenda in the United States.

SJP campus hate groups often operate with the support of universities, where these groups are bestowed with privileges provided to registered student organizations and frequently have university faculty and staff as advisors.² Since the October 7 Terror Attack, [SJP mobs](#), often in masks to hide their identities, have targeted Jewish students with threats and acts of violence. At the University of California, Los Angeles, masked SJP members have been [filmed roaming across campus wielding knives](#) while similar stories of violence and intimidation are common on other campuses.

Existing federal civil rights laws that protect individuals and groups from exercising their Constitutional and federally protected rights, codified at 18 U.S.C. §§ 241, 242 and 245 and known as the “**KKK Laws**”, apply to the types of campus antisemitic attacks that have been occurring frequently since the October 7 Terror Attack and must be enforced by the United States Department of Justice (“**DOJ**”, “**United States**” or “**Government**”) since there is no private right of action available for those whose rights have been interfered with.

¹ Prepared by Zachor Legal Institute, www.zachorlegal.org, March 2024.

² Zachor Legal Institute represents a UCLA student who has been excluded from classes and areas of campus by UCLA faculty that advise Students for Justice in Palestine and currently has an active Title VI complaint being investigated by the Department of Education over this particular situation. The Title VI complaint is OCR Complaint Number 09-22-2257. The Department of Education has described the complaint as being based on claims that “...the University has discriminated against students on the basis of national origin (shared Jewish ancestry) by allowing Students for Justice in Palestine to host events, such as Palestine Liberation Week, that exclude Jewish students and to engage in harassment of Jewish students, and by excluding Jewish students from enrolling in a course that teaches antisemitic viewpoints.”

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Executive Summary

Existing federal laws prohibit individuals and groups from depriving anyone of Constitutional and federally protected rights, including First Amendment rights to speech, assembly and association as well as the right to participate in federally funded programs such as obtaining an education at a public university. While these laws were originally enacted to address coordinated attacks on the rights of freed slaves they are now used in a variety of scenarios, from election interference to police brutality to extremist groups that target individuals based on their race, color, religion or national origin.

After the October 7 Terror Attack, extremist groups who were already being investigated for past oppression of and attacks on Jewish students on American university campuses joined forces to target Jewish students, using violence, intimidation and harassment to force these students off campus and into hiding. The goal of SJP is to implement an extremist ideology in American campuses, one that is both anti-American and anti-Israel, to create a new generation of radical Americans who align with the agenda of terror groups. To do this, they first silence opposing voices and then, working with university officials and employees, create a totalitarian environment on campuses where only one point of view can be propagated.

That point of view is distinctly anti-American and focused on promoting the agenda of international Marxist organizations to “decolonize” the western world, starting with the elimination of the only Jewish state in existence, Israel.

Indeed, as a group of New York State Legislators recently [wrote](#) to New York Governor Kathy Hochul, “The National Students for Justice in Palestine (National SJP), the umbrella organization which New York chapters are under, published a “toolkit” that refers to the Hamas operation as “the resistance” and states that “**Palestinian students in exile are PART of this movement, not in solidarity with this movement.**” As such, National SJP is essentially admitting that it is part of a U.S. government-designated Foreign Terrorist Organization.”

The mass deprivation of rights is patently in violation of the many federal laws, including the KKK Laws and must be prosecuted by the DOJ to restore the rule of law and rid American campuses of hate and discrimination.

This memorandum will first provide a summary of the campaign to deprive American Jews of rights, then briefly describe the KKK Laws, followed by a detailed discussion of the elements of each of the KKK Laws. This memorandum then applies the KKK Laws to a hypothetical fact pattern based on actual events to determine how the DOJ should enforce the laws and ends with a call to action.

Summary of Palestinian Arab Activists’ Terror Campaign against American Jews.

From prowling campuses with weapons to assaults on Jewish students to attacks on Congress and the White House, Palestinian Arab groups, often led by SJP, have engaged in a coordinated and wide-ranging campaign of terror against American Jews and anyone who supports Israel. A report by the civil rights watchdog organization Stopantisemitism recently outlined the extent of antisemitism on campuses in its report “[2023 Report Card: Antisemitism on College and University Campuses.](#)”

A brief review of media coverage since the October 7 Terror Attack reveals the following incidents:

- “Cornell Jewish center under guard after online threats to students.” <https://www.theguardian.com/us-news/2023/oct/30/cornell-jewish-student-center-threats>

- “Colleges braced for antisemitism and violence. It’s happening.”
<https://www.washingtonpost.com/education/2023/10/31/antisemitism-college-campuses-jewish-hamas-gaza/>
- “The White House on Monday outlined a slew of actions intended to address what it called an “alarming” rise in reported antisemitic incidents at schools and on college campuses in the wake of the Hamas terrorist attack against Israel earlier this month.”
<https://thehill.com/homenews/administration/4283154-biden-administration-outlines-actions-to-address-antisemitism-on-college-campuses/>
- “Pro-Palestinian rally at Cooper Union leads to tense moments at library.”
<https://www.youtube.com/watch?v=F8s0jORH9Xs>
- “3 Jewish students sue NYU, claiming college failed to protect them from antisemitism.”
<https://abcnews.go.com/US/3-jewish-students-sue-nyu-claim-college-failed-protect-them-from-antisemitism/story?id=104899747>
- “Cornell Prof. Russell Rickford Speaks at Pro-Hamas Rally.” <https://www.youtube.com/watch?v=yAZcG-ZHOz4>
- “Just another battle or the Palestinian war of liberation?” <https://electronicintifada.net/content/just-another-battle-or-palestinian-war-liberation/38661>
- “Letter from Columbia College Faculty Supporting Hamas.”
<https://docs.google.com/document/u/1/d/1cVLg6RTnqd2BTzuouWbfACnFEEx7GQeImDZJnMIUReM/mobilebasic>
- “Free, Free Palestine”: Students gather in solidarity with Hamas.” <https://temple-news.com/free-free-palestine-students-gather-in-solidarity-with-palestine/>
- “Jewish William & Mary students say other students verbally assaulted them due to war in Israel.”
<https://www.wavy.com/news/local-news/williamsburg/jewish-wm-students-say-other-students-verbally-assaulted-them-due-to-war-in-israel/>
- “Pro-Palestine Mob Swarms Jewish-Owned Falafel Shop in Philly: ‘You Can’t Hide, We Charge You With Genocide!’” https://themessenger.com/news/goldie-philadelphia-falafel-shop-protest-pro-palestinian?utm_source=onsite&utm_medium=trending_story
- “Teachers Union Official Compiled List Of Nearby Wealthy Jews, Calling Them ‘Gluttons And Thieves’”
<https://www.dailywire.com/news/teachers-union-official-compiled-list-of-nearby-wealthy-jews-calling-them-gluttons-and-thieves>
- “Four times Jewish students were attacked on campuses in 2023”
<https://www.campusreform.org/article/4-times-jewish-students-were-attacked-on-campuses-in-2023/24482>
- “Palestinian Protesters Tell Jews Leaving Israeli Embassy ‘We Will Kill You All, Occupiers.’”
<https://www.breitbart.com/middle-east/2023/12/14/watch-palestinian-protesters-tell-jews-leaving-israeli-embassy-we-will-kill-you-all-occupiers/>
- “‘I won’t sit with a Jew’: Students tell of violence, antisemitism on campus.”
<https://www.jpost.com/diaspora/article-780245>
- “Popular Jewish musician accuses venues of antisemitism after they canceled his concerts hours before showtime.” <https://www.foxnews.com/media/popular-jewish-musician-accuses-venues-antisemitism-after-they-canceled-concerts-hours-before-showtime>
- “‘You Jew!’: UC Berkeley Mob Attacks Jews During Event. <https://www.algemeiner.com/2024/02/27/you-jew-uc-berkeley-mob-attacks-jews-during-event-with-idf-soldier-university-pledges-investigation/>

- “Swastikas on Lockers, Calls To ‘Kill the Jews’ Are What Pupils Face in Berkeley Public Schools”
<https://www.nysun.com/article/swastikas-on-lockers-calls-to-kill-the-jews-are-what-pupils-face-in-berkeley-public-schools-complaint-alleges>.

This is simply the tip of the iceberg in terms of the coordinated and overwhelming antisemitic attacks on Jews across the country, frequently led by SJP, and doesn’t even include the waves of Palestinian terror supporter attacks against [Congress](#), the [White House](#) and [memorials](#) in Washington D.C. or attacks on [Jewish religious institutions](#).³ A recent report on antisemitic incidents in 2023 showed a year over year increase of nearly 60%, with university incidents rising in an alarming and coordinated fashion.⁴

SJP is the most prominent of campus groups focused on promoting terror and attacking Jewish students, as documented in an Opinion piece by former Assistance U.S. Attorney Paul Moore in The Hill:⁵

The sudden campus protests followed the announcement by the national “Students for Justice in Palestine” that Oct. 12 be “a day of resistance” on campuses nationwide. SJP national called Hamas’s attack “a historic win for the Palestinian resistance,” and many of SJP’s 200 chapter organizations praised Hamas’s brutal terrorist attack, condemned Israel, called for its destruction and organized protests of U.S. support for Israel.

SJP’s University of Minnesota chapter declared on Instagram that “the events of resistance that transpired on Saturday, Oct. 7, are a result of the brutal settler-colonial ethno-state [Israel].” On Oct. 12, it held a bake sale “in loving memory of Palestine’s martyrs.” On Oct. 21, it led a march of 8,000 pro-Hamas protesters at the state capitol. Joined by the university’s Campus Marxists (Students for Socialist Revolution), the SJP UMN organized an “urgent public meeting” on campus.

It explicitly called for a “communist movement here...to overthrow U.S. imperialism. Intifada until victory!” In a Nov. 1 post, SJP UMN boasted that “[o]ver 4,000 people marched through downtown...as war criminal Joe Biden visited the state.”

Despite its clear promotion of violence and overthrow of the U.S. government, SJP UMN remains an officially recognized, university-supported student organization.

Hamas’s initial attack against Israel was still underway when, on Oct. 7, SJP’s Columbia University chapter called for students to meet on campus before proceeding to the “All Out For Palestine” demonstration in Times Square on Oct. 8. On Oct. 11, a 24-year-old Israeli student was physically attacked by a 19-year-old while handling out fliers on campus, prompting Columbia to close its campus on Oct. 12 – SJP’s self-proclaimed nationwide “day of resistance.”

Harvard’s “Palestine Solidarity Groups” organized masked student demonstrations chanting “Intifada! Intifada! Intifada! From the river to the sea, Palestine shall be free!” and held a “die-in” while

³ <https://torontosun.com/news/local-news/warmington-theres-nothing-appropriate-about-protesting-at-a-synagogue-or-place-of-worship>.

⁴⁴ <https://combatantisemitism.org/wp-content/uploads/2024/02/Data-Report-2023.pdf> (“Over the years, anti-Israel campus groups have adopted rhetoric grounded in universal progressive ideals, effectively cloaking their criticisms in broader socio-political frameworks. The use of anti-colonialism and anti-imperialism narratives has been particularly notable and effective in providing a justification for acts of violence against Israelis...The crimes against humanity carried out by Hamas on October 7th fueled a significant rise of antisemitism in higher learning institutions, specifically on American campuses.”)

⁵ <https://thehill.com/opinion/education/4306667-all-colleges-should-be-banning-students-for-justice-in-palestine/>

holding signs that read “Hold Harvard Accountable for Supporting Genocide.” After the physical assault of an Israeli Harvard Business School student, Harvard’s president spoke of its embrace of free expression but noted that Harvard rejects terrorism, hate of Jews and Muslims and of any group of people based on their faith or national origin.

Stanford’s SJP chapter led students chanting, “Two, four, six, eight! Smash the Zionist settler state!” This prompted the school’s president to issue a letter acknowledging “expressions of concern” for Jewish student safety. Stanford’s chancellor wrote that she was “heartbroken by the terrible violence and suffering in Israel and Gaza” and of Stanford’s resolute commitment to ensuring “freedom of expression.”

On Oct. 9, Binghamton University’s SJP chapter accused Israel of declaring war through its atrocities against the Palestinian people in the world’s “largest open air prison” and called Israel’s existence “more than 75 years of ethnic cleansing, settler colonialism, pogroms of Palestinian towns and villages.”

George Washington University’s SJP chapter declared that “[a] settler is an aggressor, a soldier, and an occupier even if they are lounging on our occupied beaches” and posted an image with the words “GLORY TO OUR MARTYRS” projected onto the side of GWU’s Gelman Library. It then issued a statement supporting “the liberation of our homeland and our people’s right to resist the violent...colonialization of our homeland by any means necessary.”

CUNY Law School’s SJP chapter likewise threatened that “if you support Palestine, understand that necessitates supporting our right to defend ourselves and liberate our homeland by any means necessary.”

The call to attack Zionists and eliminate Zionists is a direct call for genocide against Jews given that Zionism is the Jewish movement for self-determination in the historic Jewish homeland of Israel.

To eliminate Zionism is to eliminate Jews.

Applicable Federal Civil Rights Laws

After slavery was abolished in the United States, Congress enacted laws to protect freed black Americans from threats, violence and deprivations of rights at the hands of private parties (primarily the Ku Klux Klan) and government officials who conspired with those parties. Those laws, beginning with the [Enforcement Acts of 1870 and 1871](#), continue today in the form of, *inter alia*, the KKK Laws, enforced exclusively by the DOJ.

While slavery and antisemitism aren’t logically connected, the tactics of those who opposed the abolition of slavery and the codification of equal rights for blacks in America are very similar to [modern antisemites](#), especially supporters of Palestinian Arab terror. To wit, after reconstruction, the Ku Klux Klan, partnered with local government officials, deprived freed black Americans of their rights to education, free assembly, free speech, participation in commerce and business as well as basic civil rights, all in an attempt to keep black Americans from having full and equal participation in American society and institutions. The same is now happening with regard to Palestinian Arab terror supporters like SJP, who are using violence and threats to deprive Jews of their right to education, assembly, speech and commercial activity, especially on university campuses and [often with the support of government actors like university staff and faculty](#).

The Department of Justice has relied upon the KKK Laws in prosecutions ranging from [police brutality](#) to [election interference](#); these laws apply equally to antisemitic activity undertaken by the likes SJP and universities that enable such groups.

In covering the indictment of former President Donald Trump under 18 U.S.C. § 241, the Washington Post provided a [comprehensive summary](#) of the KKK Laws, as detailed below:

The statute, Section 241 of Title 18 of the U.S. Code, was originally adopted as part of the Enforcement Act of 1870. It was the first in a series of measures known as the Ku Klux Klan Acts designed to protect rights guaranteed by the 13th, 14th and 15th amendments, collectively called the Reconstruction Amendments. Section 241 makes it a crime to “conspire to injure, oppress, threaten, or intimidate any person” exercising a right protected by the Constitution or federal law.

...

Initially wielded against the Klan for keeping newly emancipated Black people from exercising their right to vote, Section 241 has also been used to prosecute a wider range of election subversion, including threatening or intimidating voters, impersonating voters, destroying ballots and preventing the official count of ballots. It has also become a linchpin of broader civil rights enforcement, used to prosecute hate crimes and law enforcement misconduct. Derek Chauvin, the police officer who pressed his knee into George Floyd’s neck in Minneapolis, pleaded guilty in 2021 to violating a related statute, Section 242, which makes it a crime for public officials, acting in their official capacity, to deny a person’s constitutional rights.

...

The Reconstruction Amendments, and the legislation passed to enforce them, marked a dramatic expansion of federal power to protect civil and political rights — a remaking of the Constitution so profound that historians have called it the nation’s “second founding.”

*Courts soon defanged Section 241 and other cornerstones of Reconstruction. In 1876, the Supreme Court reversed the criminal convictions of several members of a White mob that killed Black men during the infamous Colfax massacre, an insurrection against Louisiana’s Reconstruction government. The decision, in *U.S. v. Cruikshank*, was the most notable in a series of rulings narrowing the scope of rights covered by the provision.*

Expansive civil rights legislation and vigorous enforcement in the mid-20th century breathed new life into Section 241, which was used to prosecute members of the Ku Klux Klan who carried out the 1964 Freedom Summer murders. In 1981, four White men, who assaulted a young Black man and his White wife driving through Alabama, were charged under the statute. A Ku Klux Klan member who oversaw the burning of a cross in the front yard of a Puerto Rican man and his Mexican wife was indicted in 1999 under the law.

For more than a century, meanwhile, the law has been used to punish election interference, in cases as disparate as an Oklahoma election board’s omission of precincts in a congressional election and a Kentucky mayor’s involvement in fraud, vote buying and identity theft.

...

Violations of Section 241 are felonies punishable by up to 10 years in prison or longer if someone is killed and, significantly, don’t require the conspiracies to be successful.

...

Jeannine Bell, a professor at the Loyola University Chicago School of Law who has studied the significance of the law in penalizing anti-integrationist crimes such as cross burnings, said its application to the former president is not entirely unorthodox.

*“The statute is best known in the context of extremists and Klan violence, but it has been used for people who are not **robe-wearing extremists**,” she said.*

In other words, the violent suppression of rights by [keffiyeh](#)-wearing extremists is also prosecutable under the KKK Laws.

Overview of the Text and Elements of the KKK Laws

The likely parties in a DOJ prosecution would include National Students for Justice in Palestine, the parent organization of SJP, each campus chapter of SJP, individuals in leadership and other decision-making positions with SJP, campus groups that affiliate with SJP and share common goals (such as the Muslim Students Association) and those public officials that work with SJP, which include staff and faculty at public universities (collectively, the “**SJP Parties**”⁶).

As a preliminary matter, while 18 U.S.C. § 371, a conspiracy statute, is not part of the KKK Laws, it can be used in connection with the KKK Laws to reach those parties who enable the deprivation of rights but are not direct parties. As such, this section begins with a discussion of 18 U.S.C. § 371 before moving on to a discussion of the KKK Laws.

The sections in this overview are derived from Department of Justice trial briefs in relevant prosecutions, Lexis summaries and original drafting. For each law, the text of the statute is presented first, followed by a listing and then discussion of the elements of each law and citations to relevant cases.

Moreover, it should be noted that that under 42 U.S.C. § 2000a, it is a federally protected right to have equal access to public accommodations, including restaurants, theaters, retail stores, etc., and being denied access to such public accommodations would trigger the provisions of some or all of the KKK Laws with respect to campus antisemitic activity. See *United States v. Johnson*, 390 U.S. 563, 565-66 (1968) (holding that by virtue of the Civil Rights Act of 1964, 42 U.S.C. § 2000a, the right to service in a public restaurant is a right protected by the laws of the United States, within the meaning of 18 U.S.C. § 241).

18 U.S.C. § 371

Text of the statute:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

⁶ Students for Justice in Palestine chapters tend to change their names, create offshoot groups and otherwise act in a manner as to obfuscate their affiliations and identities. When the Department of Justice investigates the SJP Parties it should be cognizant of this fact and investigate all groups that act in concert with, or under an affiliation with, Students for Justice in Palestine notwithstanding the names of the groups.

Elements of the offense

In any prosecution under 18 U.S.C. § 371, the following elements must be established:

- (1) there was an agreement between two or more persons to commit a particular crime charged in the indictment;
- (2) each defendant became a member of the conspiracy knowing at least one of its objects and intending to help accomplish it; and
- (3) one of the members of the conspiracy performed at least one overt act for the purpose of carrying out the conspiracy.

Discussion of elements:

Element one: The agreement to engage in criminal activity between the conspirators need not be explicit but may be inferred from circumstantial evidence. *United States v. Sullivan*, 522 F.3d 967, 976 (9th Cir. 2008); *United States v. Morland*, 509 F.3d 1201, 1218 (9th Cir. 2007); *United States v. Thomas*, 586 F.2d 123, 127-32 (9th Cir. 1978). Indeed, the agreement may consist of nothing more than a tacit understanding. *United States v. Mohr*, 728 F.2d 1132, 1135 (8th Cir. 1984). Proving the crime of conspiracy requires proof of an overt act. *Falcone*, 311 U.S. at 210. The overt act need not itself be a crime; its function is merely to show “that the conspiracy is operative.” *United States v. Buckner*, 610 F.2d 570, 573 (9th Cir. 1979). Knowledge of the objectives of the conspiracy is an essential element. *United States v. Rizk*, 660 F.3d 1125, 1134 (9th Cir. 2011) (citing *United States v. Krasovich*, 819 F.2d 253, 255 (9th Cir. 1987)).

Element two: However, similar to the agreement itself, “the government need not prove knowledge with direct evidence; circumstantial evidence and the inferences drawn from the evidence can sustain a conspiracy conviction.” *United States v. Wright*, 215 F.3d 1020, 1028 (9th Cir. 2000). “Once a conspiracy is established [,] only a slight connection to the conspiracy is necessary to support a conviction.” *United States v. Reed*, 575 F.3d 900, 924 (9th Cir. 2009) (quoting *United States v. Herrera-Gonzalez*, 263 F.3d 1092, 1095 (9th Cir. 2001)). The term “slight connection” means that a defendant need not have known all the conspirators, participated in the conspiracy from its beginning, participated in all its enterprises, or known all its details. *Id.*

Element three: One who joins an ongoing conspiracy is bound by all acts of coconspirators taken in furtherance of the conspiracy. *See, e.g., United States v. Traylor*, 656 F.2d 1326, 1337 (9th Cir. 1981) (citing *United States v. Knight*, 416 F.2d 1181, 1184 (9th Cir. 1969)). A co-conspirator is also responsible for all reasonably foreseeable substantive crimes committed in furtherance of the conspiracy, even if he or she did not participate in or have knowledge of their commission. *See, e.g., Pinkerton v. United States*, 328 U.S. 640 (1946); *United States v. Reed*, 726 F.2d 570, 580 (9th Cir. 1984); *United States v. Ferris*, 719 F.2d 1405, 1408 (9th Cir. 1983); *United States v. Shapiro*, 669 F.2d 593, 596 n.2 (9th Cir. 1982). Thus, the act of one conspirator is the act of all. *See, e.g., Phillips v. United States*, 356 F.2d 297, 303 (9th Cir. 1966).

Finally, “[t]he rule is well established that the government in a conspiracy case may submit proof on the full scope of the conspiracy; it is not limited in its proof to the overt acts alleged in the indictment.” *United States v. Rizk*, 660 F.3d 1125, 1131 (9th Cir. 2011); *accord United States v. Montgomery*, 384 F.3d 1050, 1061-62 (9th Cir. 2004) (acts that occurred within the temporal scope of the conspiracy and were inextricably intertwined with the conspiracy are not subject to Rule 404(b) analysis).

Moreover, such inextricably intertwined acts are considered direct evidence of the offense. *See United States v. Ramirez-Jiminez*, 967 F.2d 1321, 1327 (9th Cir. 1992).

18 U.S.C. § 241

Text of the Statute

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Elements of the offense:

In any prosecution under 18 U.S.C. §241, the following elements must be established:

- (1) That a conspiracy involving two or more people existed;
- (2) That the object of the conspiracy was to injure, oppress, threaten, or intimidate a person in the free exercise or enjoyment of a right protected by the Constitution or laws of the United States; and
- (3) That the defendant knowingly and voluntarily joined the conspiracy with an understanding of its purpose and unlawful nature.

Discussion of elements:

18 U.S.C. § 241, unlike the general federal conspiracy statute, 18 U.S.C. § 371, requires no proof of an overt act in furtherance of the conspiracy. *United States v. Skillman*, 922 F.2d 1370, 1375-76 (9th Cir. 1990) (holding that no overt act is required for a § 241 conspiracy).

Element one: A conspiracy is an agreement involving two or more people who join together either to attempt to accomplish an unlawful purpose or to attempt to accomplish a lawful purpose by unlawful means. *United States v. Feola*, 420 U.S. 671, 695-96 (1975). The crux of the offense is an agreement to violate or disregard the law. *United States v. General Motors*, 384 U.S. 127 (1966). The United States does not need to prove that the agreement between the coconspirators was express or formal. Instead, the evidence must show only that the defendants came to a mutual understanding - either explicitly or tacitly - to try to accomplish an unlawful plan. See *Pereira v. United States*, 347 U.S. 1, 12 (1954); *Iannelli v. United States*, 420 U.S. 770, 777 n.10 (1975) (noting that the conspiratorial agreement "need not be shown to have been explicit").

Similarly, the United States does not have to prove that each conspirator joined in the conspiracy at the time of its formation, or that each conspirator played an equal role in the conspiracy. See *United States v. Saavedra*, 684 F.2d 1293, 1301 (9th Cir. 1982) (holding that a conspiracy defendant is vicariously liable for all acts taken by her coconspirators, regardless of her role in those offenses); *Skillman*, 922 F.2d at 1373 (noting that once a conspiracy has been established, the government need only show a "slight connection" between a defendant and that conspiracy).

Ordinarily, only the results of a conspiracy, rather than the agreement itself, are visible. For that reason, a conspiracy may be proven through circumstantial evidence. *United States v. Garcia*, 151 F.3d 1243, 1245 (9th Cir. 1998) ("[A]n implicit agreement may be inferred from circumstantial evidence."); *United States v. Penagos*, 823 F.2d 346, 348 (9th Cir. 1987) ("The existence of a conspiracy may be proved by circumstantial evidence that defendants acted together for a common illegal goal.").

Element two: The United States must also prove that the purpose of the conspiracy was to injure, oppress, threaten, or intimidate the victim in the free exercise of a federally protected right. *United States v. Price*, 383 U.S. 787, 800 (1966); *United States v. Guest*, 383 U.S. 745, 760 (1966); *United States v. Reese*, 2 F.3d 870, 881, 881 n.17 (9th Cir. 1993).

In satisfying this second element, the United States is not required to prove that the defendants were thinking in constitutional or legal terms, or that they knew that a federal law protected the right with which they intended to interfere. See, e.g., *Reese*, 2 F.3d at 881. In fact, the defendants need not even have known that their actions would violate anyone's protected rights. *O'Malley, Grenig, and Lee, Federal Jury Practice & Instructions*, § 29.05 (5th Ed. 2000). This element can be established by proof that the defendants intended to do an act that necessarily had the effect of depriving the victim of a federally protected right; a reckless disregard for a person's rights is evidence of specific intent to deprive that person of those rights. *Guest*, 383 U.S. at 760; see also *United States v. Gwaltney*, 790 F.2d 1378, 1386 (9th Cir. 1986) (approving instruction, in a civil rights case, that it was not necessary for the government to prove that defendant was "thinking in constitutional terms at the time of the incident" and noting that "a reckless disregard for a person's constitutional rights is evidence of specific intent to deprive that person of those rights.").

Element three: Finally, the United States must prove that the defendants knowingly joined the conspiracy with an understanding of its purpose and unlawful nature. To participate "knowingly" means to participate voluntarily and intentionally and not by ignorance, accident or mistake. See *United States v. Trevino*, 419 F.3d 896, 901 (9th Cir. 2005). An act is done knowingly and willfully if it is done voluntarily and with the intent to do something that the law forbids.

A defendant's intent to join a conspiracy often cannot be proven directly because there is no way of directly scrutinizing the workings of the human mind. For that reason, circumstantial evidence is admissible to show a defendant's membership in a conspiracy. This circumstantial evidence includes evidence of the defendant's relationship with other members of the conspiracy; the length of this association; his attitude and conduct; and the nature of the crime. E.g., *United States v. Wright*, 215 F.3d 1020, 1028 (9th Cir. 2000); *United States v. Mares*, 940 F.2d 455, 458 (9th Cir. 1991).

18 U.S.C. § 242

Text of the statute:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated

sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Elements of the offense:

In any prosecution under 18 U.S.C. § 242, the following elements must be established:

- (1) that defendants' acts must have deprived someone of a right secured or protected by Constitution or laws of United States;
- (2) that defendants' illegal acts must have been committed under color of law;
- (3) that person deprived of his rights must have been inhabitant of state, territory, or district; and
- (4) that defendants must have acted willfully.

Discussion of elements:

Element one: It must be shown that there has been a deprivation of the rights, privileges, or immunities secured or protected by Constitution and laws of United States (but not state laws). *Screws v. United States*, 325 U.S. 91 (1945).

Both 18 U.S.C. § 241, which makes conspiracy to interfere with citizen's free exercise or enjoyment of any right or privilege secured to him by Constitution or laws of United States federal offense, and 18 U.S.C. § 242, which makes it a federal offense to deprive any person under color of law of same rights, include, presumably, all of Constitution and laws of United States. *United States v. Price*, 383 U.S. 787 (1966).

Element two: Whether a person is acting under "color of law" means the person has some authority granted by the state and is acting within that authority when the deprivation of rights occurs, but it often is a facts and circumstances determination. In general, the phrase "color of law" means pretense of law; it may include, but does not necessarily mean, under authority of law. *United States v. Jones*, 207 F.2d 785 (5th Cir. 1953). 18 U.S.C. § 242 applies to actions taken under color of both state and federal law. *United States v. Otherson*, 637 F.2d 1276 (9th Cir. 1980), cert. denied, 454 U.S. 840 (1981).

In fact, even if a person acts outside of the authority he has been granted by the state he can be found to have acted under color of law. *Arkansas use of Temple v. Central Surety & Ins. Corp.*, 102 F. Supp. 444 (D. Ark. 1952). Further, it is immaterial whether the acts committed under color of state law are authorized by state law. *Guinn v. United States*, 238 U.S. 347 (1915).

The question is not whether state law had been violated but whether a person has been deprived of a federal right by one who acted under color of any law. *Screws v. United States*, 325 U.S. 91 (1945).

Even a misuse of power made possible only because wrongdoer is clothed with authority of state law is action taken "under color of" state law. *United States v. Classic*, 313 U.S. 299, reh'g denied, 314 U.S. 707 (1941).

Element three: "Inhabitant" as used in 18 U.S.C. § 242 refers to any person present within jurisdiction of United States including aliens. *United States v. Otherson*, 637 F.2d 1276 (9th Cir. 1980), cert. denied, 454 U.S. 840 (1981) but does not extend to temporary foreign visitors. *United States v. Maravilla*, 907 F.2d 216 (1st Cir. 1990), app. after remand sub nom. *United States v. Dominguez*, 951 F.2d 412 (1st Cir. 1991).

Element four: When a person acts under color of law to deprive another person of a federal right, it must be a willful act. This means not merely a conscious purpose to do wrong, but an intent to deprive the person of right which has been made specific either by terms of the Constitution or federal law, or by decisions interpreting them. *Screws v. United States*, 325 U.S. 91 (1945).

In order to violate 18 U.S.C. § 242, one must have a specific intent to willfully deprive a person of a defined right. *United States v. Hayes*, 589 F.2d 811 (5th Cir.), reh'g denied, 591 F.2d 1343 (5th Cir. 1979), cert. denied, 444 U.S. 847 (1979).

“Willfulness” requires that a person intended to commit an unconstitutional act without necessarily intending to do that act for specific purpose of depriving another of a constitutional right; in other words, to act “willfully” the person must intend to commit act that results in deprivation of established constitutional right as reasonable person would understand that right. *United States v. Bradley*, 196 F.3d 762 (7th Cir. 1999).

The requisite intent can be established by all attendant circumstances—malice of defendant, weapons used in assault, its character and duration, and provocation, if any. *United States v. Marler*, 756 F.2d 206 (1st Cir. 1985).

It is also possible to establish intent through a showing of bad faith and reckless disregard for constitutional rights. *United States v. Dize*, 763 F.2d 586 (3d Cir.), cert. denied, 474 U.S. 982, (1985).

18 U.S.C. § 245

Text of the Statute

18 U.S.C. § 245 provides, in pertinent part:

(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

(C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;

(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance;

or

(2) any person because of his race, color, religion or national origin and because he is or has been—

(A) enrolling in or attending any public school or public college;

(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

(C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;

(D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror;

(E) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;

(F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments; or

(3) during or incident to a riot or civil disorder, any person engaged in a business in commerce or affecting commerce, including, but not limited to, any person engaged in a business which sells or offers for sale to interstate travelers a substantial portion of the articles, commodities, or services which it sells or where a substantial portion of the articles or commodities which it sells or offers for sale have moved in commerce; or

(4) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(A) participating, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F); or

(B) affording another person or class of persons opportunity or protection to so participate; or

(5) any citizen because he is or has been, or in order to intimidate such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

Elements of the offense:

In any prosecution under 18 U.S.C. § 245, the following elements must be established:

- (1) That the person used force or the threat of force;
- (2) That the person willfully injured, intimidated, or interfered with the victim, or attempted to do so;
- (3) That the person acted because of the victim's race, color, or national origin;
- (4) That the person acted because the victim was enjoying the goods, services or facilities of a place or activity referenced in the statute; and, if a felony is charged,
- (5) That bodily injury resulted. This is only for felony charges. For other charges, no bodily injury is required.

Discussion of elements:

Element one: The plain language of 18 U.S.C. § 245 prohibits interference by both the threatened and actual use of force. Force is defined as power, violence, compulsion, or restraint exerted upon or against a person or thing. *United States v. McDermott*, 29 F.3d 404, 409 (8th Cir. 1994) (similar definition of force used); *United States v. Bamberger*, 452 F.2d 696, 699 (2d Cir. 1971) (discussing and relying on Webster's definition of force).

Element two: The words "injures," "intimidates," and "interferes," as used in 18 U.S.C. § 245, are not used in any technical sense. They cover a variety of conduct intended to harm, frighten or prevent the free action of others. *McDermott*, 29 F.3d at 410.

"Willfully" requires the United States to establish that the defendants committed the acts voluntarily and purposefully, rather than by inadvertence or mistake, and that the defendants acted with the specific intent to do something that the law forbids. *Screws v. United States*, 325 U.S. 91, 101 (1947); *Devitt & Blackmar*, Federal Jury Practice and Instructions §§ 17.03 .05 (4th ed. 1990). The issue is whether the defendants intended to intimidate the victim, not whether the victim was actually intimidated. *United States v. Redwine*, 715 F.2d 315, 322 (7th Cir. 1984) ("interference or intimidation is to be inferred from violent acts or threats, and there is no need to show the subjective state of mind of the intended victim").

Element three: The United States must also establish that the defendants' actions were motivated by the victim's race, color, or national origin. So long as the United States proves that the defendants were motivated in part by discriminatory animus, the presence of other motives, such as personal dislike, anger, or revenge, will not make the conduct any less a violation of Section 245. See, e.g., *United States v. Johns*, 615 F.2d 672, 675 (5th Cir. 1980) (rejecting a sufficiency of the evidence challenge to 42 U.S.C. § 3631 and 18 U.S.C. § 245 convictions) ("The presence of other motives, given the existence of the defendants' motive to end interracial cohabitation, does not make their conduct any less a violation of 42 U.S.C. § 3631."); *accord United States v. Magleby*, 241 F.3d 1306, 1310 (10th Cir. 2001); *United States v. McGee*, 173 F.3d 952, 957 (6th Cir. 1999); *United States v. Hartbarger*, 148 F.3d 777, 784 n.6 (7th Cir. 1998), overruled on other grounds by, *United States v. Colvin*, 353 F.3d 569 (7th Cir. 2003); *United States v. Gresser*, 935 F.2d 96, 101 (6th Cir. 1991); *United States v. Bledsoe*, 728 F.2d 1094, 1097-98 (8th Cir. 1984).

Element four: 18 U.S.C. § 245 lists a number of federally protected rights, including, *inter alia*, using public accommodations, voting, attending a public educational institution. The United States will have to establish that the defendants acted because the victim was engaging in any of the enumerated activities.

The United States is not required to establish that the defendants were thinking in legal terms to prove the defendants' intent to interfere with rights. Instead, the United States must simply show that the defendants intended to do something that would have the effect of interfering with the victim's federally protected right. *Screws*, 325 U.S. at 106-07; see also *Gwaltney*, 790 F.2d at 1386 (approving instruction, in a civil rights case, that it was not necessary for the government to prove that defendant was "thinking in constitutional terms at the time of the incident" and noting that "a reckless disregard for a person's constitutional rights is evidence of specific intent to deprive that person of those rights.").

Moreover, the United States may establish the defendants' intent to interfere with the victim's exercise of such rights by circumstantial evidence. See *United States v. Black*, 995 F.2d 233 (9th Cir. May 27, 1993) (unpublished) (holding that the defendant's intent to interfere with the victim's use of a gas station/convenience store was established circumstantially with evidence of the defendant's hatred of African-Americans; indiscriminate attack on the victim; and of their statements that the victim should get out of the town and the defendant's "'hood"); *United States v. Ebens*, 800 F.2d 1422, 1429 (6th Cir. 1986), abrogated on other grounds by, *Huddleston v. United States*, 485 U.S. 681 (1988) (ruling that the defendant's intent to interfere with the victim's use of a nude dancing lounge could be established by circumstantial evidence, which included the defendant's use of racial slurs and other remarks to the victim that the jury could infer "were intended to make [the victim's] remaining on the premises uncomfortable and embarrassing and to intimidate and dissuade him from remaining on the premises because of that bias").

The defendants' actions give rise to the permissible inference that they intended the natural consequence of their harassment. *United States v. Nelson*, 277 F.3d 164, 198 (2d Cir. 2000) (deciding that proof of the defendant's intent to assault victim while using public facility sufficient and the United States did not have to prove specific motive on part of defendant to deny the victim's use of the public facility); cf. *United States v. Price*, 464 F.2d 1217, 1218 (8th Cir. 1972) (rejecting defendant's contention that his racially-motivated assault of the victim

only incidentally occurred on federal property because the defendant knew all of the circumstances surrounding his assault and the natural and probable consequences of his acts were to prevent the victim from enjoying the federal recreational facilities) (discussing § 245(b)(1)(B)).

Element five: The last element required for a felony conviction is proof that the offense resulted in bodily injury to the victim. "Bodily injury means any injury to the body, no matter how minor or temporary, including pure physical pain." See *Hudson v. McMillian*, 503 U.S. 1, 5 (1992); see also *United States v. Perkins*, 132 F.3d 1324, 1326 (10th Cir. 1997) (holding that an injury that is painful or obvious, or is of a type for which medical attention ordinarily would be sought, is "significant" bodily injury); *United States v. Myers*, 972 F.2d 1566, 1572 (11th Cir. 1992) (approving instruction defining bodily injury as "any injury to the body, no matter how temporary" including "physical pain as well as any burn or abrasion"). The United States does not have to prove that the defendant intended to cause injury; the United States need prove only that bodily injury resulted [*30] from the defendant's conduct. *United States v. Marler*, 756 F.2d 206, 216 (1st Cir. 1985); *United States v. Hayes*, 589 F.2d 811, 820-22 (5th Cir. 1979).

Application of the KKK Laws to Campus Antisemitism

Since the October 7 Terror Attack there has been a rapid and highly organized campaign to deprive Jewish university students of their Constitutional and federally protected rights. A group of Jewish students published an op-ed in the New York Times that documents the specifics of what has been happening across the country. This op-ed, titled "[What is Happening on College Campuses is Not Free Speech](#)", is a contemporaneous account which serves as a useful introduction to why the KKK Laws apply to campus antisemitism and is reprinted below:

By Gabriel Diamond, Talia Dror and Jillian Lederman

Mr. Diamond is a senior at Yale University. Ms. Dror is a junior at Cornell University. Ms. Lederman is a senior at Brown University.

Since the Hamas terrorist attacks on Oct. 7, campus life in the United States has imploded into a daily trial of intimidation and insult for Jewish students. A hostile environment that began with [statements](#) from pro-Palestinian student organizations [justifying](#) terrorism has now rapidly spiraled into death threats and physical attacks, leaving Jewish students alarmed and vulnerable.

On an online discussion forum last weekend, Jewish students at Cornell were [called](#) "excrement on the face of the earth," threatened with rape and beheading and bombarded with demands like "eliminate Jewish living from Cornell campus." (A [21-year-old junior](#) at Cornell has been charged with posting violent threats.) This horror must end.

Free speech, open debate and heterodox views lie at the core of academic life. They are fundamental to educating future leaders to think and act morally. The reality on some college campuses today is the opposite: open intimidation of Jewish students. Mob harassment must not be confused with free speech.

Universities need to get back to first principles and understand that they have the rules on hand to end intimidation of Jewish students. We need to hold professors and students to a higher standard.

The targeting of Jewish students didn't stop at Cornell: Jewish students at [Cooper Union](#) huddled in the library to escape an angry crowd pounding on the doors; a protester at a rally near New York University

carried a [sign](#) calling for the world to be kept “clean” of Jews; messages like “glory to our martyrs” were [projected](#) onto a George Washington University building.

This most recent wave of hate began with prejudiced comments obscured by seemingly righteous language. After the Oct. 7 attacks, more than 30 student groups at Harvard signed on to a [statement](#) that read, “We, the undersigned student organizations, hold the Israeli regime entirely responsible for all unfolding violence.” There was no mention of Hamas. The university issued such a tepid [response](#), it almost felt like an invitation.

Days later, at a pro-Palestinian rally, the Cornell associate professor Russell Rickford [said](#) he was “exhilarated” by Hamas’s terrorist attacks. (He later [apologized](#) and was granted a leave of absence.) In an article, a Columbia professor, Joseph Massad, seemed to [relish](#) the “awesome” scenes of “Palestinian resistance fighters” storming into Israel. Most recently, over 100 Columbia and Barnard professors signed a [letter](#) defending students who blamed Israel for Hamas’s attacks. To the best of our knowledge, none of these professors have received meaningful discipline, much less dismissal. Another green light.

Over these last few weeks, dozens of anti-Israel protests have been hosted on or near college campuses. Many of these demonstrations had threatening features: [Masked students](#) have chanted [slogans](#) such as “From the river to the sea, Palestine will be free,” which many view as a call for the destruction of Israel. Others have shouted, “There is only one solution, intifada revolution.” The word “intifada” has a gruesome history: During the Aqsa intifada of the early 2000s, hundreds of Israeli civilians were killed in [attacks](#).

On at least one occasion, these student protests have even [interrupted](#) candlelight vigils for the victims of Oct. 7. And they haven’t been condemned by the leadership at enough universities. In recent days, some universities, including Cornell, have released statements denouncing antisemitism on campus. Harvard also announced the creation of an advisory group to combat antisemitism.

The terms “Zionist” and “colonizer” have [evolved](#) into [epithets](#) used against Jewish students like us. These labels have been spit at some of us and our friends in dining halls, dorm common rooms, outside classes and at parties.

Failure by any university to affirm that taunts and intimidation have no place on campus legitimizes more violent behaviors. We are seeing it play out before our eyes.

At Columbia, an Israeli student was physically [assaulted](#) on campus. Near Tulane, a Jewish student’s head was [bashed with the pole](#) of a Palestinian flag after he attempted to stop protesters from burning an Israeli flag. And students at Cornell live in fear that their peers will actualize antisemitic threats.

All students have sacred rights to hold events, teach-ins and protests. And university faculty members must present arguments that make students uncomfortable. University campuses are unique hubs of intellectual discovery and debate, designed to teach students how to act within a free society. But free inquiry is not possible in an environment of intimidation. Harassment and intimidation fly in the face of the purpose of a university.

The codes of ethics of universities across the country condemn intimidation and hold students and faculty to standards of dignity and respect for others. Campuses are at a crossroads: The leadership can either enforce these ethics codes or these places of learning will succumb to mob rule by their most radical voices, risking the continuation of actual violence.

Simply affirming that taunts and intimidation have no place on campus isn't enough. Professors violating these rules should be disciplined or dismissed. Student groups that incite or justify violence should not be given university funds to conduct activity on campus.

Furthermore, in line with anti-harassment and anti-discrimination policies, established university initiatives that protect minority groups must also include Jews. Universities should adopt the [International Holocaust Remembrance Alliance definition](#) of antisemitism as a mechanism for properly identifying and eliminating anti-Jewish hate.

No students should be subject to discrimination, let alone outright threats and hostility, on the basis of their identity. This standard must be applied to Jewish students, too.

Finally, it is vital that individual campus community members — students, professors, alumni, staff members and parents — act against intimidation and incivility. Stand with your Jewish friends at peaceful assemblies. Call on universities via letters and petitions to restore civility on campus.

Although one may think antisemitism has an impact [only](#) on Jews, history shows it [poisons](#) society at large. Universities have a moral responsibility to counter hateful violence in all its forms. When they fail to do so, they fail us all.

For purposes of this analysis, we will use the following structure and assumptions (the “Hypothetical”):

- **Primary actors:** SJP at the University of California, Los Angeles (“SJP UCLA”) where a Title VI investigation has recently commenced. At this campus, members of SJP UCLA assault Jewish students, prevent Jewish students from accessing all of the campus’s facilities and routinely intimidate Jewish students, including through patrolling campus in masks while carrying weapons, and prevent Jewish students from obtaining an education. To promote these strategies, the SJP Parties have even published a guide to coordinate the activities of various parties, referred to internally as the Fall 2023: Palestine Organizing Toolkit - Palestine Solidarity Working Group. (the “**SJP Parties Manual**”).⁷
- **Secondary actors:** members of the university’s faculty, staff and administration (collectively, “**UCLA Faculty**”) advise SJP UCLA, prevent Jewish students from enrolling in their classes and openly support the United States designated foreign terror organization Hamas in concert with student members of UCLA.
- **Tertiary actors:** There are a number of documented connections between SJP and other groups that operate either on private universities, such as [Columbia Social Workers For Palestine](#), as well as designated foreign terror organizations like [Hamas and the Popular Front for the Liberation of Palestine](#). Further, certain non-profit fundraising organizations are believed to be fronts for foreign terror organizations and they are reportedly funding the SJP Parties.

⁷ Wearing masks is a strategy that a coalition of Palestinian Arab terror supporters, including Students for Justice in Palestine, has recommended as part of their post-October 7 attacks on Jewish students: “Mask up and advise any comrades at heightened risk of doxxing, particularly Palestinians, to mask up and cover identifiable traits such as tattoos, hair, etc.” https://www.google.com/url?q=https://bit.ly/pali-toolkit&sa=D&source=editors&ust=1703124526595668&usg=AOvVaw3gYoVApfswblp_pwAqyU8r.

- **Targets of the SJP UCLA and UCLA Faculty deprivations of rights:** Jewish UCLA students who openly identify as either Zionist or actual or perceived Jewish.⁸
- **Nature of the SJP Parties Actions:** Targeting Jewish students with the intent and effect of (i) suppressing such students' rights to free speech and assembly; (ii) interfering with the students' rights to an education at a public university; assaulting such students; and intimidating Jewish students to prevent them from participating in campus discourse, activities and governance.

The intent of those violating the rights of Jews on campus will obviously vary by case, but the obvious goals are, at a minimum, to silence and delegitimize Jewish students and their interests. The Hypothetical is based upon an actual Title VI complaint currently being investigated by the Department of Education and the details, with names redacted, are presented in **Exhibit A** hereto.

Analysis of 18 U.S.C. § 241 as applied to the Hypothetical.

The elements of 18 U.S.C. § 241 are:

- (1) That a conspiracy involving two or more people existed;
- (2) That the object of the conspiracy was to injure, oppress, threaten, or intimidate a person in the free exercise or enjoyment of a right protected by the Constitution or laws of the United States; and
- (3) That the defendant knowingly and voluntarily joined the conspiracy with an understanding of its purpose and unlawful nature.

Element one analysis: As discussed herein, 18 U.S.C. § 241 caselaw provides that a conspiracy is an agreement involving two or more people who join together either to attempt to accomplish an unlawful purpose or to attempt to accomplish a lawful purpose by unlawful means. It wouldn't even be shown that the agreement was explicit; rather, a mutual understanding - either explicitly or tacitly - to try to accomplish an unlawful plan is all that is needed and circumstantial evidence can suffice in this regard.

Thus, for the first element, since the SJP Parties generally act in concert with each other and plan their activities carefully (see the SJP Parties Manual) to deprive Jewish students of Constitutional and federally protected rights, a conspiracy clearly exists.

Element two analysis: In this case, the SJP Parties have infringed upon the rights of Jewish Students to full and equal enjoyment of a place of education without discrimination on the grounds of race, color, or national origin, which are all rights protected by the Constitution and federal laws, including, but not limited to, Title VI of the Civil Rights Act. Further, the SJP Parties prevent Jewish students from exercising First Amendment rights, including the right to speak on campus, the right to assemble on campus and the right to associate with other Jewish students on campus.

As 18 U.S.C. § 241 caselaw indicated, the DOJ is not required to prove that the SJP Parties were thinking in constitutional or legal terms, or that they knew that a federal law protected the right with which they intended to

⁸ Jews are an ethnic and racial category and Zionists are a subset of Jews. Zionists seek self-determination in the historic Jewish homeland of Israel. For a comprehensive discussion of Zionism on campuses, see Kenneth L. Marcus, *Anti-Zionism as Racism: Campus Anti-Semitism and the Civil Rights Act of 1964*, 15 Wm. & Mary Bill Rts. J. 837 (2007), available at <https://scholarship.law.wm.edu/wmboj/vol15/iss3/4>. For a detailed discussion of how Zionists are a subset of the ethnic and racial category referred to as Jews, see Marc A. Greendorfer, *Trading Places: The Intersection of LGBTQ Rights and Zionist Rights under Federal Civil Rights Laws*, publication forthcoming in the *Touro Law Review* (draft available at <https://papers.ssrn.com/abstract=4569945>.)

interfere. In fact, the DOJ does not even have to show that the SJP Parties knew that their actions would violate the protected rights of Jewish students on campus; the DOJ can satisfy this element with proof that the SJP Parties had a reckless disregard for the Jewish students' rights. Here, the purpose of the SJP Parties in targeting Jewish students is to prevent them from being engaged in campus activities, from speech to counterprotest to advocacy for Israel, and Jewish students are being prevented from obtaining an education due to the acts of the SJP Parties.

Element three analysis: Finally, the DOJ must prove that the defendants knowingly joined the conspiracy with an understanding of its purpose and unlawful nature. To participate "knowingly" means to participate voluntarily and intentionally and not by ignorance, accident or mistake. Again, the DOJ can rely on circumstantial evidence to satisfy element three, meaning that it can make its case based on the individual defendants relationship with other members of the conspiracy, the length of this association, their attitude and conduct and the nature of the crimes.

As the SJP Parties Manual and flyers (examples of which are pasted below) demonstrate, the entire purpose of the SJP Parties campus activities is to "shut down" universities and as this memorandum has documented, the SJP Parties are aligned with and part of Hamas and its goal to wage war upon Jews worldwide. The news articles listed above show that when the SJP Parties shut down campuses, they are targeting Jewish students with this activity. While peaceful protest generally is protected by the First Amendment, the use of violence and intimidation to prevent others from exercising their rights is not protected by the First Amendment.⁹



⁹ See *United States v. Gallagher*, 2023 U.S. Dist. LEXIS 114213, ___ F.Supp.3d ___, for a recent case where 18 U.S.C. § 241 was found to be applicable in a prosecution against abortion protestors who interfered with the right to enter abortion clinics without harassment. The right of Jewish students to participate in educational programs at publicly funded universities should be viewed under the same legal standard.



Conclusion for 18 U.S.C. § 241.

While prosecutions under 18 U.S.C. § 242 would have the most comprehensive impact on the coordinated campaign of the SJP Parties to deprive Jewish students of their rights, not all public universities have the type of overt alliances between university employees and student groups that attack Jews. As a result, 18 U.S.C. § 241 is the best option for cases where university employees are not coordinating with student groups.

Analysis of 18 U.S.C. § 242 as applied to the Hypothetical.

In many ways 18 U.S.C. § 242 is an analog to 18 U.S.C. § 241 for governmental actors. As such, the discussion of 18 U.S.C. § 242's applicability to the fact pattern in the Hypothetical will focus primarily on the question of whether any of the SJP Parties have acted under color of law.

- (1) that defendants' acts must have deprived someone of right secured or protected by Constitution or laws of United States;
- (2) that defendants' illegal acts must have been committed under color of law;
- (3) that person deprived of his rights must have been an inhabitant of state, territory, or district; and
- (4) that defendants must have acted willfully.

¹⁰ <https://www.shutitdown4palestine.org/graphics>.

Element one analysis:

The analysis for element of 18 U.S.C. § 242 is identical to the analysis for 18 U.S.C. § 241.

Element two analysis:

A person is acting under “color of law” when the person has some authority granted by the state and is acting within that authority when the deprivation of rights occurs but even if a person acts outside of the authority, he has been granted by the state he can be found to have acted under color of law. Further, it is immaterial whether the acts committed under color of state law are authorized by state law.

Even a misuse of power made possible only because wrongdoer is clothed with authority of state law is action taken “under color of” state law.

Of the SJP Parties, university faculty, staff and other employees are the parties that may act under color of law. In prosecutions of 18 U.S.C. § 242 the typical governmental actor is a law enforcement officer or an elected official. Nonetheless, there is ample precedent and exceedingly clear caselaw finding that faculty, staff and other employees of public universities also act under color of law in the context of 18 U.S.C. § 242.

The case of *United States v. Shaw*, 2022 U.S. Dist. LEXIS 215893, is one such case. In *Shaw*, an employee of San Jose State University, a public university in California, sexually assaulted a number of students and was prosecuted under, inter alia, 18 U.S.C. § 242. As the *Shaw* court explained:

*...several courts have held that employees of public universities acted under color of law when they engaged in misconduct related to their position or duties. See, e.g., Hayut v. State Univ. of New York, 352 F.3d 733, 744 (2d Cir. 2003) (public university professor who "misuse[d] [his] authority in the course of performing his duties" acted under color of law); Reinebold v. Ind. Univ. at S. Bend, No. 3:18-CV-525 DRL-MGG, 2020 U.S. Dist. LEXIS 240127, 2020 WL 7629096, at *2 (N.D. Ind. Dec. 21, 2020) (two athletic [*8] directors at public university acted under color of law in making decisions for hiring committee); Thomas v. Pearl, 998 F.2d 447, 450 (7th Cir. 1993) (public university basketball coach recording phone calls with a recruit would act under color of law for § 1983 purposes); Watson v. Richmond Univ. Med. Ctr., 412 F. Supp. 3d 147, 165 (E.D.N.Y. 2017) (public university professor involved in alleged employment discrimination acted under color of law). Similarly, courts have held that public school employees who sexually abused students in the course of performing their duties acted under color of law. W.H. v. Olympia Sch. Dist., No. C16-5273 BHS, 2017 U.S. Dist. LEXIS 164766, 2017 WL 4408034, at *3 (W.D. Wash. Oct. 4, 2017) (public school bus driver who abused children while transporting and supervising them acted under color of law because the abuse had "an obvious and real nexus to his obligations and duties as a district employee"); Hackett v. Fulton Cnty. Sch. Dist., 238 F. Supp. 2d 1330, 1356 (N.D. Ga. 2002) (public school teacher who abused student on school property during the school day while the student was under the teacher's authority acted under color of law). The Supreme Court has held that a government-affiliated healthcare professionals who abused those they were treating acted under color of law. West, 487 U.S. at 54 (physician employed by state to provide medical services to state prison inmates acted under color of law when undertaking his duties in treating prisoner's injury). And finally, a court has held that a soccer coach at a public university who was acting in his capacity as coach when he allegedly sexually harassed an athlete on his team acted under color of law. Jennings v. Univ. of N. Carolina, 482 F.3d 686, 701 (4th Cir. 2007).*

The Hypothetical does not involve sexual assault, but the law is clear on the underlying question of whether a public university employee acts under color of law when he or she deprives a student of constitutional or federally protected rights. The only question is whether a public university employee who discriminates against

Jewish students or otherwise deprives Jewish students of rights has done so with the necessary nexus to his or her obligations and duties as a university employee.

In the Hypothetical, a public university employee refuses to allow a Jewish student to attend a class taught by the employee and is also a faculty advisor to the university's SJP chapter, providing members of the chapter with support, advice and encouragement as SJP UCLA members harass, assault and intimidate Jewish students on campus and also provides the members of the chapter with access to university resources that aren't available to other students. Further, the employee frequently interfaces with university administrators and lobbies them in support of the activities of the SJP UCLA.

In all respects, a public university employee who uses his or her authority as a university employee to further or enable the deprivation of rights of Jewish students by the other SJP Parties is unquestionably acting under color of law, even though the employee's job duties do not include depriving students of rights. The analysis is essentially a but-for test: But for the employee's position, he or she wouldn't have had the authority to engage in actions such as denying a student access to classes, advising a student group or lobbying for the interests of the student groups to university administrators. Thus, a public university employee who engages in the actions set out in the Hypothetical is acting under color of law for purposes of 18 U.S.C. § 242. Just as the university employee who sexually assaults students isn't doing so as part of his job duties but is still violating 18 U.S.C. § 242 when he deprives the students of their right to be free from assault, the same is true of a university employee who acts in ways to deprive students of their rights to be free from discrimination, assault and intimidation with regard to obtaining an education at a public university even though these acts are not part of the job description.

Element three analysis: Only those SJP Parties who are present in the United States in a manner other than being a temporary visitor satisfy the requirement that the party be an inhabitant. Students or university employees who are not United States citizens may still be prosecuted so long as their presence in the country is not as a temporary visitor (e.g., if an SJP Party is in the United States [on a B-1 or B-2 visa](#), such a person would not be prosecutable under 18 U.S.C. § 242 but that person would be prosecutable if he or she was present in the United States under other types of visas or without documentation).

Element four analysis: In order to be prosecuted under 18 U.S.C. § 242 an SJP Party must be shown to have had a specific intent to willfully deprive a person of a defined right, such as the right to speak, assemble or associate with others or the right to obtain an education free from discrimination. However, it need not be shown that the motivating factor for the SJP Party was based on an intent to deprive a specific right. Rather, what is required to be shown is that the SJP Party intended to commit the act that results in deprivation of established constitutional right as reasonable person would understand that right and this intent can be established by all attendant circumstances—malice of defendant, weapons used in assault, its character and duration and can even be established through a showing of bad faith and reckless disregard for constitutional rights.

Consequently, a casual protestor not affiliated with the various groups promoting the interference with rights of Jewish students who simply happens to be part of a crowd would likely not be prosecutable under 18 U.S.C. § 242 but members of the groups promoting the interference and all those who know the purpose of the groups' acts while partaking in the action(s) would be prosecutable, even if they weren't necessarily aware that the rights were protected by the Constitution or applicable federal law.

Conclusion for 18 U.S.C. § 242.

A prosecution of members of SJP UCLA and the university employees who enable them would not only be the strongest case under any of the KKK Laws, it would also have the greatest positive impact on ending the SJP Parties' attack on Jewish students' rights since much of the damage stems from the combination of SJP UCLA ground action against Jewish students and university support for such action.

Analysis of 18 U.S.C. § 245 as applied to the Hypothetical.

A prosecution of any of the SJP Parties under 18 U.S.C. §245 would be more limited in scope than prosecutions under 18 U.S.C. § 241 or § 242 due to 18 U.S.C. § 245's requirement that violence must play a role in the deprivation of rights.

The elements of 18 U.S.C. § 245 as they relate to cases where the SJP Parties target Jews on campuses are as follows:

- (1) That the person used force or the threat of force;
- (2) That the person willfully injured, intimidated, or interfered with the victim, or attempted to do so;
- (3) That the person acted because of the victim's race, color, or national origin;
- (4) That the person acted because the victim was enjoying the goods, services or facilities of a place or activity referenced in the statute; and, if a felony is charged,
- (5) That bodily injury resulted. This is only for felony charges. For other charges, no bodily injury is required]

Element one analysis: Any time force is used or threatened for the purpose of interfering with certain enumerated rights the first element of 18 U.S.C. § 245 is satisfied. Force is defined as power, violence, compulsion, or restraint exerted upon or against a person or thing. The SJP Parties have focused on showing up in great numbers to interfere with the rights of Jewish students as demonstrated in the SJP Parties Manual, which admonishes the SJP Parties that "... *decolonization is a call to action, a commitment to the restoration of Indigenous sovereignty. It calls upon us to engage in meaningful actions that go beyond symbolism and rhetoric. Resistance comes in all forms- **armed struggle**, general strikes, and popular demonstrations. All of it is **legitimate**, and **all of it is necessary**. "You don't get freedom peacefully. Freedom is never safeguarded peacefully. Anyone who is depriving you of freedom isn't deserving of a peaceful approach by the ones who are deprived of their freedom"* as well as the social media accounts of SJP chapters which urge groups to band together to fight, as seen in the post below (while this post was from SJP in Chicago, it shows how SJP chapters, and the national parent

organization, coordinate their efforts to interfere with the exercise of rights).



Element two analysis:

The words "injures," "intimidates," and "interferes," used in 18 U.S.C. § 245 cover a variety of conduct intended to harm, frighten or prevent the free action of others. As shown in the analysis in element one of 18 U.S.C. § 245, the SJP Parties openly acknowledge that they are not interested in peaceful demonstration and choose to use force, even armed force, to accomplish their goals. The point behind the SJP Parties' actions is specifically to intimidate and interfere with the rights of Jewish students and anyone else who interferes with their agenda.

In addition, the DOJ must demonstrate that the SJP Parties committed the acts voluntarily and purposefully, rather than by inadvertence or mistake and did so with the specific intent to do something that the law forbids. The issue that the DOJ will need to prove is whether the SJP Parties intended to intimidate the victims, not whether the victims were in fact intimidated. As the many media accounts listed above demonstrate, Jewish students on campuses across the country were so intimidated by the SJP Parties that they had to often hide or be protected by law enforcement or others and often refused to return to campuses as a result of the widespread and unchecked intimidation by SJP Parties.

Element three analysis:

In some 18 U.S.C. § 245 prosecutions against the SJP Parties the DOJ will need to prove that the SJP Parties were motivated by the victim's race, color, religion or national origin. As an initial matter, courts have found that in the context of antidiscrimination laws being Jewish is a race as well as a religion. *Shaare Tefila Congregation v. Cobb*, 481 U.S. 615 (1987) (finding that discrimination against Jews is racial discrimination for purposes of federal

law). While the SJP Parties may attempt to claim that theirs is a political, rather than racial, dispute, it is abundantly clear that their goal is to eliminate the Jewish state, making race the motivating factor in their action. The fact that there may also be a political or personal element to their actions does not make their actions less of a violation of 18 U.S.C. § 245.

Element four analysis:

Relevant for the purpose of the analysis of element four, 18 U.S.C. § 245 enumerates those federally protected rights the interference with which form a basis for prosecution. The United States will have to establish that the Jewish students targeted by the SJP Parties were engaging in one or more of such enumerated activities.

Here, the most obvious federally protected right that the SJP Parties interfere with is the right of Jewish students to receive an education at a federally funded university, free from discrimination. 18 U.S.C. § 245(b)(1)(E), which does not require the DOJ to establish that the interference with rights had a connection to any protected characteristic of the victims.

Furthermore, under 18 U.S.C. § 245 (b)(2), the SJP Parties interfere with a number of federally protected rights of Jewish students due to the race, national origin and religion¹¹ of such students, including the following rights:

- enrolling in or attending any public school or public college (18 U.S.C. § 245 (b)(2)(A));
- participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof (18 U.S.C. § 245 (b)(2)(B)); and
- enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments (18 U.S.C. § 245 (b)(2)(F)).

As the actions of the SJP Parties clearly interfere with Jewish students' rights to attend public colleges as well as their rights to participate in those programs and activities administered by the applicable states where the university campuses are located, there is ample basis for prosecution under 18 U.S.C. §§ 245 (b)(2)(A) and (b)(2)(B). Further, as the Hypothetical documents, the SJP Parties also prevent Jewish students from accessing off-campus establishments such as café's and event spaces¹² in violation of 18 U.S.C. § 245 (b)(2)(F).

To prosecute the SJP Parties under this section of the KKK Laws, the DOJ is not required to establish that the SJP Parties were thinking in legal terms to interfere with rights; rather, the DOJ only needs to show that the SJP

¹¹ While 18 U.S.C. § 245 (b)(1) doesn't reference any protected characteristics of the victims, 18 U.S.C. 245 (b)(2) is limited in application to actions that are based on the victims' race, color, religion or national origin. Importantly, any of race, national origin or religion of the targeted individuals is a sufficient basis for prosecution of the SJP Parties.

¹² For example, the Hypothetical documents that Students for Justice in Palestine prevented Jewish students at the University of California, Los Angeles, from entering 580 Hilgard, the location of a café and event spaces frequently used by the public.

Parties intended to do something that would have the effect of interfering with the Jewish students' federally protected rights and may use circumstantial evidence, such as statements showing animus against Jews, in this regard.

Element five analysis:

The fifth element, proof that bodily injury resulted from the actions of the SJP Parties, is only required to establish the basis for a felony conviction of the SJP Parties. No proof of bodily injury is needed for a misdemeanor conviction. In this regard, the Supreme Court has found that "bodily injury means any injury to the body, no matter how minor or temporary, including pure physical pain." *Hudson v. McMillian*, 503 U.S. 1, 5 (1992). The DOJ does not have to prove that the SJP Parties intended to cause injury so long as it can show that bodily injury did, in fact, occur.

Conclusion for 18 U.S.C. § 245:

There is a strong case for prosecutions of the SJP Parties under 18 U.S.C. § 245, but the bulk of such prosecutions will likely be with misdemeanor charges.

Analysis of 18 U.S.C. § 371 as applied to the Hypothetical.

To the extent there are any prosecutions of the KKK Laws against the SJP Parties, additional parties, likely one or more of the tertiary actors identified herein, that may not have been prosecutable under any or all of the KKK Laws can be prosecuted as violations of the federal conspiracy laws of 18 U.S.C. § 371. The likely scenario where 18 U.S.C. § 371 would be relevant is a situation where foreign assistance is provided to the SJP Parties or a situation where parties unaffiliated with either the relevant university or the relevant SJP chapter provide overt assistance to support the deprivation of rights by SJP Parties. Furthermore, there are well documented reports showing that many of the SJP Parties act on behalf of designated foreign terror groups, making such terror groups prosecutable under 18 U.S.C. § 371.

The elements of a prosecution under 18 U.S.C. § 371 are:

(1) there was an agreement between two or more persons to commit a particular crime charged in the indictment;

(2) each defendant became a member of the conspiracy knowing at least one of its objects and intending to help accomplish it; and

(3) one of the members of the conspiracy performed at least one overt act for the purpose of carrying out the conspiracy.

Element one analysis: As a threshold matter, there must be an agreement to engage in unlawful behavior between one or more of the SJP Parties and the tertiary actor(s). The agreement need not be explicit but may be inferred from circumstantial evidence and can even be nothing more than a tacit understanding. Because knowledge of the objectives of the conspiracy is an essential part of this element the DOJ will have to adduce evidence that there was some form of communication between the SJP Parties and the tertiary actor, which can be shown from something as obvious as social media posts where the two parties communicate their mutual objectives and then move forward with the conspiracy to deprive Jewish students of their rights.

Element two analysis: The DOJ can rely on circumstantial evidence and inferences drawn from the evidence that both the SJP Parties and the tertiary actor intended to deprive the Jewish students of their rights. The DOJ will only need to prove a slight connection between the parties, meaning that the tertiary party does not

need to be aware of all the conspirators, participate in the conspiracy from the start, participate in all elements, or know all the details of the conspiracy. In other words, a tertiary actor can be convicted under 18 U.S.C. § 371 simply by seeing what the SJP Parties have already done and acting in a way to support the furtherance of the deprivation of rights.

Element three: While many third parties may support the SJP Parties in their actions to deprive Jewish students of their rights, it takes more than mere “cheerleading” for liability under 18 U.S.C. § 371 to attach. The tertiary actor must engage in some sort of overt action, such as sending money or providing strategic advice, to the primary and secondary actors, for there to be an actionable conspiracy. In other words, a tertiary actor would not be a conspirator simply for posting “we stand with the SJP Parties” in a social media account, but if the tertiary actor were to provide personnel or funding to the SJP Parties for use in the deprivation of rights, it would be sufficient.

Conclusion:

At this point there is little evidence that tertiary actors are providing the SJP Parties with the type of cooperation or support that would give rise to liability under 18 U.S.C. § 371, but in a prosecution under the KKK Laws the litigation process will likely lead to the discovery of definitive evidence that tertiary actors have been sufficiently involved in the violation of the KKK Laws to support prosecution under 18 U.S.C. § 371.

Conclusion

SJP is not just a terror supporting radical campus group: it’s an extension of Palestinian terror organizations that use university campuses as a battlefield. As a [recent report](#) by Dan Diker and Khaled Abu Toameh of the Jerusalem Center for Public Affairs detailed,

But the Hamas-inspired Students for Justice in Palestine’s public and popular antisemitic incitement across the United States on some 250 university campuses has not constituted a strategic surprise. SJP has openly supported Hamas and other Palestinian terror organizations under the sanction and protection of some of America’s leading universities.

As any Jewish student on campus can testify, calls for the elimination of Israel by the SJP Parties is a call for Holocaust 2.0 and the first tangible step will be the deprivation of rights of Jewish students. In the months since the October 7 Terror Attack the SJP Parties have only escalated their nationwide assault on the rights of Jewish students. The idea that in 2024 Jewish students are being hunted down on campuses, violently attacked and having fundamental rights such as speech, association and assembly, let alone access to federally funded educational programs, infringed upon surely echoes the purpose for which these laws were created.

Nonetheless, it is indeed happening and without government intervention to enforce existing laws things will get even worse.

In late February 2024, SJP mobs at the University of California once again attacked Jewish students to prevent them from hearing a speech:

Footage of the incident shows a frenzied mass of anti-Zionist agitators banging on the doors of the Zellerbach Library while an event featuring Israeli reservist Ran Bar-Yoshafat — who visited the university to discuss his military service during Hamas’ massacre across southern Israel on Oct. 7 — took place inside.

The mob then stormed the building — breaking glass windows in the process, according to reports in the Daily Wire — and forced school officials to evacuate Jewish students to a secret safe-room.¹³

Because there is no private right of action under the KKK Laws (see, e.g., *Williams v. United States DOJ*, 2009 U.S. Dist. LEXIS 40211, 2009 WL 1313253), it is incumbent upon the United States Department of Justice to enforce the KKK Laws against the SJP Parties. This is not a call to suppress points of view; it's a call to protect a vulnerable minority group against a concerted campaign, often joined in by government actors, that would never be tolerated were the targeted minority group a more favored constituency.

When university faculty and staff are involved in promoting the deprivation of rights, as was documented in a March 2024 report from the AMCHA Initiative,¹⁴ students end up with virtually no recourse to protect their rights other than federal intervention by the Department of Justice.

The KKK Laws must be enforced against the SJP Parties, modern-day Klansmen in Keffiyehs.

This memorandum has focused on a particular case at the University of California at Los Angeles but the SJP Parties operate on campuses across the country and enforcement of the KKK Laws must be undertaken in a nationwide fashion across universities to ensure that the deprivation of rights is comprehensively addressed.

¹³ <https://www.algemeiner.com/2024/02/27/you-jew-uc-berkeley-mob-attacks-jews-during-event-with-idf-soldier-university-pledges-investigation/>.

¹⁴ <https://amchainitiative.org/wp-content/uploads/2024/03/Academic-Agitators-Escalating-Antisemitism-Report.pdf>.

Exhibit A: Facts underlying the Hypothetical.

The following consists of a portion of the relevant facts submitted to the Department of Education for a Title VI discrimination case relating to antisemitic activity on the campus of the University of California, Los Angeles, that is currently under investigation by the Department of Education. Additional facts were submitted subsequent to the initial submission to describe increasingly violent attacks upon the student and additional deprivations of rights but for purposes of this Exhibit A only the original submission is included. Names have been redacted. The only identifying information in the facts below is the name Zachor Legal Institute (Zachor), which is a non-profit civil rights organization that filed the complaint on behalf of the student.

1. Interaction with UCLA Dean of Students.

Zachor's initial role with regard to [Jewish Student]'s issues at UCLA was to participate in a video meeting with [Jewish Student] and UCLA's Interim Dean of Students. The topic of the video meeting was the incorporation of the International Holocaust Remembrance Association's definition of antisemitism ("IHRA Definition") into UCLA's student conduct code. The video meeting occurred on December 7, 2021 (" [UCLA Dean of Students] Meeting") and Zachor provided legal backing for [Jewish Student]'s request, explaining what the IHRA Definition means, its legal effect and its use in other areas. The video call was cordial and [UCLA Dean of Students] was active in discussing antisemitism generally and how the IHRA Definition could be implemented at UCLA, though she made no promises and we never heard back from her.

2. Complaint to UCLA's Discrimination Prevention Office.

After the [UCLA Dean of Students] Meeting, the next interaction Zachor had with [Jewish Student] was reviewing a letter [Jewish Student] had received from UCLA's Discrimination Prevention Office ("DPO"), dated November 29, 2021, and attached hereto as Exhibit A (the "DPO Letter"). The DPO letter related to a complaint [Jewish Student] had made to UCLA's Office of Equity, Diversity and Inclusion regarding a UCLA class identified as "ASIA AM 175A, Topic in Comparative Race, Ethnicity, Gender and Sexuality: Palestine Comparative Ethnic Studies Frameworks" ("AM 175A"), taught by Dr. [UCLA Faculty Member] (" [UCLA Faculty Member]"). [Jewish Student] had sought to enroll in AM 175A but was told that it was full, then she was told it was not being offered. Even though [Jewish Student] received mixed messages about the class, when she discovered that it was being taught, she sought to audit AM 175A based on its facially discriminatory treatment of Jews and contacted [UCLA Faculty Member]. [UCLA Faculty Member] claimed that the class was full and refused to allow [Jewish Student] to audit it. [Jewish Student] filed a complaint with DPO, alleging that the AM 175A's course description (and the course itself) might incite UCLA students to engage in violence against Jewish students.

DPO rejected [Jewish Student]'s complaint, claiming that the allegations were too broad and noting that since [Jewish Student] hadn't taken the class she couldn't provide evidence that the class is discriminatory. [Jewish Student] also asked for a copy of the course material for AM 175A to address the lack of evidence she had, but DPO claimed it didn't have the authority to obtain that material. Zachor subsequently filed a California public records request and obtained a copy of the syllabus for AM 175A and found that it was, as [Jewish Student] reported, likely to incite violence against Jews due to the extremely biased subject matter without any



counterpoints provided. It should be noted at this point that [UCLA Faculty Member] likely excluded students who would challenge the pro-Palestinian Arab bias of the course and this is something [Jewish Student] would like OCR to investigate, especially in light of evidence [Jewish Student] has found that [UCLA Faculty Member] works closely with students at UCLA affiliated with SJP, has worked to excluded Jewish students from participation in campus events and appears to coach SJP in the same biased and inflammatory rhetoric that she teaches in AM 175A. Please see the following video posted by SJP where [UCLA Faculty Member] is clearly working closely to foment antizionist activity at UCLA: <https://www.instagram.com/p/Cj6vuGuJS1V/>.

While the DPO Letter concluded that even though [Jewish Student] explained how the course description was likely to incite antisemitic violence, DPO refused to examine the course itself and simply dismissed [Jewish Student]'s concerns by noting that they can't provide discrimination without evidence. Since [UCLA Faculty Member] wrongfully excluded [Jewish Student] from the class, only DPO could have adduced such evidence and it refused to investigate. It would be hard to describe a more classic Catch-22 scenario.

We further note that [Jewish Student] reported a growing problem with antisemitism at UCLA, not just in AM 175A. DPO claimed it lacked jurisdiction to deal with this issue, even though the very name of the department indicates that DPO should be focused on investigating discrimination, including the type of institutionalized antisemitism that was the core of [Jewish Student]'s complaint.

3. Palestine Liberation Week at UCLA.

On April 1, 2022, [Jewish Student] contacted Zachor when she received a flyer announcing SJP's hosting of "Palestine Liberation Week" at UCLA. Based on what she saw on the flyer and her past experiences with SJP at UCLA, [Jewish Student] was aware that SJP intended to further incite UCLA students into violence against Jews and asked Zachor for advice on how to proceed if she wanted to document what was occurring at Palestine Liberation week. Zachor advised her to not get into confrontations and to follow the rules laid out by UCLA, but to the extent the events were occurring on campus she had a right to participate and document what happened.

The following are messages [Jewish Student] sent to Zachor during the Palestine Liberation Week event.

Message 1, from [Jewish Student] to the UCLA office that regulates registered campus organizations such as SJP (Student Organizations, Leadership and Engagement, also known "SOLE"):

Hello,

In short: Does UCLA policy allow SJP at UCLA to treat me unequally because of my political beliefs just because they are in 580 Hilgard Ave instead of room on campus? Doesn't 580 Hilgard require UCLA supervision because it's not even half a mile from campus? Can you please send me a document in writing that says this?

I'm scared this org is using antisemitic trope of Jewish people / zionists are controlling the UC system to oppress palestinians with their "U.C. Zionism learn-in event".

I was excluded from a private event by SJP, on 4/4 at 7pm in 580 Hilgard. because they didn't want me to document what they say and they know I have opposing political views so they don't want me to write about and publish my opinions. They also didn't want me to comment on my political views or debate during their learn-in event. I called ucpd at 6:23 pm because I'm afraid they are trying to conspire a crime against Israel students and Jewish students because during their table event they said " They don't want to say anything against Jewish students specifically... Also some Jewish people are on their side but Israel is the enemy state" . I'm concerned they made this event private on purpose so that SOLE couldn't do anything about it . I'm dumb I decided to sneak in because I thought the system

They don't want me to speak but they are misrepresenting me. I should be able to say what I said so they stop misrepresenting me and my group. They are racializing my ethnic/ancestral/national group.

They are trying to say stuff like UC zionism is killing palestinians but I'm a UCLA zionist and I am not adequately represented by them.

They are going to create some fabricated reason but saying I'm weird. They also know I am going to say I think they are discriminating against me.

[Jewish Student]

It must be noted at this point that while SJP and SOLE claimed that 580 Hilgard is not part of the UCLA campus, there is evidence that 580 Hilgard (aka 580 Café) does in fact, obtain funding from UCLA and is listed as a student organization. See <https://www.wfsucla.org/> and <https://sa.ucla.edu/RCO/public/search?q=580>. UCLA even advertises 580 Hilgard as being a communal space for UCLA students: <https://basicneeds.ucla.edu/services/580-cafe>.

We ask OCR to investigate whether 580 Hilgard is in fact funded by UCLA and/or is a student organization funded by UCLA and whether the exclusion of Zionist students was a violation of the University of California's regulations (see Section 86.11 in this document: <https://policy.ucop.edu/doc/2710528/PACAOS-80>). See, also, <https://sole.ucla.edu/file/cfdd57d7-15e0-4d9d-a6bf-e5ce5e91e385> (“...programs and activities of a Registered Campus Organization funded by compulsory campus-based fees must be open to

participation by the entire UCLA student community.”) Based on available information, it appears that 580 Hilgard is both a student organization and funded by UCLA generally, making the exclusion of any UCLA student a violation of UC PACAOS 86.11. In the past, UCLA has alleged that only specific events that receive funding from compulsory

student fees must be open to all students, but we believe that this interpretation is incorrect and not applicable when a physical space is so funded.

The exclusion of Zionist UCLA students from 580 Hilgard by SJP members is an ongoing problem, with a new incident having occurred on November 21, 2022 and UCLA staff claiming that it's not UCLA property so they can't do anything about it. All available evidence indicates that 580 Hilgard is either controlled by a student group at UCLA and/or funded by UCLA.

Message 2, from [Jewish Student] to Zachor:

Summary:

I wanted to speak up about my counter-views during Palestine liberation week in 2022

I wanted to go to their learn-in event at 5pm called "UC Zionism" to document their ideas but blew my cover at their tabling event earlier in the day. I also tried to record a few things, so they thought I was a member of canary mission documenting their events. In other words, they started being mean to me and excluding me as soon as they found out I had different political opinions. Hence, they wanted to exclude me.

They said they had the authority to exclude me because their event was on 580 Hilgard Ave instead of some other place on campus. They are also making up reasons to exclude me by making me look crazy and I told them I think they are discriminating against me so they probably already have counter arguments for this view.

I don't think this is fair because I shouldn't be excluded based on my political beliefs as a proxy to silence my speech. I should be able to participate in UCLA political education events and share my views. I think this was just the form of silencing my freedom of speech in academia. Furthermore, the prohibition and making me feel bad for documenting also lowers my freedom of speech because I have less to write about.

I am afraid to use school resources to help with this because I think the school can't help and I might get in trouble based on how SJP will defend themselves. They are trying to make me look crazy or wrong for recording.

Full narrative

I went to their first table event on 4/4/22, an event of political anti-zionist propaganda that frames Israel as the leading cause of Palestinians' suffering. I saw a considerably crowded campus area cluttered with people walking to and from a lecture and a plethora of anti-zionist art presented by students for justice in

Palastine (SJP). I did not expect privacy in this public area because dozens of people are just randomly on their phones taking pictures/videos of the campus and probably SJP's art gallery.

I will describe how the art made me feel at a later time.

I went up to the table to take pictures and take notes on their views. Person 1 said traditional antisemitic lies about Israel like, "There is a blockage around Palestine and Israel isn't providing resources," and "Israel is an apartheid state." I didn't say anything until he said, "UC is contributing money to pay for rockets shot at Palestine," I replied, "do you have any evidence to prove that this money is being used for this?" and he got agitated. He kept trying to provide a rhetorical proof/demonstration, but I kept asking him for direct evidence that he didn't offer. Person 1 eventually noticed I was recording, so he and his friends started pressuring me to delete my recordings. They kept saying that I didn't know the policy and was afraid to get in trouble, so I deleted the recordings. Person 1 was trying to dominate me the entire time when I was at the table by saying things like "watch your camera," "make sure you are not recording this time," and "You should know the policy before you come to talk to us." I felt very dominated, which discouraged me from speaking at the event. I took a break to calm down and continued to try and explain to them that scapegoating Israel like this was wrong. I did recover my recordings afterwards.

here is another link where they are saying the settlements are illegal but they are not actually illegal and it's not palestinian land:

I'm afraid they are going to report me to the dean of students for recording. I've had this issue so I really didn't want to be reported.

I registered for the UC Zionism learn-in event over the weekend, and the event was at 5pm, but I didn't receive any email of the location or zoom link by 4pm. I worried I wouldn't make it in time to the event because it wouldn't make sense for them to send the site's address less than 30 minutes before it started since people had to commute to the venue. Hence, I went back to the table around 4:30 pm to try and walk with them to their event at 5 pm. Hence, I left for my research lab and returned to their table. They were trying to act like I was being weird or crazy at this part of their "side of the story," but I was not. I wasn't harassing anyone or being explicitly told to leave. I just kept asking different people at the table if they could help me get access to the event because I didn't receive the event. Everyone said I should just receive the information in my email and that they were not in charge of emailing the q. Person 1 said it may have been a "glitch in the system," which made me feel confused. I did beg some of the students to help me. Some students in their group were ok with me walking with them, while the others were busy trying to plan stuff. Different group members started leaving sequentially until I was just left with person 2. I begged person 2 to change his mind and to provide me with the event information correctly, but he refused. He apologized to me and told me they really have high security because they don't want "canary mission" to enter this event and document what was being said and they were suspicious of me because I

was recording earlier. I continued the plea by saying I was not part of the organization called "canary mission". He left me there alone, and I was despondent. I then received the event location and zoom link, but the zoom modulator left me stuck in the waiting room. (email is attached to the report) Hence, I walked to the event location at 580 Hilgard Ave next to the campus. The site was less than 1/10th a mile from campus.

Person 2 and Person 3 were at the event, and they told me they wouldn't let me in because they thought I was weird since I recorded at the table. They told me I was "following them" from their perspective but my perspective was that I was just trying to walk with them to the event. A lot of people were saying they were going home but I thought maybe someone in the group was going to the event and I could go with them. They have a right to exclude me because the event is off-campus so SOLE cannot do anything. I told them it was not fair because I was a Zionist, and they held an anti-Zionist event, so I should have a chance to speak. They told me that the event was not a place for debate, and they locked me out. I told them I was recording but they didn't let me. I told them "I was recording now" but I can tell the school I meant that I was recording in the past but I wasn't going to record. They told me they don't want people to debate in their area. https://drive.google.com/file/d/1waJPdH8WYp-s_lfZgrsa4jVtlt7gsyM/view?usp=sharing

I called ucpd at 6:23 pm because I'm afraid they are trying to conspire a crime against Israel students and proJewish students because during their table event they said " They don't want to say anything against Jewish students specifically... Also some Jewish people are on their side but Israel is the enemy state". I'm concerned they made this event private on purpose so that SOLE couldn't do anything about it. UCPD told me to email sole. I was hesitant to email because I wanted to ask Zachor first. I ended up sending the email the next day (attached as "suspicious activity at UCLA" and emailing sole but they didn't respond yet). I also called sole and said 580 Hilgard is off-campus and they told me to email their director of SOLE who is mean to me and their sole advisor.

[Jewish Student]

The next day (April 5, 2022), Zachor received this report from [Jewish Student]:

Hello,

I went to the dean of students to get in writing that I could record them in Bruin Plaza. They didn't respond yet but the front desk lady was on my side partially.



Then I tried to go to the event called "anti-colonizer" paint night but they wouldn't let me in. I was scared to record it because I wasn't sure if I could but they said it was because from our previous conversations

The event was hybrid, meaning that it was also on zoom, so I had a fake name and was added to the zoom call. I was afraid to speak up because I didn't want to blow my cover. Not as in the person because I could pretend to be someone else but if I said "anti colonialism in the context of Israeli Palesti[Jewish Student]n conflict is an antisemitic idea" then they probably would've kicked me out of the zoom room. This is because they won't let me in because I am Zionist.

I couldn't record the beginning of the zoom meeting but they were all just saying pretty much that anti-colonizing meant to them "the ability to speak out against colonizing in Palestine" probably because they want to say the IHRA violates free speech.

I was able to record the rest of the night but I couldn't translate Arabic.

Toward the end of the night they kept saying my name, "[Jewish Student]" and they discussed how they wouldn't let me in. They also said I was a Zionist. They then ended the zoom event really because they were worried I, [Jewish Student], was Nechama Levinberg.

On April 6, 2022 Zachor sent the following email to UCLA's administration.

From: Zachor

Sent: Wednesday, April 6, 2022 10:41 AM

To: [UCLA]

Subject: Inquiry from Zachor Legal Institute

On behalf of Zachor Legal Institute, a non-profit civil rights organization, we respectfully request information on an event currently taking place at UCLA, "Palestine Liberation Week". We understand that this week-long event is being promoted by Students for Justice in Palestine at UCLA and specifically would like information on whether this event has received university funding and whether it is open to all UCLA students.

This matter is urgent, as we have been approached by UCLA students who have attempted to attend the event and were told that they may not attend.



Best regards,

Marc Greendorfer

President, Zachor Legal Institute

The same day, UCLA responded:

Dear Mr. Greendorfer –

Thank you for your email. The registered campus organization Students for Justice in Palestine is holding their "Palestine Liberation Week" this week. The only on-campus event has occurred yesterday, today and tomorrow in Bruin Plaza with access by all. Any off-campus event that Students for Justice in Palestine may have is exclusively controlled by the organization and receives no university funding or other support.

I hope this provides you with the information you have requested.

Be well –

Director

UCLA Student Organizations, Leadership & Engagement

Again, UCLA's claims are at odds with what we have set out above regarding 580 Hilgard and UCLA funding, as well as 580 Hilgard itself being a student organization.

[Jewish Student]'s response to Zachor, with details about SJP preventing her from entering 580 Hilgard, follows.

Hello Marc,

I wasn't forced from their area, pe se; however, this one student there would basically get in my face and tell me to back up. He was like getting in my face and telling me "move back. take ten steps back. we reserved this space" like he was about to hit me if I didn't leave. He also told me he would lie to say I hit him and get away with it because there are more of them than us. I think this meant that they would jump me and get away with it. They were threatening me a lot and making fun of me for my white skin. They were pressuring us to leave and telling us not to talk. Same thing was happening with the other zionists

there. Ask them. They were all getting in eachothers face telling the zionists to leave because they reserved the space. I am worried I am going to get jumped later. They were all about to hit them.

As you can see, there were many threats and even assaults by SJP.

[Jewish Student] asked a fellow UCLA student who is also a Zionist to provide Zachor with his description of the incidents at SJP's event and this was his email to Zachor:

Good Afternoon [Jewish Student],

Thank you for your email.

**"Arabs" and "SJP members" to be used interchangeably.*

Yes, that is absolutely correct: Initially, Aaron ____ and a Jewish female undergrad were peacefully exercising their First Amendment Right to freedom of speech, mainly by waving Israel's flag and a letter-sized colored print out of an Israeli and Israeli Pride Rainbow flag.

Without any provocation, the Arabs called the Jews "occupiers & terrorists." The Arabs also yelled: "from the river to the sea, Palestine will be free" and "intifada, intifada."

The Arabs took out their phones (2-3 phones), recording (video & audio) of the pro-Israel students, intimidating the female brown student, so much so that she was in tears, crying.

The Arabs called security, demanding that the pro-Israel Zionists go elsewhere, despite the Zionists' First Amendment Constitutional Right.

Due to the Arabs' instimidation, the Zionists left the scene.

Later, Aaron _____, and a few others went back down to have a peaceful conversation with open-ended questions with the Arabs. The Arabs quickly aggressively told Aaron to stop recording them, even though he clearly wasn't with a piece of paper behind his cell phone. Aaron, in an attempt to de-escalate, put his cell phone in his pocket. [Jewish Student] attempted to ask open-ended questions about the Arabs' position; however, the man refused to answer any question, denying [Jewish Student]'s right to her indigenous homeland.



Aaron attempted to take photos of the signs, not of the Arab people. However, they quickly literally blocked his path and physically barricaded him in a threatening manner.

The Arabs spread tons of misinformation, as can be seen in the attached photos.

Please let me know if you need further information or have any questions.

After SJP's week-long event ended, on April 25, 2022 [Jewish Student] sent Zachor a full writeup of what she experienced with embedded links to audio/video files she recorded. The following is the writeup.

Hello,

I saw a protest that was advertised on a UCLA affiliated Instagram on 4/19/2021. Here is the ad:

I wanted to safely share my opposing political views but was not eager to go. I did make a sign but I was about to chicken out. Sign is attached to my email. The protest was at 4/21/22 on 11766 Wilshire Blvd at 12pm.

However, I felt it was especially important to speak up while watching their instagram story which I recorded parts of and shared below. I posted comments between each link.

Recording 1 of SJP at UCLA story (6:22 minutes)

1) "Israel Israel you can't hide. We charge you with genocide." this is then making the physically different "Israel race" look like a threat that needs to be actively punished. These people probably are not friends with Israelis and are prejudiced against them. Plus, palestinian population is not declining. So why is UCLA associated with inaccurate current events?

2) "Hey Hey! Ho Ho! Zionism has got to go". I am ethnically zionist. It is not something I can just disagree with. It is a part of my history and why I am even in the United States. This is literally saying that not only all people should not agree Israel should exist but it is also saying my ethnicity shouldn't exist or should be seriously disempowered.

3) "Free Free Free Palestine. End end end the occupation" similar to 1

4) **"Colonizers we don't need em'. What we want is total freedom. Intifada Intifada. Long live the intifada"** This is similar to 1 and 3 because it's treating zionism as a threat that needs to be removed. It's racist because they are associating our physical cultural differences with the bad that is colonialism and military occupation. Our zionist names and affiliation with zionist orgs is a physical thing read on paper and hear by ear. It is not something possible to hide and still live freely. This again is saying their existence is the problem. Then they are calling for violence against Jewish people and ethnic cleansing.

5) "There is only one solution. Intifada revolution" this is call for violence like holocaust.

6) "We will honor all our martyrs. All our children, sons, and daughters" this is a really facist primordial nationalist group that wants to kill us. These

7) "Israel Israel what do you say? How many kids have you killed today?" Again, this is racist. People from Israel may have no ever killed a child. They can see physical difference with Israeli, like Jewish name, zionist t-shirt, or zionist vocalization and impediately be prejudice and discriminant. So this also from antisemitism.

8) I saw some of these students in school. Like the girl in the right back



9) " If we don't get it, Shut it down" - this is like a

10) " From the river to the see, Palestine will be free"

11) Towards the end of the recording I start grabbing my keys to go and speak up because it's a school event. I just need to report my car before shabbat and get a lyft because I was going to sleep at olami.

Recording 2 of SJP at UCLA story (6:25 minutes)

12) "No. No normalization. We demand full liberation" - this mean get rid of Israel

13) "When Palestine is Under attack, what do we do? Stand up fight back" So this means they want to start a fight now because they have been saying they are under attack this whole time. See #7. Hence, they are inciting violence.

"Then they follow up with "hey hey! ho ho! zionism has got to go" because they are inciting violence against zionists.

14) "Not another nickel. not another dime. No more money for Israel's crime" I guess this antisemitic trope with money.

Recording 3 of SJP at UCLA Story (4:33 minutes)

15) Arabic I don't know

16) "Palesteen Hara Hara" which I don't know I think here it says burn <https://www.lisaanmasry.org/php/user/word.php?id=1828>

17) "from the river to the see. Palestine will be free"

18) "The people united will never be defeated" is against nationalist facist antisemitic.

Therefore, I had to enact my first amendment rights because they were inciting hatred and violence towards my ethnic group. Note that their chants were not transient. Hence, it would be likely for people to see these chants. I honestly thought they wouldn't

SJP at UCLA story recording 4 (17:06)

19) arabic again

20) ok starting at 9:53 I am at the event in person. My phone is recording my audio and the screen. Cannot hear the peace officer of their chants

So after 10:11 - 15:15 is when they were all following around me and making fun of me but my mic didn't pick everything up like they were making fun of me for being fat and covering my sign. Like I saw UCLA students, they're all trying to cover my sign. Some people from school I recognize and others were getting all around me and trying to hide me, shove me, and cover my sign. This is the only evidence I have of them being mean to me from these recordings so far:

21) 10:11 I am scream "don't listen to them. They are lying" ok so they say Im brain brainwashed .

Ok at this point my phone was in my backpack because i was holding my sign but they were all getting around me and saying stuff "who told you we are lying" I just don't have an image. I walk away and say they are lying and they keep following me. They are filing. "They are lying to you" . At this point I am walking away with my sign but they were following me and

"She was being someone to hump [or probably honk] and they wouldn't," and the other person said "I know that's so sad" . This was kinda mean because they are just talking about me around me. I said to press "don't listen they are lying to you" but the mean girls who were following me said "why don't you have your mom take the picture" So I am scared they are going to target my mom. They were laughing at me and saying they are proud of me. Someone took a picture of me.

22) 12:13 I say "They are lying. They are killing us" and they mock me "GURL you're lying to us you are killing us. They are lying they are lying in a mocking voice. Ya we are totally lying"

"she didn't get a single honk it's fine".

23) 13:00 I keep talking to the press but they are still talking at me like at 13:08 they are saying "why are you the only one here" the other mean girl is saying "ya why are you the only one here" "why are the only one here".

24 Then the police moves me at 13:15 "we want to move where the officers can protect you so you are not here by yourself"

25) 13:35 they are saying of they killing Jesus first or something

26) After I move I am screaming that they are stunting my speech by covering my sign again like at 14:05 until at 14:20 and the police start coming and separating us at like 15: 14 they move me again. Police keep trying to keep me away

OK so then I interview the police officer and he allows me to move away from the zone he was protecting:

The location I went to protest in was far enough away from protesters:

While the police were there, Some protesters came up to me nicely asking about my opinion. I told them that they are not supposed to come to me. I started recording and they walked away.

After the police left the group started coming up to me and messing with me again. I was able to record better this time. They started getting closer to me so I ordered a lyft and backed away from them as you can see. Then I started to record again.

So they are approaching me

At first the guy is trying to bait me into engaging with them again. His friend starts heckling me saying I am alone.

Then at 1:42 the guy starts going in front of my sign and at this point I am explicitly telling them to leave me alone. They continue to heckle me and stunt my speech. Making fun of what I say.



Also, "free Jews from zionism... free her from zionism" to heckle me. Call me terrorist again.

I was checking my lyft and I walked away again but they came back up to me in this video

I think at this point they were trying to make me look islamophobic or inciting violence against me when scream allu ahkbar. They came back up to me after the guy that was getting way too close to me after I told him to leave me alone.

At this point my lyft was calling me. I thought I was recording but I wasn't. I think if you get the subpoena of the call you'll hear them following me to my car.

I think they were about to jump me for real when they were following me but I hopped into a lyft and got away.

--

[Jewish Student]

The antisemitic harassment at UCLA was energized by SJP's event, as demonstrated by [Jewish Student]'s email to Zachor on May 3, 2022.

From: [JEWISH STUDENT] <[Jewish Student]@g.ucla.edu>

Sent: Tuesday, May 3, 2022 8:00 PM

To: Report ZachorLegal <report@zachorlegal.org>

Subject: Re: Antisemitic propoganda at ucla

Jewish centers complained about this protest as antisemitic.





On Tue, May 3, 2022, 10:39 AM [JEWISH STUDENT] <[Jewish Student]@g.ucla.edu> wrote:

Hello,

Here is the poster.

On Tue, May 3, 2022, 10:31 AM [JEWISH STUDENT] <[Jewish Student] @g.ucla.edu> wrote:

There demonstrations are negatively impacting my mental health and course progress.

On Tue, May 3, 2022, 9:55 AM [JEWISH STUDENT] <[Jewish Student]@g.ucla.edu> wrote:

Hello,

Today there will be more rhetoric and propoganda on campus. It'll just be them saying that our school funding is being used to kill Palestinians.

As the email indicates, the actions of SJP and inaction of the UCLA administration caused severe emotional distress to [Jewish Student] and other Jewish UCLA students.

In fact, the antisemitic harassment of [Jewish Student] by SJP accelerated in the weeks and months following SJP's Palestine Liberation Week event, as documented in [Jewish Student]'s May 20, 2022 email to Zachor.

From: [JEWISH STUDENT] <[Jewish Student]g.ucla.edu>

Sent: Friday, May 20, 2022 2:33 AM

To: Report ZachorLegal <report@zachorlegal.org>;

Subject: I need help with sjp

Hi,

SJP has been defaming me by making me look antisemitic and racist for arguing against antizionism. They know my name and I don't know what to do.

For racist comments:

I was trying to explain to a black person that that he was using his white privilege to hurt Jewish people when defined what zionism is, and that my definition was wrong. SJP just wouldn't let me explain and only recorded parts of what I said to make me look bad.

Like white people always oppress minorities by not correctly explaining what they are doing.

A different guy was trying to make it like that a two state solution (Israel and palestine) is not possible. White protestants history make it seem like helping minorities is bad for all society to main white supremacy. This happened when I was trying to explain to him that the British mandate was anti-Jewish Apartheid.

For antisemitic comments:

A lot of Jewish people were saying it's not antisemitic and that IHRA was wrong.

So I said to third parties that I am different because I am a Jewish zionist, most Jewish people are like me, and we experience more antisemitism because of how zionists are racialized by antisemites.

But they are saying I am antis

The guy who keeps mad dogging me knows mine and I don't feel safe in school.

[Jewish Student]

We ask OCR to take note of the numerous times, as in the email above, where [Jewish Student] explicitly states that SJP has made her feel unsafe and unwelcome on campus and interfered with her right to speak on campus.

4. Antisemitic incidents prior and subsequent to SJP's Palestine Liberation Week event.

On November 20, 2022, [Jewish Student] sent the following email to Zachor, which includes testimony from another Jewish UCLA student. Again, this shows the institutionalized discrimination against Jews at UCLA.

From: [JEWISH STUDENT] <[Jewish Student]@g.ucla.edu>
Sent: Sunday, November 20, 2022 12:46 AM
To: Report ZachorLegal <report@zachorlegal.org>
Subject: Friend's testimony of antisemitic UCLA staff

Hello Marc,

I recieved this stuff from my friend. Person X is this ucla staff

<https://www.suitelifesocal.com/categories/magazine/suitecauses/empowered-students-empower-students-ucla-asu-chair-samone-anderson-holds-administration-accountable>

1. When I was running for student government, a prominent person who I'll just call X said "you're committed to justice, unlike some of the other white kids and Jewish kids". At the time I felt grateful that she was taking time to talk to me and saying supportive things about my campaign, so I didn't want to make a fuss, but I did say a lot of Jews cared about justice and mentioned a Jewish org which is really committed to social ethics and aligned with X's political views. X responded by changing the subject instead of acknowledging that there are lots of Jewish people and organizations who advance justice. Later when I was talking with a dear friend of mine I mentioned X and my friend told me that X had repeatedly said the problem with UCLA is that we have a Jewish chancellor and "Jews only care about money". My friend repeatedly rebuked X for her antisemitism but X kept saying antisemitic stuff. Later X and my friend were co-chairing a political party seeking spots in UCLA's student government and X wanted the political party to nominate a man who'd sexually assaulted a woman. My friend refused to do this and X responded by bullying my friend and among other things when my friend said I should be one of the party's nominees X denounced my friend by saying it was unjust that she would rather nominate a Jewish candidate like me than nominate X's preferred candidate (who didn't even want the same position I wanted and *had sexually assaulted someone*).

2. A Jewish student I know (who I'll call Y) started out living in a dorm, but some of the other people in the dorm were so antisemitic they made him unsafe. In order to get away from this dangerous environment and connect with his Jewish identity, he moved into a collective house which is owned by UCLA's Jewish community and houses Jewish UCLA students. Y has a serious gastrointestinal problem and in order to get food which won't make the problem much worse and ruin his health, he needs to eat in UCLA's dining hall. UCLA policy currently restricts access to the dining hall, so Y had to apply to the Center for Accessible Education (CAE), which is responsible for determining what accommodations students with disabilities at UCLA get, in order to try to get access to the dining hall. Y sent the CAE documentation from expert doctors who treat Y's gastrointestinal condition and testimonies from the people who run the dining hall all saying that Y had to have access to the dining hall or his health would deteriorate greatly, but the CAE refused to let Y use the dining hall on the grounds that because he no longer lived in the dorms where he'd faced horrible antisemitism and instead lived in Jewish community housing which only houses UCLA



students and is just one block from campus, he didn't qualify as a resident of UCLA housing and therefore wasn't entitled to use the dining hall.