FAQ for the Senate Resolution on Academic Freedom:

1. *Why do this now, before the federal financial axe has fallen on our necks?*
The aim of this Resolution is to put some specifics into the public statement that DIVCO issued on April 1st, making more concrete its insistence on preserving academic and political freedom on campus. We believe it is important to make these demands before we are presented with our own version of the Harvard and Columbia demand letters. (A new, virtually Stalinist letter was sent to Harvard on April 11th.) There is additional urgency in item (2), demanding that UC ensure legal services across all campuses for scholars and students whose visas have been and will be cancelled in that aspect of the government's attack, many of whom are having trouble securing legal representation, even though such representation has proven effective, at least in the short run. Moreover, a number of our faculty have already lost federal grant funding in legally dubious ways.

2. *Is this Resolution asking for things that are impossible?*
Many of the policies and values we demand be protected represent already-existing policy at the campus and University level, including privacy protection and protection for political speech, which we do not want to see traded away under pressure. An analysis by the AAUP suggests that some informational demands by the federal government may be unlawful, and are contrary to Senate policy. We are not aware of anything we ask for that is contrary to law or existing, settled, University policy.

3. *Are the governmental actions that the Resolution seeks to challenge, such as grant and visa rescission/termination, illegal or simply things we don't like?*
While the federal government has a great deal of discretion in how it funds institutions and research, and how it grants visas and residence, it is legally required to follow specific procedures when making changes to those funding allocations or immigration status decisions. It may not merely say "this person is deportable because we say so," or "we don't like what you are doing with admissions, or in how you manage your campus climate, and therefore we will cut all your biomedical research funds." Nor can it make funding decisions conditional on beneficiaries giving up constitutional rights, such as speech rights, and the conditions it imposes have to be connected to the funding purpose. Many lawsuits challenging these aspects of policy have been successful in the first rounds of litigation, including one freezing the abrupt cuts to NIH ICR rates. (Here is a nice explainer of some of the legal issues around grants.)

Our Resolution insists that UCOP challenge illegal actions by the federal government, rather than accept them as a *fait accompli*. The evidence thus far, from Havard and Columbia's experiences, is that anticipatory or negotiated obedience does not actually improve the institution's financial situation.

4. *Why does the Resolution demand that the University not accept a mask ban? Don't we already have a mask ban? And shouldn't we have one? It feels scary to be surrounded by masked demonstrators – imagine if the KKK showed up!*

The Resolution insists that UC not accept the mask ban that the federal government has demanded at Columbia and Harvard, which would ban masks "intended to conceal identity" and would require anyone wearing a mask, even for medical reasons, to wear visible identification. UCB's policy, by contrast states that:

> Wearing masks or face coverings is permissible for all persons who are complying with University policies and applicable laws.** It is not permissible to mask or cover your face with the purpose of concealing your identity to evade consequences while violating campus policy or engaging in criminal activity on campus.

The difference between the two policies is that the government's demand applies even to people demonstrating peacefully, regardless of their intent. We recognize that many people are uncomfortable at a demonstration surrounded by mask wearers, especially demonstrations that involve violence. Masks are already prohibited for people engaged in vandalism and violence. Beyond that, the real threat of social media doxing, and – now – of campus surveillance-abetted unconstitutional retaliation, means that many people rationally fear exercising their constitutional rights to speech and assembly if they can be easily identified. This crippling fear is clearly the aim of the federal government's demand, and must be resisted if we want to preserve our political freedom.

5. *What if I am unhappy with aspects of UC's DEI apparatus? Why should we resist that demand?*

The comic-absurd news reports of the Trump Administration's approach to what they call "DEI programs," such as defunding research on "transgender mice," and eliminating database access to images of the "Enola Gay," make clear that what they will demand of our institution is not a shifting of the pendulum but a smashing of the whole clock. The Resolution rejects the Administration demand made of Harvard to, in their word, "shutter" all "DEI programs." Like our campus administrators, we believe that UC's commitment to inclusive excellence is central to its identity. Agreeing with that principle, and with the item in the Resolution, does not mean defending all the ways that commitment is currently bureaucratically institutionalized at UC.

6. *What's the problem with the IHRA definition of antisemitism? It just says: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."*

The problem with the IHRA definition, as many commentators have noted, lies not in its words but in the examples it gives to operationalize the definition. These "might include the targeting of the state of Israel, conceived as a Jewish collectivity," "claiming that the existence of a state of Israel is a racist endeavor," and "[d]rawing comparisons of contemporary Israeli policy to that of the Nazis." Used as a way to decide what expressive speech is subject to sanction, it defines one side of urgent debates within both Judaism itself, and within political life more generally, as beyond the bounds of permissible discourse. Among its strongest critics are Israeli progressive Jews, who note that the definition threatens to treat as antisemitic a large proportion of Jews, from Ultra-Orthodox communities who reject Zionism as a religious tenet, to diasporic and Israeli Jews who contest the modern political form that Zionism has taken.

The debate about the IHRA definition is not, therefore, about whether we should take antisemitism seriously – of course we should – but about resisting an institutional definition, adopted for the purpose of punishing speech, that would be inconsistent with political and academic freedom of speech, thought, and teaching. (The Jerusalem Declaration definition of antisemitism does not have these problems.) In 2015-16, the UC Regents considered adopting the IHRA definition, as proposed by then-Regent Blum, but rejected it for these reasons, and instead issued a policy condemning "intolerance" at a more abstract level.

For further reading, you may wish to consult:

- Itamar Mann & Lihar Yona, "The new definition of antisemitism is transforming America and serving a Christian nationalist plan' (The Guardian)
- Deena Hurwitz & Walter White, Jr., "Recognizing Islamophobia, Anti-Palestinian Racism, and Antisemitism" (American Bar Association).
- Jan Deckers & Jonathan Coulter, "What is Wrong with the IHRA Definition of Antisemitism?" (*Res Publica).*