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February 29, 2024

Honorable Pamela Y. Price
District Attorney
Alameda County
1225 Fallon Street, Suite 900
Oakland, California 94612

via FedEx

Dear Ms. Price,

You are no doubt aware of the riot that occurred earlier this week at U.C. Berkeley, at an event at which a speaker was going to explain Israel's position on the conflict in Gaza. The riot, triggered by Bears for Palestine calling on students to "shut-down" the event, prevented a speaker with a pro-Israel point of view from speaking. The best the University could do was evacuate those in attendance. Organizers had previously moved the site of the meeting because of the announced plan by Bears for Palestine to disrupt it. News reports describe a siege of the building, with the mob attempting a break-in, breaking a door and window in the process. Attendees were spat upon, called "Jews" and the like.

These events describe various crimes—most obviously, riot (Cal. Penal Code § 405); disrupting a lawful meeting (§ 403); burglary; and various harassment, trespass, vandalism, and menacing offenses. Newspaper reports indicated that at least some protestors were masked, which under the circumstances would be a violation of Penal Code § 185. And since the effort to shut down the meeting was announced in advance, we think it would be appropriate to determine whether criminal laws against conspiracy should be invoked. In short, the full weight of the criminal law must be brought to bear against those who organized and participated in this riot.

What the rioters did is not remotely described as an exercise in freedom of speech, though, no doubt, that claim will be made. There is no free speech right to riot (and organize that riot) with the purpose of disrupting someone else's meeting and suppressing their speech. Nor, as sometimes asserted, is there any right to silence someone else's speech because one thinks it is immoral or profoundly wrong.

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The tactics adopted by the rioters at Berkeley are more reminiscent of the tactics of the Brownshirts or Communists in the inter-war period than they are of Berkeley's free speech movement of the 1960's. They should be treated accordingly. Political violence should not be tolerated, no matter what point on the political compass it springs from.

Sincerely,



Marc D. Stern
Chief Legal Officer
American Jewish Committee

/drs