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Via Email

April 26, 2024

Jessie Appleby
Program Officer, Campus Rights Advocacy
Foundation for Individual Rights and Expression
510 Walnut Street, Suite 900
Philadelphia, PA 19106
Email: jessie.appleby@thefire.org

Re: *FIRE Inquiry*

Dear Ms. Appleby:

This responds to your April 10, 2024, letter on behalf of the Foundation for Individual Rights and Expression (FIRE) to UCLA Professor Dov Waxman concerning a recently presented lecture by Tzipi Livni hosted by the Younes and Soraya Nazarian Center for Israel Studies which Professor Waxman serves as Director. In particular, you expressed concerns that UCLA's decision to present this lecture virtually, via Zoom, rather than in person, in response to threats by the UCLA chapter of Students for Justice in Palestine ("SJP") to disrupt the lecture, reflects an unconstitutional concession to a "heckler's veto."

Thank you for your invitation to share additional information about the event, indicating your openness to a fuller understanding of the circumstances.

UCLA shares FIRE's interest in ensuring that UCLA faculty and students can fully exercise their First Amendment rights to host speakers with a wide array of viewpoints, including those who espouse views that may be deemed controversial. UCLA's actions in this case were focused on the following goals: (1) to ensure that Tzipi Livni's lecture, "Israel and the Middle East after the October 7 Massacre: Threats, Challenges, and Hopes," was allowed to proceed without disruption and to reach its intended audience; and (2) to minimize

disruption to University operations. As discussed below, UCLA successfully met both goals.

The lecture was originally scheduled to be presented on Tuesday, February 27, at 5:00 P.M., in Royce Hall on the UCLA campus in a room with a seating capacity of 120. Lecture attendees were required to register in advance and obtain tickets (at no charge).

We received information on Sunday, February 25, that SJP intended to engage in activities designed to disrupt the lecture, not just protest against the event.¹ Upon consultation with UCLA police, it was determined that the best approach to secure the lecture would be to shut down all other activities in Royce Hall, a large academic building with 11 classrooms, many of which would be in use at the time of the lecture. However, police could not assure that even these measures would be effective in preventing disruption of the lecture, and such an action would disrupt student instruction occurring in many classrooms.

To ensure that the lecture would proceed and reach its intended audience, and to limit disruption of campus instructional activities and impact on students in surrounding classrooms, the presentation was moved on-line and conducted via Zoom. Following effective advertising of the changed location, the number of individuals attending the lecture more than tripled from the number originally expected to attend the in-person lecture, to over 400 attendees. In addition, the recording made of the on-line lecture has been made publicly available and has been viewed over 22,000 times on You Tube.

Professor Waxman's actions to ensure that the lecture proceeded without disruption were exemplary efforts to protect the First Amendment rights of the Nazarian Center to host speakers, of Tzipi Livni to present her views, and of the audience to hear those views. Far from a "heckler's veto," the University's actions resulted in the lecture being seen, and its ideas assessed, by far more individuals than it would have if it had been presented in person.

The University also wishes to protect the rights of individuals to protest consistent with reasonable time, place, and manner parameters. The University took no action to prevent protest activities by SJP, and nothing precluded SJP from proceeding with appropriate protest activity on the UCLA campus concerning the lecture.

We appreciate the many "heckler's veto" case citations presented in your letter. We note, however, that none of them present fact patterns remotely similar to the facts of this case. Further, all of them were decided before the widespread use of on-line (e.g., Zoom)

¹ Prior to the scheduled lecture, UCLA learned that SJP protests of a similar lecture on February 26, 2024, at Zellerbach Auditorium on the Berkeley campus, resulted in a near riot, with broken windows and the need for police to escort the speaker and attendees out of the building.

presentations for all manner of mainstream University presentations, from classes to online courses to guest speakers to research conferences. Such on-line presentations are a regular part of meeting the University's mission of instruction, research, and public service. We found no support for a position that electing to present a lecture in an on-line format under the circumstances of this case in any way contravenes First Amendment rights.

Sincerely,



Steven A. Drown

Interim Principal Counsel

Cc: Dov Waxman, Director, Younes & Soraya Nazarian Center for Israel Studies