

University of California students convicted for protesting Israeli ambassador's speech

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The prosecution of the “Irvine 11,” who shouted down Israeli ambassador Michael Oren during a speech at the University of California at Irvine, is an ominous attack on free speech and democratic rights in the US.

During the visiting ambassador's speech on February 8, 2010 to a crowd of about 500, 11 members of the Muslim Student Union organized a protest. One by one, the students called out prepared slogans such as “propagating murder is not an expression of free speech,” “Michael Oren, you're a war criminal,” and “You, sir, are an accomplice to genocide.”

The ambassador's speech came on the heels of a United Nations fact finder's report that concluded that Israel deliberately targeted civilians and civilian infrastructure in the 2008-2009 “Operation Cast Lead” that resulted in the deaths of 1,400 Palestinians and the full or partial destruction of more than 21,000 buildings and apartments, including more than 200 major factories. (See, “Israel's crisis deepens over Gaza war crimes report”)

In response to the protest, university officials took the podium and instructed the 11 students to stop, but the students continued. Immediately following the protest, the university suspended the Muslim Student Union and declared that disciplinary action would be taken against the students.

The Orange County District Attorney's office filed criminal charges against the 11 students earlier this year. The prosecutor's Orwellian legal theory was that the protesting students had violated the Israeli ambassador's right to free speech by interrupting his remarks.

The persecution of the “Irvine 11” has been closely followed in Orange County over the past several months, in particular by its Muslim population, with as many as 200 spectators packing into the courtroom to

witness the closing arguments.

On September 23, 10 of the 11 students were convicted of two criminal counts—one for conspiracy to disrupt the meeting and one for the disruption of the meeting itself. The ten students, all aged 19 to 23, are Mohamad Mohy-Eldeen Abdelgany, Aslam Abbasi Akhtar, Joseph Tamim Haider, Mohammad Uns Qureashi, Ali Mohammad Sayeed, Osama Ahmen Shabaik, Asaad Mohamedidris, Khalid Gahgat Akari, Taher Mutaz Herzallah, and Shaheen Waleed Nassar. Seven of the ten attend UC Irvine; the three others attend UC Riverside.

The eleventh student, Hakim Nasreddine Kebir, accepted 40 hours of community service in return for having the charges dropped.

In the US, a number of laws have historically protected meetings from disruptions that infringe on the democratic rights of those holding the meeting to assemble and speak freely. However, in the case of the “Irvine 11,” these laws are being turned upside down.

The professed concern for the “free speech” rights of someone like Oren—who was speaking in his official capacity as a representative of the Israeli state, infamous for bullying and intimidating its opponents—rings particularly hollow. As a matter of fact, there is a long tradition on American campuses of interrupting a speaker's remarks with questions or objections, especially where that speaker happens to be a powerful figure in the political establishment. As defense attorney Dan Mayfield pointed out during the trial, “Of course you speak loudly” to be heard in a university ballroom packed with hundreds of people.

During the closing arguments at the trial, prosecutor Dan Wagner was permitted to turn reality on its head. “Who is the censor in this case?” he declared, gesturing dramatically at the 10 students. “Right there—10 of

them.” “This is about freedom of speech,” he continued pompously.

The prosecution of the “Irvine 11” is not about defending free speech, but about stamping it out. The “Irvine 11” were selected for prosecution for what they said and not for how they said it. The conviction of these 10 students, by design, will have a chilling effect on dissenting speech on university campuses around the country, and serves to further contribute to the climate of anti-Muslim hysteria promoted by the government and media.

The 10 convicted students each received three years of probation, 56 hours of community service, and fines. Unless they are overturned, these convictions are now a part of the students’ permanent public records, accessible to graduate schools, future employers, and government agencies for the rest of their lives.

Courtroom spectators expressed shock and outrage when the convictions were announced, with some storming out of the courtroom in frustration. The students’ attorneys have announced their intention to appeal the convictions.

The collapse of democratic consciousness in the political establishment in the US is further highlighted by the unwillingness of the erstwhile liberal commentators to come to the defense of the students’ rights to free speech. Erwin Chemerinsky, dean of the UC Irvine law school and author of a major treatise on US constitutional law, went out of his way to denounce the students.

“The students who disrupted the speech of Israeli Ambassador Michael Oren in February 2010 unquestionably acted improperly. They engaged in a concerted effort to silence Oren and drive him from the podium,” wrote Chemerinsky in an editorial published in the *Orange County Register*. “I strongly disagree with those who try and defend the students as engaging in free speech.”

Chemerinsky argued instead that the prosecutor should not have filed charges that made “martyrs of students who behaved wrongly, but who don’t deserve to be criminals.”

“I taught him that you can express your mind,” the mother of Khalid Bahgat Akari told the *Los Angeles Times* after the convictions were announced. “I don’t understand what happened. I said here you can have freedom of speech—and look what happened.”



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