

**CONFRONTING THE SCOURGE OF
ANTISEMITISM ON CAMPUS**

HEARING

BEFORE THE

**SUBCOMMITTEE ON HIGHER EDUCATION
AND WORKFORCE DEVELOPMENT**

OF THE

**COMMITTEE ON EDUCATION AND THE
WORKFORCE**

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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C O N T E N T S

	Page
Hearing held on November 14, 2023	1

OPENING STATEMENTS

Owens, Hon. Burgess, Chairman, Subcommittee on Higher Education and the Workforce Development	1
Prepared statement of	4
Scott, Hon. Robert C. “Bobby”, Ranking Member, Committee on Education and the Workforce	6
Prepared statement of	8

WITNESSES

Hauer, Rabbi Moshe, Executive Vice President, Orthodox Union	9
Prepared statement of	11
Marcus, Kenneth L., Founder and Chairman, Louis D. Brandeis Center For Human Rights Under Law	15
Prepared statement of	17
Burdett, Stacy, Independent Consultant in Antisemitism Prevention and Response	25
Prepared statement of	27
Tartak, Sahar, Student, Yale University	37
Prepared statement of	39

ADDITIONAL SUBMISSIONS

Chairman Owens:	
Comments submitted by MorseLife Holocaust Learning Experience ...	97
Takano, Hon. Mark, a Representative in Congress from the State of California:	
Letter dated October 26, 2023, from the Brandeis University	44
Bonamici, Hon. Suzanne, a Representative in Congress from the State of Oregon:	
Press Release dated October 11, 2023, from CAIR-Maryland	52
Press Release dated October 13, 2023, from CAIR-Texas	55
Article dated October 31, 2023, from The Washington Post	57
Manning, Hon. Kathy, a Representative in Congress from the State of North Carolina:	
Letter to Secretary Cardona dated August 22, 2023	68
Stefanik, Hon. Elise, a Representative in Congress from the State of New York:	
Letter to Harvard dated October 13, 2023	90

IV

QUESTIONS FOR THE RECORD

Page

Responses to questions submitted for the record by:

Rabbi Moshe Hauer	103
Mr. Kenneth Marcus	108

CONFRONTING THE SCOURGE OF ANTISEMITISM ON CAMPUS

Tuesday, November 14, 2023

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE
DEVELOPMENT,
COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:03 a.m., House Rayburn Office Building, Room 2175, Hon. Burgess Owens [Chairman of the Subcommittee] presiding.

Present: Representatives Owens, Grothman, Stefanik, Banks, Smucker, Good, Moran, Chavez DeRemer, Williams, Houchin, Foxx, Takano, Leger Fernandez, Manning, McBath, Courtney, Sablan, Bonamici, Adams, and Scott.

Also present: Walberg, Miller, Kiley, and Bean.

Staff present: Cyrus Artz, Staff Director; Nick Barley, Deputy Communications Director; Mindy Barry, General Counsel; Jackson Berryman, Speechwriter; Hans Bjontegard, Legislative Assistant; Solomon Chen, Professional Staff Member; Isabel Foster, Press Assistant; Daniel Fuenzalida, Staff Assistant; Sheila Havenner, Director of Information Technology; Paxton Henderson, Intern; Amy Raaf Jones, Director of Education and Human Services Policy; Alex Knorr, Legislative Assistant; Andrew Kuzy, Press Assistant; Georgie Littlefair, Clerk; Hannah Matesic, Deputy Staff Director; Audra McGeorge, Communications Director; Gabriella Pistone, Oversight Legislative Assistant; Rebecca Powell, Staff Assistant; Mary Christina Riley, Professional Staff Member; Chance Russell, Economist and Policy Advisor; David Samberg, Associate Investigative Counsel; Brad Thomas, Deputy Director of Education and Human Services Policy; Maura Williams, Director of Operations; Amaris Benavidez, Minority Professional Staff; Jonah Bertheleson, Minority Legal Intern; Nekea Brown, Minority Director of Operations; Ilana Brunner, Minority General Counsel; Rashage Green, Minority Director of Education Policy & Counsel; Eric Hale, Minority Grad Intern; Stephanie Lalle, Minority Communications Director; Kristen Lemus, Minority Intern; Raiyana Malone, Minority Press Secretary; Shyann McDonald, Minority Staff Assistant; Veronique Pluiose, Minority Staff Director; Banyon Vassar, Minority IT Administrator.

Chairman OWENS. The Subcommittee on Higher Education Workforce Development will come to order. I note that a quorum is present. Without objection, the Chair is recognized to call a recess at any time. I would also like to welcome Committee members

who are not members of the Subcommittee and are waiving on to this process for today's hearing.

Thank you for joining us today for this very timely and consequential hearing. I want to begin by expressing sympathy for the Jewish members of our community that feel endangered and discouraged and disappointed by exposure of antisemitism through our country.

I also want to thank our witnesses for coming forward to testify and working with our Committee during this difficult time of upheaval. This Committee is convening today to address the scourge of antisemitism spreading like wildfire on college campuses. As a first step toward eradicating this evil, this Committee has invited Jewish campus and community leaders to help us understand the source of this proliferation.

I recognize that antisemitism is not a new problem. It has taken on various forms throughout our history, the most noted prior to October 7th with the horrors of the Nazi Holocaust. Both will forever remain a stain in the annals of human history.

The modern form of antisemitism is more subtle, or is often disguised under progressive, political innuendos, for example. Office of Diversity Equity and Inclusion steeped deeply in Marxism. It is anything but inclusive for Jews. Evidence shows that the campus DEI bureaucracies play a major role in propaganda spread of antisemitism.

There is a dirty little secret at the heart of DEI as it seems to dismantle systems of oppression. It divides the world into oppressors and the oppressed, ascribing collective guilt to the oppressors and collective innocence to the oppressed. What does this mean to the Jewish community?

You think DEI industry would be sympathetic to the Jewish people's history of oppression, prosecution and wholesale slaughter, but no. The DEI hierarchy places the Jewish people at the very bottom of oppression spectrum. A study from the Heritage Foundation explains that how diversity offices fuel antisemitic fire.

After searching through the Twitter feeds of 741 campus DEI personnel, the Heritage Jay Green found that 96 percent of the Israel related tweets were either critical of Israel, or especially antisemitic. DEI programs are at its core, antisemitic because it ascribes collective guilt to the entire State of Israel for their mere existence.

The core principles of this Marxist ideology are not diversity, equity or inclusion. Instead, discrimination, intolerance and bigotry toward individuals thought to belong to the wrong group. Rather than curbing discrimination on campus, these DEI bureaucracies stoke racial tensions. A report from the National Association of Scholars finds that DEI officials routinely organize race segregated events. Race exclusive affinity groups, race segregated spaces such as black only dorms, black only graduations, and race specific training. You literally cannot make this stuff up.

If it reminds anyone of the hate fueled 1960's days of deep south Jim Crow segregation and the roaming gangs of KKK bullies, it is because it is. Hopefully our witness from Yale, Ms. Sahar Tartak, can speak more about her experiences with campus DEI and if it made her feel included.

I cannot think of a time since the 1960's when a group of students were more blatantly targeted, harassed, bullied, intimidated, physically assaulted, than Jewish students in the last month. Swastika graffiti over college campuses, Jewish students being segregated in classrooms by their professors. Jewish students at the New York City's Cooper Union being forced to lock themselves in a college library, and later escorted out the back door.

What is the core of this problem? A gang of face covered, cowardly bullies who feel no shame, who feel no fear of accountability from college administrators where this hate is being taught. Chants for genocide ring loudly. A Cornell history professor called the pure evil of the terrorist attack on civilian innocents exhilarating.

Antisemitic speech might be free. It deserves our moral condemnation. With respect to all free speech, this Committee fully supports students' rights to political expression. What we do not and will not support is terrorism and threats of violence. We can no longer support the use of taxpayer dollars to cultivate, nourish and grow hate on our campuses.

I look forward to hearing from our witness accounts of exclusive and divisiveness that are now being promulgated and promoted throughout our country. DEI definitely plays a large role in promoting this hate, but in what other areas should we look at to hold our universities accountable.

Once again, I thank you for being here and with that, I yield for the Ranking Member for his opening statement, Mr. Scott.

[The prepared statement of Chairman Owens follows:]



COMMITTEE
STATEMENT

**Opening Statement of Rep. Burgess Owens (R-UT), Chairman
Subcommittee on Higher Education and Workforce Development
Hearing: “Confronting the Scourge of Antisemitism on Campus”
November 14, 2023**

(As prepared for delivery)

Thank you for joining us today for this very timely and consequential hearing. I want to begin by expressing sympathy for the Jewish members of our community who have felt endangered, discouraged, and disappointed by the exposure of antisemitism throughout the country. I also want to thank our witnesses for coming forward to testify and working with our Committee during this difficult time of upheaval.

This Committee is convening today to address the scourge of antisemitism spreading like wildfire on college campuses. As a first step toward eradicating this evil, this Committee has invited Jewish campus and community leaders to help us understand the source of its proliferation.

I recognize that antisemitism is not a new problem. It has taken on various forms throughout history: the most noted, prior to October 7th, were the horrors of the Nazi Holocaust. Both will forever remain a stain in the annals of human history.

The modern form of antisemitism is more subtle, for it is often disguised under progressive political innuendos. For example, Offices of Diversity, Equity, and Inclusion steeped deeply in the doctrine of Marxism are anything but inclusive for Jews. Evidence shows that campus DEI bureaucracies play a major role in propagating the spread of antisemitism.

There is a dirty little secret at the heart of DEI, as it seeks to dismantle systems of oppression. It divides the world into “oppressors” and “the oppressed,” ascribing collective guilt to the oppressors and collective innocence to the oppressed.

But what does that mean for the Jewish people? You would think the DEI industry would be sympathetic to the Jewish people’s history of oppression, persecution, and wholesale slaughter.

But no, the DEI hierarchy places the Jewish people at the very bottom of its “oppression” spectrum.

A study from the Heritage Foundation explains how diversity officers fuel the antisemitic fire. After searching through the Twitter feeds of 741 campus DEI personnel, Heritage’s Jay Greene found that 96 percent of Israel-related tweets were either critical of Israel or explicitly antisemitic.

DEI programs are ideologically antisemitic because they ascribe collective guilt to the entire state of Israel for its mere existence. The core principles of the Marxist ideologue are not diversity, equity, or inclusion. They are instead discrimination, intolerance, and bigotry towards individuals thought to belong to the wrong group.

So rather than curbing discrimination on campus, these DEI bureaucracies stoke racial tensions. A report from the National Association of Scholars found that “DEI offices routinely organize race-segregated events, race-exclusionary affinity groups, race-segregated spaces such as Black-only dorms, and race-specific training.” You literally can’t make this stuff up. If this reminds anyone of the hate-fueled 1960s, the days of deep south Jim Crow segregation and roaming gangs of KKK bullies, that’s because, it is.

Hopefully, our witness from Yale, Ms. Tartak, can speak more about her experience with campus DEI and if it made her feel “included.”

I cannot think of a time since the 1960s when a group of students was more blatantly targeted, harassed, bullied, intimidated, and physically assaulted than Jewish students in the last month.

Swastikas graffitied on campus. Jewish students being segregated in classrooms by their professors. Jewish students at New York City's Cooper Union being forced to lock themselves in the college library, and later escorted out a back door. What is at the core of this problem? A gang of face-covering, cowardly bigots who feel no shame, and who have no fear of accountability from college administrators, where this hate is being taught.

Chants for genocide ring loudly. A Cornell history professor called the pure evil terrorist attack on civilian innocence "exhilarating."

While antisemitic speech might be free, it deserves our moral condemnation. With respect to all free speech, this Committee fully supports students' right to political expression. What we do not and will never support is terrorism and threats of violence. And we can no longer support the use of taxpayer dollars to cultivate, nourish, and grow hate on our campuses.

I look forward to hearing our witnesses' accounts of exclusiveness and divisiveness that are now being promoted throughout our country. DEI definitely plays a large role in fomenting antisemitic hate, but in what other areas should we look to hold universities accountable?

Mr. SCOTT. Thank you, Chairman Owens, and thank you to our witnesses for your testimony today. It has been over a month since Hamas's terrorist attack on innocent civilian in Israel and the start of a brutal war in Gaza. This conflict has directly devastated thousands of people, Israeli's and Palestinian's alike.

Countless families and friends across the world and in the United States. Tragically, but not surprisingly, this conflict has also been marked by a rise in both antisemitic and Islamophobic incidences on America's colleges and universities. To be clear, this discrimination is nothing new.

Student of history knows that it did not start with the current war, foreign influences, or any new philosophy. My colleagues would do well to recall this country's century long history of racism and antisemitism. We can all agree that free speech is a constitutional right, and bedrock of our democracy and colleges and universities have been on the front line of advancing that right for decades, but we should also be able to agree that schools have a responsibility to protect student's civil rights and safety. If they do not want to agree to that, Title VI makes it clear that they have that responsibility.

Under President Biden's direction, the Department of Education has recently provided additional guidance to colleges and universities on how to uphold their obligation under Title VI of the Civil Rights Act and better address antisemitism, Islamophobia, and other forms of discrimination on campus. While the Biden administration has taken an active role in helping institutions protect students, regrettably many of my colleagues have spent this Congress fueling divisive and baseless culture wars.

Moreover, this week Congress will consider a government funding bill. It includes cuts for the Department of Education's Office of Civil Rights, the very agency charged with protecting students from discrimination. Today I hope our republican colleagues will denounce the culture wars that have distracted us from protecting our vulnerable students, and I hope we can all stand behind the Biden administration's critical work to ensure that every student and educator has access to a campus free from discrimination, harassment and violence.

I thank you, Mr. Chairman, and I yield back.

[The prepared statement of Ranking Member Scott follows:]



OPENING STATEMENT

House Committee on Education and the Workforce
Ranking Member Robert C. "Bobby" Scott

Opening Statement of Ranking Member Robert C. "Bobby" Scott (VA-03)

Subcommittee on Higher Education and Workforce Development

"Confronting the Scourge of Antisemitism on Campus"

2175 Rayburn House Office Building

Tuesday, November 14, 2023 | 10:00 a.m.

Thank you, Chairman Owens, and thank you to the witnesses for your testimonies today.

It has been over a month since Hamas' terrorist attack on innocent civilians in Israel and the start of a brutal, ongoing war in Gaza. This conflict has directly devastated thousands of people—Israelis and Palestinians, alike and countless families and friends across the world and in the United States.

Tragically, but not surprisingly, this conflict has also been marked by a rise in both Antisemitic and Islamophobic incidents on America's colleges and universities.

And to be clear, this discrimination is nothing new. Any student of history knows that it did not start with the current war, foreign influences, or any new philosophy.

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So, today, I hope that my Republican colleagues denounce the culture wars that have distracted us from protecting our vulnerable students. And I hope we can all stand behind the Biden Administration's critical work to ensure that every student and educator has access to a campus free from discrimination, harassment, and violence.

Thank you, Mr. Chair and I yield back.

Chairman OWENS. Thank you, Mr. Scott. Pursuant to Committee Rule 8-C, all members who wish to insert written statements into the record may do so by submitting to the Committee Clerk electronically in Microsoft Word format by 5, 14 days after this hearing, which is November 28th, 2023. Without objection, the hearing record will remain open for 14 days to allow such transactions and statements, and materials referenced during this hearing to be submitted for the hearing record.

I will now turn to the introduction of our four distinguished witnesses. Our first witness is Rabbi Moshe Hauer, who is Executive Vice President of the Orthodox Union, which is located in New York City, New York. Our next witness is Mr. Kenneth Marcus, who is a Founder and Chairman of Brandeis Center for Human Rights under the Law, which is located in Washington, DC.

Our third witness is Ms. Stacy Burdett, who is an Independent Consultant in Antisemitism Prevention and Response and is located in Washington, DC. Our final witness is Ms. Sahar Tartak, who is a Student at Yale University in New Haven, Connecticut.

I would like to thank the witnesses for being here today and look forward to your testimony. Pursuant to Committee rules, I would ask that each of you limit your oral presentation to a 5-minute summary of your written statement. I also would like to remind the witnesses to be aware of their responsibility to provide accurate information to the Subcommittee. I would like to first recognize Rabbi Hauer.

**STATEMENT OF RABBI MOSHE HAUER, EXECUTIVE VICE
PRESIDENT, ORTHODOX UNION, NEW YORK, NEW YORK**

Rabbie HAUER. Thank you. Thank you, Mr. Chairman, Ranking Member, members of the Subcommittee. My name is Rabbi Moshe Hauer, and I have the privilege to serve as the Executive Vice President of the Orthodox Union, which is the largest organization serving Orthodox Jews in the world.

I am not standing here or sitting here today simply in that capacity. I work day to day together with colleagues across the Jewish community, all of whom all of us are engaged in our future, our students. Students on campus. We have an organization that serves our communities on campus, and we work side by side, along with Hillel, Chabad and others serving Jewish students of all types on our campuses.

I hope in these remarks to be able to represent them. To present to you in addition to the many specific stories from which the Chairman mentioned and cited and others which you will hear here today, and will hear unfortunately and sadly in the future to give you a bit of a sense of the bigger picture. Our organization like others in the Jewish space, we place educators on university campuses. Educators who are there who enter the field in order to be able to provide a home on campus for Jewish students.

To help nurture their sense of community, their sense of identity, to have a place to come together to celebrate Jewish holidays and the Sabbath, to study, to eat together, to maintain their sense of community of their faith community.

Today, the entire community of Jews on campus do not need a home, they need a fortress. People who went into this field in order

to be able to educate and to nurture instead find themselves, despite their own trauma, and their own fear, having to spend their time just caring for the trauma and the fear of their students.

Day to day, instead of educating, they are protecting. They are counseling people, students, how to avoid danger. How to navigate a class where the professor, where the staff that is in the class is creating a hostile environment for the students. The notion of being able to be there, to build, to grow, where the campus is a nurturing environment for all of its students is unfortunately not their reality.

Once upon a time, Jews were not admitted to these campuses. Today, we have come a long way. Jews are admitted to every campus, but today, unlike a short time ago, that admission introduces them to an environment where they experience fear and hostility, which is better? To not be allowed in, or to be welcomed, and then to be intimidated?

Title VI, as you will hear from my friend and colleague, Ken Marcus, Title VI ensures that our environments, our federally funded environments, our university environments are supposed to provide a place where all students are welcome, and what we are experiencing today is a test case in noncompliance of Title VI.

I would also like to make a last point. That is to draw you back to the big picture of how the Jewish community, the students and the Jewish community as a whole are experiencing this moment. We are the people of the book, and that book contains values and morals, and it tells us our story.

We all know our story. This is the story of the Jewish people in a nutshell. We have been around for a few thousand years. We come to a country where we live, where we wander to. We thrive there. We contribute to the community, and after a period of time, that country spits us out. That has been our story.

We live with it. We know it, and we did not think it was going to happen here. We believed that the United States of America built as it is, on the principles of liberty and freedom and civil rights, would never spit us out. We never imagined not 5 years ago, not 1 year ago, that we would be sitting here in this Committee room because of the kind of vile and terrible antisemitism, which is being directed at us on campuses.

It is in your hands. You are elected officials. We have entrusted you to bring back the liberty and freedom to our land, to make our community believe again that America will be different.

[The prepared statement of Rabbi Hauer follows:]



RABBI MOSHE HAUER
Executive Vice President

Rabbi Moshe Hauer Testimony

*House Education and the Workforce Committee
Subcommittee on Higher Education and Workforce Development
“Confronting the Scourge of Antisemitism on Campus”
November 14, 2023*

Mr. Chairman, Ranking Member, and Members of the Subcommittee:

My name is Rabbi Moshe Hauer. You have heard and will hear individual stories of what life has been like for Jewish students on America’s university campuses. I would like to share with you the bigger picture. While I come to you today as the Executive Vice President of the Union of Orthodox Jewish Congregations of America, also known as the Orthodox Union, the largest organization serving Orthodox Jews in the world, in this testimony I hope to represent the entire Jewish community, every Jew and every Jewish student on a university campus. Across the entire Jewish communal and religious spectrum, my colleagues and I work together daily to address the plague of antisemitism that has struck us all, a plague that is afflicting our beloved United States and that is firmly centered in its institutions of higher learning.

I want to share with this committee three points.

1. The Orthodox Union, along with Hillel, Chabad, and others, directs significant resources and attention to our future, to our youth and students. Each of us places full-time educators on university campuses who seek to provide a Jewish home for those students on campus, creating a place where they can come to connect warmly to their faith community, to celebrate the Sabbath and holidays, to socialize, study, eat, and pray together with their religious peers, and to be supported and guided by nurturing mentors.

Today, this entire community is in crisis. Jewish students on campus no longer need a home; they need a fortress. Religious educators who have dedicated their lives to providing students with warmth, nurturing, and a stronger Jewish identity find themselves thrust into the role of trauma counselors and security advocates, even as they experience their own trauma and fear. On too many campuses, everywhere they go the students and their mentors encounter protests, chants, and signs that express the goals of eliminating the world’s one Jewish state and killing Jews and that baselessly accuse Jews of unspeakable crimes. These messages of hate and intimidation come from students and from professors, and they are tolerated if not encouraged by many university administrators.

Decades ago, Jews were not admitted to these universities. Now they let us in and expose us to hostility and intimidation. Which situation is better?



RABBI MOSHE HAUER
Executive Vice President

Every person in this country should have access to the resources that the federal government provides. Title VI of the 1964 Civil Rights Act, which prohibits discrimination based on shared ancestry or ethnic characteristics, applies to all programs and activities supported by federal financial assistance, including – of course – both public and private universities. Those universities are tolerating and often supporting faculty and student groups whose vocal and virulent antisemitism create discriminatory environments inhospitable to Jews.

The Jewish experience on campus is a case study in Title VI non-compliance. This hearing you are holding today gives us hope that the fundamental right to religious liberty enshrined in the Bill of Rights will be honored and enforced on these campuses.

2. This intimidation and hostility are experienced by every Jewish student, Orthodox, Reform, or unaffiliated, whether identifiably Jewish or not. The 17,000 non-Orthodox teens that we serve in American public schools through our Jewish Student Union clubs experience it as well, as the plague of brazen and appalling antisemitism has spread from higher education to public middle and high schools. It is, however, important to highlight for a moment the specific experience of Orthodox students on campus.

The Orthodox Union's Jewish Learning Initiative on Campus impacts thousands of Orthodox Jewish students on close to 100 campuses. Orthodox Jews are usually very visibly Jewish, identifiable by religious symbols and recognizable modes of dress, and have not surprisingly been the victims of a significant share of the antisemitic hate crimes. This makes life very difficult in the university environment where the term "Jew" is an epithet, where anger and hate are a constant, and where protection and support from the administration are absent. Our kids cannot circulate anonymously on campus and cannot go undercover by tucking the star of David necklace into the shirt or by removing the *kippah*. Their strictly kosher diet and their desire to practice their faith mean that if they want to eat or pray – which they do daily – they need to go to the center for Jewish life on campus. The Orthodox Jewish student on campus is a walking billboard: It is me, the Jew, the one you harass, demonize, and intimidate. I can neither run nor hide.

3. Finally, it is critical that you understand how what is happening in our universities is being experienced by the broader Jewish community. The Jewish people are the people of the book, and that book teaches us both our values and our story. We know our history, and it goes like this: For more than three thousand years we have lived in a great many places, where we thrived and contributed to the host country, and then we had to leave. Sometimes



RABBI MOSHE HAUER
Executive Vice President

we were expelled by laws and sometimes by fear, by the sheer danger of the hate that grew towards us. That is our story. We always end up having to leave.

We all believed that the United States was different.

The current tsunami of antisemitism that has surged in the United States and that is centered in its universities has shaken us. And now, as of October 7th, I do not know if there is a Jew that has not said to themselves, “here we go again.”

We never imagined it. Five years ago, one year ago, if someone would tell you or me that we would be sitting in this room discussing this kind of open, blatant, and vile antisemitism in the United States of America, we would have thought they were crazy. America is different. America was supposed to be different. We were sure that this land of liberty and civil rights would be the exception to the rule. Jews would never be chased from here, neither by law nor by fear. That is what we thought.

We are less convinced of that now. We are shaken, we are doubting, and we are wondering, “here we go again.” We are worried for the present, for the safety of our kids on campus. And we are worried for our future in this country and – quite frankly – for the future of a country whose institutions of “higher learning” appear utterly incapable of teaching basic values, right from wrong.

You are our elected leaders.

It is in your hands to restore our faith that America will be the exception to the rule of our history.

It is in your hands to clarify that the true blessing of free speech does not include speakers who “direct a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.”

It is in your hands to ensure that Title VI is respected and enforced, as those same hateful words that may be chanted in our streets may not be part of the government funded environments of our educational institutions that have tragically become discriminatory environments inhospitable to Jews.



RABBI MOSHE HAUER
Executive Vice President

It is in your hands to take a step back and to consider the big and frightening picture of what this country is starting to look like. For us in the Jewish community, America is feeling a lot less free and a lot less safe. We need you to restore our sense of freedom and safety in this blessed land.

Thank you for your attention today and for your actions tomorrow and in the future.

A handwritten signature in black ink, appearing to read 'Moshe Hauer', with a long horizontal flourish extending to the right.

Rabbi Moshe Hauer
Executive Vice President
Orthodox Union

Chairman OWENS. Thank you, Mr. Hauer, I appreciate that. I next recognize Mr. Marcus.

**STATEMENT OF MR. KENNETH L. MARCUS, ESQ., FOUNDER
AND CHAIRMAN, BRANDEIS CENTER, WASHINGTON, D.C.**

Mr. MARCUS. Chairman Owens, Ranking Member Scott, Members of the Subcommittee, it is an honor to be here today for this briefing. I thank you for holding it and for including me. I am the Chairman of the Louis D. Brandeis Center for Human Rights Under Law. We speak every day with Jewish students who are facing antisemitism on college campuses.

A month ago, shortly before this 7th of October, I would have told you that we were facing historic levels of campus antisemitism, worse than we had ever seen before. That was nothing like what we have seen since then. During the weeks following October 7th, we had more than a 10fold increase in intake as compared to the historic levels that we had seen before that.

That was even before we announced a joint program with the Antidefamation League and Hillel, to do intake together, at which point it skyrocketed above that. We have a crisis today on America's campuses. This is an emergency. I would suggest to this Committee that when the problem is exceptional and unprecedented, the solutions need to be unprecedented and exceptional.

My testimony describes some of what is happening on college campuses, but the Chairman's opening remarks reflects an understanding of that. Students are being assaulted. Students are being threatened. There is a vandalism, there is harassment of all sorts, not just on a few hotspot campuses, but all over this country, including at institutions that we had previously considered to be entirely safe for Jewish students.

Let me suggest if I may, a few answers because there are things that can be done, especially under the statute that Rabbi Hauer mentioned, Title VI of the Civil Rights Act of 1964. The Biden administration has addressed antisemitism in various ways, and I think should be praised for issuing a national strategy on antisemitism.

The Office for Civil Rights or OCR, which I formerly headed at the U.S. Department of Education, has issued their colleague letters and has had various meetings and public events, which I think are helpful. Much of that was what I would call October 6th thinking.

We are now in an emergency. Here are a few things that should be done, certainly within the next 30 days. No. 1, the Secretary of Education has authority to institute compliance reviews. When I served in the George W. Bush and Trump administrations, when there was a matter of national importance that we wanted to address and bring public attention to, we would establish a nationwide initiative, with investigations proactively addressed through all of the regions of the agency. That would put significant resources, but also raise public attention.

There is no need to simply wait for complaints to come in. The agency can reach out. Second, even short of compliance initiative, the agency has the power to institute self-directed investigations. Jewish communal organizations like mine are similarly stretched.

We are providing complaints where we can as fast as we can, but the U.S. Department of Education has the authority any time it opens the newspaper, or watches the news, to investigate in those cases of which there are many, in which it is apparent that there are issues of non-compliance with Federal law.

Third, Executive Order 13899 on combatting antisemitism. The Biden administration has committed over and over again to issue regulations implementing President Trump's former executive order on combatting antisemitism, which remains active policy, but lacks the durability of a regulation.

This has been delayed and delayed again. It is now due next month in December. It would be unfortunate at a period of extreme antisemitism for this to be delayed again, and yet there has been no mention of it in either the national strategy, or the most recent OCR report to this Congress and the President.

At a minimum, the administration should do what it has promised, and what they promised long before October 7th, and issue the notice of proposed rulemaking regarding Executive Order 13899.

Fourth, the Antisemitism Awareness Act, that is up to this Congress, not the executive branch, but there is legislation that has been introduced that would formalize and codify the executive order established by the last President, President Donald Trump. This would provide tools needed by OCR in order to ensure that there will be consistent, standard use of the understanding of antisemitism.

Those are four things, but in general what we need is not just good words, not just an occasional letter, but a combination of strong guidance, and most importantly, proactive action. There is no need to simply wait for complaints to come in. The Federal Government should take action, and there is no reason why it cannot do so within these next 30 days. Thank you, sir.

[The Statement of Mr. Marcus follows:]

17

TESTIMONY OF HON. KENNETH L. MARCUS

FOUNDER AND CHAIRMAN

THE LOUIS D. BRANDEIS CENTER FOR HUMAN RIGHTS UNDER LAW

"CONFRONTING THE SCOURGE OF ANTI-SEMITISM ON CAMPUS" TESTIMONY

BEFORE THE UNITED STATES HOUSE COMMITTEE ON EDUCATION AND THE

WORKFORCE SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE

DEVELOPMENT

NOVEMBER 14, 2023

CHAIRMAN OWENS, RANKING MEMBER WILSON, AND MEMBERS OF THE SUBCOMMITTEE:

I am honored to appear before you today at this briefing on “Confronting the Scourge of Antisemitism on Campus.”¹ My name is Kenneth L. Marcus. I am the Chairman of the Louis D. Brandeis Center for Human Rights Under Law, which I founded to advance the civil and human rights of the Jewish people and promote justice for all. Our primary focus is anti-Semitism on college and university campuses, in the workplace, and elsewhere. Additionally, I am a former Assistant U.S. Secretary of Education for Civil Rights, Staff Director of the U.S. Commission on Civil Rights, and General Deputy Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity.

Of course, we are here today because of the rampant anti-Semitism we have witnessed across the country, particularly at the university level, in the wake of Hamas’ attack on October 7th. Jewish students are being physically and verbally attacked on campus, harassed online, and intimidated into silence. Forced to hide their Jewish identity out of fear of repercussions, some are too afraid to even walk across campus or attend classes, let alone show their support for Israel. While the majority of Jews consider Zionism and an affinity for Israel to be an integral part of their identity, Jewish students are forced to shed or hide their religious, historical, and cultural connection to Israel.²

But it is important to remember that anti-Semitism was already prevalent prior to October 7th and that Jewish students were already suffering from a lack of support from their schools’

¹ Emma Enig provided research assistance for this testimony.

² “U.S. Jews’ Connections with and Attitudes toward Israel.” Pew Research Center’s Religion & Public Life Project, May 11, 2021. <https://www.pewresearch.org/religion/2021/05/11/u-s-jews-connections-with-and-attitudes-toward-israel/>; Alyza D. Lewin, *Recognizing Anti-Zionism as an Attack on Jewish Identity*, 68 CATH. U. L. REV. 643 (2019). Available at: <https://scholarship.law.edu/lawreview/vol68/iss4/8>

administrations. Over the last decade, the Brandeis Center has tracked anti-Semitic incidents on college campuses, provided legal representation and support to affected students, and demanded that university administrators uphold their legal obligation to protect students' civil rights. As early as 2005, the U.S. Commission on Civil Rights warned that campus anti-Semitism had become a serious problem. They were right, and it has only gotten worse. A 2013 Pew Research Center survey of Jews found that experience with anti-Semitism was more prevalent among young adults in higher education. In 2014, a Brandeis Center-Trinity College study found that anti-Semitism was particularly pervasive on college campuses, with 54% of responding Jewish students on 55 campuses reported experiencing or witnessing anti-Semitism during the 2013-2014 academic year.³ In 2021, the Brandeis Center conducted a survey of Jewish fraternity and sorority students, finding that most have felt unsafe as a Jew at some point while on campus or in virtual campus settings.⁴ Over 80% of these students were pro-Israel, yet more than half of them avoided expressing their views on Israel.⁵ As Jews and Zionists, they were concerned about being verbally or physically attacked, being socially excluded or harassed online, and being marginalized or penalized by a professor.⁶

Unfortunately, their fears are not unfounded. At the University of Southern California, a Jewish student body vice-president was forced to resign after anti-Zionist harassment.⁷ At Tufts

³ Barry A. Kosmin & Ariella Keysar, *National Demographic Survey of American Jewish College Students 2014: Anti-Semitism Report*, The Louis D. Brandeis Center for Human Rights Under Law & Trinity College (2015), available at https://www.bjpa.org/content/upload/bjpa/c_c/Anti-SemitismReportFinal.pdf.

⁴ "ANTI-SEMITISM @ College Survey (Spring 2021)." The Louis D. Brandeis Center for Human Rights Under Law. Accessed November 5, 2023. <https://brandeiscenter.com/wp-content/uploads/2021/09/Brandeis-Survey-Findings.pdf>

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Vera, Amir, and Stella Chan. "US Department of Education Opens Investigation into USC after a Student Accused the School of Allowing Antisemitism on Campus." CNN, July 27, 2022. <https://www.cnn.com/2022/07/27/us/usc-antisemitism-complaint-us-education-department-reaj/index.html>.

University, a Jewish student was harassed and marginalized by his fellow judiciary council members, pressured to recuse himself for his Zionist identity.⁸ At University of California, Berkeley Law School, student groups amended their constitutions and bylaws to ensure that their organizations will never invite any speakers, on any topic, that support Israel or Zionism.⁹ At SUNY New Paltz, two Jewish students were excluded from a sexual assault support group.¹⁰ The Department of Education's Office for Civil Rights (OCR) found that University of Vermont had failed to address campus antisemitism after a teaching assistant threatened to treat Jewish students in a discriminatory fashion and urged others to join her in bullying and ostracizing students based on their Jewish and Zionist identities. She ultimately fostered a hostile environment on campus that led student organizations to ban Zionist students from joining their clubs.¹¹ These are just a few examples, but they represent countless Jewish students who have been targeted based on their ethnic and ancestral identity. And of course, it's not just university students being subjected to anti-Semitic hate. Recent data shows a nearly 50% increase in anti-Semitic incidents at K-12 schools.¹² Jewish students need not wait until they hit a university campus to experience anti-Semitism.

⁸ Weiss, Melissa. "Tufts Student Alleges Antisemitism and Harassment at University." Jewish Insider, February 24, 2021. <https://jewishinsider.com/2021/02/tufts-university-student-harassment/>.

⁹ Marcus, Kenneth L. "Berkeley Develops Jewish-Free Zones." Jewish Journal, January 15, 2023. <https://jewishjournal.com/commentary/opinion/351854/berkeley-develops-jewish-free-zones/>.

¹⁰ Bandler, Aaron. "Two Jewish College Students Claim They Were Excluded from Sexual Assault Survivors Group Because of Pro-Israel Views." Jewish Journal, August 23, 2022. <https://jewishjournal.com/news/united-states/350832/complaint-filed-to-education-dept-after-jewish-students-allege-suny-new-paltz-sexual-assault-survivors-group-excluded-them/>.

¹¹ Dion J. Pierre, Dion J. "'Historic Victory': US Gov't Rules That University of Vermont Failed to Address Campus Antisemitism." Algemeiner, April 4, 2023. HYPERLINK "https://www.algemeiner.com/2023/04/03/historic-victory-us-govt-rules-that-university-of-vermont-failed-to-address-campus-antisemitism/" <https://www.algemeiner.com/2023/04/03/historic-victory-us-govt-rules-that-university-of-vermont-failed-to-address-campus-antisemitism/>.

¹² ADL. "Audit of Antisemitic Incidents 2022." March 23, 2023. <https://www.adl.org/resources/report/audit-antisemitic-incidents-2022>.

In the wake of Hamas' October 7th attack on Israel, things have only gotten worse for Jewish students on campus. At Cooper Union in New York City, visibly Jewish students were forced to shelter inside a library as pro-Palestinian protesters tried to gain entry, banging on doors and windows.¹³ Jewish Tulane University students were physically assaulted at a nearby protest – one ending up with a broken nose.¹⁴ An Israeli student at Harvard Business School was physically and verbally assaulted while pleading with protesters to stop grabbing him.¹⁵ A Cornell University student was arrested for making death and rape threats against Jewish students on campus.¹⁶ Hamas' call for a "Global Day of Jihad" on October 13th led Jewish students at University of California, Berkeley to fear for their physical safety on campus.¹⁷ On many campuses across the country, Jewish students are hanging flyers of kidnapped civilians currently being held in Gaza. Their fellow students are tearing them down while calling it propaganda.¹⁸ They are not even allowed to publicly mourn their Jewish brethren slaughtered by

¹³ Shanahan, Ed, and Maria Cramer. "Israel-Hamas War Protest Leads to Tense Scene at Cooper Union Library." The New York Times, October 26, 2023. <https://www.nytimes.com/2023/10/25/nyregion/cooper-union-protest-israel-hamas.html>.

¹⁴ Smilk, Carin M. "Anti-Israel Protesters 'Broke My Nose,' Says Jewish Student at Tulane." Jewish News Syndicate, November 2, 2023. <https://www.jns.org/they-broke-my-nose-jewish-tulane-student-tells-jns-of-anti-israel-protesters/>.

¹⁵ "Israeli Student at Harvard Business School Attacked as Video Shows Him Saying 'Don't Grab Me.'" National Post, November 3, 2023. <https://nationalpost.com/news/harvard-law-review-antisemitic-attacker>.

¹⁶ Barr, Luke, and Sarah Beth Hensley. "Student Charged with Making Antisemitic Threats to Cornell's Jewish Students." ABC News, November 1, 2023. <https://abcnews.go.com/Politics/fbi-investigating-antisemitic-threats-targeting-cornell-universitys-jewish/story?id=104480004>.

¹⁷ McSweeney, Terry. "Tensions Rise at UC Berkeley amid Israel-Hamas War." NBC Bay Area, October 31, 2023. <https://www.nbcbayarea.com/news/local/tensions-uc-berkeley-israel-hamas-war/3356755/>.

¹⁸ Alexander, Harriet. "Student at George Mason Destroys Poster of Hamas Hostage Claiming It's 'propaganda' - While Yale Censors pro-Israel Writer's Column on Terror Atrocities - and Man Goes on Disgusting Antisemitic Rant Outside Harvard University." Daily Mail Online, November 2, 2023. <https://www.dailymail.co.uk/news/article-12691203/ivy-league-antisemitism-yale-harvard-upenn-cornell-columbia.html>.

Hamas or call out the rise in anti-Semitism since October 7th, fearing for their physical safety on campus.

While we can hope that university administrators have the moral clarity to call out the anti-Semitic harassment of their students, many don't. And while we may wish that the Department of Education had the tools available to keep those university administrators in check, they don't. Fortunately, there are several steps the government can take to assist in protecting Jewish students.

This past June, the White House released "The U.S. National Strategy to Counter Antisemitism."¹⁹ The strategy was timely and noble in its objectives, but lacking in the substance needed to curb the anti-Semitism we are seeing at schools. The Biden administration, through the Office for Civil Rights (OCR), issued a Dear Colleague letter to colleges and universities, reminding them of their legal obligation under Title VI of the Civil Rights Act of 1964 to address complaints of discrimination, including harassment based on race, color, or national origin, including shared ancestry, such as Jewish ancestry and ethnic characteristics.²⁰ This was a good move on the administration's part, but how are schools expected to protect Jewish students and comply with Title VI when they are fundamentally unable to identify anti-Semitism?

Next month, the White House is supposed to issue a notice of proposed regulations implementing President Donald Trump's Executive Order 13899 on Combating Anti-Semitism.²¹ The Executive Order codified important rules under which Jewish students receive

¹⁹ <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>

²⁰ <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf>

²¹ Executive Order 13899 (Combating Anti-Semitism), 84 Fed. Reg. 68779 (Dec. 11, 2019), <https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism>.

civil rights protections on American campuses. It also directed federal agencies to consider the “gold-standard” International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism.²² By codifying the Executive Order, including the Working Definition, OCR would have a clear guide to follow during investigations into anti-Semitic incidents on campuses. We’ve been waiting for this formal regulation, and it’s been delayed and postponed multiple times. It is now more important than ever.

There has also been congressional action on adopting the IHRA Working Definition of Antisemitism. The bipartisan, bicameral Antisemitism Awareness Act was recently introduced, which would require the Department of Education to consider the IHRA Working Definition while enforcing federal anti-discrimination laws.²³ Any adoption of the IHRA Working Definition would be welcome since it properly defines the anti-Semitic abuse that we are seeing on campuses today. The IHRA definition underscores that anti-Semitism includes denying Jewish self-determination to their ancestral homeland of Israel and holding Jews collectively responsible for the actions of the State of Israel.²⁴

The Department of Education should not wait for formal complaints to come in. The Secretary of Education has the authority to commence self-directed investigations and proactive compliance reviews. The Department of Education also needs to pay more prompt attention to pending complaints. Jewish students should not be forced to wait months for a decision on

²² “What Is Antisemitism?” The International Holocaust Remembrance Alliance. Accessed November 5, 2023. <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.

²³ Christ, Lacey. “GOP and Dem Lawmakers Back Bill to Crack down on College ‘Hotbeds of Antisemitism.’” Fox News, October 26, 2023. <https://www.foxnews.com/politics/gop-dem-lawmakers-back-bill-crack-down-college-hotbeds-antisemitism>.

²⁴ “What Is Antisemitism?” The International Holocaust Remembrance Alliance. Accessed November 5, 2023. <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.

whether or not their university protected them. They have already been victimized by anti-Semitism on campus -- there is no need to draw out their trauma. Additionally, involving the Department of Justice may be necessary for more serious cases.

On November 7th, OCR released a new Dear Colleague letter reminding schools of their legal obligation under Title VI to address prohibited discrimination against students and others on their campus, or else risk federal funding.²⁵ While the Biden administration should receive credit for sending the letter, it was something of a missed opportunity for its lack of specificity, new policy, or helpful explanation. While this letter, like prior moves by this administration, helpfully raises attention to the problem, it does not take action in any significant way. What is needed, at this point, is not more public attention but rather serious action to resolve a serious problem.

Thank you again for inviting me to testify. I look forward to your questions.

²⁵ Deutch, Gabby. "Education Dept. Pens Letter to Universities Urging Them to Address Antisemitism, Islamophobia." Jewish Insider, November 8, 2023. https://jewishinsider.com/2023/11/education-department-dear-colleague-letter-universities-antisemitism/?utm_source=Campaign+Monitor+JI&utm_medium=email&utm_campaign=Daily+Kickoff+Nov+8+2023&utm_content=Daily+Kickoff+Nov+8+2023%2BCID_06f08a44dc17c3d2bb7bb738ff8d37cf&utm_term=Read+the+full+story+here.

Chairman OWENS. Thank you, Mr. Marcus. I will now recognize Ms. Burdett.

**STATEMENT OF MS. STACY BURDETT, INDEPENDENT
CONSULTANT IN ANTISEMITISM PREVENTION AND RESPONSE**

Ms. BURDETT. Thank you very much. Thank you, Chairman Owens, and Ranking Member Scott for this opportunity. Antisemitism is not just a threat to Jews, it is a threat to democratic norms, and American values. Its presence has always been a warning sign about the health of free democratic societies. All the members here have noted that what we are seeing is not new, it follows the core logic of antisemitism throughout history.

It is a lie to blame Jews for what is wrong in the world. You have also recognized antisemitism is a feature, not a bug of American society and history. The demand for a better life for Palestinians is a worthy cause, but attacks on Jewish students have nothing to do with criticism of Israel's policy or actions.

They don't serve Palestinian freedom or advance any peaceful future for Israelis and Palestinians. Here is what some of the most responsive universities I have seen have in common. No. 1, they get that this is not business as usual. We have heard from the other panelists. October 6th was a different world. They have been communicating steadily and repeatedly with students and faculty to remind them antisemitism violates, first of all, the university's values.

There are rules. There are parameters around protests, they have increased security services like escorts and hotlines to report threats. Some have formed antisemitism task forces to look system wide at policies, and even their academic offerings. We hear the call from communities, where are my allies?

Jews need support. We need solidarity, and we need recognition that antisemitism is serious. That is why organizations like the American Jewish Committee, and the Anti-Defamation League see DEI as a critical framework for their work, they are investing in DEI compatible education material about antisemitism.

It is true, Jews do not fit neatly into the protected categories. It is not rocket science to fix that, so enhance it. Do not make us the excuse to shutdown something important. Pushing back against antisemitism means we need an all hands-on-deck approach across society, and the national strategy to counter antisemitism is a comprehensive roadmap. It is already being implemented across Federal agencies.

The Department of Education and eight new agencies have made crystal clear antisemitism, discrimination against Jews violates civil rights laws. They have pledged and are taking action. They are being proactive, whether it is revising complaint forms, starting education campaigns, and training their investigators and staff.

The national strategy is a serious plan. If Congress is serious, then implement your part of it. Look, I am a mom of a kid on a college campus. Enforcement is not my goal, it is my worst nightmare. There is not a single more important way to help a Jewish student on campus than to prevent the attack from happening in the first place.

We have to give our kids more than bulletproof glass and barricades. Prevention is not an extra, not with any kind of crime, and not with antisemitic hate crimes. Hate does not just frighten people it isolates them, and that is why community solidarity building is such a key focus of Jewish organizations and of the national strategy.

That's how we could make fighting antisemitism a community value, an American civil value. How can we effectively stop a problem that we cannot measure? Antisemitic crimes are rising, and the number of police agencies who bother to track it is at a 5-year low. That is something you can take action on.

People who work on this issue agree it's time to make this reporting mandatory. Antisemitism has been alive in this country for generations, but what we have seen, not just on campuses now, on the streets of Charlottesville, and Poway, and Muncie, and at Cornell. Well, there is no quick fix to put this poison back in the bottle, you have four witnesses here, but please use the roadmap from the White House that has serious input from over 1,000 organizations and Jewish community stakeholders.

If you do, a lot of Americans will be better allies to Jews and each other. The Jewish community and the American community will be stronger for it. Thank you very much.

[The Statement of Ms. Burdett follows:]

Testimony of Stacy Burdett

Before the

House of Representatives

Subcommittee on Higher Education and Workforce
Development

Hearing on

CONFRONTING THE SCOURGE OF
ANTISEMITISM ON CAMPUS

November 14, 2023

Washington, DC

Thank you, Chairman Owens and Ranking Member Wilson for the opportunity to lend my experience and expertise on strategies to confront antisemitism on campus that is reaching record levels and that has shocked the public conscience. This subcommittee has a vital role to play in making campuses a safer place for Jewish students and for all students facing rising levels of hate.

I come to this conversation as a practitioner for over three decades, including twenty-four years at the Anti-Defamation League during which I developed policies, strategies and programs to prevent and counter antisemitism. I now work with leaders across the corporate, higher education, philanthropic and advocacy sector to translate those strategies into tangible, practical action. I will share some learnings from that work, and propose some recommendations for what universities, individuals, and Congress can do.

The explosion of worldwide antisemitism at this moment requires all decent people from all parts of the political spectrum, no matter their views on Israel or Palestine, to unequivocally condemn this base hatred. Doing so is neither conservative nor liberal, pro-Israel or pro-Palestine, it's just plain decent and moral.

Hate crimes against Jews and other groups have been steadily rising. We have been living with the highest number of hate incidents on record according to our government's data and to monitoring organizations like the Anti-Defamation League. FBI Director Wray has also noted "historic" levels of antisemitism.

In addition to the threat it poses for Jews, antisemitism is a sign of a broader erosion of democratic norms and values. Jews have found a home in this country because we know that we are safest in inclusive, pluralistic societies, where everyone is treated fairly and everyone is safe. So the fight to protect Jews is embedded in the fight to protect safety, security and democracy for all of us.

The targeting of Jews for hate, harassment, violence or intimidation is antisemitic. The antisemitic rhetoric and attacks we have seen on campuses reflect a core organizing principle of antisemitism – blaming Jews for upheavals and for what people think is wrong with their world. It follows a long succession of antisemitic and broader hate-fueled violence and extremism –which has become increasingly normalized, manifesting in a variety of dangerous ways.

It is important for us to protect the rights of anyone to criticize a government and its policy. But the attacks we are here to address have nothing to do with criticism or protest of Israel's policy, actions or government. There is no political view policy issue, no political conflict, and no struggle for freedom that justifies the vilification of Jews or any group based on their identity. When classmates or neighbors are beaten, brutalized and even murdered simply for how they look, where they worship or where they come from that's bigotry, antisemitism. When Muslim, Arab or Palestinian neighbors are targeted with doxing, intimidation or hatred that some would rationalize as contempt for Hamas terror, that's bigotry.

But first, our conversation should be grounded in the understanding that antisemitism didn't begin with Hamas, it didn't begin with Nazism. Antisemitism is a lie, a pretext to blame Jews for what's wrong in a society. It has served different purposes to leaders and bad actors in different eras. It has been shaped by different sets of circumstances in different times. An obvious example related to the Holocaust would be: There was a desire to blame someone or something for the failures and hardships of the post WWI period in Germany.

In some eras they are scapegoated for cultural shifts that disrupt people's sense of security, they are hated as the tax collectors or bankers, demonized as encompassing ultimate evil at the root of problems like the blood libels, or the poisoning of wells during the black plague. I have appended to my testimony a list of resources and explainers which summarize that history in an accessible way have added clarity even in the expert community.

The Campus Environment and Role of Universities

Unlike many workplaces, schools or even town squares, a university campus is perhaps the most diverse community a person will probably ever encounter in their lives. For the rest of their lives, college students may choose to sort themselves into neighborhoods, school districts, book clubs, or houses of worship – filled with people that see the world the same way they do.

Students at colleges where protests, antisemitic incidents and internal strife about the Israel Gaza war don't have that luxury. It might be one of the last places in our country where diverse groups of students and faculty live so close to each other in an ecosystem where they must learn and live together. These students are faced with the reality that living in a free society isn't only about what we get to say, it's also about what we have to hear, even when it's difficult - as long as it doesn't threaten or violate the rights of someone else.

Campuses have a lot of rules that are meant to guarantee that students can be safe and free of harassment. But they don't guarantee that they won't have to hear things that are upsetting. And that's not necessarily a bad thing. I have no doubt that hearing something that upset you is part of why each of you ran for office to serve your constituents and your country.

Managing that experience for these young adults is hard. Just because speech may be legal doesn't mean it can't be harmful. Universities have a serious duty of care to use all the tools they have to mitigate those harms and to keep students safe from harassment, intimidation and bigotry.

In a turbulent world filled with bigotry and division and terror, universities must teach students how to manage conflicting ideas and to navigate the discomfort that comes with opening our minds to different narratives and perspectives. It's not just the price of living in a free society. It is the *special sauce* that makes for a good education. That's how universities can turn out future leaders who will be able to engage in the kind of give and take that enables people to invent

things, to shape new ideas that can solve problems – to tackle the big challenges we are leaving behind for them to address.

That's exactly why, unlike governments or political parties or organizations, Universities are ideally not meant to take policy positions. Their mission is to educate and to manage a rich marketplace of ideas. Institutions like the University of Chicago adopted what are known as the Kalven Principles¹, under which they choose not to take policy stances so they remain faithful to a core mission: building knowledge. This University of Chicago report that is the basis of those principles noted that: "The neutrality of the university as an institution arises then not from a lack of courage nor out of indifference and insensitivity. It arises out of respect for free inquiry and the obligation to cherish a diversity of viewpoints."

If there is a mistake Universities have made in their practice around public statements, it might be that they have spoken too much about some social and political upheavals and now they are exposed to charges of inconsistency or bias.

Just because Universities don't have policy positions doesn't mean they don't have values that must shape the learning environment. Just because they create space for free expression doesn't mean they shouldn't use rules to set parameters around when expression crosses a line into threats or harassment.

So how is that applied to this moment when so many Jewish students, and other students in distress, feel threatened and vulnerable. And an issue that gets very little attention is how difficult it is for students to learn, to focus, to sleep properly and take care of their mental and physical health in times like these. As Members of Congress, you quite likely represent districts where young people's mental health is a concern or where pediatric and youth mental health systems are overburdened.

I believe universities that are being the most responsive in this moment have appropriately understood that they are not in the mode of "business as usual." I have seen concrete action that balances a commitment to open, uninhibited debate with action to ensure that students do not fear for their physical safety from those who disagree with them.

Campus public safety officers are in closer touch with law enforcement, consulting with them about the threat landscape, how to keep protests safe and orderly. Some are enforcing or tightening rules around protests or taking actions that are unusual like closing parts of campus or requiring a school ID to prevent outsiders from disrupting student gatherings.

¹ In February of 1967, the president of the University of Chicago convened a faculty committee to produce a recommendation on how the institution should approach "political and social action." The group of seven professors produced the Report on the University's Role in Political and Social Action (the "Kalven Report"). The report's central conclusion was that neutrality is necessary to maintain a university's fidelity to its core mission: "the discovery, improvement, and dissemination of knowledge."

And they have responded to antisemitic incidents. The President of University of Pennsylvania just went public about an incident in which they're working with the FBI to open a hate crime investigation. On most campuses, students are receiving a steady flow of information about services like escorts they can request, reminders encouraging them to contact campus authorities or report threats or antisemitic or bias incidents.

Brandeis University and Columbia University have taken action against groups that violated their rules. Columbia [noted](#) that Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP) "repeatedly violated University policies related to holding campus events, culminating in an unauthorized event Thursday afternoon that proceeded despite warnings and included threatening rhetoric and intimidation."

We may see these actions as routine, but all young people, especially in the midst of trauma and distress, need encouragement to understand the impact on their wellbeing and to seek support services. And I've seen professors, deans, and even university presidents checking in with students, expanding their office hours to speak with students and conducting listening sessions to ensure that they hear student concerns and can support them.

Universities have already stepped up in critical ways. The creation of antisemitism task forces and others on doxing are the kinds of actions advocates have been calling for years. These task forces should do a system wide assessment of how they can renew both their commitment, their policies and their tools. This includes not just enforcement of violations of campus codes but proactive solidarity building work. They also have the opportunity to explore their academic offerings, ways to encourage Jewish studies scholarship and to make sure diverse perspectives are really taught. Some higher ed institutions have set up employee resource groups for Jewish administrative staff and faculty. Those are great vehicles to elevate Jewish voices, concerns and experiences in the culture of workplaces. We speak so much about our rage and disappointment. But this horrible moment is also bringing to the fore the best that communities like universities can offer.

Jewish Inclusion

Jews across America want to be treated equally, respected and included. We want to continue to contribute to campus life, and to American civil life. But the public debate about us and our children often uses our fear and vulnerability to attack the very institutions we need most right now.

Not only do we need a strong, resourced civil rights infrastructure, we need investment in the "I" in DEI instead of trying to bring it down. We should redouble our efforts to ensure that these programs include support for Jews and awareness raising about antisemitism. After all, antisemitism is a kind of a meta frame for understanding how otherizing works, how disinformation and conspiracies about the other can bring down entire societies.

The fact that some DEI work should be more expansive, the fact that Jews may not fit neatly into the protected categories shouldn't be an excuse to burn down the house. Jews have always advocated for laws, policies and programs that protect Jews and all people. The most significant Jewish protection organizations like the American Jewish Committee or the Anti-Defamation League always are investing in DEI compatible education materials, not opposing programs that improve the conditions for other minority groups.

The terror attack on Israel on October 7 didn't introduce antisemitism to this country. Antisemitism has never needed to be imported, it has been a feature in American society for a long time. Even though this country was a haven for many Jews. Antisemitism, nativism and white supremacy - which targets Jews directly, has deep roots in our country. While Jewish men could enjoy full citizenship, Jews faced public discrimination, and were barred from participation in so many parts of American public life, even in my lifetime. This includes legal restrictions in some state constitutions and as well as quotas in higher education.

The ideas and models of racism and antisemitism in Nazi Germany and Jim Crow America during the 1930s were very much cross pollinated with each other in various ways. And they reflect some universal qualities about how hate works in society. The so-called "science" of eugenics featured prominently in those racial policies. Racism and antisemitism was the core of Nazi ideology and provided the rationale for the murder of six million Jews. Antisemitism didn't begin with the Nazis. But it also didn't end with the Nazis, just as racism continued to persecute African Americans long after the end of slavery. And today, scholars, analysts and practitioners agree that antisemitism is a core ideology of the white nationalist movement that still poses the most deadly threat to Jews in America. That is why diversity equity and inclusion work that includes Jews is critical. Antisemitism is a feature, and not a bug of America's history and society. American Jews don't reject the principles of inclusion and education that support them. They want to be protected by them.

A future America in which Jews can live free of antisemitism is one in which all people, of all races, ethnicities, religions or genders, are free and safe.

Recent Government Action

Even before this surge in antisemitic incidents following the Hamas attacks, there were new tools and building blocks that have been put into place across federal agencies. The most notable and far reaching effort in American history so far was the launch of the U.S. National Strategy to Counter Antisemitism. Also historic was the coming together, both from within and outside of the Jewish community, the forging of a kind of civic unity and resolve to tackle antisemitism through concrete, coordinated action. The launch of the strategy has already added momentum and urgency for new action and advanced some efforts that were already in process.

These are the eight federal agencies that pledged—for the first time in writing—that Title VI of the Civil Rights Act of 1964 prohibits antisemitic discrimination in federally funded programs and activities: the Departments of Agriculture, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, Treasury, and Transportation. They will also ensure that their agency staff understand what antisemitism is and are ready to respond. They will make clear that antisemitic discrimination is a violation and they committed to enforce

protections within the federally funded programs they administer. For example, this could cover antisemitic harassment or discrimination on any transit systems funded by the Department of Transportation (DOT); or in any housing funded by the Department of Housing and Urban Development (HUD); or in services delivered as part of a U.S. Department of Agriculture (USDA)-funded food programs.

The Department of Justice (DOJ) has recognized that antisemitic incidents can be actionable under Title VI since the early 2000s. And the Department's prevention and outreach tools are a vital part of preventing incidents before they happen and supporting people targeted by antisemitism in critical ways. For example, orthodox communities, with no choice but to walk to and from synagogue on Sabbath and where men wear religious garb as part of their expression of their Jewish identity have experienced horrific attacks and everyday harassment. Small measures like making information available in both Hebrew and Yiddish language are another way to help make sure that every Jewish person understands their rights, how to report and to understand what support is available to them.

The Department of Education Office of Civil Rights sent a Dear Colleague highlighting the "an alarming rise in disturbing antisemitic incidents and threats to Jewish, Israeli, Muslim, Arab, and Palestinian students on college campuses and in P-12 schools" and reminded schools of their obligations under federal law to ensure nondiscriminatory environments in which all students can learn without discrimination. The Department has taken other steps including:

- It revised its complaint form to specifically make clear that harassment because a person is Jewish, Muslim, Arab, Hindu, Sikh or of other shared ancestry or ethnic characteristics is prohibited by Title VI.
- The Department has begun a listening tour to visit colleges and universities in addition to K-12 schools to hear about what students are experiencing.
- The Department launched [a broad education campaign](#) focused on antisemitism to provide resources and technical assistance, collect data, spotlight champions, and build partnerships to raise awareness and combat antisemitism. None of this will be a quick fix. But the Department started putting the National Strategy into practice in multiple ways almost as soon as the ink was dry.

Practical Action Steps:

1. **Stand behind the U.S. National Strategy to Counter Antisemitism.** Its launch in May 2023. This whole of society, whole of government approach and the recommendations focus on Jewish safety and on bringing Americans together to stand against antisemitism and hate. It reflects input from over 1,000 Jewish community stakeholders, faith and civil rights leaders, State and local officials, and more—also it serves as a blueprint for tackling other forms of bigotry, hate, and bias that fuel toxic divisions in America.

2. **When students call, make sure there are enough investigators to answer.** We should hold agencies to account for the commitments they've made. But we have to give our public servants a fighting chance to be able to investigate an unprecedented volume of complaints by adding investigative capacity. By the time a student files a complaint to the Department of Education a lot of systems in our society have failed them, including their peers, their support networks, their school. At the end of all that, our federal complaints system needs to be able to respond in a timely way. In FY 2022 the Department of Education received 18,804 complaints, 12% more than the staggering total of 16,720 received in FY 2016. And we have good reason to expect that number to go up. Between 2016 and 2022, as complaints rose by 12%, the number of investigative staff went down by 18%. The problems are growing and they are complex. Our government needs to be able to protect the rights, safety and wellbeing of the students like those we have heard from today and Congress should resource the Department's Office for Civil Rights (at least fully fund the FY 2024 Budget request of \$177.6 million).
3. **Prioritize Prevention.** Legal recourse and security at Jewish institutions is vital. But our government cannot protect the Jewish community in the most fulsome way until it recognizes the need for prevention and other early interventions. The law is a blunt instrument. We cannot legislate, regulate, tabulate, or prosecute antisemitism and bigotry out of existence. But preventing an attack before it happens, investing in programs that build allyship are essential to build a community that is resilient against hate. DOJ efforts like its United Against Hate Campaign and its Community Relations Service can help improve the climate on campuses.
4. **Build Civic Unity against Antisemitism.** The way we choose to counter Call it out in a way that promotes allyship and practical action to make Jews safer. Jews and all groups who have lived in the crosshairs of bigotry understand that one of the most pernicious features of hate is that it is a tool to frighten people, to silence them, and to separate them and alienate them from allies and from the public square. That's why community solidarity building is such a key focus of the US National Strategy to Counter Antisemitism.

Moving Forward Stronger

The most important message emanating from this hearing is that Jews shouldn't have to fight antisemitism alone. And so too, the countermeasures we advance should draw Jews and their community allies closer. Universities and federal officials should apply and enforce their rules. But without community building and solidarity work , the enforcement offers Jewish students cold comfort. If universities, and actors across society use this moment well to review and reimagine how to ensure that all students can learn and thrive in times of turmoil, Jewish students and all of our children will be safer.

Please, look at this national strategy, the key actions it recommends, and the actions Congress must take to operationalize it. Antisemitism has been alive in this country for generations. And with the rise of unbridled hate like we've seen on the streets of Charlottesville, Pittsburgh,

Poway and at Cornell just last week, it's not the work of a day to put this poison back into the bottle.

Even in times as dark as these, I am filled with hope. I have never seen so much concern, so much new understanding of how and why Jews need support. Institutions are taking action toward real transformation. I believe many institutions will identify and close gaps in how they understand and address antisemitism. So many incredible people are checking in with Jewish friends and colleagues, asking what they can do. And, importantly, many are questioning whether their organization, movement or community is standing in the right moral place at this moment. A lot of Americans will be better allies to Jews and to each other when we emerge from this crisis. Our workplaces, campuses and communities will be stronger, more inclusive and more just if we use this moment well.

Appendix - Resources for Understanding Antisemitism

There are many excellent books, guides and training modules on antisemitism. Below are just a few examples of resources that have been impactful among younger audiences, in the policy community and in campus settings.

Antisemitism and What Can Be Done to Counter it

- [The U.S. National Strategy to Counter Antisemitism](#), May 2023
- [Video Explainer Series](#) by Yair Rosenberg, The Atlantic
- [Antisemitism in our Past and Present](#): Short video, Berkeley Center for Jewish Studies
- [Antisemitism Uncovered: A Guide to Old Myths in a New Era](#), the Anti-Defamation League
- [Guide to Identifying Antisemitism in Debates About Israel](#), the Nexus Project, 2022
- [A Very Brief Guide to Antisemitism](#), Truah, the Rabbinic Call for Human Rights
- [What is Antisemitism](#), The Holocaust Encyclopedia, U.S. Holocaust Memorial Museum

Antisemitism as a Core Fuel of the Hate Movement

- [Skin in the Game: How Antisemitism Animates White Nationalism](#) by Eric Ward, The Public Eye, Magazine of Political Research Associates, June 29, 2017
- [Misogynistic influencers are dabbling in antisemitism. In a sense, it's more of the same.](#) The Forward, August, 2023
- [PBS Exploring Hate: How Antisemitism Fuels White Nationalism](#), October 7, 2021
- [Caste: The Origins of Our Discontent](#), by Isabel Wilkerson, August 2020 [a study of bigotry through the lens of the Jim Crow South, Antisemitism in 1930s Germany and India's Caste system.]
- [The Racist Great Replacement Theory Explained](#), Southern Poverty Law Center, May 17, 2022
- [Expert Testimony](#) by Prof. Deborah Lipstadt on the history, ideology, symbolism, and rhetoric of antisemitism and how those features were on display at the Unite the Right rally in Charlottesville, VA on August 11-12, 2017

Chairman OWENS. Thank you, Ms. Burdett. Last, but not least, I would like to recognize Ms. Tartak.

**STATEMENT OF MS. SAHAR TARTAK, STUDENT, YALE
UNIVERSITY, NEW HAVEN, CONNECTICUT**

Ms. TARTAK. There is a Jewish concept that encourages bringing light into times of darkness through acts of love and kindness. I will begin by dropping a few coins into this charity box, and I would encourage you to do the same. Distinguished members of the Subcommittee, good morning. My name is Sahar Tartak, and I am an Orthodox Persian Jewish student at Yale University.

Thank you for having me speak. It is an honor, and I appreciate your service to this country. I am humbled before you. Noting your commitment to democracy and to the free world, I want to paint a picture of how since Hamas's October 7th massacres, college campuses have become a place for the opposite.

A love of Hamas, and all the oppression it represents. Since October 7th, there has been a 400 percent increase in reported antisemitic incidents of vandalism, harassment and assault, in comparison to the same timeframe in the previous year across America.

Let us start with Yale, my own university where I received death threats for my Jewish activism, and the Ivy League institution refuses to provide me with direct protection. That is just the beginning. I have not had time to mourn the murder of over 1,400 members of my Jewish family across the sea. I have not had time to cry.

I have been too busy handling an interdepartmentally sponsored Yale event entitled "Gaza Under Siege". My Jewish friends and I were barred from entry. We pressed our ears against the door for 2 hours listening, "The Israeli State cannot remain the State of the Jewish people." "Israel aims to inflict as much harm, damage and death as possible."

Panelists, excuse me, panelists refused to label Hamas "terrorists", let alone to condemn them when asked. They instead justified their brutalities saying, "Violent resistance movements often emerge in colonized spaces." An official Yale University response declared that "Opinions and positions from people of all backgrounds were expressed respectfully during the program," but we heard nothing of the sort from behind the door.

The week before that I also did not have time to cry. I was too busy with the Yale Daily News, the oldest collegiate paper in the country, redacting my mention of Hamas' raping women and beheading men from an article I published for the paper, deeming these atrocities unsubstantiated.

Yale's administration made no comment. The week before that I did not have time to cry because I went to film one of many pro-Hamas protests at Yale, where hundreds of my peers gleefully yelled, "Resistance is justified." Yales administration made no comment. The week before that I wrote an article about the officially recognized campus group, Yale is for Palestine, publicly, "Celebrating the resistance's success," not to mention similar statements made by university professors.

Again, the Yale University administration did nothing. Again, I did not have time to cry. On campus, I sit in a crowded dining hall, and I ask myself how many people in this room want me dead? You have no doubt heard about assaults and intimidation of Jewish students at Cornell, Columbia and Cooper Union.

You have heard about the words “Glory to our martyrs,” projected onto George Washington University’s library. Those Jews also did not have time to cry. You may not, however, have heard about my Jewish friend, a freshman whose residential counselor laughed contemptuously at a survivor of the Nova Music Festival massacre for visiting their university to detail his trauma.

Others told me they are uncomfortable approaching their own professors for help with course work because they are openly pro-Hamas. Another slept on a friend’s couch because her roommate supports Hamas. One, attended a seemingly innocent dance concert, whose program featured a donation link to “Support Palestinian Anarchist Fighters on the Front Lines of Resistance.” I wonder where that was going.

They have all receded into Jewish centers exclusively, for reasons which are crystal clear. Universities have allowed Jew hatred to run rampant. If they fail to protect their Jewish students, they should be stripped of their Federal funding. They must derecognize and defund student groups that promote violence, calling for “intifada,” or supporting U.S. designated terrorist organizations.

The Federal Government cannot subsidize hotbeds of anti-semitism. The Department of Education should proactively open Title VI investigations, not just receive them passively. Diversity equity and inclusion offices should be scrutinized for protecting every minority group other than mine. This is not an exhaustive list, but I urge you to mobilize on this issue.

Do not abandon your Jewish students during this crisis. Academia has turned its back on us. Will you do the same?

[The Statement of Ms. Tartak follows]

Sahar Tartak Testimony

*House Education and the Workforce Committee
Subcommittee on Higher Education and Workforce Development
“Confronting the Scourge of Antisemitism on Campus”
November 14, 2023*

There’s a Jewish concept that encourages bringing light into times of darkness through acts of loving-kindness. So, I’ll begin by dropping a few coins into this charity box.

Distinguished Members of the Subcommittee, good morning. My name is Sahar Tartak, and I am an orthodox, Persian-Jewish student at Yale University. Thank you for having me speak. It is an honor, and I appreciate your service to this country. I am humbled before you.

Noting your commitment to democracy and the free world, I want to paint a picture of how, since Hamas’ October 7 massacres, college campuses have become a place for the opposite — a love of Hamas and all the oppression it represents. Since October 7, there has been a 400 percent increase in reported antisemitic incidents of vandalism, harassment, and assault, in comparison to the same time frame in the previous year across America.

Let’s start with Yale, my own university, where I receive death threats for my pro-Israel activism. And Yale, an Ivy League institution, whose administration refuses to provide direct protection to my peers and me. That’s just the beginning.

I haven’t had time to mourn the murder of over 1,400 members of my extended Jewish family across the ocean. I’ve been too busy mourning the loss of my freedom on campus. At an interdepartmentally sponsored Yale event last week titled “Gaza Under Siege,” my pro-Israel peers and I were barred from entry. We pressed our ears against the door for two hours, listening to phrases like “The Israeli state cannot remain the state of the Jewish people.” “Israel aims to inflict as much harm, damage, and death as possible.” They refused to label Hamas “terrorists” and justified their actions, saying “violent resistance movements often emerge in colonized spaces.” An official Yale University response declared that “opinions and positions from people of all backgrounds were expressed respectfully during the program,” but we were kept outside the door.

The week before that, I also didn’t have time to mourn. As a reporter at the Yale Daily News, the oldest collegiate paper in the country, I was too busy dealing with the Daily News’ redaction of my mention of Hamas’ raping women and beheading men from an article I wrote for the paper because the editors deemed these atrocities “unsubstantiated.” Yale’s administration made no comment. The week before that, I didn’t have time to mourn, because I went to film one of the many anti-Israel protests at Yale, where hundreds of my peers gleefully yelled “resistance is justified.” Yale’s administration made no comment. The week before that, I wrote an article about the officially recognized campus group Yalies4Palestine publicly “[celebrating] the resistance’s success,” along with university faculty in attendance. Again, the Yale university administration did nothing.

On campus, I sit in a crowded dining hall and ask myself, “how many of the people in this room would celebrate my death; how many want me dead?”

By now, you have no doubt heard of the egregious physical attacks and intimidation against Jewish students at Cornell, Columbia, and Cooper Union. You have likely heard of the Israeli student at Harvard University who was physically assaulted and taunted with yells of “shame, shame” as he walked on campus – begging his assailants to stop attacking him. At the University of Massachusetts, Amherst, a Jewish student was assaulted - punched in the head and kicked in the chest, and his Israeli flag was ripped up by a knife-wielding collegiate peer.

You may not, however, have heard about the hundreds upon hundreds of individual stories of Jewish students who are living in constant fear and intimidation, who have begun calculating their every move since October 7th through a lens of fear. I know a university freshman whose residential counselor laughed contemptuously at a survivor of the Nova music festival massacre for visiting the school to speak. Others have told me that they aren’t comfortable approaching their own professors for help with coursework because those professors are openly pro-Hamas. Another peer slept on a friend’s couch because her roommate supports Hamas. My peers and I have begun to recede into Jewish centers exclusively to study, eat, and talk for fear of anti-Jewish peers on campus.

You may ask, how have things escalated to this point across American colleges? The answer can be found directly within university administrations who have allowed these egregious attacks to go on unchecked in the name of academic freedom, and who “all sides” every issue. The Amherst administration responded to the Jewish student being attacked by releasing a statement that denounced all forms of “antisemitism, islamophobia, or any form of bigotry.” However, only one form of bigotry drove the attack: antisemitism.

Multiple university administrations have made similar “all sides” proclamations, unable to condemn anti-Jewish hatred for fear of appearing pro-Israel, and because support for Jews has somehow become synonymous with hatred for Muslims or Palestinians. They certainly have had little to say about those students and faculty who yell “resistance is justified” in reference to Hamas’ burning babies alive in ovens and cutting off mothers’ breasts before their children, other than suddenly rushing to the defense of their academic freedom — even those universities that did not value academic freedom for certain professors before.

These failures can be fixed. There are options. Universities must derecognize and defund student groups that promote violence, call for “intifada,” or support US designated terrorist organizations, such as National Students for Justice in Palestine, which commemorated terrorist leader Abu Ali Mustafa on their Instagram page.

Universities don’t get to feign helplessness. If they fail to respond to antisemitic acts and protect their minority students, they should be stripped of their federal funding. The federal government cannot subsidize hotbeds of antisemitism. The Department of Education should proactively open Title VI investigations, not just receive them passively. Diversity, Equity, and Inclusion offices should be questioned for protecting every minority group other than mine.

This is not an exhaustive list, but I urge you to mobilize on this issue. Do not abandon your Jewish student constituents during this crisis. Academia has turned its back on us. Will you do the same?

Chairman OWENS. Thank you. Thank you so much. Pursuant to the previous order, the Chair declares the Subcommittee in Recess, subject to the call of the Chair for votes on the House floor. We will reconvene immediately following the last vote in the series. Thank you. The Committee stands in recess.

[Recess.]

Chairman OWENS. The Committee will come to order. Under Committee Rule 9, we will now question witnesses under the 5-minute rule. I will begin this process. Rabbi Hauer, in your testimony you made a striking statement. You said that Jewish students need a fortress now rather than a home. Can you share with me more what this looks like?

In other words, are the mentors that are Orthodox Union and other organizations place—have they had the protection that they need for the Jewish students? Has that changed in recent years, especially since the Hamas attack?

Rabbi Hauer. Thank you for the question. It has changed. It has changed dramatically. It has changed over the years. Yes, as you will hear from all of us, October 6th we were also dealing with an intensely fearful and changed campus environment, and it has multiplied exponentially since October 7th.

Yes. Our professionals, our educators are spending, as I said in the original testimony as well, they are spending a lot of time, a lot of time counseling students about this environment, about how to respond, how to report, how to navigate what has become an increasingly unfriendly environment.

Our Jewish students on campus when they come to the place, very often they are doing something, which is really essential, essential to themselves, and to their identity. They cannot, and they should not need to melt into a campus environment by hiding who they are. The ability to convene in Jewish spaces.

Jewish spaces are targeted. People are seeking extra security. One of the things that we are working together as Jewish organizations, is to bring greater physical security to Jewish spaces on campus and surrounding the Jewish students, and that is the story of the fortress.

Our leaders are struggling to make their voices heard in university administrations, in order to be able to bring out the proper reaction. All such administrations should be having serious discussions about how they restore a sense of safety and freedom to Jewish students. Many of our educators are trying to be on the front lines of doing that.

Sometimes they are welcomed, sometimes their voices are welcomed, sometimes the process begins. Too frequently, they are struggling to be able to do it. I could just tell you if I may, myself, I am a by career, before I assumed this position, which is for a national organization of congregations, I was a congregational rabbi. I am a teacher.

I went into this business in order to be able to work with people to build Jewish identify. I did not get into the business in order to be able to argue about the rights of Jews to exist.

Chairman OWENS. Thank you. Thank you so much. Ms. Tartak, you noted that the so-called diversity equity inclusion offices should be questioned for protecting every minority group. I personally

think that the diversity, equity and inclusion is a fraud. What we are seeing now in our campuses across the country is proof of that.

What is the diversity, equity inclusion office at Yale doing to protect you and your other Jewish students on campus? From what you have heard, other peers in other campuses?

Ms. TARTAK. Yale diversity equity and inclusion offices and organizations alike have done nothing for me and my friends, and the horrifying experiences that I detailed in my testimony. Surveys of DEI organizations on college campuses have found that only 2 in 24 even address antisemitism, and if and when they refuse to step in for Jews, I know what comes next.

Chairman OWENS. Okay. Thank you. In the few seconds I have left Mr. Marcus, we have heard the voices of the left express concerns about the pro-Hamas students not being given their free rights of speech. In your testimony you noted that Brandeis Center, over half the Jewish fraternities of sorority students surveyed expressed aborting their views on Israel because of the concerns they might have themselves. Do you have any comments on that? Any further comments on that?

Mr. MARCUS. Thank you, Mr. Chairman. Certainly, I would say that we speak every day with students who feel that they are unable to express their Jewish identity on campus without various forms of punishment, or social stigmatization. Jewish students for whom Zionism is an integral part of their identity are in particular, unable to do so.

They are finding that they are excluded from student government positions that are subjected to impeachment votes, or otherwise excluded.

Chairman OWENS. Thank you much. I now recognize Mr. Takano.

Mr. TAKANO. Thank you, Mr. Chairman. I am appalled by the rise of antisemitism, amid a painful and precarious moment in light of the October 7th attack launched against Israel. I would like to take this opportunity to address a recent vote that I took, and so folks could understand why I did what I did.

Congressman Owens, the Chairman, introduced a resolution titled "Condemning the Support of Hamas, Hezbollah, and other Terrorist Organizations at Institutions of Higher Education," which may lead to the creation of a hostile environment for Jewish students, faculty and staff.

To be clear, the early draft of this resolution was a resolution that I intended to support. I believed that condemning the actions, the heinous actions of Hamas was an important thing for Congress to express, and to express maybe something different than what was going on, on many of our Nation's campuses.

However, the resolution that came to the floor for a vote differed vastly from the initial version. The subsequent iteration contained added whereas clauses, many of which misrepresented instances of antisemitism on college campuses. Congress has a responsibility to remain truthful above all else.

If we are misrepresenting data to present a false narrative or perpetuate a narrative which may provide some political gain, then we are providing a disservice to those we represent. After much thought and deliberation, I voted against the resolution because it

was overly broad and implied university administrations are not challenging, or properly responding to instances of antisemitism, notwithstanding what our witness here has testified today.

I do realize that some administrators have not acted with appropriate alacrity. One of the whereas clauses in this resolution included an instance of a Stanford lecturer targeting Jewish students. From what I heard it was a despicable moment. This did not depict, however, a full, accurate picture because the text of the resolution failed to recognize that the instructor was subsequently suspended by Stanford University.

A second mischaracterization occurred on page 2 of the text which read, “Whereas, on October 22d, 2023, the Brandeis University Student Government voted down a simple resolution condemning Hamas and calling on the immediate release of all hostages back to their families unharmed.”

Now this could have done potential harm to the students at Brandeis University who were mischaracterized as having failed to condemn Hamas. Inaccurate reporting misconstrued the dynamics of a student Senate vote that concerned process and procedure. The Brandeis Student Union had not issued any statement that support Hamas.

They actually vigorously condemned the attack. This resolution should not have been included in a congressional resolution. Misreporting prompted the Brandeis University President to set the record straight, and he released a formal statement entitled setting the record straight, and the statement expressed what the university unequivocally—that the university unequivocally stands with Israel, and Mr. Chairman, I ask unanimous consent for this letter to be entered into the record.

Chairman OWENS. Without objection.

[The information of Mr. Takano follows:]



Office of the President

Setting the Record Straight

Oct. 26, 2023

Dear Brandeis Community,

This week, several media outlets reported inaccurate and misleading information on Brandeis' position on the Israel-Hamas war. I'd like to set the record straight.

First off, Brandeis stands with Israel. I was one of the [first university leaders to condemn Hamas](#) and its terrorist actions on October 7. Earlier this week, I reiterated to our community that [Brandeis supports Israel](#) and its right to defend itself, and that this will not change.

At the time of our initial response, [the Boston Globe wrote](#) "Universities were engulfed by controversy this week over how their leaders responded to Hamas's Saturday attack on Israeli civilians. Brandeis University was an exception. The Waltham school's president, Ronald Liebowitz, quickly and clearly denounced Hamas's attack, which included militants gunning down families in their homes, as 'terrorism' in a campus-wide missive sent around 6 p.m. the same day."

Earlier this week, inaccurate media reports suggested the opposite of our clearly worded statements on the Israel-Hamas War. They also inaccurately characterized a student senate vote on whether to issue a declaration condemning Hamas, which had more to do with process, than with the stance of the student senate or union. To be clear: The student union has not issued any statement in support of Hamas.

In fact, yesterday **the Brandeis Student Union decided to strongly condemn Hamas**, and it has [communicated its stance](#) to the Brandeis community, and the media more broadly. In addition, **more than a thousand** Brandeis students and other community members, and growing, have been circulating a statement condemning the acts of terror perpetrated against Israel and the Jewish people. These actions by our students set us apart from other institutions; reports to the contrary are simply not credible.

Since our founding by the American Jewish community in 1948, our campus has been a haven for Jewish students to feel comfortable living as their true selves. This will always be the case.

Sincerely,

Ron Liebowitz

Mr. TAKANO. Now, the pro-Israel organization J Street, further recommended to members to object to the Owen's resolution, citing concerns with the implication that universities were not acting to address instances of antisemitism. Some of my colleagues have attempted to seize an opportunity to divide the democratic caucus with got you resolutions, and bad faith attempts to condemn anti-semitism, which is what the resolution in my view ended up being.

Competing resolutions have been introduced, which support Jewish students without perpetuating any falsehoods, and such as the Kustoff, Wasserman Shultz resolution. I was proud to be an early signer of this resolution to condemn antisemitism on college campuses and encourage higher education leaders to respond to incitements of violence.

If we could only have passed that resolution instead. This hearing presents a unique opportunity to discuss the balance between first amendment protections, and Title VI of the Civil Rights Act. I am running out of time, but I am convinced as from the testimony from Ms. Burdett, that we can strike that balance, and we can meet the challenge of the moment for Jewish students on campus, and all students.

That is our duty as representatives, and that is the duty of our government, and I yield back, Mr. Chairman.

Chairman OWENS. Thank you. Now I would like to recognize Ms. Chavez-DeRemer.

Mrs. CHAVES-DEREMER. Thank you, Mr. Chairman for holding this important hearing, and thank you to the witnesses for being here today. Over the course of my life, I cannot think of a more terrifying time for the Jewish community. Hamas, the terrorist organization which violently oppresses and sacrifices Palestinians in Gaza, carried out the worst massacre of Jews since the Holocaust.

Immediately, university students and administrations proudly took up the banner of Hamas. The sole interest of Hamas in using Palestinians as collateral damage in their extremist aim to kill every last Jew remaining in the world. Many students and universities did not hesitate to make it clear that being Jewish is justified cause for harassment, assault, death threats, and murder.

The question has to be asked, why is antisemitism such a shared sickness in American universities? For many elite institutions Jewish students were prohibited from attending for a significant period of their existence, and if American history has taught us anything, it is that engrained racism is something you have to force out of institutions.

It does not disappear on its own. Mr. Marcus, are you able to further provide the Committee the historical context of antisemitism in American universities?

Mr. MARCUS. Thank you, Congresswoman, I agree entirely with your remarks. Speaking as a practitioner, as opposed to a historian, I can tell you that 20 years ago when I first dealt with this issue we had faced a half century of progress, ending roughly with the onset of the second intifada, but over these last two decades the situation has turned around, getting worse over 20 years, but with accelerating deterioration during the last several years with a particular spike since October 7, with college campuses, places where you would expect toleration, providing exactly the opposite of that.

Mrs. CHAVEZ-DEREMER. Ms. Tartak, thank you for being here. Being so brave. In your view at Yale, and other universities, how has the systemic antisemitism been able to maintain itself in this modern era?

Ms. TARTAK. Thank you for the question. The sense that I have gotten from university administrations, and the reason why they seem to really be failing to handle this issue is because somehow it has been successfully politicized. To be more specific, so that administrations and I would say pro-Hamas students and faculty view any condemnation as antisemitism, somehow as a form—as another form of bigotry against Muslims or Palestinians.

Which is why we wind up with statement after statement of both sides when a Jewish student is harassed or assaulted. This happened at the University of Massachusetts Amherst. A student was beaten up. A Jewish student was beaten up while holding an Israeli flag. They then came back and like took a knife and destroyed the flag, and then the university statement said we condemn antisemitism, Islamophobia, and maybe they also said all other forms of bigotry. Like this is just it is pure evidence they cannot condemn antisemitism by itself, and so that is a really good way of erasing antisemitism when it happens.

Mrs. CHAVEZ-DEREMER. Thank you. You being here gives me, and I imagine everyone here, a lot of hope. The past dictates the present, and it seems clear that universities have not seriously reckoned with how historic antisemitism has arguably gotten stronger in the modern era of academia.

As an American, I pray that there can be a resolution to this hatred. As a Member of Congress, I remain determined to continue working to ensure the existence of Jewish people is protected. No person should ever fear for their safety on account of their race, color or creed, and with that Mr. Chairman, I yield back.

Chairman OWENS. Thank you. I now recognize Mr. Courtney.

Mr. COURTNEY. Thank you. Excuse me, thank you Mr. Chairman. Thank you to witnesses for your testimony today, again I want to first of all acknowledge the resident of New Haven, Connecticut, Ms. Tartak, for your testimony today and your work at Yale Daily News, where you know I think combined along with many other voices, the external pressure to really eradicate antisemitism is going to again, have a lot of strength in the coming days.

That is certainly hopefully what we are going to achieve with this hearing today. In New London, Connecticut, a little further up the coastline we have a situation where a family has a relative Liat Beinon Atzili and her husband Aviv Atzili, who were in a kibbutz near Oz on the day of the October 7th. Liat, who was a dual citizen and thus, the family in New London, she is still a hostage in Gaza.

My office has been working with the family and the U.S. Embassy in Israel, as well as the State Department tracking the situation. Again, even though in the U.S. events may seem like they are far away, but they are all very local. As I said, your presence here today as someone living in Connecticut, again it is much appreciated.

Ms. Burdett, your work with the Anti-Defamation League, which I think has really been the absolute bedrock institution that has been—whose mission is to identify antisemitism for decades and

decades, as well as to address it. I would like to talk to you a little bit about your comments regarding the civil rights division, both in the Department of Education as well as the Department of Justice, and the role they play in terms of providing a real legal remedy, in terms of trying to advance the cause of antisemitism.

Ms. BURDETT. Both in the Department of Justice and Education, it is been very important that those offices have restated, reupped the truth and the message that antisemitism is a violation of civil rights. It is something that needed reiterating, we need to be translating resources for victims into Hebrew and Yiddish. All of those things that those offices do make a difference in someone's life.

I think, I hope Congress will fully fund the DOJ's prevention programs because if we prevent bias motivated violence against targeted victims, we will protect Jews, so let us do that. I think those offices—it is not only their enforcement role that is important, it is the difference they can make in the lives of someone who needs support because something has happened to them.

How they respond, how they communicate with communities. Like I said, you know, all I hear from Jewish students is where are our allies? Where are people in other communities standing up for me? Well, we cannot hear that cry and then think that building solidarity when our local officials do work that brings community together, they are building a social fabric that protects people. It is not an add on.

Mr. COURTNEY. Right. On page 8 of your testimony, again, one of the headings is, "When Students Call, Make Sure There's Enough Investigators to Answer." Again, that really at this particular moment is an issue that is right in play. We were about to vote on the budgets of the Department of Justice, and the Department of Education with the spending bills, which my colleagues on the other sides, Appropriations Committee reported out.

The civil rights division in the Department of Justice is looking at a 41 million dollar cut from their budget, and the civil rights division in the Department of Education is looking at a 35 million dollar cut. I have been around Congress for a while. Talk is cheap. Budgets matter in terms of whether or not, again there is someone to answer the phone, and actually put pressure on institutions, whether it is higher education, employers, you name it, where antisemitism is rearing its head, then we actually have the resources in play to provide a real remedy.

I mean it is a basic first year law student maxim that when there is no remedy, there is no right. That is *Marshall vs. Madison* one of the bedrock cases out of the U.S. Supreme Court, and these budgets really raise a question whether or not there is going to be a remedy.

Again, with 15 seconds left, maybe you would like to sort of comment on that.

Ms. BURDETT. Republicans and democrats have complained to the Department of Education about their backlog, about their alacrity and I do not understand how we could complain about a group of people not getting through 19,000 cases when they were not set up. They are not equipped to handle that deluge.

I can tell you from my experience the complaints that are going to be coming in are going to be real, they are going to be hard, and

they are going to need investigative capacity, so let us get busy and let us put people in those chairs. I agree with you.

Mr. COURTNEY. Thank you, and I yield back.

Chairman OWENS. Thank you. I would like to now recognize Mr. Grothman.

Mr. GROTHMAN. Yes. I guess we will start on with this question. Right now, there is been a lot of concern, a lot written about the— from Mr. Marcus, a lot written about the lack of diversity on college campuses, very strong to the left. There has been an increasing role of DEI sort of programs in which left-wingers are hired by colleges and universities.

Do you feel that these people are contributing at all to anti-Israel sentiment, or is there a correlation between the increase in anti-semitism and an increase in these sort of employees in college campuses?

Mr. MARCUS. Congressman, there are some people in the DEI field who are doing good work, and even helping Jewish students, but there are three fundamental problems. First, DEI programs often do not even mention antisemitism or Jewish identity in their training programs.

Second, studies from the University of Arkansas show that often DEI professionals, especially in higher education, have strong anti-Israel views, that cross the line into antisemitism, so they would not be the appropriate people to go to at any rate.

Third, oftentimes DEI programs are built on an ideology, which creates a dichotomy between oppressor and oppressed, between white supremacist and BIPOC, and too often Jews are viewed as being ultra white oppressors, which means that regardless of whether Jews were mentioned or not as a discrete minority, the entire process, the entire ideology is structured too often against the Jewish people.

Mr. GROTHMAN. We were told, and then I talked to some people whose children are mistreated on college campuses. They noticed a lot of BLM signs, or that sort of thing sometimes connected with this sort of thing. Is there a correlation between BLM or are they weighing in one way or other on these incidents?

Mr. MARCUS. Mr. Chairman, was that for me?

Mr. GROTHMAN. Yes.

Mr. MARCUS. You are asking about correlation with Black Lives Matter and the problem we see on campus. What I would say is that the Black Lives Matter movement stands for a lot of different things for different people, but the movement has in various places, including for a significant period on its website, had strongly anti-Zionist messaging, and sometimes also has that perspective in the work it does.

The Jewish community tends to support efforts to make sure that all minorities are supported, but the particular group that you mentioned unfortunately, does have an anti-Zionist background that can be hurtful.

Mr. GROTHMAN. Okay. As far as social media is concerned, there have been reports that TikTok has been prioritizing say a more anti-Israel message. Is that true?

Mr. MARCUS. My expertise is more the campus than social media, but what I can tell you is anecdotally talking to students, they are

deluged with anti-Zionist messaging, coming both generally from the discourse, and also oftentimes from their campus itself.

Mr. GROTHMAN. Could one of you just comment in general. I am going to come back to the lack of intellectual diverse on college campus. The lack of diversity is usually strong—what they have is an overwhelming tilt toward the left wing progressivism on campuses. Do you believe that is part of the problem on campuses?

Mr. MARCUS. Sure. Certainly, Congressman, it cannot be coincidental that we have on so many campuses an environment that has become so hostile to Jews and Israelis at the same time that anti-Zionist attitudes are so prevalent within the faculty themselves, and those anti-Zionist attitudes are sometimes coupled with left wing ideology.

Mr. GROTHMAN. Do you see any correlation between anti-Israel views and anti-American views? Does it attract the same breed, the same type of person?

Mr. MARCUS. Some of the same extremists who attack Israel, and its positions are also attacking the United States.

Mr. GROTHMAN. Is not it almost always true in so far as you identified people.

Mr. MARCUS. All I can say is we see it all the time.

Mr. GROTHMAN. Okay. Okay. Final question. I think we are having a lot of people from other countries come here, and we have had a lot of horrible incidents at MIT, and the percentage of students at MIT coming from other parts of the globe is very, very high. Is there a correlation between new people coming here, either as foreign students, or just people coming from other countries?

Is there a correlation between these and the anti-Israel extremists? You see some of these people causing trouble.

Mr. MARCUS. I do not have data, but I can say that we see trouble both from people who were born here and people who come here from other countries, both.

Mr. GROTHMAN. You do not think that when you see the high number of people coming from MIT and a higher number of protests, there is no correlation between the foreign students and the people demonstrating?

Mr. MARCUS. I do not have data, but anecdotally we are seeing foreign students as well as native born among the perpetrators.

Mr. GROTHMAN. Thank you.

Ms. BURDETT. May I respond, Mr. Chairman since he had thrown his question to anyone who wants to comment?

Chairman OWENS. I am sorry, the time has expired.

Ms. BURDETT. Okay.

Chairman OWENS. I turn to Ms. Bonamici, thank you.

Ms. BONAMICI. Thank you, Mr. Chairman. I just want to start by responding to my colleague and expressing extreme concern about the notion of placing everybody in the same category, and assuming that anyone that comes from a particular country, or has a particular color of skin shares certain beliefs. I just—I think that it is hugely problematic, and Mr. Chairman, thank you for holding this important hearing.

Thank you to our witnesses. We know antisemitism has been a threat for centuries. Ms. Burdett, you talked about prevention. I want to note that in my home State of Oregon, in 2019 the legisla-

ture required education about the Holocaust. They just updated that legislation earlier this year to include a required curriculum about Jewish history and culture.

Those are obviously steps in the right direction, but now post October 7th is undeniable that we are experiencing an enormous and concerning rise in antisemitism, and other hateful and discriminatory rhetoric, especially on college campuses. Not limited to college campuses, I might add.

Sadly, and too often in these situations, it has become violent and threatening way beyond constitutional free speech protections. I understand this is a hearing about antisemitism, but it is important to recognize that there has also been unprecedented surge in anti-Muslim and anti-Arab bias and hate. There was a significant dangerous threat to mosques in the some of the districts I represent.

That is wrong too. I hope we can all agree that every student has the right to be on a campus where they not only feel safe, but are safe, especially when discussing and debating important and controversial topics. That is not happening today. We heard from a student about that. We know antisemitism has repeated reared its ugly head in the form of hateful rhetoric, and disgusting images and symbols, and now it is back in levels we have not seen in our lifetime.

We need a unified, empathetic and appropriately nuanced approach from this Committee in Congress, Title VI gives us the opportunity to do that. I want to note that after 911 our Federal Government did not do enough to protect Muslims amid an alarming rise in Islamophobia, and violence toward and hate crimes toward Muslim Americans.

We can learn from that and realize that we have to take action. I am grateful for the rapid response by the Department of Education's Office for Civil Rights, OCR to remind colleagues colleges of their obligations to protect Jewish students, Muslim students, students of all faiths against discrimination. I am also very grateful that OCR has expedited an update to its discrimination complaint forms, so hopefully campuses get access the resources and support they need as soon as a discriminatory act occurs.

I am following up on Mr. Courtney's question. Ms. Burdett, there is a push among my Senate colleagues, led by Help Committee Chairman Sanders to include a 27 percent funding increase for the Department Office of Civil Rights in a supplemental appropriation bill.

I support this and hope that a similar bipartisan effort takes shape in the House because of the bipartisan consensus that we are hearing about addressing what is happening on college campuses. Ms. Burdett how could OCR use these additional resources from Congress to fulfill its responsibility and protect civil rights of students and combat any faith, race, or ethnicity-based discrimination, and would you please also, I know you wanted to respond to Mr. Grothman's questions.

Ms. BURDETT. Well, I will start with the Department of Education. I mean I am an advisor to professionals on campuses, and complaints are going to go up. Congresswoman, if tomorrow you

were a Senator, and you got to only bring your House staff, it would limit how effective you could be.

This is just common sense that we need to capacitate this organization because later Members of Congress will criticize that office for not moving quickly enough, and for having a backlog.

I just—as I cannot be a Jewish person and not remember that we were viewed as foreigners who were dangerous. Two thirds of the American public in 1938 believed that Jews in Germany were responsible for the persecution that the Nazis were bringing on them. We were not allowed to come here because people believed that we would be German spies, and we would be a fifth column in this country.

Hate comes from everywhere, and so do acts of good people. That kind of profiling, it is not backed up the data. You are Members of Congress. You can access information about people who come to this country. My understanding is that they commit crime at lower rates than our own kids, so thank you for that opportunity, Congresswoman.

Ms. BONAMICI. Thank you. Mr. Chairman, as I yield back, I request unanimous consent to enter into the record statements from the Council on American Islamic Relations (CAIR) condemning Islamophobic actions on college campuses in Maryland and Texas, and importantly, an article from the Washington Post titled, “Colleges Braced for Antisemitism and Violence It’s Happening.” Thank you, and I yield back.

Chairman OWENS. No objection.

[The information of Ms. Bonamici follows:]




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Press Releases

CAIR's Maryland Office Condemns Growing Reports of Muslim, Arab Students Harassed on School and College Campuses



CAIR is urging students to take the following steps if they experience an unsafe environment:

BASIC SAFETY PRECAUTIONS: Remain vigilant, take note of your surroundings, pay attention to details, don't walk alone on campus when possible after dark (many campuses offer police escorts).

DOCUMENT: Take photos, record videos, take screenshots of comments, posts and text messages.

REPORT: Notify school officials and college administrators and public safety officers (school principals, office of public safety, office of student affairs) in writing as soon as possible after an incident occurs; cc mdoutreach@cair.com on your communications.

Request CAIR's Self-Empowerment or Bystander Intervention Trainings by emailing mdoutreach@cair.com

👤 Ismail Allison 🕒 October 11, 2023 🕒 3:07 pm

Civil rights group calls on school administrators and district officials to take swift measures to promote student safety

(BALTIMORE, MD, 10/11/23) - The Maryland office of the Council on American-Islamic Relations (CAIR), the nation's largest Muslim civil rights and advocacy organization, today condemned growing reports it is receiving of Muslim and Arab students experiencing harassment and intimidation in public high schools and on college and university campuses.

CAIR is calling on administrators and officials within all educational institutions to take swift measures to promote student safety and take appropriate corrective action as necessary to discourage these incidents.

Over the last three days, CAIR has received at least seven complaints from high school and college Muslim and/or Arab students reporting unprovoked incidents in which strangers have taken their photos, unlawfully recorded videos without permission, shouted racial slurs, threatened to submit their private information to doxxing sites, commented hostile messages on social media platforms, or otherwise created a hostile situation after the students affirmed their support for basic Palestinian human rights.

[NOTE: "Doxxing" is the malicious publication of information such as home addresses, phone numbers and email addresses.]

"In this politically-charged environment, many Muslim and Arab students feel increasingly vulnerable and targeted because of their diverse identities," said CAIR's Maryland director **Zainab Chaudry**. "We are urging all secondary and post-secondary institutions of learning to take immediate measures to create and maintain a safe environment in which students are free to respectfully express their support for basic rights to freedom and liberation for Palestinians existing under an illegal occupation, without being subjected to hate, retaliation and fear."

She noted that yesterday, CAIR's Greater Los Angeles Area office and Jewish Voice for Peace, Los Angeles (JVP-LA) condemned (https://www.cair.com/press_releases/cair-la-jewish-and-muslim-groups-condemn-la-county-school-districts-biased-political-statements-in-support-of-israel/) recent biased political statements on the violence in the Middle East made by two school districts in Los Angeles County.

CAIR also urged houses of worship and human rights activists engaging in protests (https://www.cair.com/press_releases/community-advisory-cair-urges-religious-institutions-activists-to-take-security-precautions-after-surge-in-threatening-rhetoric/) to take security precautions after a surge in racist, hateful and threatening rhetoric online, as well as inflammatory comments by political leaders.

CAIR is urging students to take the following steps if they experience an unsafe environment:

- **BASIC SAFETY PRECAUTIONS:** Remain vigilant, take note of your surroundings, pay attention to details, don't walk alone on campus when possible after dark (many campuses offer police escorts).
- **DOCUMENT:** Take photos, record videos, take screenshots of hateful or harassing comments, posts and text messages.
- **REPORT:** Notify school officials and college administrators and public safety officers (school principals, office of public safety, office of student affairs) in writing as soon as possible after a hate incident occurs; cc mdoutreach@cair.com on your communications.



Press Releases

CAIR-Texas Calls for Campus Ban of Men who Harassed Students at U. Texas Palestinian Solidarity Meeting



👤 Ismail Allison 🕒 October 13, 2023 🕒 4:27 pm

(AUSTIN, TX, 10/13/23) - The Texas chapter of the Council on American-Islamic Relations (CAIR-Texas) today called for the arrest of several men seen harassing students at the University of Texas during a Palestine Solidarity Committee meeting on the recent violence and deaths in the Gaza Strip.

On Thursday night, October 12, the Palestine Solidarity Committee of the University of Texas held a seminar on the history of Palestine and the occupation of Palestinian lands in a UT Classroom they reserved before the annual seminar.

WATCH A VIDEO OF THE INCIDENT (https://youtu.be/u3Cpitj_9yg)

The men were captured on video reportedly yelling profanities at students, calling them terrorists, and throwing papers at attendees.

"The gross violation of the students' rights and liberties to meet and organize around a cause they believe in by these men requires law enforcement to take immediate action," said **William White, Director of the CAIR-Houston office**. "We call for the University of Texas to also take action by banning these men from campus and campus activities."

CAIR's mission is to protect civil rights, enhance understanding of Islam, promote justice, and empower American Muslims.

La misión de CAIR es proteger las libertades civiles, mejorar la comprensión del Islam, promover la justicia, y empoderar a los musulmanes en los Estados Unidos.

END

HIGHER EDUCATION

Colleges braced for antisemitism and violence. It's happening.

'I had Jewish blood on my hands,' a Tulane student said after aiding a classmate who was assaulted at a pro-Palestinian rally



By [Jack Stripling](#)

October 31, 2023 at 11:26 a.m. EDT

Recent days have witnessed what Jewish students and watchdog groups describe as a raft of antisemitic incidents on college campuses. Jewish students at Cooper Union in New York City sheltered in a library as pro-Palestinian demonstrators banged on the glass walls of the building. At a pro-Palestinian protest near Tulane University, at least two students were assaulted in a melee that began when someone tried to burn an Israeli flag. And anonymous posters flooded a Cornell message board with threats, prompting the school's president to alert the FBI. "If you see a Jewish 'person' on campus follow them home and slit their throats," one message said. Another threatened to "bring an assault rifle to campus and shoot all you pig jews."

Israel-Gaza war

Gaza's largest hospital, al-Shifa, "is not functioning" after days without power, water or reliable internet, the World Health Organization said. Israeli Prime Minister Benjamin Netanyahu on Sunday defended his military's assault on the enclave. Understand what's behind the Israel-Gaza war.

College administrators braced at the start of the Israel-Gaza conflict for an outbreak of antisemitism, Islamophobia, harassment and even violence. Free speech advocates predicted infringements on constitutional rights. Now, as the raid by Hamas against Israeli civilians gives way to wider combat in the region, those fears appear to be coming to fruition. The solemn and peaceable candlelight vigils from earlier this month preceded uglier confrontations, leaving Jewish college students feeling anxious, afraid and unsafe.

Amid what the Biden administration on Monday described as an “[alarming rise](#)” of antisemitism on college campuses, some Jewish students say they feel more vulnerable than ever before.

A group called Stop AntiSemitism, which publicizes acts of bigotry against Jewish people, said that it received a few reports of incidents daily before the Oct. 7 Hamas attack — occasionally a couple of dozen. Now, some 500 reports are arriving daily, said Liora Rez, who founded the group in 2018 and serves as executive director.

“It’s very frightening to be a Jewish college student right now,” Rez said. “We think the floodgates have opened up. ... It’s a nightmare.”

‘TERRIFYING’: Violent pro-Palestinian protests rock streets near Tulane University



Israel’s counterattack against Hamas, the militant group that controls the Gaza Strip, has brought forth intense protests nationwide, including on college campuses. At many rallies for Palestinian sovereignty and human rights, demonstrators have used variations of a phrase that some Jewish students call a threat: “From the river to the sea, Palestine will be free.”

Defenders of the phrase often say that the line refers to a one-state solution to the conflict between Israelis and Palestinians over that tract of land between the Jordan River and the Mediterranean Sea, in which Arabs and Jews could have equal voting rights. But the U.S. and U.N. position is that Israel has a right to exist as a Jewish state and that the conflict should be solved with a “two-state solution,” one country for each group.

Jewish students hear “the river to the sea” as an open call for the eradication of Israel, a haunting proposition given the legacy of the Holocaust that led to Israel’s creation. The phrase has been printed on fliers and projected onto the facade of a building at George Washington University. Sometimes the line has been accompanied by other boilerplate like “Glory to our martyrs,” in which Jewish students see praise for killing Jewish civilians, as Hamas did earlier this month.

“There’s nothing wrong with advocating for a Palestinian state,” said Jonathan Greenblatt, chief executive officer and national director of the Anti-Defamation League, who calls the uptick of antisemitism on campus real and unambiguous. “There’s nothing wrong with advocating for a two-state solution. There’s something profoundly wrong with advocating for a final solution. The line is much more black and white than people appreciate.”

The debates also pose a free-speech challenge for university leaders, who must walk a line between allowing members of the community to voice their views while still working to make campus groups feel safe. Activists argue about what constitutes antisemitism, and even where hatred of Jews is clear, it’s generally not illegal. At the same time, donors and politicians are pressuring administrators to take a hard line against antisemitism and the community members they say espouse it. At the University of Pennsylvania, for instance, a board member at the business school urged others to slash their donations until the university takes a tougher line against hateful speech.

An ‘anti-Jew’ rally

At Cooper Union last week, Taylor Roslyn Lent said she witnessed a pro-Palestinian protest morph into a “pure anti-Jew” rally. Lent was among about a dozen Jewish students in a library Wednesday as pro-Palestinian demonstrators gathered outside the glass walls. Her group included men wearing yarmulkes, making them identifiable as Jewish, she said. Protesters banged on doors and windows, chanting aggressively and pointing at the Jewish students, Lent said.

“I felt hated for my Jewish identity,” she said. “There’s definitely a big difference between a pro-Palestine-anti-Israel rally, and an anti-Jewish rally. And the more the day went on, the more it felt like an anti-Jewish rally.”

She grew more anxious, she said, when Cooper Union officials began offering the students what sounded like various means of escape — an escort to the second floor, a backdoor exit followed by an Uber ride.

“I felt not safe, deep down,” Lent said.

In a briefing with reporters after the incident, an NYPD chief of patrol said there was “no direct threat” to the students — and that they had not been in danger. In a statement provided to The Washington Post on Monday, a Cooper Union spokesperson reiterated that point.

An administrator “checked in with students to offer support if they were feeling concerns about leaving the building,” the spokesperson said in an email. “None took her up on those offers.” According to the spokesperson, Cooper has “increased security on campus in collaboration with external security partners and with the NYPD.”

The incident at Cooper Union comes on the heels of several others that have raised concerns about the safety and treatment of Jewish students. At Stanford University, an instructor was accused earlier this month of telling Jewish students to stand in the corner of a classroom, saying, “This is what Israel does to the Palestinians.” (The university said in a statement that the instructor was “not currently teaching” while Stanford looked into the matter.)

On Thursday, a pro-Palestinian rally near Tulane’s campus turned violent, leaving Dylan Mann, a Jewish student, with a broken nose. In video of the event, a protester sought to light an Israeli flag on fire, prompting a pro-Israel demonstrator to try to snatch the flag. In an ensuing melee, a couple of the demonstrators, who appeared to be pro-Palestinian, repeatedly struck Mann, videos show. Mann went to the hospital for treatment, he told The Post in an interview Monday.

In a dazed state, Mann said he was guided to safety by “two very brave girls,” who came to his aid. One of them was Natalie Mendelsohn, a fellow Tulane student, who rushed to Mann after he had been “bashed in the face,” she told The Post. “There was blood all over me — all over him,” she said.

“I had Jewish blood on my hands,” Mendelsohn said, “and that’s something I never thought I would encounter. It was very surreal and shocking.”

In statements, Tulane President Michael Fitts described the violence at the rally as “deeply distressing.” He said that “several individuals” had been arrested and that they would be barred from entering Tulane’s campuses. University police will increase their presence and patrols on campus, he said. “We fully recognize that our community was deeply affected by yesterday’s violence,” the statement said, “and that we must ensure it does not happen again.”

Mendelsohn grew up hearing stories of her grandfather, Victor Mendelsohn, a Holocaust survivor. She said the sight of a Jewish student being beaten triggered an instinct: “I had to do something.”

After the incident, Mendelsohn said, “I immediately called my dad.”

David Mendelsohn, Natalie’s father, said she was “sobbing, crying, fearful” when she called. He “kept a stiff upper lip,” he said, but spent the whole day troubled that his daughter had been in danger.

“You can’t say everything’s going to be okay, because everything’s not going to be okay,” David Mendelsohn said. “Things are going to get worse.”

Blacklisting Palestinian supporters

As tensions rise, some pro-Palestinian students say they, too, are being targeted and harassed for nonviolent protests against what they call Israeli occupation and control of Arab lands. A student at the University of South Florida, who has joined in rallies there, said that someone on X, the platform formerly known as Twitter, had referred to the pro-Palestinian gatherings as “target practice.”

"We took that as a threat that someone might want to do us harm," said the student, who asked not to be identified because she feared being "blacklisted" for her views. Several companies said this month that they would not hire Harvard students whose student organizations had signed a letter denouncing Israel.

The South Florida student said that she and others on campus are "vehemently opposed" to Israel "occupying and colonizing Palestine." But "we do not support Hamas," she said. "We do condemn Hamas."

The chancellor of Florida's State University System, in consultation with Republican Gov. Ron DeSantis, has ordered that campus chapters of National Students for Justice in Palestine be "deactivated," suggesting the group provides "material support" to Hamas, a recognized terrorist organization. The Anti-Defamation League and Louis D. Brandeis Center for Human Rights Under Law have called on college presidents to investigate chapters of the student group, accusing some of "celebrating terrorism."

In a letter last week to University of Florida President Ben Sasse, the Foundation for Individual Rights and Expression, a free-speech advocacy group, urged the president not to comply with the chancellor's "unconstitutional" deactivation directive. "At times of great political and social unrest," the letter said, "illiberal calls to silence unpopular views inevitably rise."

In a letter published Monday, more than 100 Columbia University and Barnard College professors defended the rights of students who had condemned "Israel's apartheid and colonial system." The students' claims "should not be considered anti-Semitic," the letter states. Moreover, the professors condemned "the vicious targeting of our students with doxing, public shaming, surveillance by members of our community, including other students, and reprisals from employers."

Where is the line between free speech and supporting terrorism? When does political activism slide into antisemitism or Islamophobia? The precise answers may be elusive, but college students say the fear they're experiencing at this tense moment is unfamiliar and intense, showing no signs of abatement. And political leaders are weighing in. On Tuesday, Virginia Republican Gov. Glenn Youngkin, for instance, created a situation room to track and "combat threats of violence against Jewish people and other religious communities," including on campus.

Law enforcement is on alert around the country. On Tuesday, New York Gov. Kathy Hochul (D) said on X that police had taken into custody a "person of interest" in the case of message-board threats at Cornell. George Mason University officials also said police in Virginia were investigating a video of a person taking down and tearing up a poster that appeared to depict Israeli children who have been kidnapped.

Diego Leibman Gálvez, a senior at Stanford University, said he's "seen a massive rise in antisemitism on campus." He pointed to pro-Palestinian groups on campus "openly celebrating an attack on innocent civilians" and marching on campus chanting "from the river to the sea."

"It's a very popular chant across campus," he said. "Whether or not the students who are yelling understand what they are saying, as a Jew, it's scary. It's a scary time to be on campus."

Laura Meckler contributed reporting to this story.

Chairman OWENS. I would now like to recognize Mr. Good.

Mr. GOOD. Thank you, Mr. Chairman. Thank you to our witnesses. Ms. Tartak, we are all sorry I think to hear. I would hope everyone—how you have been silenced and threatened on the Yale University campus. What do you think college administrators who are committed to combatting antisemitism, what should they do to protect Jewish students on campus?

Ms. TARTAK. Sure. First of all, I think that they have options. I think what they say matters, and when they make condemnations of antisemitism that are just full of what I will call all sidesism, it cannot simply focus on anti-Jewish hatred, and have to bring in “all forms of bigotry”, they are making a huge mistake.

I think that they can also de-recognize and defund student groups that promote violence, and that supports terrorist organizations recognized by the U.S. Government. I will give you an example. I also gave one in my testimony, but another because there are so many.

National Students for Justice in Palestine, on their Instagram commemorates somebody who planned multiple suicide bombings in one of the intifadas in Israel. There is a commemorative post to mourn this person’s death. Maybe SJP chapters that repost something like that, of course within the boundaries of the First Amendment nitty gritty, of which I am not an expert, but maybe they could experience some sort of scrutiny, if not consequences.

Mr. GOOD. Well said. This equivalency where you have to belong to everyone and together, instead of speaking specifically to the issue at hand of antisemitism. Even this White House, as soon as you mention antisemitism moves to Islamophobia, and then specifically that colleges do not have to sanction or subsidize or condone these groups that are obviously hate groups and antisemitic groups.

What would you estimate the ratio to be of students on campus that would be pro-Israel versus pro-Hamas?

Ms. TARTAK. Ooh, well it depends on the college campus, which is relevant.

Mr. GOOD. How about at Yale?

Ms. TARTAK. Sure. At Yale I would say pro-Hamas as in would show up to a rally shouting something along the lines of, or verbatim, “Resistance is justified.” 20 percent of the student body.

Mr. GOOD. 20 percent.

Ms. TARTAK. Sure.

Mr. GOOD. Wow.

Ms. TARTAK. Because—

Mr. GOOD. How about the professors?

Ms. TARTAK. Ooh, also a good question. It also depends on the department, but a good example was this event that I went to called Gaza Under Siege, where the panelists presented Hamas as a resistance movement, and that was cosponsored by five or so university departments, as in majors. It was a studies department, the women’s gender and sexuality department, ethnicity student race immigration, our center for middle east studies, so I think administrative backing says a lot, and maybe answers your question.

Mr. GOOD. That is incredible that you would estimate that perhaps 20 percent of Yale students might show up to a pro-Hamas

rally, a true pro-Hamas rally. One has to wonder what happens on our college campuses, and in light of, and I keep bringing it back to this, and I will do it once again.

In light of the border invasion facilitated by this administration, individuals who are in our country now aided by this administration, when this happens here what we saw play out on October 7th in Israel. When this happens here, it will be interesting how on our own college campuses, the responses and these professors that are in many cases subsidized by tax dollars, not specifically at Yale in terms of it being a private university.

Mr. MARCUS, to you if I may just pivot. Should universities like Yale be able to hide behind the First Amendment, or should there be consequences when we see this kind of antisemitism play out, or this expression played out in college campuses?

Mr. MARCUS. Congressman Good, the problem is not just that there are students who are saying the wrong thing, but universities that are doing the wrong thing.

Mr. GOOD. Right.

Mr. MARCUS. We need to start with the grownups. They need to begin by saying we will do no harm. They need to look at their DEI programs, they need to look at their curriculum, they need to look at programs like middle east studies programs, with a one-sided anti-Israel propaganda that is simply fueling the problem on campus.

Mr. GOOD. Yes. Are you concerned about—you know we know there are billions of dollars flowing to college campuses from countries such as Qatar, China, Saudi Arabia, United Arab Emirates, countries that do not hold the same values that we do, and there was a study by the Anti-Defamation League released a report that showed how money from Iran is actually being funneled to universities just for antisemitism.

Are you concerned about the impact that these foreign influences on our college campuses might be having on the spread of antisemitism?

Mr. MARCUS. I am, sir, but I want to say respectfully that a lot of the money going to it is our own money from the U.S. taxpayers.

Mr. GOOD. Okay.

Mr. MARCUS. A lot of it is either Federal money, or it is State money, or it is student activities fees, but yes, it is also true that foreign money is coming in and having questionable influence.

Mr. GOOD. Thank you, and I yield back, Mr. Chairman.

Chairman OWENS. Thank you. I would like to now recognize Dr. Adams.

Ms. ADAMS. Thank you, Mr. Chairman, and thank you to our Ranking Member, and thank you to the witnesses for being here today and for your testimony. As a 40-year retired college professor, I am appalled at the recent reports of antisemitism that we have seen in this country, and the demonstrations of hate overall.

Antisemitism has been a serious issue in this country. It has been ongoing, and it has existed for a number of decades. We have seen hate unfortunately trickle down to many parts of our society, and today we are looking at our colleges and universities. It is horrible to me that students are being attacked simply for who they

are, and every student, regardless of race or religion, deserves a right to study and to learn safely on a campus.

They deserve the right to walk on the campus and just be there and feeling safe about it. Ms. Burdett, in your work at the Anti-Defamation League, you develop policies and strategies, and programs to prevent and counter antisemitism, so can you discuss briefly some of the strategies that you use to help schools combat antisemitism?

In your experience, how have the institutions responded to these strategies?

Ms. BURDETT. Institutions in general in this country want to do better, and working as a lobbyist for the Anti-Defamation League was like most of the time was like falling through an open door. I think institutions need outside partners, expertise, and validators and supporters.

But one of the most important strategies and things that we have learned as a country is that where there is data, action follows. Where campuses have programs that incentivize and promote reporting, and make it even more comfortable for students to make a report, they can look at their problem and quantify it.

The fact that, you know, everyone on this Committee could actually ask their own policy department to start reporting to the FBI. I just cannot emphasize enough that if you have a diverse city in your district that is reporting zero or one hate crime, it is not credible, and we all know it.

Reporting even schools that have a policy against bullying, and bullying by the way, hurts Jewish people, and our brothers and sisters in other communities. Where policy is posted online and promoted, children are safer. There are less suicide threats among kids, and so these kinds of spotlights that we can put, and then I have talked a lot about prevention.

Prevention really matters, because once a hate crime has happened in a family, some families will actually never recover from that trauma, and I think we have all seen cases like that.

Ms. ADAMS. Thank you. We have seen so many traumatic experiences throughout our college campuses, I have worked particularly with our HBCUs and others. Hate anywhere is a terrible thing. You talked a little bit about the Office of Civil Rights, and the fact that we need to fund this department because when we look at the fact that we've had an uptake in Title VI complaints, and years that the republicans have been in the majority, the Office of Civil Rights that has either been underfunded, or not funded at all.

I want to ask you about—since you mentioned diversity. Diversity, equity and inclusion programs on college campuses were designed to address potential issues among the different demographics. There has been a recent surge in attacks against DEI programs.

I have heard many of my colleagues use this argument. What role can diversity, equity and inclusion programs play in responding to antisemitic and racially hostile acts on campuses? You have got about 30 seconds.

Ms. BURDETT. I do not know a single Jewish person who is not very scared right now. I do not know a single Jewish organization or Jewish school principal, or rabbi that wants the civil rights in-

frastructure of this country to be decimated. Now, diversity, equity and inclusion work maybe wasn't set up to anticipate a group of mostly white people scared of hate crimes, but it can be enhanced, and the people that I work with have adapted, and are protecting Jews now.

Do not bring it down on account of us. We need it.

Ms. ADAMS. Thank you very much. Mr. Chairman, I yield back.

Chairman OWENS. Thank you. I would like to recognize Mr. Moran.

Mr. MORAN. Thank you, Mr. Chairman. Mr. Chairman, acts of hate emanate from hearts filled with hate. Our colleges and universities have an obligation to ensure that they do not cultivate an environment of hate or racism by their action or by their inaction. The heinous acts of hate evidenced by the terrorism undertaken by Hamas on October 7th may be the most prominent recent example of hate filled antisemitism, but the hearts that undertook this terror are not isolated just to Hamas terrorists.

Unfortunately, antisemitism has found a prominent and a safe refuge on our college campuses, and this is simply unacceptable. Let me be clear, there is a distinction between free speech involving honest debate on college campuses on the one hand, and support for groups that call for the annihilation of another race on the other hand. Surely, that difference is clear to the reasonable observer.

One of the ways that I think colleges and universities have promoted antisemitic speech and behavior is through their DEI offices, and we were just talking about that a second ago. Staff and diversity equity and inclusion departments on many college campuses are noticeably antisemitic. They go about their work in a manner contrary to the stated intent of treating all with equity.

In 2021, Mr. Chairman, you referenced a study that Heritage did, a report on antisemitism of DEI staff at universities. They conducted a search of Twitter feeds of 741 DEI personnel at 65 universities to find comments regarding Israel, and for comparison, China.

Those DEI staff tweeted, retweeted, or liked almost three times as many tweets about Israel as tweets about China, and notably of those tweets about Israel, 96 were critical of the Jewish State, while 62 percent of the tweets about China were favorable. Consider that for a moment.

The DEI staff favored China and opposed Israel. In my view, this explains in large part the lack of response toward antisemitic instances by DEI staff on college campuses, and seems clear to me that there are a number of higher education institutions whose DEI staff are disconnected with the values and strategic objectives of the U.S.

Once more, they are clearly antisemitic. Ms. Tartak, I want to talk to you because you are at Yale University presently, and I noticed just doing a little Google search of Yale back in April, Yale brought in on the second night of Passover, they hosted a speaker their DEI office, hosted a speaker known to promote antisemitic views, including justifying the murders of Jews and Israelis.

I want to talk to you about your experience, and whether or not the DEI office at Yale has offered you any support. Have they, in fact offered you any support?

Ms. TARTAK. Again, no. Assuming you are referring to Houria Bouteldja. There is a photo of her holding a sign that says again verbatim, "Zionists to Gulags". The DEI office did not do anything to prevent the event. It was as a matter of fact, as you stated, supported it. It was hosted during a Jewish holiday where Jews could not show up. Similarly, my friends and I were unable to get into a recent pro-Hamas event, cosponsored by so many departments at Yale, they do not help.

Mr. MORAN. I presume that in the past 5 weeks since the Hamas attacks in Israel, that the DEI department at Yale has not provided you any support, or frankly, provided you insurance that you are going to be safe and secure in your own college campus as a result of the antisemitic speech and actions on that campus.

Ms. TARTAK. No. They have not. Again, for the most part, my Jewish peers and I have receded exclusively into Jewish Centers of life on campus, and what is upsetting about this uniquely, is that DEI at least a lot of what I have been seeing, fails to recognize that Jews can be oppressed, but only recognizes Jews at some kind of white oppressor, which to me does not really make sense.

As a Persian Jew on one side, my mom escaped revolutionary Iran in 1979, and on the other side, my grandfather was a Holocaust survivor. His mother, brother and sister were shot by a Nazi firing squad, and so to have an institution look at me and say you are the oppressor, really should frighten us all.

Mr. MORAN. Yes. I agree. Completely agree with you, and Ms. Burdett, you mentioned earlier, I think you used the phrase that some DEI offices were not "set up" to look at certain white individuals as those folks being oppressed, and I think that is one of the big problems with DEI offices, is frankly, we start categorizing people by how they look, or what their race is, instead of looking at the heart of folks, and understanding what true hate is, and what true hate is not.

It works against the values of American democracy, and frankly, it works against the morality that undergirds the freedom that should be evident and should be there for all members of the human race. With that, I yield back.

Chairman OWENS. Thank you. I would like now to recognize Ms. Manning.

Ms. MANNING. Thank you, Mr. Chairman. Thank you, Ranking Member Scott. I am glad we are having this hearing. Frankly, it is about time. We have seen antisemitism on the rise across the United States and around the world, including a 40 percent increase in antisemitic incidents at colleges and universities, and that was before the October 7th Hamas attack.

Sadly, since October 7th, the ADL has found an almost 400 percent increase of antisemitic incidents on college campuses, including so many of the incidents we have heard about today. As the Co-Chair of the House bipartisan Task Force for Combatting Antisemitism, I strongly condemn all of this antisemitic activity.

Sadly, and inexplicably, far too many college and university leaders have totally failed to fulfill their moral responsibility to clearly

reject hatred, violence and antisemitism. There is much more we can do to counter antisemitism and protect Jewish students. I am very eager to work with any of my colleagues on both sides of the aisle to work on this issue.

In fact, in August I helped lead 87 Members of Congress on a bipartisan and bicameral letter to Secretary Cardona, urging the Department to take concrete steps to clear the backlog of pending complaints, to prioritize the pending proposed regulations, and to implement key commitments in the U.S. national strategy to counter antisemitism.

Mr. Chairman, I would like to request unanimous consent to enter this letter into the record.

Chairman OWENS. No objection.

[The information of Ms. Manning follows:]

Congress of the United States

Washington, DC 20515

August 22, 2023

Secretary Miguel Cardona
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary Cardona:

As members of Congress who are committed to countering antisemitism, we are deeply concerned about the rise of antisemitic incidents at universities and college campuses.

The U.S. Department of Education has a key role to play in the federal government's efforts to counter antisemitism. We welcome the Department's ongoing commitment to take several steps outlined in the U.S. National Strategy to Counter Antisemitism, including launching an Antisemitism Awareness Campaign, and issuing a recent Dear Colleague Letter circulated to schools on May 25, 2023, clearly stating that "a school violates Title VI when it fails to take adequate steps to address discriminatory harassment, such as antisemitic harassment." Additionally, the Department's Antisemitism Awareness Campaign lists several important actions the Department will take, including continued data collection and increased technical assistance for both schools and community organizations.

We strongly encourage the Department to continue taking the International Holocaust Remembrance Alliance's (IHRA) working definition of antisemitism into consideration as it investigates individual incidents of anti-Jewish discrimination and enforces federal civil rights law. In addition, we reiterate our support for the Administration's proposed action to issue regulations pursuant to Executive Order 13899 on Combating Anti-Semitism to provide the strongest level of protections for Jewish students.

According to the ADL, antisemitic incidents on college campuses increased by 41 percent from 2021 to 2022. Recent campus surveys also confirm that many Jewish students face discrimination or a hostile environment on campus. The 2021 ADL-Hillel Campus Antisemitism Survey found that nearly one third of Jewish students personally experienced antisemitism directed at them on campus or by a member of the campus community. A 2022 survey also found that 54% of Jewish students feel that they pay a social cost for supporting the existence of Israel as a Jewish state. We hope that you agree that these findings are alarming and unacceptable. Jewish students, like all students, deserve equal rights to an education free from discrimination and harassment because of their identity.

As you know, the overall number of complaints received by the Office for Civil Rights (OCR) has risen from approximately 10,000 cases in 2019 to more than 19,000 cases last year. While we welcome the Department's successful resolution of a recent case at the University of Vermont, we encourage the Department to continue to swiftly investigate other pending cases and to continue to enforce federal civil rights laws against antisemitism in all forms. We also encourage the Department to undertake concerted efforts to encourage the reporting of antisemitic incidents; despite the increase in complaints to OCR, anti-Jewish incidents remain woefully underreported.


That is why we respectfully request that the Department provide written responses to the following questions:


1. How is the Department working to swiftly resolve a backlog of pending discrimination complaints, and specifically those involving antisemitism?
2. What additional resources does the Department require to successfully resolve the pending complaints in a timely manner?
3. How will the Department help schools, including those that have experienced an increase in antisemitism, improve their processes and procedures for reporting antisemitic incidents on college campuses?
4. How does the Department plan to highlight best practices to prevent and address antisemitism on campus and ensure students, educators, and administrators are aware of available resources?
5. What technical assistance will the Department provide to schools regarding Title VI, its application to Jewish students and its coverage of all forms of antisemitic discrimination?

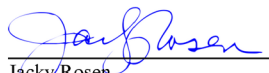
Keeping the priorities and questions outlined above in mind, we urge the Department to brief Congress on the Department's plan to implement key actions outlined in the U.S. National Strategy to Counter Antisemitism by September 30, 2023.


Thank you for your attention to this important matter. We look forward to your response and continuing to work with you to help combat antisemitism and other forms of discrimination in higher education.

Sincerely,


Kathy Manning
Member of Congress


Christopher H. Smith
Member of Congress


Jacky Rosen
United States Senator

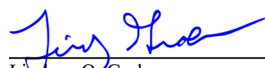

James Lankford
United States Senator



Ted W. Lieu
Member of Congress



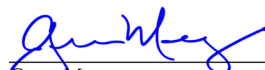
Brian Fitzpatrick
Member of Congress



Lindsey O. Graham
United States Senator



Roger Marshall M.D.
United States Senator



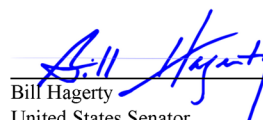
Grace Meng
Member of Congress



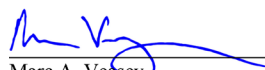
Randy K. Weber, Sr.
Member of Congress



Rick Scott
United States Senator



Bill Hagerty
United States Senator



Marc A. Veasey
Member of Congress



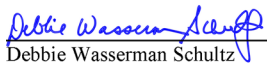
Joe Wilson
Member of Congress



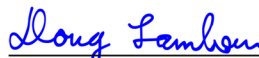
Adam B. Schiff
Member of Congress



Don Bacon
Member of Congress



Debbie Wasserman Schultz
Member of Congress



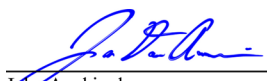
Doug Lamborn
Member of Congress



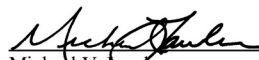
Dan Goldman
Member of Congress



Bradley Scott Schneider
Member of Congress



Jake Auchincloss
Member of Congress



Michael Y. Lawler
Member of Congress



Josh Gottheimer
Member of Congress



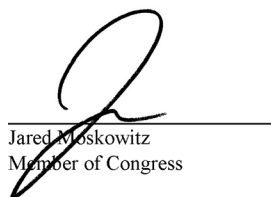
David Kustoff
Member of Congress



Ritchie Torres
Member of Congress



Max L. Miller
Member of Congress



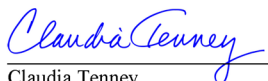
Jared Moskowitz
Member of Congress



Young Kim
Member of Congress



Lois Frankel
Member of Congress



Claudia Tenney
Member of Congress



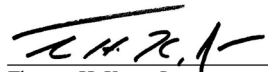
Patrick K. Ryan
Member of Congress



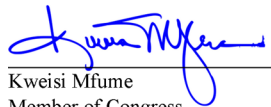
Earl L. "Buddy" Carter
Member of Congress



Dean Phillips
Member of Congress



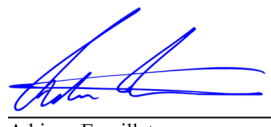
Thomas H. Kean, Jr.
Member of Congress




Kweisi Mfume
Member of Congress



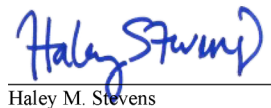
Mike Flood
Member of Congress




Adriano Espaillat
Member of Congress



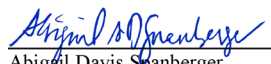
Mike Carey
Member of Congress



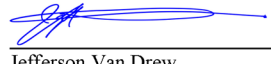
Haley M. Stevens
Member of Congress



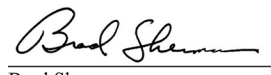
Lori Chavez-DeRemer
Member of Congress




Abigail Davis Spanberger
Member of Congress



Jefferson Van Drew
Member of Congress



Brad Sherman
Member of Congress



Bill Johnson
Member of Congress



Paul D. Tonko
Member of Congress



Jenniffer González-Colón
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David J. Trone
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Marcus J. Molinaro
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Nikema Williams
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Gus M. Bilirakis
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Andrew R. Garbarino
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Jim Costa
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Nick LaLota
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Marcy Kaptur
Member of Congress



Anthony D'Esposito
Member of Congress



Greg Landsman
Member of Congress



Robert J. Wittman
Member of Congress



Donald G. Davis
Member of Congress



Doug LaMalfa
Member of Congress



André Carson
Member of Congress



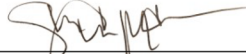
Henry C. "Hank" Johnson, Jr.
Member of Congress



Deborah K. Ross
Member of Congress



Bonnie Watson Coleman
Member of Congress



Sheila Cherfilus-McCormick
Member of Congress



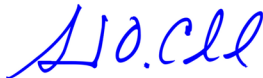
Mikie Sherrill
Member of Congress



Emanuel Cleaver, II
Member of Congress



Shontel M. Brown
Member of Congress



Salud Carbajal
Member of Congress



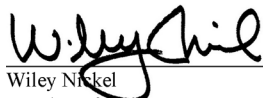
Suzanne Bonamici
Member of Congress



Matt Cartwright
Member of Congress



Brian Higgins
Member of Congress



Wiley Nickel
Member of Congress



Donald Norcross
Member of Congress



Dina Titus
Member of Congress



Susie Lee
Member of Congress



Jason Crow
Member of Congress



Brendan F. Boyle
Member of Congress



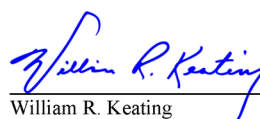
Frederica S. Wilson
Member of Congress
Ranking Member,
Subcommittee on Higher
Education and Workforce
Development



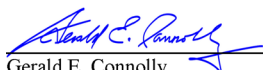
Steve Cohen
Member of Congress



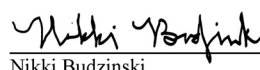
Frank Pallone, Jr.
Member of Congress



William R. Keating
Member of Congress



Gerald E. Connolly
Member of Congress



Nikki Budzinski
Member of Congress

Scott H. Peters
Member of Congress

Grace F. Napolitano
Member of Congress

Frank J. Mrvan
Member of Congress

Ms. MANNING. Thank you. Mr. Marcus, I am so grateful to you and your colleagues at Brandeis for your work. In April, the Biden administration reached a milestone settlement with the University of Vermont on antisemitism, and would you view that as a success?

Mr. MARCUS. Thank you, Congresswoman. Yes. The Louis D. Brandeis Center filed that complaint jointly with Jewish on Campus, and we view it as a success, and it is our understanding that there has been a dramatic difference on that campus since the resolution.

Ms. MANNING. Would funding the OCR fully, pushing forward on issuing regulations and implementing the U.S. national strategy to counter antisemitism, would all of those things help lead to a greater number of similar, successful resolutions to instances of campus antisemitism?

Mr. MARCUS. Respectfully I do not think I can say I am convinced of that. You know, I headed OCR during two administrations. There have been arguments for and against increases or decreases, often on party lines. My sense has been that if—think about antisemitism as an issue that seldom occupies even one-tenth of 1 percent of intake, maybe it will be—so to me, fluctuations in the budget of OCR are not what impacts the ability of OCR to address antisemitism.

Ms. MANNING. Let me ask you this question because we know that there are a record number of 19,000 complaints that OCR received last year, and yet a tiny number of those, I think only five, are related to antisemitism. I think since October 7th, only 8 or 9 complaints have been about antisemitism. This is shocking in light of what we hear from students when we talk with them on campuses, what we hear in the press.

Why is it that we have seen such a significant increase in antisemitic incidents as reported by students, by others on college campuses, and yet what we are seeing filed at OCR is only a tiny percentage of those claims. What is getting in the way of students filing complaints?

Mr. MARCUS. Students are often reluctant to file complaints against a university for reasons that vary from loyalty to their in-

stitution, to ignorance of the availability of the process, to fear that it is not going to be successful. We are now seeing more complaints coming in, and the Brandeis Center will have more to come, but I really think that it is incumbent on OCR to proactively investigate cases and not just wait for complaints to come in, for exactly the sorts of reasons that you have just mentioned.

Ms. MANNING. College is a time when young people find themselves and decide what they want to be, and I am deeply concerned that what young Jews are facing today on college campuses, the shocking antisemitism is going to force them to decide that they are simply safer if they hide what is Jewish about them, if they do not take part in Jewish life, if they abandon that part of their identity.

I just want to urge my colleagues, we need to do more to address this issue, my time is expiring, and I thank all the witnesses today.

Chairman OWENS. Thank you. I would now like to recognize Mr. Smucker.

Mr. SMUCKER. Thank you, Mr. Chairman for yielding time, and for holding this important hearing today, and I would like to thank each of the witnesses for being here, and particularly, Ms. Tartak for being here to share your story.

It is shocking to see what is happening in our society, what is happening on our campuses. There is something wrong with the moral fabric of our society when you have antisemitism rising in the way that we are seeing today. It is hard to believe that we are here, particularly, when we have seen the atrocities that Hamas have committed against the State of Israel on—in October.

These were barbaric, inhumane, and deserving of strong retaliation. 1,400 innocent individuals brutally murdered, hundreds more still held hostage by Hamas, and 30 Americans killed in these attacks as well. On these college campuses, in many cases, no mention made of any of that in these protests.

No mention made of Hamas as a terrorist group. Instead, we are seeing as you said, Ms. Tartak, Jewish students retreating to their Jewish Centers in our college campuses. It is totally unacceptable, and should be called out for what it is. It is a hate crime.

Unfortunately, far too many institutions of higher education are failing to do their duty, to protect Jewish students and faculty from this aggression. I think you have heard today that members of this Committee are resolute in condemning antisemitism, and I am hearing that on a bipartisan basis. We continue to stand firmly behind Israel, behind Jews here in American, and behind Jewish students on college campuses.

I think about where do we get here, and Rabbi Hauer, you mentioned in your testimony that antisemitism has been cultivated in our K through 12 system, and then that spreads to institutions of higher education. I would like to hear a little bit more about that.

I am from Pennsylvania, and I just want to give this background as well. There is an effort in Pennsylvania to teach about the Holocaust in our K through 12 system, led by a professor at Penn State. I visited some of the schools that have implemented you know, teaching about the holocaust at a young age, and how to do this. It is a difficult subject, and how to do it with very young students.

What is going wrong beginning in our K through 12 system that we are at the point where we are today?

Rabbi Hauer. Thank you for the question. I am not sure if I would use the word myself, cultivated. I think what we have seen very clearly is that the kinds of behaviors, and the kinds of environments that have been created in university campuses, which until very recently we only found in university campuses, we are now finding in K through 12, or specifically middle school through 12th environments.

From our perspective, we have something called Jewish student unions, which are clubs, which are held in public schools, and hundreds of public schools across the country for Jewish students who want to attend the club in school hours. It is constitutional to be able to do so.

We have had, especially since October 7th, but proceeding it as well, but incredibly spike since October 7th, descriptions of exactly the kinds of things that have been described here as occurring on university campuses. Rallies in middle—in high schools, our clubs. Students coming into a club of Jewish students sitting in the back and disrupting and making it impossible for the Jewish students to carry on, and then in fact, chasing the students back toward their classrooms.

We have had teachers in high schools who have been doing art projects, so showing for example, a fist emblazoned with Palestinian colors going through the Israeli. Kinds of things which are making students deeply uncomfortable. It did not happen before, and in a certain sense I think that is especially compelling, for us to consider in Title VI discussions because universities, it has been there for a while.

It is going to be a big project to dial it back. In K through 12 schools, it is just beginning, it is just beginning, and we have to address it very, very fully.

Mr. SMUCKER. I know I am out of time, but I would be very interested in hearing your thoughts on how can we change that in K through 12's? How important is education about the Holocaust, what can we do differently, but I do not have time. Thank you, Mr. Chairman.

Chairman OWENS. Thank you, thank you very much. I would like to recognize Ms. Leger Fernandez.

Ms. Leger Fernandez. Thank you, Mr. Chair, and thank you witnesses for coming and sharing the stories about the eruption of antisemitism on our college campuses. I almost feel like I want to apologize on behalf of people who really recognize that that is simply wrong, it is horrendous.

Antisemitism has no place in American society, and like my colleagues on both sides, I am appalled by the eruption and what's happened since October 7th because of that. Rabbi Hauer, you correctly note that antisemitism on campuses has persisted for generations.

I often tell the story of how when my father attended college on the GI Bill, both Jews and Hispanos were barred from fraternities on his campus, and this was just after the world had witnessed the horrors of the Holocaust. The importance of allies, the importance of allies is really key, and I think my small, teeny, tiny little north-

ern New Mexico story of allies and historic antisemitism is sort of a little piece of that.

We also most recently remembered the antisemitic hate spewed by the white nationalists as they marched through the University of Virginia in 2017 at the Unite the Right Rally. Most of this antisemitism on college campuses and in the rest of the Nation has deep ties to white supremacy.

Ms. Burdett, can you please speak to the link between white supremacy and antisemitism in America?

Ms. BURDETT. Thank you for that question. One of the reasons it is so important to make sure that antisemitism awareness is incorporated into our civil rights work, our diversity work, our inclusion work is because a lot of experts believe you cannot adequately understand hate in America without knowing about antisemitism.

It is such a strong, animating ideology for hate in America. We should remember that Jews are not targeted because we worship differently. Remember that the shooter of the Tree of Life Synagogue, (Spoken in Hebrew) that is Hebrew for may his name be erased—he did not shoot those people because they were praying on Saturday, or because they were praying in Hebrew.

He subscribed to an ideology whereby Jews were responsible for so called, the browning of America. We are part of the movement for diversity in this country, and antisemitic conspiracy theories in our homegrown hate groups are very pernicious and really drive a vast, vast majority of ideologically motivated, biased murders of Jews in this country.

Ms. LEGER FERNANDEZ. Right. This idea of hate, and promoting, promoting power, and acquiring power by using hate to get it in all of its forms, I think is really pernicious as you point out. You pointed out also in your opening testimony about the Biden administration's national strategy for counter antisemitism earlier this year, and about the importance of Congress acting, and making sure we provide the resources.

Mr. Courtney raised the issue earlier, but what does a 25 percent budget cut to the Department of Ed's Office of Civil Rights, as proposed by the House republicans appropriations bill, affect? How would that affect the ability of that office to investigate, and if necessary, as pointed out, take strong action when universities fail to counter the antisemitism, when they fail to protect the students as we heard from the witnesses as well?

Ms. Burdett.

Ms. BURDETT. You know, I have heard my friend, Mr. Marcus, talk, speak eloquently about what the Office of Civil Rights could still do more of with less, but that is not how any of us run organizations and programs. I know that a 12 percent decrease in capacity has not helped them tackle rising cases.

I just do not understand. We know the cost of communities that are ripped apart, campuses that are ripped apart. It is just penny-wise and pound foolish not to do things that we know deter and prevent these crimes.

Ms. LEGER FERNANDEZ. Thank you very much, and my time has expired. I had wanted to have time, and I might submit a question in writing because you also talked about the importance of using antisemitism, and that piece is important, within DEI. Your com-

munity is part of it. My community is part of it too, so I will submit a question in writing to address how that is important to the witnesses, and with that I yield back.

Chairman OWENS. Thank you. I would like now to recognize Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Chairman. Yes. I believe that actions speak louder than words, and I want to put colleges and universities on notice that if you permit or harbor antisemitism on your campus, you are my enemy. Say that emphatically. I want to draw attention to the shocking hypocrisy that I see on display on our college campuses.

If you rewind just five or more weeks ago, our academic institutions have gone from rightly denouncing Holocaust deniers, not permitting them to speak, and even in many cases firing them from their positions. Now, just in the last 5 weeks, universities are defending and protecting supporters and perpetrators of Holocaust 2.0.

That is Hamas. The atrocities on October 7th can only be understood as a new Holocaust, and the pro-Hamas protests on universities not only celebrate the massacre of Jews, but call for the massacre to continue until all Jews and Israel are murdered, or evicted.

What we see is university presidents, faculty and board members and donors shockingly silent, or deliberately reserved in their actions to identify, rein in and remove these intimidating protesters from our academic institutions. The contrast of protecting supporters of a new Holocaust, while only a few weeks ago rightfully canceling deniers of the Nazi Holocaust is troubling and baffling.

Mr. Marcus, do you mind, can you help me understand this shocking incongruity in values and integrity that has taken place in just the last 5 weeks?

Mr. MARCUS. The masks have really come down, and we are understanding that the problems on campuses are much worse than what we ever saw before. I do think that the issue might even be worse than what you are suggesting because these Holocaust 2.0 deniers in some cases are not only celebrating the murders, the rape, the torture, the desecration of corpses, but they are saying we are part of this resistance, part of the Hamas murder, rape and torture.

Now to the extent that they are part of and supporting it, there are questions under the Terrorism Act. We cannot have a situation in which there are registered student organizations using facilities at federally funded institutions that are saying that they are a part of a movement which is State department designated as terrorist.

I would say that this is a problem for which we need to have very specific attention from the Federal Government.

Mr. WILLIAMS. I certainly agree with you, and back to my statement of actions speak louder than words. Can you provide any direction on whether Federal funds could be removed from universities that continue to be these hot beds of antisemitism, or even taking it another step to remove accreditation from universities that fail to adequately address antisemitism on their campus?

Mr. MARCUS. That sort of action requires a number of different steps, as it should. There is a lot of process that is required under

Federal law, but you need to take the first step first. The first step means taking action, which can mean beginning with self-directed investigations.

It can mean establishing the compliance review. You cannot even get to the point that you are discussing, Congressman Williams, unless you proactively take those initiatives, and that is what we would want to see the Education Department do.

Mr. WILLIAMS. I appreciate your thoughts on that. Ms. Burdett, my alma mater, University of Pennsylvania, they have students that are chanting—these are pro-Hamas protests, chanting, “There’s Only One Solution.”

Earlier you mentioned that there were standards on bullying, would you call that bullying? Just a yes or no answer would be helpful. Thank you.

Ms. BURDETT. Yes.

Mr. WILLIAMS. Would you call that hate speech?

Ms. BURDETT. The entire statement that is around what you have quoted is hate speech, I believe.

Mr. WILLIAMS. What I hear from students in my district, Jewish students in my district, is that they are afraid to go to classes, and that is unacceptable. For these Hamas protests, would you call them inclusive?

Ms. BURDETT. I am sorry. I do not understand the question.

Mr. WILLIAMS. The protestors that line up to espouse pro-Hamas sentiments, would you—you are an expert in DEIs, would you call that inclusive?

Ms. BURDETT. Well, I am an expert in antisemitism, but the defense of terror and massacres, and hate violence is unacceptable.

Mr. WILLIAMS. Thank you. I yield back.

Chairman OWENS. Thank you. I would now like to recognize Ms. McBath.

Mrs. MCBATH. Well thank you so much Chairman Owens, and Ranking Member Scott, and also thank you to your staff and to our witnesses for being here with us today and making this hearing possible, and Ms. Burdett, once again thank you so much for your witness and testimony.

I heard your testimony last week in another Committee. Acts or expression of hatred, racism and antisemitism have no legitimate place in our society or on a college campus. I am glad to see that the Higher Education Subcommittee today coming together for this important discussion.

Students will tell you that they are feeling unsafe as we have heard today, and in volumes we have heard this. We have a responsibility to them to do everything that we can to foster communities of understanding, safety and respect for each other on our college campuses.

While the brutal terrorist attacks by Hamas on Israeli civilians on October 7th have incited a recent, larger wave of antisemitism on campus and elsewhere around the country, this is not an entirely new development. This rise in hate is well documented by groups such as the AntiDefamation League and is unfortunately becoming more and more normalized.

In 2022, ADL documents almost 3,700 separate antisemitic incidents throughout the United States in just their yearly audit. This

translates to over 10 antisemitic incidents a day in 2022, a 36 percent increase in the amount from the year before, and the highest number recorded since ADL began tracking antisemitic incidents in the late 1970's.

Something is seriously wrong when in the last five annual reports by ADL, three of them have reported the highest number of antisemitic incidents recorded in the 50 plus years that this data has been collected. My community, in metro Atlanta, I represent Georgia, is no stranger to these incidents. It should never be considered normal, but it occurs far too often.

A few years ago, I myself participated in a joint press conference with interfaith leaders in my community. Local law enforcement, the ADL and the Council General of Israel, to the southeast to condemn antisemitic vandalism that was happening in our neighborhoods. Just over 2 weeks ago, antisemitic messages were displayed on an overpass above I-75 in my county, Cobb County, a home to one of the largest Jewish communities in the deep south.

I am pleased that the Biden administration is responding with their release of the national strategy to counter antisemitism earlier this year. As you stated in your testimony, and I quote, "The strategies launched in May 2023 was the most ambitious far-reaching action in U.S. history.

Also historic, is the coming together, both from within and outside of the Jewish community, a kind of civil unity and resolve to tackle antisemitism through concrete, coordinated action to stop the spread and the normalization of antisemitism," and that is your quote, Ms. Burdett.

Ms. Burdett, I wholeheartedly agree with you that this was an important step, and you have been talking about that today over and over again about the importance of us supporting the Biden administrations action's and strategic action and work that they have done on antisemitism.

Can you also discuss further because I apologize. I have had to run in and out to other committees as well. Can you discuss further, some of the other actions that the Federal Government can and should be taking in response to these very disturbing rises in antisemitism on campuses specifically?

Ms. BURDETT. Congresswoman, the kind of action you described, standing with other faith leaders, that matters. When President George W. Bush called on America not to take out their anger about the tragedy of 911 on their Muslim neighbors, people listened.

The Department of Education officials, the President, the Vice President, and officials across all of the agencies are talking more to Jewish people. They are listening. They are elevating their stories, and they are standing next to them. Your microphone is, aside from your checkbook, which I have already said is very important, your microphone is an incredible tool.

When people fight about Israel in the public debate Jews get hurt. When, as we have heard today, we talk about immigrants as potential invaders who would come here and act like Hamas, hate incidents against people who look like immigrants are going to go up, and that is no comfort to the Jewish community.

Words matter, and your microphone matters, and thank you for your work.

Mrs. MCBATH. Thank you so much. I am out of time, thank you, all of your for your witness and testimony.

Chairman OWENS. Thank you. I would like to now recognize Mr. Banks.

Mr. BANKS. Thank you, Mr. Chairman. Mr. Marcus, you helped draft President Trump's 2019 executive order extending civil rights protections to Jewish students on college campuses. That was 4 years ago. President Biden has since expanded the order combatting antisemitism. Do you feel that your efforts have been vindicated given what we've seen over the last 6 weeks?

Mr. MARCUS. Thank you, Congressman Banks. Yes. What was expanded was the notion that Title VI includes Jewish students and should always include Jewish students. That was something that I first announced during the George W. Bush administration in guidance. It was expanded during the Obama administration, and then President Trump further, and now Biden. Yes, that is important.

There was another half, there is another half of that approach which is to use a definition that will give clarity to what is antisemitism. This was also part of the Trump executive order. I would like to see that get equal support from this administration. They say they are following it, but the regulation that is due next month we have not been hearing about, and I think I would like to hear about it from them.

Mr. BANKS. I appreciate that explanation. Specifically, the order and power of the Federal Government to withhold funding from any college or university that enabled antisemitism. At the time many democrats attacked it, right? When President Trump released this important executive order.

In fact, my colleague from Washington State, Ms. Jayapal said, "It will do nothing to protect Jewish students. Instead, it will usher in a climate of fear for campus activists." Richard Blumenthal, a Senator went even further. He said this, "It smacks not only of what happened in the Soviet Union, but also Nazi Germany."

Mr. Marcus, do you think President Trump's executive order served to, "Usher in a climate of fear for student activists on campuses?"

Mr. MARCUS. Just the opposite. It is the most important tool we have, and that is why the Biden administration is saying that it is still active policy.

Mr. BANKS. Would you say that these kind of comments comparing civil rights protections for Jewish students and Nazi Germany, have aged very well for these two democrats?

Mr. MARCUS. Without commenting on Members of Congress, what I would say is this. Support for measures like the executive order on combatting antisemitism should be bipartisan. It is based on ideas that have been accepted by the Obama administration. I do not see why it cannot be more broadly accepted among people of good will of all persuasions.

Mr. BANKS. I hope back to my initial question that you do feel vindicated that these outrageous, outlandish, offensive comments from these two, and there are so many more that I will not spend

time reading today, are ridiculous, and we appreciate the important work that you did, that President Trump led in his administration. I just think it is really important. Rabbi, why has the American left abandoned the Jewish people? I mean this seems to be a change in democrat versus republican, right versus left politics over the past several years.

Historically, powerful political constituency of the left, the Jewish voters in America, they largely feel abandoned by the American left. Why is that?

Rabbi Hauer. I am not sure I am the most qualified person to theorize why. I think it has already been said by some of my colleagues. The themes of the oppressed and so on and so forth, which have dominated, and somehow we have been lumped in. Not with the oppressed, but with the oppressors, very unfortunately.

I can tell you that it has been incredibly disorienting to the Jewish community to be in this specific place. Thou shall love the stranger. (Speaking in Hebrew.) It is a biblical mandate. It is a Jewish value of eminent value. I speak to you as "a stranger". My father was a Holocaust survivor who came to this country. My mother was a Holocaust refugee who came to this country.

If we did not love the stranger in this country, we would not be here. This Jewish community would not be here. None of us from one end of the table to the other would be here. We deeply value inclusion. We deeply value caring that nobody in this country, nobody in a university of any specific or any particular identity should feel estranged.

We have been champions of this, and today we feel excluded by it.

Mr. BANKS. Like all of you, I wish these issues were bipartisan, but it does not feel like it anymore. Combatting antisemitism, supporting Israel, supporting the Jewish people, it does not feel bipartisan like it used to. With that, I yield back.

Chairman OWENS. Thank you. I would like to recognize the Chair of the Committee, Chairperson Dr. Foxx.

Mrs. FOXX. Thank you, Mr. Chairman, and I want to thank our witnesses for being here today to discuss this very, very important issue. Rabbi Hauer, I have struggled since the explosion of antisemitism on college campuses began after October 7th, to understand why campus leaders have been so timid in their response.

As you testified, the Orthodox Union supports Jewish students of many campuses around the country. Your organization and the students you support interact with thousands of campus faculty and leaders. In your opinion, why have we not seen a robust response from the universities, and I will do some qualifiers.

Is it cowardice? Is it that they actually support Hamas? Is it that they do not want to offend foreign donors? All of the above. What is it that is causing such a tepid response?

Rabbi Hauer. To me it seems that it is a combination. It is a combination of ignorance, and the lack of courage and the lack of courage. Ignorance, I do not know that people have taken the time to look at the hard evidence of what the Jewish people are facing, what the State of Israel faced on October 7th, what it has faced since really the beginning of its existence when it was announced, and when its creation was announced.

They have not looked at a State, which if you look at a picture of the Supreme Court of Israel, or you look at the picture of the faculty of any hospital in Israel, you will see a mixture of leadership of Arabs and Jews, and they don't understand. They do not understand that on another side there is literally an assumption of a State that would be

[speaking in Hebrew] empty of Jews.

That ignorance is huge, and at the same time cowardice. Cowardice because as we have seen there is a movement. There is a movement which is very, very strong in the academic, and in the student community that for some reason has chosen to not be sympathetic to the Jewish community, and it would require strength on the part of administrators to do this.

We believe, firmly, that institutions of higher learning are not excluded from teaching basic values, and we need to stretch them, and they need to stand strong. I think it is that combination.

Mrs. FOXX. Thank you very much. Your testimony is very powerful. By the way, all of the testimonies will be on our website, and I would encourage people to read them. Mr. Marcus, I do not have too much time left, and I have a question for you and a question for Ms. Tartak.

You talked about the work that the Biden administration is doing, or not doing, to address these issues. You mentioned the Department put out a couple of dear colleague letters, reminding institutions of their obligations under Title VI, but you also pointed out that the Department has the authority to open self-directed investigations and compliance reviews of institution's compliance with Title IV.

You mentioned that earlier. Could you just briefly talk about that.

Mr. MARCUS. Sure. I have also praised the national strategy. The administration has been pushing out links so that people can file complaints, and putting additional language on their complaint form, but they do not have to wait for complaints to come in. They have the power to begin the investigations tomorrow. They can do it on a case-by-case basis, ad hoc, or in the national initiative. Either way, and it seems to me they should be doing both.

Mrs. FOXX. Thank you. Ms. Tartak. Thank you very much for your bravery. Thank you for standing up to the hate, ignorance, threats, intimidation and everything else you're experiencing. I cannot imagine being an undergraduate student and displaying the courage you are showing. As you know we care a great deal about free speech on this Committee.

We have actively pushed back on efforts to stifle legitimate speech on grounds it might offend someone. Why is the speech that you have been subjected to different? In other words, what is meant by phrases like, "Resistance is justified?"

Ms. TARTAK. I will of course again, leave it to experts to interpret the First Amendment, which I am not one. What I do know is that speech that is harassment, intimidation, or can lead to violence simply should not be allowed on college campuses, and it has been—I think it has quite clear that that is what a lot of this is.

Students who cannot get from one side of campus to the other, such as a Jewish student at Harvard, who was on his way to class

and was assaulted by a group of other students yelling, "Shame". That cannot be allowed. We need to get from one side of campus to the other.

Mrs. FOXX. Thank you, Mr. Chairman. I yield back.

Chairman OWENS. Thank you. I would like to recognize Ms. Stefanik.

Ms. STEFANIK. Thank you, Mr. Chairman, and thank you to each of our witnesses for joining us today for this very important hearing on the abhorrent drives of antisemitism on our college campuses. Hamas's barbaric terrorist attacks against innocent Israeli civilians on October 7th shocked the conscious of the free world.

In fact, this morning we began with a viewing working with the Israeli Embassy, of the horrific, heinous atrocities, committed by Hamas terrorists against Jewish civilians, babies, the elderly, young people at a festival. Innocent civilians, these were atrocities.

These were met unfortunately with callous cruelty at universities across America, including at my alma mater, Harvard University. Instead of leading with moral clarity and condemning Hamas's terrorist attacks, university administrators at Harvard and other institutions failed their students through enabling their promulgation of horrific antisemitism, which has now evolved into violent attacks against Israeli and Jewish students.

As the world watched in horror after October 7th, over 30 radical student organizations at Harvard released a joint statement outrageously claiming that Israel was entirely responsible for the Hamas terrorist attacks carried out against innocent Israeli civilians.

Unfortunately, following this statement Harvard leadership remained silent for 2 days, allowing our silence to create a vacuum that was filled by the voices of repugnant actions of the antisemitic student organizations.

My question, and I will begin with Mr. Marcus, what role should university leaders play in condemning clearly and explicitly antisemitic statements like the one that the Harvard student organizations posted after October 7th, and what actions should administrators take to route out antisemitism on campuses across America?

Mr. MARCUS. At a minimum, they should condemn anti-Jewish harassment with the same vigor as they do other forms of discrimination, and we are not seeing that at Harvard, or in other places. Beyond that, when you see 30 student groups who are celebrating atrocities like that, you need to have tough conversations throughout your university about what you are doing to harbor this.

At Harvard University, we on behalf of three clients, have found discriminatory conduct, which the university agreed was a violation of their own policies. We are not seeing significant responses to that. When administrators fail to address acknowledged antisemitic activity, they should not be surprised when it gets even worse.

Ms. STEFANIK. My followup, Mr. Marcus, is how have you seen the curriculum at American institutions of higher education shaped to foster these environments where hatred has been cultivated among the student body, and specifically curriculum that calls for the eradication of the State of Israel, and the genocide of the Jewish people?

Mr. MARCUS. Let me give you just one example, and that is Middle East studies programs that are funded under Title VI of the Higher Education Act, by the Congress of the United States. There is now legislation on the books that requires Middle East studies programs to certify that there will be a balance of perspectives, and a diversity of views.

What, if anything, is done to ensure that is happening. I would certainly like to see the scoring of the applications. I would like to see some followup. I would like to see action when institutions fail to honor the commitments that they are making in writing to the U.S. Government.

Ms. STEFANIK. I want to submit for the record, Mr. Chair, the letter dated October 13th of republican members of the House and Senate who are also graduates of Harvard University. I was proud to lead this letter condemning the failure of the administration to speak out explicitly and clearly.

I have called for the resignation of President Claudine Gay, and we will continue standing up with morale clarity that is so very much needed on college campuses in this country and around the world, and I yield back.

Chairman OWENS. No objections. Thank you.

[The information of Ms. Stefanik follows:]

Congress of the United States
Washington, DC 20515

October 13, 2023

President Claudine Gay
Office of the President
Harvard University
Massachusetts Hall
Cambridge, MA 02138

Dear President Claudine Gay:

As Harvard University alumni, we write today to express our outrage and profound disappointment over the statement made by over thirty Harvard student organizations that blames Israel for the Hamas terrorist attacks brutally carried out against Israeli civilians. This statement is abhorrent, and we demand that you immediately condemn it publicly and clarify that Harvard University strongly opposes this dangerous antisemitism.


On the morning of October 7, 2023, Hamas terrorists invaded Israel and began indiscriminately murdering, torturing, abducting, and raping innocent Israeli civilians. The Iran-backed terrorist organization slaughtered over 1000 people on the first day of their attack, the greatest loss of life for the Jewish community in a single day since the Holocaust. There is no justification for Hamas' barbaric behavior.

Following the indiscriminate Hamas terrorist attacks, over thirty student organizations at Harvard University released a letter stating that Israel was "entirely responsible for all unfolding violence." This should have warranted an immediate unequivocal condemnation from yourself and Harvard University leadership. Instead, you waited two days to release an initial statement that failed to even condemn the terrorist attacks against Israeli civilians, much less address the antisemitism on your campus. Your original statement claims that Harvard is committed to fostering an environment of open dialogue and empathy. However, your delayed response makes it clear you are only committed to intentionally fostering an environment that allows rampant and dangerous antisemitism on Harvard's campus. Your failure to immediately repudiate the letter from the student organizations makes you and the entire Harvard University leadership complicit in creating an environment that enables antisemitism. After receiving significant public backlash for this weak statement, you released an updated statement three days later finally condemning Hamas, this is too little too late.

It is sickening that students at Harvard University have such a deep hatred for Israel that they have chosen to ignore reality, celebrate ruthless terrorists, and blame innocent civilians. This heinous statement and the support it received from over thirty student organizations across Harvard University should raise immediate concerns into Harvard's curriculum regarding the State of Israel. This type of unified hate and ignorance cannot be allowed at Harvard University, and you must investigate its origins.

Any voice that excuses the slaughter of innocent women, children, and babies has chosen the side of evil and terrorism. Harvard University must publicly condemn this statement and make it clear that it opposes violence against Israeli citizens. As Harvard University alumni and Members of the United States Congress, we are deeply disappointed in our alma mater and demand immediate action to address this blatant antisemitism.

Sincerely,



Elise M. Stefanik
Member of Congress



Ted Cruz
United States Senator



Dan Crenshaw
Member of Congress



Mike Crapo
United States Senator



Kevin Kiley
Member of Congress



Dan Sullivan
United States Senator



Brian Mast
Member of Congress

Chairman OWENS. I would like to now recognize Mr. Scott.
Mr. SCOTT. Thank you, Mr. Chairman. Ms. Burnett, has there been a rise in antisemitic racist and Islamophobic activity in the last 10 years or so?

Ms. BURNETT. Yes, there has.

Mr. SCOTT. Do you know, can you attribute it to anything?

Ms. BURNETT. It is very hard as many members have tried to do here to prove a causality, but I already mentioned that when President George W. Bush called on Americans not to be violent and hateful with their Arab and Muslim neighbors after 9/11, it did—it does make a difference when leaders use their microphone to say that there were good people screaming, “Jews will not replace us” in Charlottesville.

That is terrifying, and it still is. The way that some leaders have turned a blind eye to antisemitism, when it is not coming from someone that they disagree with, has been heartbreaking.

Mr. SCOTT. You are contrasting how George W. Bush reacted, and President Trump reacted to those events?

Ms. BURNETT. Would not want to, but I do not have a choice.

Mr. SCOTT. No. Mr. Marcus, you mentioned the Antisemitism Awareness Act. How would that be helpful if it were enacted?

Mr. MARCUS. Ranking Member Scott, that statute would implement the Executive Order 13899 on combatting antisemitism and would do two things. First, it would give durability to the notion that Jews are protected under Title VI. That principle is a creature of dear colleague letters and an executive order. I would certainly like to see it have greater strength, and that’s important. Second—

Mr. SCOTT. That is because religion is not covered under Title VI, but we have from an operational point of view included antisemitism under Title VI. Is that true?

Mr. MARCUS. Exactly right. The second part is that it would direct agencies, including the Office for Civil Rights under appropriate circumstances to consider the International Holocaust Remembrance Alliance working definition of antisemitism, which indicates that not all criticism of Israel is antisemitic but some of it is, and providing relevant context gives examples to guide decision-makers.

Mr. SCOTT. Have the activities that we have been discussing violate—do they violate Title VI in your opinion? That enforcement of Title VI could address many of the problems we have?

Mr. MARCUS. The failure of universities to provide prompt and effective response after many of the incidents that we have discussed would be a violation of Title VI in my opinion.

Mr. SCOTT. You have heard that the pending budget for the Department of Education includes significant cuts in the Office of Civil Rights, and you have mentioned the backlog of cases. What would the ability of the Office of Civil Rights, how would the ability of the Office of Civil Rights be affected if those cuts actually took place?

Mr. MARCUS. In my opinion, it is not the budget that drives performance on antisemitism for a couple of reasons within OCR. One is that antisemitism cases are such a tiny percentage of the overall intake that fluctuations, even if they are significant, do not necessarily affect that.

The second is, that with a small number of significant high profile matters it is really a combination of political will and management that is made the difference on those periods where it is been dealt with effectively in those nodes.

Mr. SCOTT. That would require you, however, to ignore the thousands of cases that are pending for other kinds of discrimination under Title VI. Is that right?

Mr. MARCUS. No. I do not think that those should be ignored. I think that they can all be handled. The Assistant Secretary for Civil Rights can really address any issues that are high on the priority list, while also addressing the bulk of them as well. Change in the budget might have other source of affects on the agency, but not necessarily in my opinion, on antisemitism matters.

Mr. SCOTT. Well, sure you could take that, but you would have to ignore. I mean you only got, if you cut the budget, you are not able to do as much, and there are many problems with civil rights that the Office of Civil Rights has to address. If you cut the budget, you are not going to be able to address them as well. That is just simple arithmetic, and if you are not going to criticize the cut in the enforcement agency, that is going to enforce the problem—that is going to deal with the problem that you have complained about, that is not helpful. I yield back.

Chairman OWENS. Thank you. I would like to now recognize Ms. Miller.

Mrs. MILLER. Thank you, Chairman Owens, for hosting this important hearing. American citizens are horrified to watch foreign nationals who have been allowed into our country on student visas threaten American students based on their religion.

No foreign national should ever be allowed to threaten an American citizen on American soil period. I am leading a letter to the Department of Justice to ask for an investigation into the funding sources for the organizations coordinating these violent protests.

If foreign terrorist organizations or sanction foreign nationals are funding and coordinating these violent threats to Jewish students on American campuses, the DOJ must act. If foreign students who are here on student visas threaten American students, their visas need to be revoked immediately.

Colleges and universities must suspend foreign nationals who are threatening Jewish students based on their religion, and the DOJ must uphold their responsibility to defend the religious liberty rights of American citizens. Then Rabbi Hauer, I have a question. This hearing is honestly focused on antisemitism on college campuses, however, in your testimony you do note that antisemitism has spread from postsecondary education to middle and high schools.

What are you hearing from middle and high school Jewish students around the country?

Rabbi HAUER. We are hearing just that, that it has spread. They have begun to experience the general environmental antisemitism which comes from vocal rallies, speaking strongly and sharply, pro-Hamas, celebrating those who will destroy their own people. They have experienced as well, issues in the classrooms and they have experienced a whole lot of interpersonal one on one bullying via social media and otherwise.

There is a difference that happens in those spaces between when the administration reacts promptly and effectively, and when it does not. That is all the difference. We who again have many, many such students in these environments, when the administra-

tion reacts firmly, clearly and addresses it, it is a whole different story.

There is going to be hate expressed in this country, but it festers when we let it.

Mrs. MILLER. Absolutely. When the students report the bullying, are the school administrators taking action to protect them?

Rabbi HAUER. Sometimes, excuse me, sometimes they are, and sometimes they are not. We unfortunately, I received from one of our clubs where there was a very, very clear situation of anti-semitism, and the forms were filed, and the school did not even classify it as a hate crime. You have ugly instances like that of blatant failure.

At the same time, you also have wonderful school administrators who are doing the right thing. I think we are in a place and a time when those who are doing the right thing have to be lifted up, and those who are doing the wrong thing need to have consequences. One of the things which we note all the time is that the only people who are not experiencing fear right now, are those who are making others fearful.

There is no fear of consequences. A discussion about Title VI is a discussion about creating that fear of consequences.

Mrs. MILLER. Well, absolutely. We need strong leadership from our President taking a—making decisive statements against this and thank you. Chairman, I yield my time back to you.

Chairman OWENS. Thank you so much. I would like to now recognize Mr. Kiley.

Mr. KILEY. Thank you, Mr. Chair. Thank you, Mr. Marcus, and everyone else for your testimony. We had a discussion last week about steps that the Department of Education Office of Civil Rights could take, and we—myself and the Chair of this Committee, Representative Owens had incorporated your suggestions in a letter we have sent to the Assistant Secretary as well as Secretary Cardona, and so we will certainly keep you apprised on the response we get, and that any further suggestions you have would be much appreciated.

Mr. MARCUS. Thank you.

Mr. KILEY. I did want to take a moment to respond to a member of this Committee who earlier tried to explain away his vote against a resolution condemning antisemitism. Apparently, he had quibbles with a couple factual details in two of the numerous examples listed in the resolution, and the many countless examples across the country.

How you could use that as a pretext not to take a strong stand against antisemitism right now is really beyond comprehension for me. I did want to just make clear that this is a very small fringe minority view in this House of Representatives. That resolution, which I worked on with Chair Owens, passed overwhelmingly with over 99 percent of the republican conference, and over 90 percent of the democrat conference.

That fringe group of 20 or so people, they do not represent their own party. They do not represent the House of Representatives. They do not represent the U.S. Government, which has been unified in a strong bipartisan basis in supporting Israel and fighting against antisemitism.

Those 20 or so do in a meaningful way, seem to represent much of American academia. When you look at what is going on at universities in this country right now. As the testimony has made clear, this has been going on for some time. I will give you one very clear example of just how pervasive it is.

A few years ago, in California, there was a piece of legislation passed in the legislature that asked a group to come with the State Board of Education, to come up with a model ethnic studies curriculum. The State Board of Education appointed a Commission of faculty members from across the State, and they went about their work and came up with a curriculum that was universally condemned on both sides of the aisle for being overtly antisemitic.

The California Legislative Jewish Caucus said it was antisemitic Propst that it denigrated Jews, and that it “echoed the propaganda of the Nazi regime.” Even Gavin Newsom, the Governor of our State, said it was offensive in so many ways, and would never see the light of day.

Then, in the aftermath of October 7th, we have seen all too many student groups and in some cases faculty, have used this moment to push forward their agenda of hatred toward Israel and of antisemitic rhetoric, and even the targeting of Jewish students.

We watched a classified—we had a classified briefing this morning, members of the House, watching raw footage of the horror of that day, and I do not—I think we have to be very careful anytime we draw historical parallels, but when you study the events of the 20’s and 30’s, in Germany you know, it is hard to understand how so many you know, even leading intellectuals of the day, responded with indifference, or in some places complicity.

I just have that same sense of deep puzzlement right now. How is it that our leading academic institutions, these are supposed to be the most forward-thinking places in our country, have become these sites for fomenting antisemitism?

I just wanted to maybe, Mr. Marcus, and if any others have any thought on that as to why it is. What is it about the nature of the modern academy in the U.S. and in other places as well, I would say, that has caused so much to go awry?

Mr. MARCUS. I am glad you are mentioning ethnic studies because that is an important part of the puzzle of how things are getting so bad. It is driven by higher education, but is having an impact on K–12. Studying ethnicities is not inherently bad. It can be done well, but unfortunately the contemporary field of ethnic studies, especially liberated ethnic studies, has become both politically extreme, and also anti-Zionist, and antisemitic.

We have had to file a case together with the American Jewish Committee Anti-Defamation League and stand with us against one school district in California that has extreme problems, but there are problems in many districts throughout California and now they’re coming east as well.

To the extent that you have a curriculum that creates stereotyped, antithetical views of the Jewish people, it should not be surprising that students become miseducated, and that the problems become worse.

Ms. TARTAK. Could I add with the last 10 seconds that I think part of the issue with academia is that it is super partisan. There

is of course, not just politically, but just intellectually. There is this X, Y or Z belief that we have one side, and there is another side.

Right now, because there is supposed to be this wholesale embrace of so-called oppressed groups, that also includes an embrace of Hamas, which is why it is easier for them to condemn white supremacist attacks against Jews, and harder for them to condemn Islamist attacks against Jews.

Ms. BURDETT. I would like to just add that in the 1920's and the 1930's, I do not know about academia, but the U.S. House of Representatives stood by and did nothing and blocked the rescue of Jews. I do think reconciling with our past is very important. We should not do it selectively.

It is important, I do think the Holocaust is a very instructive thing to look at. Comparisons are tricky, and they are not really necessary unfortunately, because we have an explosion of followers of Nazi, racist, white supremacist ideology in our country today, and that ideology has at its center antisemitism, racialized antisemitism, and conspiracy theories.

This is a very serious subject and learning about the apathy that left Jews to be slaughtered during the Holocaust is very important, and we can also be looking within our own shores, and in our own institutions, and it is important to do so. Thank you for raising history.

Mr. KILEY. I yield back.

Chairman OWENS. Okay. I would like to recognize Mr. Scott for his closing statement.

Mr. SCOTT. Thank you. Thank you, Mr. Chairman. I appreciate all of the witnesses' testimony. All students have a right to attend colleges and universities and be free from discrimination and harassment, and this right is enforced by Title VI, the Office of Civil Rights. Witnesses have exposed the reality, and many students in fact do not feel safe.

This is not new, and not just limited to one group of students, so I look forward to working with you, Mr. Chairman, as we address the problem, starting with avoiding cuts in the Office of Civil Rights. Thank you.

Chairman OWENS. Thank you, Mr. Scott. Without objections, I enter into the record a statement from the MorseLife Holocaust Learning Experience, highlighting the actions that the State of Florida has taken to require the teaching of the Holocaust within Florida schools.

[The information of Mr. Owens follows:]



The MorseLife Holocaust Learning Experience (HLE): Combatting Antisemitism in Florida Primary and Secondary School Districts: By the time students are attending institutions of higher education, it may be too late if they were not instructed on the malicious and dangerous impact of hate, bias, and prejudice demonstrated against different groups of people, including antisemitism against Jewish people, during their informative years at elementary, middle, and high schools.

Against all excellent intentions, the awareness of how genocides can and have happened, mandated instruction and requirements have been spotty, not scalable, or sustainable throughout the state of Florida. The HLE was founded in 2021 and serves as an effective partner in combatting antisemitism at earlier education levels.

Given the rising demonstrations emitting antisemitic vitriol – at institutions of higher education and, specifically, calls for extreme violence against Jewish groups, it has become increasingly critical to provide consistent, sustainable, uniform, scalable lessons for primary and secondary students.

Florida law requires that 5th – 12th graders receive Holocaust education that builds a *greater understanding of the ramifications of prejudice, racism, and stereotyping and an examination of what it means to be a responsible and respectful person to encourage tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions* [Required Instruction – {FL Statute 1003.42}].

Holocaust Education Mandate: In 1994, the Florida Legislature passed the Holocaust Education Bill (SB 660), which amends Section 233.061 of the Florida Statutes (Chapter 94-14, Laws of Florida) relating to required instruction; Florida was the second state behind California to require Holocaust education. Across the United States, there are 26 states which require Holocaust education; each state sets its educational content and minimum standards.

Florida law requires all school districts to incorporate lessons on the Holocaust as part of public-school instruction. According to the Required Instruction - 1003.42(f), the ultimate establishment of Holocaust studies in Florida schools is expected to play a significant role in developing tolerant attitudes, cooperative and collaborative behaviors, informed, involved, and compassionate citizens, and other skills encouraging civility.

The Signature Educational Model: The HLE has a unique Signature Educational Model (SEM) that deploys and delivers a plug-and-play methodology that provides a multi-sensory, age-appropriate catalog of lessons from the Holocaust directly into 5th – 12th-grade classrooms, which meet 100% of the standards and benchmarks mandated in the state of Florida.

This model combines a teacher's resource guide and prerecorded, professionally produced documentaries that provide video lessons from the Holocaust and Holocaust survivor testimonies. The origin of this unique bundled signature educational approach was born out of the decree from hundreds of Holocaust Survivors in the Palm Beach, Florida community, who have received services from the NOW for Holocaust Survivors Initiative, who implored MorseLife never to forget and to

ensure that antisemitism, hate, and bigotry are mitigated in future generations. The Consul General of Israel to Florida, Kansas, Missouri, and Puerto Rico, Mr. Maor Elbaz-Starinsky, has endorsed this model.

As of August 2023, over 250 teachers have accessed the Learning Management System, representing at least 50,000 students. The HLE is working on various contacts with 23 school districts in Florida and at least five School Districts have committed to implementing and deploying the signature educational model.

This SEM has been presented to the Florida Commissioner of Education, Mr. Manny Diaz, and the platform has been recognized as a scalable, sustainable, uniform, with access equity, as the potential solution to the state mandate for Holocaust education.

Each lesson is easily accessible through our online Learning Management System (LMS). The LMS is the only bundled, scalable, sustainable, uniform, and access-equitable delivery platform for Holocaust history instruction and Survivor testimonies in the country; components of the LMS include:

1. A Teachers Resource Guide to help the educator facilitate each lesson. Educators do not have to be trained to teach the Holocaust since they have a guide to help facilitate the class.
2. A pre-recorded, age-appropriate (5-12th grade), multi-sensory, documentary-style video with historical footage. There are 24 different topics; in total, the content of these videos meets the 100 benchmarks and 30 standards for the state of Florida.
3. A pre-recorded Holocaust Survivors' testimony that reflects and reinforces the "lesson" from the Holocaust (for example, *Bias and Prejudice*, *Heroes and Heroines*, *Choiceless Choices*).
4. A survey to measure outcomes – retrospective questionnaire for teachers and students\

The Purpose of Florida State Mandate: "The establishment of Holocaust studies in Florida schools is expected to play a significant role in developing tolerant attitudes, cooperative and collaborative behaviors, informed, involved, and compassionate citizens and other skills encouraging civility."

Background: the Florida Legislature / Florida Department of Education Required Instruction: Florida's Holocaust Mandate requires grades K-12 to receive instruction on the history of the Holocaust – 1003.42: from general research, the teaching of Holocaust studies falls to the responsibility of the social studies administrator or educator at each school, even though, according to the statute, each school district would have to appoint a *designated Holocaust curriculum coordinator* or a regional coordinator could be used for smaller districts. Possibly, the only accountability to demonstrate meeting this requirement is a self-reported, certified check-off that each school in the district has completed the required instruction.

Required Instruction - 1003.42: The history of the Holocaust (1933-1945), the systematic planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

Ultimately, the establishment of Holocaust studies in Florida schools is expected to play a significant role in the development of tolerant attitudes, cooperative and collaborative behaviors, informed, involved, and compassionate citizens, and other skills encouraging civility.

Claims Conference Study (2020) <https://www.claimscon.org/millennial-study/>: Nearly one-third of Americans and sixty-three percent (63%) of Millennials and Gen Z did not know that 6 million Jews were murdered during the Holocaust, according to a survey by the Conference on Jewish Material Claims Against Germany. Forty-eight percent (48%) of respondents could not name a single one of more than 40,000 concentration camps or ghettos established by the Nazis.

Inconceivably, eleven percent (11%) believed that Jews caused the Holocaust. Thirty percent (30%) of respondents across all 50 states indicated they had seen Nazi symbols on their social media platforms or in their communities. A consistent bright spot across all the survey findings is the desire for Holocaust education. Ultimately, sixty-four percent (64%) of all U.S. Millennials and Gen Z believe that Holocaust education should be compulsory in school, with eighty percent (80%) of all respondents believing that it is important to continue teaching about the Holocaust, in part, so that it does not happen again.

The Florida Commissioner of Education's Task Force on Holocaust Education: Due to the legislation requiring instruction on the Holocaust, then Commissioner of Education, Mr. Doug Jamerson, appointed a special Commissioner's Task Force on Holocaust Education. The mandate identifies both rationales and strategies for achieving Holocaust literacy. By focusing on key elements, the Task Force has created specific recommendations for the scope, content, and outcomes for Holocaust education in Florida schools.

I. Scope: The Holocaust is to be taught across the curriculum from preparatory lessons in the primary and intermediate grades, through exploratory studies in the intermediate and middle school grades, and synthesizing projects by the conclusion of the senior high school experience. Holocaust content is to be infused in ways that are age-appropriate, interdisciplinary, and consistent with other required instruction.

II. Content: The Holocaust is to be taught as a uniquely important event in modern history, emphasizing the systemic and state-sponsored violence that distinguishes it from other genocides. Florida teachers are urged to prepare for the gradual unfolding and escalation of the Holocaust ("the ramifications of prejudice, racism, and stereotyping"), with particular attention paid to both the apathy and the altruism of the world community ("what it means to be a responsible and respectful person"). Finally, the Holocaust is to be taught in ways that encourage a pluralistic perspective and democratic practices.

III. Outcomes: Ultimately, the establishment of Holocaust studies in Florida schools is expected to play a significant role in the development of tolerant attitudes, cooperative and collaborative behaviors, informed, involved, and compassionate citizens, and other skills encouraging civility.

Curriculum and Instruction: In 1991, the Department of Education, through the Florida Commission on Social Studies Education, recommended a new and innovative Kindergarten through Grade 12 model curriculum. The program, *Connections, Challenges and Choices, The Report of the Florida Commission on Social Studies Education* reflects the goals and outcomes of the Holocaust mandate. In addition, the State co-developed with Decision Development Corporation K-8 instructional materials that support the Connections program and the mandate. The literature and technology-based materials, *Social Science 2000: Connections, Challenges, Choices*, offer preparatory and exploratory lessons presented appropriately, and an extended study of the Holocaust is introduced at the middle school level.

In addition to the materials offered by the State of Florida, the Florida Holocaust Museum, in collaboration with Yad Vashem's International School for Holocaust Education, The Jewish Foundation for The Righteous, Facing History and Ourselves, and The Florida Center for Instructional Technology at the University of South Florida, has created and made resources available for teachers and students. The Holocaust Documentation and Education Center at Florida International University in Miami is revising a state-supported curriculum guide.

Closing: Thank you for considering our comments and for affirming that the Holocaust Learning Experience is an impactful outcome to combatting antisemitism, and we look forward to continuing to do so. Thank you for your support.

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Chairman OWENS. I am going to give my closing statements. I want to first of all say that we asked a question how could this happen? There is another deeper conversation, but it is called the Marxification of Education. We have over the last two decades have within our system Marxists, who divide us versus bring us together, and we have to recognize that, and teach our kids what that looks like.

That being said, I want to thank each and every one of you. Really this is so timely, so informative, and particularly Ms. Tartak, thank you. It is very exciting to see our young people standing up and doing the right things. I watched this myself as a 12-year-old in the 60's.

I grew up in the days of KKK Jim Crow segregation. It was the college kids that came and sat at these counters. College kids that actually demonstrated in front of movie theaters, because they knew what the American dream was, and they were willing to stand up and articulate that, so I appreciate that.

This is very personal to me because I have lived it. I grew up in the 60's. I was the third black American to have a football scholarship to the University of Miami, so I know what it is to walk into a room and feel hate.

Try to walk into a movie theater or be characterized and judged by intelligence or my character based on my skin color. We have come so far from that point we should never, ever look at turning back. At the age of 19, 18 years old, I saw firsthand my first experience with antisemitism. It was shocking for a young man who had never been around white people.

I thought all white people accepted each other. It was just amazing to see that. To see here 60 years later what is happening across our country, the evil that happened on October 7th, and for us to not automatically, instinctively stand up against it, says a lot about where we are.

Hate is taught. It is not in our DNA. I say that because I again, I grew up in a time where even dating a different color was not looked upon as being a positive thing. Where we are 60 years later, my family, six kids. We represent black, white, Hispanic, American Indian, and Trinidadian.

We call each other family, and my grandkids call each other cousins. That is the American way. That is what we are drifting to until we found this nexus of hate within our college campuses. This is where we are finding Black Lives Matter, who hate not only whites, but Jews, and America.

That is where we find Antifa that hate black businesses. That is where we find the pro-Hamas who hate Jews. Americans, anything that stands against our American way, and this is something we cannot allow to continue to happen. We have no questions seen on our college campuses colleges or complacency with our administrators, and we're going to have to do something about that.

We are not in business of using taxpayer dollars to provide and nourish hate. We just do not—that is not the American way. Thankful for this moment. We are beginning to kind of take a look at that. I just want to—I leave a quick message to my friends in Utah. Utah is a remarkable State because we are very embracive.

We have very entrepreneurial. We have a strong faith. We could lose that overnight if we are not careful. I want to—there now my college friends, my State representatives, they are now dealing with a curriculum, they have to figure out if they are going to accept or not.

I just want to read a little paragraph from what they are now looking at. This is the K through 12 by the way, to the point we just mentioned earlier. “With the goal of equipping students with the skills and knowledge they need to identify and overcome oppression, voices provide a counter narrative to U.S. history, and dives into stories of discrimination, resistance and resilience.”

We do not need a counter narrative to America history. We need to teach American history. If you do that, we find a country that’s unified, that believes in their autocracy, they begin looking at each other inside out and not outside in. That is American history, and that is what we have done to become a more perfect union.

To see this kind of hate, by the way, one thing to say about those who preach hate, age does not matter to them. The earlier they can start the better, and you see that in the colleges right now where young, innocent boys and girls are taught to hate another person just because they are different.

We are going to get past this. Our country in a bipartisan way. We now realize we do have an issue. It is not getting better, it is getting worse. We need to hold the colleges accountable. They give us a bad product. They do not deserve our government dollars anymore.

I do not care how popular their name might be, they cannot give us—kids to come out productive, proud of who they are, proud of our country, proud of our history, and working together as we the people. They cannot give us that, and we need to have other options out on the table, and American people will choose those better options every single day.

I want to thank you guys again for what you are doing for your courage, and with that this hearing comes to an end. The Committee is adjourned, thank you.



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November 30, 2023

Mr. Moshe Hauer
Executive Vice President
Orthodox Union
40 Rector St
New York, NY 10006

Dear Rabbi Hauer:

Thank you again for testifying at the November 14 Subcommittee Higher Education and Workforce Development hearing on "Confronting the Scourge of Antisemitism on Campus."

Enclosed are additional questions submitted by a Subcommittee member following the hearing. Please provide written responses no later than December 14, 2023, for inclusion in the hearing record. Responses should be sent to Hans Bjontegard of the Committee staff who can be contacted at Hans.bjontegard@mail.house.gov or (202) 226-4004.

We appreciate your contribution to the work of the Subcommittee.

Sincerely,

Burgess Owens
Chairman
Subcommittee on Higher Education and Workforce Development

Enclosure

**Questions for the Record for
Rabbi Hauer**

**Committee on Education and the Workforce
Subcommittee on Higher Education and Workforce Development
“Confronting the Scourge of Antisemitism on Campus”
November 14, 2023
10:00 a.m.**

Rep. Lloyd Smucker (R-PA)

1. Rabbi Hauer, while this hearing is focused on the scourge of antisemitism on college campuses, you noted in your testimony that levels of antisemitism have increased in our K-12 system and has spread to institutions of higher education. Can you explain some of the causes of this growth in antisemitism in our children’s classrooms?



RABBI MOSHE HAUER
Executive Vice President

Question for the Record for Rabbi Hauer

Committee on Education and the Workforce Subcommittee on Higher Education and
Workforce Development

“Confronting the Scourge of Antisemitism on Campus”

November 14, 2023 10:00 a.m.

Rep. Llyod Smucker (R-PA)

Rabbi Hauer, while this hearing is focused on the scourge of antisemitism on college campuses, you noted in your testimony that levels of antisemitism have increased in our K-12 system and has spread to institutions of higher education. Can you explain some of the causes of this growth in antisemitism in our children’s classrooms?

Rep. Smucker,

Thank you for the question. As you state, I had noted that the 17,000 Jewish teens that we serve in American public schools through our Jewish Student Union (JSU) clubs have begun to experience an elevated level of antisemitism in their schools. This is a recent development, especially pronounced post the Hamas massacre of October 7th, and it is especially concerning as it shows that the plague of brazen and appalling antisemitism has spread from higher education to public middle and high schools.

The trend is clear and unquestionable and expresses itself in the very same ways that it has in the universities:

1. Rallies, events, and signage that make the environment of the school hostile and unsafe.
2. Faculty members using their position of authority within the hallways and the classroom to address the situation in Israel in a manner that is experienced as hostile by Jewish students.



RABBI MOSHE HAUER
Executive Vice President

3. Consistent targeting of individual students by their fellow students, whether on social media or in person.

To share a taste of this experience, here are the words of Maayan, one of our JSU participants from New Jersey:

“My name is Maayan, and I’m a Jewish Israeli student at Teaneck High School. In my school, you see kids walking around wearing these keffiyehs, which would be fine if you didn’t see their Instagram posts advocating for Hamas saying this is how I stand with them. I was asked to say a few words about the environment at Teaneck High School, and it falls nothing short of disgusting, toxic, and suffocating. People would ask me after October 7th how it was at school, and I always downplayed it, saying that it wasn’t bad, that no one said anything, that I felt safe there. Those words were bold lies in your face. They cannot not be when you are who people are talking about behind your back: Jewish and Israeli. Walking through the hallways wearing a Jewish Star of David necklace comes with the consequence of pointed shoves and bumps. You have people looking and pointing and making disgusted faces at you. You hear people saying how Israel deserved what happened, how and I quote: ‘overjoyed’ they are with the massacres that took place. In class, you are forced to sit next to people who have openly advocated for the murder of your people, and you have to think ‘do they want me dead too?’ During lunch, all you hear are words against you, so full of hate and poison, smirks and giggles after they hear about another dead. How are you supposed to feel safe or even accepted in an environment like that, where you can’t even speak up for yourself because you are alone, an environment where students and teachers alike don’t hide their hatred towards Jews, towards us! In Teaneck High School, I feel like I’m constantly having to justify who I am while keeping quiet over the hate that’s poured on to me, and I feel scared.”

That is *what* is happening. As to your question of *why* it is happening, how can we “explain some of the causes of this growth in antisemitism in our children’s classrooms,” the answer lies in one



RABBI MOSHE HAUER
Executive Vice President

word: NORMALIZATION. Not long ago, brazen and explicit expressions of antisemitism were unacceptable in this country and would never have been tolerated in a school environment. That has changed dramatically as this ugliness has now become not only tolerated but a celebrated component of university culture. It is now normal to do this. And while that normalization began in the universities, it has not stayed there. What is rendered normal in one area of society – especially an area of influence – will quickly spread.

It is this normalization that is so frightening and that needs to be addressed by the Department of Education and by all those in positions of authority. There needs to be a clear and specific articulation of guidance regarding what kinds of speech create a hostile environment for Jewish students. This guidance cannot be general, as it has been to date, but can and should draw on the very accessible examples of the rallying cries, chants, signage, and memes that have become commonplace, first on university campuses and now in our public schools.

The United States must be a place where hate towards any group or individual identity is never normalized. Antisemitism has become normalized in certain spaces, and it is spreading. We need your leadership and decisive action to reverse this very worrisome trend.

Thank you for the opportunity to address your question.

A handwritten signature in black ink, appearing to read 'Moshe Hauer', with a long, sweeping flourish extending to the right.

Rabbi Moshe Hauer
Executive Vice President
Orthodox Union

December 11, 2023



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EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
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November 30, 2023

Mr. Kenneth L. Marcus Esq.
Founder and Chairman
The Louis D. Brandeis Center For Human Rights Under Law
1717 Pennsylvania Avenue, N.W., Suite 1025
Washington, D.C. 20006

Dear Mr. Kenneth L. Marcus Esq.:

Thank you again for testifying at the November 14 Subcommittee Higher Education and Workforce Development hearing on "Confronting the Scourge of Antisemitism on Campus."

Enclosed are additional questions submitted by a Subcommittee member following the hearing. Please provide written responses no later than December 14, 2023, for inclusion in the hearing record. Responses should be sent to Hans Bjontegard of the Committee staff who can be contacted at Hans.bjontegard@mail.house.gov or (202) 226-4004.

We appreciate your contribution to the work of the Subcommittee.

Sincerely,

Burgess Owens
Chairman
Subcommittee on Higher Education and Workforce Development

Enclosure

**Questions for the Record for
Kenneth L. Marcus**

**Committee on Education and the Workforce
Subcommittee on Higher Education and Workforce Development
“Confronting the Scourge of Antisemitism on Campus”
November 14, 2023
10:00 a.m.**

Rep. Llyod Smucker (R-PA)

1. Mr. Marcus, in your testimony you mentioned the importance of the Executive Branch adopting the International Holocaust Remembrance Alliance’s working definition of antisemitism, under which denying the Jewish people their right to self-determination and to the state of Israel is considered antisemitism. This was a process started under the Trump Administration but has been needlessly delayed and postponed. How would adopting this definition help the Office for Civil Rights pursue investigations of antisemitic incidents on campuses, and what is the impact on Jewish students and faculty in its absence?
2. Mr. Marcus, we obviously want to uphold all students’ free speech while we protect students from threats, harassment, and intimidation. What is the legal distinction between free speech and unlawful discrimination, and how should colleges and universities be approaching this issue to ensure that Jewish students and faculty are protected?

**Written Answers to Questions for The Record
From Hon. Kenneth L. Marcus
Founder and Chairman of The Louis D. Brandeis Center for Human Rights Under Law
"Confronting The Scourge of Antisemitism on Campus" Testimony
Before The United States House Committee on Education and The Workforce
Subcommittee on Higher Education and Workforce Development
Hearing Date: November 14, 2023**

Questions from Rep. Llyod Smucker (R-PA):

1. Mr. Marcus, in your testimony you mentioned the importance of the Executive Branch adopting the International Holocaust Remembrance Alliance's working definition of antisemitism, under which denying the Jewish people their right to self-determination and to the state of Israel is considered antisemitism. This was a process started under the Trump Administration but has been needlessly delayed and postponed. How would adopting this definition help the Office for Civil Rights pursue investigations of antisemitic incidents on campuses, and what is the impact on Jewish students and faculty in its absence?

Unfortunately, the Biden administration has once again delayed its promised rule-making on combating anti-Semitism by another full year.¹ The regulation, implementing President Trump's Executive Order 13899 on Combating Anti-Semitism, would apply the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism to Office for Civil Rights (OCR) investigations involving anti-Semitic discrimination and harassment on campuses. At a time when universities must rethink their failed approaches to anti-Semitism, this is an extremely disappointing move. Jewish students and those investigating violations of Title VI of the Civil Rights Act cannot wait until December 2024. The Department of Education is well aware that we are in unprecedented times and that universities need clarity on their obligations to Jewish students.

A recent study has shown that 73% of Jewish college students have experienced or witnessed anti-Semitic incidents on their campuses since the start of the 2023-24 school year.² The number of Jewish students who say they physically or emotionally feel safe on campus has dropped dramatically in the wake of Oct. 7.³ We know anti-Semitism is underreported on campuses, as 55% of Jewish students say they fear repercussions for reporting.⁴ We at the Louis D. Brandeis Center for Human Rights Under Law, in conjunction with Hillel International, Anti-Defamation League, and Gibson Dunn, have received over 260 requests for Title VI legal

¹ Pierre, Dion J. "Biden Administration Again Delays Civil Rights Protections against Antisemitism." *Algemeiner*, December 14, 2023. <https://www.algemeiner.com/2023/12/14/biden-administration-again-delays-civil-rights-protections-against-antisemitism/>.

² "Campus Antisemitism: A Study of Campus Climate Before and After the Hamas Terrorist Attacks." *Anti-Defamation League*, November 29, 2023. <https://www.adl.org/resources/report/campus-antisemitism-study-campus-climate-and-after-hamas-terrorist-attacks>.

³ *Ibid.*

⁴ *Ibid.*

assistance across 152 campuses since establishing a Campus Antisemitism Legal Line (CALL).⁵ Students, university administrators, and even the Department of Education Office for Civil Rights (OCR) need assistance navigating the increasingly hostile and anti-Semitic climate on campus. Fortunately, a tool for evaluating anti-Semitic discrimination already exists. It just needs to be properly implemented.

In light of the Department's repeated failure to honor its commitment, Congress may need to act legislatively to provide the clarity that the IHRA Working Definition contains. Whether through statute or regulation, implementation of the Executive Order on Combating Anti-Semitism, including its carefully constrained use of the IHRA Working Definition, would provide a standard, consistent, and transparent definition and examples that would guide the work of federal officials and give clarity to university and school officials. It would make clear when conduct is motivated by anti-Semitic animus and when it is not.

2. Mr. Marcus, we obviously want to uphold all students' free speech while we protect students from threats, harassment, and intimidation. What is the legal distinction between free speech and unlawful discrimination, and how should colleges and universities be approaching this issue to ensure that Jewish students and faculty are protected?

The legal obligation for university administrators at public universities to uphold free speech on campus is rooted in the First Amendment. Just as the government cannot shut down free speech, a public university must ensure speech is not suppressed on campus. In *Tinker v. Des Moines*, the Supreme Court declared that students do not “shed their constitutional rights of freedom of speech or expression at the schoolhouse gate.”⁶ While only public universities are legally bound by the First Amendment, many private institutions are bound to protect free speech by state law or by their own contractual commitments.

Freedom of speech is what makes American college campuses so vibrant – the free exchange of ideas, encouragement of open debate, and the ability to use one’s own voice to protest speech one finds objectionable. When done properly, students, faculty, staff, and even outside guests benefit from a tolerant, open campus. Yet while Jewish students are entitled to the same rights and protections as their non-Jewish peers, their voices are routinely silenced. Jewish students are forced to shed or hide their Jewish identity, including their religious, historical, and cultural connection to Israel. As stated in my testimony, surveys have shown that a majority of pro-Israel Jewish students avoid expressing their views on Israel.⁷ They are concerned about being verbally or physically attacked, being socially excluded or harassed online, and being marginalized or penalized by a professor.⁸ Jewish students should feel free to express themselves, engaging in their classes and with their fellow students without fear of repercussion.

The First Amendment should not be abused as a shield for unlawful conduct, such as the violence and intimidation that many Jewish students are facing. We are seeing many

⁵ “Leading Jewish Organizations and Law Firms Launch Legal Protection Helpline for Campus Antisemitism.” Brandeis Center, November 15, 2023. <https://brandeiscenter.com/leading-jewish-organizations-and-law-firms-launch-legal-protection-helpline-for-campus-antisemitism-press-release/>.

⁶ *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969).

⁷ “ANTI-SEMITISM @ College Survey (Spring 2021).” The Louis D. Brandeis Center for Human Rights Under Law. Accessed November 5, 2023. <https://brandeiscenter.com/wp-content/uploads/2021/09/Brandeis-Survey-Findings.pdf>

⁸ *Ibid.*

administrators sit on their hands or selectively apply school policies, while ignoring unlawful behavior. Administrators must enforce policies even-handedly, consistently, and fairly, ensuring that all students, regardless of their identity, enjoy their rights to free expression without fear of discrimination or harm.

[Whereupon at 1:09 p.m., the Subcommittee was adjourned.]

