

# FREE SPEECH ON COLLEGE CAMPUSES

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## HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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WEDNESDAY, NOVEMBER 8, 2023

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## FREE SPEECH ON COLLEGE CAMPUSES

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Wednesday, November 8, 2023

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

*Washington, DC*

The Committee met, pursuant to notice, at 10:22 a.m., in Room 2141, Rayburn House Office Building, the Hon. Jim Jordan [Chair of the Committee] presiding.

*Present:* Representatives Jordan, Issa, Buck, Gaetz, Biggs, McClintock, Tiffany, Massie, Roy, Spartz, Fitzgerald, Cline, Van Drew, Nehls, Moore, Kiley, Hageman, Moran, Hunt, Fry, Nadler, Johnson of Georgia, Schiff, Swalwell, Jayapal, Scanlon, McBath, Dean, Escobar, Ross, Ivey, and Balint.

Chair JORDAN. The meeting will come to order.

Without objection, the Chair is authorized to declare a recess at any time.

We welcome everyone to today's hearing on Free Speech on College Campuses. I apologize for being a little late, we were having an election in the Republican Conference.

The Chair now recognizes the gentleman from Alabama, Mr. Moore, to lead us in the pledge of allegiance.

ALL. I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Chair JORDAN. I thank the gentleman.

We'll now begin with opening statements. The Chair recognizes himself.

Over six years ago, we had a hearing about attempts to curtail free speech on college campuses right next door in the Oversight Committee. The hearing touched on emerging threats to the First Amendment, safe spaces, cancel culture, and the targeting of conservative activist student groups. Unfortunately, this is not a fad and the hostility toward certain points of view and particularly conservative points of view has only grown worse. It's no longer universities just censoring their students. We now know that American universities were working with the Federal Government to systematically target speech on the internet.

Just this week, the Committee released—Committee Republicans released information showing Stanford University worked with the Cybersecurity and Infrastructure Security Agency, or CISA, in the State Department's Global Engagement Center to censor certain speech in the lead-up to the 2020 election. Big government, big aca-

demia, and big tech all colluding to limit Americans' First Amendment free speech rights. They were targeting jokes and political opinions. Most importantly, they targeted true information, but the speech that was censored all leaned a certain way.

What used to be the bastions of free speech in the marketplace of ideas evolved into institutions of activism and suppression. With, quote, "safe spaces and free speech zones aimed to protect students from violence," one would think Jewish students would have somewhere to turn as violent pro-Hamas students take to their demonstrations and have harmed students on college campuses. That's not the case, as we will see in today's hearing.

Nearly a 400 percent increase in anti-Semitic incidents, including harassment, vandalism, and assault in the two-weeks after the Hamas attacks against Israel. We need to do more to protect the freedom of expression. We're actually working with Ranking Member Nadler on some legislation introduced by one of our colleagues trying to see if we can put some legislation forward that would help in this area.

I want to thank my colleagues, including Representative Virginia Foxx, Chair of the Education and Workforce Committee, for her important work on these issues. I want to thank Representative Murphy, who is a leader on this topic, has introduced two bills to advance free speech on campus, and Co-Chair of the Campus Free Speech Caucus, Ms. Cammack, for her work and passion for this issue. I also want to recognize Mr. Kiley, one of our Members, who introduced a bill just last week that denounced anti-Semitism on college campuses.

We look forward to hearing from all our witnesses today. Again, I want to thank you for coming.

I now will turn to the Ranking Member for his opening statement, and then we'll get right to our witnesses.

Mr. NADLER. Thank you.

Chair JORDAN. Actually, I forgot. Well, I'll wait until you're done and then I'll play a short video. We have a short 90-second video I wanted to show.

Mr. NADLER. Why don't you play it?

Chair JORDAN. We'll play it right now. Let's play it right now, a 90-second video. If you can queue that up, we'll play this about what's going on the college campuses.

[Video shown.]

Chair JORDAN. I want to thank our staff for putting that together.

The Chair now recognizes the Ranking Member, the gentleman from New York, for an opening statement.

Mr. NADLER. Thank you, Mr. Chair.

Mr. Chair, one month ago yesterday, on October 7th, Hamas launched a barbaric attack on the people of Israel. Hamas killed more than 1,400 people and kidnapped 250 more, many of them very old, many of them very young, and some of them American citizens. The attack represents the largest loss of Jewish life in a single day since the conclusion of the Holocaust.

Here in the United States, the Jewish communities had little time to mourn. The steady rise in anti-Semitism in this country over the past several years has now reached fever pitch. A few

places have had to bear the weight of that trend more than our college and university campuses, where according to an audit published by the Anti-Defamation League months before the October 7th attack, anti-Semitic activity had increased by 41 percent in the last year alone.

In many ways, the conduct we need to discuss most urgently goes far beyond the title of this hearing, "Free Speech on Campus." Jewish students are being physically threatened and have legitimate cause to fear for their safety on campuses across the country. For example, at Cornell University, law enforcement officials arrested a student for making violent threats against Jewish students on an internet message board. These messages included the exhortation that, quote, "If you see a Jewish person on campus, follow them home and slit their throats." In another post, the student threatened to, quote, "bring an assault rifle to campus and shoot all you pig Jews."

We are joined today by a student from Cornell University, Amanda Silberstein.

Ms. Silberstein, I would just like to say that I am sorry that you and the Jewish community at Cornell have had to endure these threats simply for being who you are. I am sorry for the fear they have caused you and your fellow students. It is unacceptable and we must do better.

There's no excuse for that kind of violence at any school, against any student. An academic discussion about the First Amendment is mostly beside the point until we can secure these campuses. I think that most Members here on both sides of the aisle would agree, which is not to say, Mr. Chair, that I do not appreciate your calling this hearing. Congress can help, but, first, we have to put aside the political stunts and academic debates and put our money where our mouth is.

The Office for Civil Rights at the Department of Education is the Federal agency responsible for enforcing the laws that protect students from discrimination. To be clear, the Office for Civil Rights had an enormous amount of work to do long before the attacks of October 7th. The reaction to those attacks in the United States may threaten to overwhelm the agency. That is why the Anti-Defamation League and their partner organization, the Brandeis Center, which is represented here today, have set up a helpline to aid Jewish students navigate the process for filing complaints alleging anti-Semitism during this troubling time.

I would like to commend both organizations for their important work that encourage Jewish students across the country to make their voices heard.

Congress also has an obligation to help. More than that, we have an obligation to offer meaningful help. If we want to get this situation under control, we need to move past debating the various theoretical definitions of the word "anti-Semitism." We need to move past the meaningless resolutions on the House floor declaring our feelings about bigotry generally. We need to send assistance where it is urgently needed, and we need to do so today.

Earlier this year, the Biden Administration outlined a comprehensive National Strategy to Counter Anti-Semitism. For that matter, the administration's also announced a National Strategy to

Counter Islamophobia. These strategies are whole-of-government efforts to combat bigotry in every part of American life that the government can touch.

The President has put enforcement of our civil rights laws at the center of these strategies. Long before we could have foreseen the wave of violent anti-Semitism that would sweep across the country, President Biden requested a 27 percent increase in funding for the Office of Civil Rights.

If my Republican colleagues were serious about this issue, they would fully fund that request. Instead, they are fighting to slash the office—I'm sorry—they are fighting to slash the budget of the Office of Civil Rights and other agencies that would keep our children safe. Their promises about anti-Semitism and their actions disconnect in other ways as well.

If my Republican colleagues are serious about anti-Semitism, they would've spoken up after the 2017 Unite the Right rally in Charlottesville, where neo-Nazis chanted their, quote, "Jews will not replace us." If my Republican colleagues were serious about anti-Semitism, they would've spoken up when President Trump then declared that there were, quote, "very fine people on both sides of that rally." If they were serious about anti-Semitism, they would've said something last year when former President Trump shared a meal with Nick Fuentes, a notorious White supremacist and Holocaust denier.

Lest you imagine that I am dredging up ancient history, let me remind you that if my Republican colleagues were serious about anti-Semitism, they would not have, just months ago, invited the Hon. Robert F. Kennedy, Jr., to testify in this hearing room after he made appalling claims that Jews appeared to be immune from COVID-19, a nod to the laughable if not so insidious conspiracy that the virus was somehow engineered to spare the Jewish community.

My friends, for too long your silence on these matters has been deafening. I'm all for free speech on campuses and otherwise, that includes the right of my Republican colleagues to say nothing at all about anti-Semitism when silence is politically convenient, even when the former President of the United States takes aim at us directly. If you mean what you say here today, if you believe that the threats and vitriol that my community faces on college campuses is both unfair and unjust, then I'm asking you to move beyond the pointless gestures and political posturing and help us protect our children. Fully fund the Office for Civil Rights, the administration's efforts to counter anti-Semitism and other forms of discrimination. Help us get the boots on the ground. We can do better, and our students deserve no less.

I thank the witnesses.

I yield back.

Chair JORDAN. I thank the gentleman. The gentleman yields back.

Without objection, all other opening statements will be included in the record.

We will now introduce today's witnesses.

Our first witness is Mr. Connor Ogrydziak. Mr. Ogrydziak is a recent graduate of the University of Buffalo. While a student at

Buffalo, he served as the treasurer, Vice-Chair, and Chair of the university's Young Americans for Freedom Chapter. He faced threats and protests from fellow students over speakers that his organization invited to campus. Thank you for being with us.

Ms. Jasmyn Jordan. Ms. Jordan is a student at the University of Iowa. She serves as the Chair of the University's Young Americans for Freedom Chapter. She has received threats from her fellow students over events that her organization has invited to campus. Their recent pro-Israel vigil was vandalized and disrupted by protesters. We apologize for that. Thank you for doing that.

Ms. Amanda Silberstein. As the Ranking Member has already talked about, Ms. Silberstein is a student at Cornell University. She serves on the Student Board of the Roitman Chabad Center at Cornell, the Leadership of the Alpha Kappa Psi Professional Business Fraternity, and as the Director of Marketing and Communications for a Cornell-based startup. Thank you, Ms. Silberstein, for being with us to today.

Mr. Kenneth Marcus. Mr. Marcus is the founder and Chair of the Louis D. Brandeis Center for Human Rights Under Law. He previously served as the Assistant Secretary of Education for Civil Rights, the Staff Director of the U.S. Commission on Civil Rights, and as Deputy Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity. We appreciate your work, Mr. Marcus, and thank you for being with us.

Professor Pamela Nadell. Professor Nadell holds the Patrick Clendenen Chair in Women's and Gender History and is the Director of the Jewish Studies Program at American University. She has taught a variety of courses on Judaism, Jewish and women's history, and has published several related books. We appreciate you being here, Doctor.

Ms. Stacy Burdett. Ms. Burdett is a Public Policy Strategist and Consultant. She has previously served as the Vice President for Government Relations, Advocacy, and Community Engagement at the Anti-Defamation League and is the Director of Government and External Relations at the U.S. Holocaust Memorial Museum.

We welcome all our witnesses and thank them for appearing today.

We'll begin by swearing you in. Would you please all rise and raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you're about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

Let the record show that the witnesses have answered in the affirmative.

Thank you. You may be seated.

Please know that your written testimony will be entered into the record in its entirety. Accordingly, we ask that you summarize your testimony in five minutes.

I think we'll just go like we did, we'll start with Mr. Ogrydziak, and then we'll move right down the line. So, you're recognized for five minutes.

**STATEMENT OF CONNOR OGRYDZIAK**

Mr. OGRYDZIAK. Thank you, Chair Jordan, Ranking Member Nadler, and Members of the Committee—

[Disturbance in hearing room.]

Chair JORDAN. The Committee will be in order.

[Disturbance in hearing room.]

Chair JORDAN. The Committee will be in order.

[Disturbance in hearing room.]

Chair JORDAN. We appreciate people being here, but the Committee has to be in order if you—

[Disturbance in hearing room.]

Chair JORDAN. We will remove every single person who disrupts the Committee.

[Disturbance in hearing room.]

Chair JORDAN. The gentleman is recognized.

Mr. OGRYDZIAK. Thank you, Chair Jordan, Ranking Member Nadler, and Members of the Committee. My name is Connor Ogrzydziak, and it is an honor to bring my experiences before you today.

Although I—

[Disturbance in hearing room.]

Chair JORDAN. The meeting will be in order.

[Disturbance in hearing room.]

Chair JORDAN. We'll try again.

Mr. OGRYDZIAK. Although I had hoped that my arrival—

[Disturbance in hearing room.]

Chair JORDAN. Mr. Ogrzydziak, we'll keep trying.

Mr. OGRYDZIAK. Thank you, Chair Jordan, Ranking Member Nadler, and Members of the Committee—

[Disturbance in hearing room.]

Chair JORDAN. The gentleman is recognized.

Mr. OGRYDZIAK. It is an honor to bring my experience—

[Disturbance in hearing room.]

Mr. OGRYDZIAK. My name is Connor Ogrzydziak, and it is an honor to bring my experiences before you today. Although, I'd hoped that my arrival to higher education would mark the arrival to a bastion of free speech, many of my firsthand experiences of freedom of speech violations at the University of Buffalo came during my membership of UB's Chapter of Young Americans for Freedom.

Two of the most prominent examples of freedom of speech bias that I witnessed at the university each came in the form of speaker events hosted by my chapter. In spring of 2022, as vice chair of my chapter, I had the opportunity to assist with hosting Lieutenant Colonel Allen West at UB, an event which was preceded by delays in the signing of our contract and a forced venue change which was exposed by a freedom of information request.

However, the most striking action taken against us followed Lieutenant Colonel West's speech, which had included a discussion of race in America and accounts from his decorated past. When the floor was opened to a question-and-answer session, student protesters shouted from their seats before the audiovisual employees from UB Student Association, the student government, cut powers to the event's microphones and speakers, ending the session. Con-

frontations continued upon the exit from the event. Once outside, as you just saw in the video before the opening statements, chapter members were chased by a 100-person mob across campus.

What that footage did not show was the former Chapter Chair being forced into a bathroom where she called 911 for rescue and another board member being physically attacked. With silence from the university and charges not pressed by the Erie County District Attorney's Office, I've since been left to consider the precedent that sets for those who plan to protest future events on campus. Though I may not be qualified to determine what constitutes adequate evidence in the eyes of the justice system, if those who were involved in this mob were able to result to fear tactics and violence without consequence, what is keeping a pattern of this despicable behavior from being set and executed repeatedly?

This thought remained on my mind throughout the planning of a March 2023 event that I hosted as Chair, featuring Michael Knowles. This event would grow to gain more pushback than any event on campus in the previous four years and provide the most clear-cut examples of freedom of speech violations. This pushback included delays in contract signing from UB Student Association that deviated far from their outlying standard course of action; condemnation of event by a local New York State Senator and multiple Western New York-based organizations; a circulated petition constructed by three university professors calling for the cancellation of the lecture, which gained thousands of student signatures; a forced venue change orchestrated not only by university administration this time, but voted on by a SUNY council; a multitude of threats and torn literature; and even a tweet from Governor Kathy Hochul on the day of the event calling comments from Michael dehumanizing.

The decay of this event garnered a responding statement from university president, Satish Tripathi, explaining that the Constitution protects speech on campus, quote, "no matter how noxious the content." Based on the actions taken by faculty and the rhetoric used by Tripathi, I cannot name more clear examples of evidence that demonstrate the case of the university concerned only with following the letter of the law, rather than uplifting conservative values to a level equivalent with the values of the left, which are often celebrated in the university's own Distinguished Speakers Series. Unfortunately, this was forced to extend into a Federal lawsuit, with representation by Alliance Defending Freedom, once our YAF chapter was banned from campus as the result of a new national affiliation ban by the student government.

Though I graduated in the previous spring semester and am no longer able to engage in discourse with opposing students, I'm fortunate to still have friends on campus, including current YAF board members who can. Something that has particularly concerned me recently, both on campus and off, is the outward support for Hamas under the guise of support for Palestinian civilians. I will not generalize entire groups, however, an unsettling number of students who appeared both in a 300-person pro-Palestine march on campus, as well as a protest against a pro-Israel speaker, did not solely speak out in support of Palestinian civilians. Rather, these students stated their support for Hamas directly. I would like

to be clear, regardless of background, I do not wish for civilian death. Support for Hamas is not support for Palestinian civilians, it is the opposite. Support for Hamas is support for a terrorist organization, and this must know be misconstrued.

Regardless of what side of the political aisle you reside on, it should be common ground that no student deserves to be threatened, mistreated, or silenced on campus due to their personal beliefs. Conservative students currently face a relentless uphill battle for representation on campus. Though we may seek support from outside groups and legislators such as yourselves, we will not accept the label of victims. Standing up for your beliefs will never be a waste of time. As Americans, we hold this in our hearts.

I thank you for your time.

[The prepared statement of Mr. Ogrydziak follows:]

**HEARING BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON THE JUDICIARY:  
FREE SPEECH ON COLLEGE CAMPUSES**

**TESTIMONY OF CONNOR OGRYDZIAK  
UNIVERSITY AT BUFFALO CLASS OF 2023  
NOVEMBER 8, 2023**

**Summary Statement**

Thank you, Chairman Jordan, Ranking Member Nadler, and members of the Committee, my name is Connor Ogrzydziak, and it is an honor to bring my experiences before you today. Although I had hoped that my arrival to higher education would mark the arrival to a bastion of free speech, many of my firsthand experiences of freedom of speech violations at the University at Buffalo came during my membership of UB's chapter of Young Americans for Freedom.

Two of the most prominent examples of freedom of speech bias that I have witnessed at the university each came in the form of speaker events, hosted by my chapter. In Spring of 2022, as Vice-Chair of my chapter, I had the opportunity to assist with hosting Lt. Col. Allen West at UB, an event which was preceded by delays in the signing of our contract and a forced venue change, which was exposed by a Freedom of Information request. However, the most striking action taken against us followed Lt. Col. West's speech which included a discussion of racism in America and accounts from his decorated past. When the floor was opened to a question-and-answer session, student protestors shouted from their seats before the audio-visual employees from UB's Student Association, the Student Government, cut power to the event's microphones and speakers, ending the session. Confrontations continued upon the exit from the event, and once outside, as you just saw in a clip before the witnesses' opening testimonies, chapter members were chased by a 100-person mob across campus.

What that footage did not show was the former chapter chair being forced into a bathroom where she called 911 for rescue, and another board member being physically attacked. With silence from the university and charges not pressed by the Erie County DA's office, I have since been left to consider the precedent this sets for those who plan to protest future events on campus. Though I may not be qualified to determine what constitutes adequate evidence in the eyes of the Justice System, if those who were involved in this mob were able to resort to fear tactics and violence without consequence, what is keeping a pattern of this despicable behavior from being set and executed repeatedly?

This thought remained on my mind throughout the planning of a March 2023 event that I hosted as chairman, featuring Michael Knowles. This event would grow to gain more pushback

than any campus event in the previous four years and provide the most clear-cut examples of freedom of speech violations. This pushback included delays in contract signing from UB's Student Association that deviated far from their outlined standard course of action, condemnation of the event by a local NYS Senator and multiple Western New York based organizations, a circulated petition constructed by three University professors calling for the cancellation of the lecture, which gained thousands of student signatures, a forced venue change orchestrated not only by University administration this time, but voted on by a SUNY council, a multitude of threats and torn literature, and even a tweet from Governor Kathy Hochul on the day of the event, calling comments from Michael dehumanizing.

The decry of this event garnered a responding statement from University President, Satish Tripathi, explaining that the Constitution protects speech on campus quote no matter how noxious the content, end quote. Based on the actions taken by faculty and the rhetoric used by Tripathi, I cannot name more clear examples of evidence that demonstrate the case of a university concerned only with following the letter of the law, rather than uplifting conservative viewpoints to a level equivalent with the values of the left, which are often celebrated in the University's own Distinguished Speaker Series. Unfortunately, this was forced to extend into a federal lawsuit, with representation by Alliance Defending Freedom, once our YAF chapter was banned from campus as the result of a new national affiliation ban by the student government.

Though I graduated in the previous Spring semester and am no longer able to engage in discourse with opposing students, I am fortunate to still have friends on campus, including current YAF board members, who can. Something that has particularly concerned me recently, both on campus, and off, is the outward support for Hamas under the guise of support for Palestinian civilians. I will not generalize entire groups, however, an unsettling number of students who appeared both in a 300-person pro-Palestine march on campus, as well as a protest against a pro-Israel speaker did not solely speak out in support of Palestinian civilians. Rather, these students directly stated their support for Hamas. I would like to be clear, regardless of background, I do not wish for civilian death. Support for Hamas is not support for Palestinian civilians, it is the opposite. Support for Hamas is support for a terrorist organization, and this must not be misconstrued.

Regardless of what side of the political aisle you reside on, it should be common ground that no student deserves to be threatened, mistreated, or silenced on campus due to their personal beliefs. Conservative students currently face a relentless uphill battle for representation on campus, and though we may seek support from outside groups and legislators such as yourselves, we will not accept the label of victims. Standing up for your beliefs will never be a waste of time, and as Americans, we hold that in our hearts. I thank you for your time.

Chair JORDAN. Thank you.  
Ms. Jordan, you are recognized.

#### **STATEMENT OF JASMYN JORDAN**

Ms. JORDAN. Good morning, Chair Jordan, Ranking Member Nadler, and the Members of the Committee. My name is Jasmyrn Jordan, and I'm blessed to have the opportunity to speak with you all today.

I was raised in the church and homeschooled from preschool through fifth grade. Both of these were crucial in shaping my early upbringing and my world view. They gave me the strong foundation of moral beliefs and values that the Constitution was founded on. Lessons like "iron sharpens iron," "be a leader not a follower," and "so help me God," are engrained into every aspect of my character. As I progressed to the public-school environment, this strong moral compass guided me throughout my journey, and I carried it with me to college.

In spring 2022, I joined Iowa Young Americans for Freedom when I discovered that this organization aligned with the Christian conservative values instilled in me by my church and family. The more involved I became in the club, the more I discovered that the playing field for freedom of speech on college campuses was not equalized. The first time I noticed this was when Iowa YAF hosted Kellyanne Conway as a speaker. In response, I was doxed in a group chat of over 800 students and was falsely labeled as a Nazi, a token, a White supremacist, and a bigot. Some individuals even expressed that I made them uncomfortable and feared that I might commit a hate crime against them simply because I'm Black and hold conservative principles. These students believe that if you're conservative, you are hateful, support oppression, and only want to benefit straight White men, even though such beliefs are untrue.

When we hosted Lieutenant Colonel Allen West to speak on campus last year, he spoke on the topic of debunking diversity, equity, and inclusion, and proved that America is not racist. We used chalk advertisements to promote the lecture, which is something many colleges do to effectively let students know about upcoming events. Immediately, our chalk was altered, which is a violation of school policy. New messages were put in place saying that Allen West is racist, and that racism is prevalent in schools, thus critical race theory should be supported.

At Allen West's lecture, a protester stood in the back holding a sign that read, "Stop the alt-right. Punch your local Nazi today." This is blatant irony. Conservatives are slandered by students and faculty as harmful, yet here is an obvious example of someone openly delivering a violent threat and facing no repercussions. The entitlement continues.

I find that when a conservative doesn't want to hear a speaker, they just don't attend the event. When a leftist doesn't want to hear a speaker, they do everything they can to shut the lecture down.

Our club recently hosted Matt Walsh. Students and faculty were willing to do anything to cancel the event just because they found Walsh's speech to be offensive. Some people were so dedicated to silencing our voices that literally as one of with us was advertising

with chalk, a leftist student was erasing each of those letters with a wipe. We received death threats, along with plenty of verbal harassment. That night before the speaking event, my hall mate, who happened to be the one erasing the chalk, stalked outside of my bedroom door by putting his ear on it to see if I was in my room because he was just so outraged by my involvement. That was a terrifying experience, but what I find to be more appalling is when I talked to our hall coordinator about this and she replied, "People are allowed to think, feel, and react however they want to about this upcoming event."

At the event, someone threw 20,000 marbles on the floor to prevent people from entering the venue. Attendees were spat on. Outside, a popular pep band well known to our school played loud music to try and drown out the speaker's message.

I share these occurrences with you all to show that, despite repeatedly meeting with the university administration, the rules are continually permitted to be broken by left-leaning students. They are, in fact, coddled by our school. The university expresses affirmations and puts together support, solidarity, and celebration spaces. These individuals act out against conservatives without care or consequence and are empowered to act this way because of the lack of action by the administration and university leaders. Conservative organizations do not get the same resources that these other organizations receive. Conservatives often have to hide who they are and what they believe in so that they do not lose relationships or receive a lower grade or face constant doxing, harassment, intimidation, or threats.

I went to college with the expectation that I would hear different points of view because I thought it would be a place where young people could come together, disagree, and still be friendly and courteous to one another. However, after two years, I've realized that this is not the case at all, and that students who hold opposing views are often subjected to frequent violent threats and other forms of harassment with no accountability.

Our Founding Fathers guaranteed every U.S. citizen the right to free speech in the Constitution. It is an important resource for all Americans, not just a small percentage of them, particularly if they hold different views and ideas than those of others. To ensure that peaceful continuation of the Nation, we must all come together and understand that differing opinions and expressing them, we should nevertheless show respect for one another and refrain from causing each other bodily, mental, or emotional harm.

Thank you for your time.

[The prepared statement of Ms. Jordan follows:]

Hearing Before the United States House of  
Representatives

Judiciary Committee:

Free Speech on College Campuses

Testimony of Jasmyn Jordan

University of Iowa Class of 2025

November 8, 2023

Good morning Chairman Jordan, ranking member Nadler, and members of the committee. My name is Jasmyn Jordan and I am blessed to have this opportunity to speak with you all today. I was raised in the church and homeschooled from preschool-5th grade. Both of these were crucial in shaping my early upbringing and worldview. They gave me the strong foundation of moral beliefs and values that the Constitution was founded on. Lessons like “Iron sharpens Iron”, “Be a leader not a follower”, and “So Help Me God” are ingrained into every aspect of my character. As I progressed to the public school environment, this strong moral compass guided me throughout my journey, and I carried it with me to college.

In Spring 2022, I joined Iowa Young Americans for Freedom (YAF) when I discovered that this organization aligned with the Christian Conservative values instilled in me by my church and family. The more involved I became in the club, the more I discovered that the playing field for freedom of speech on college campuses was not equalized. The first time I noticed this was when Iowa YAF hosted Kellyanne Conway as a speaker. In response, I was doxxed (personal information and photo released) in a group chat of over 800 students, and was falsely labeled as a Nazi, token, white supremacist, and bigot. Some individuals even expressed that I made them uncomfortable and feared that I might commit a hate crime against them simply because I am black and hold conservative principles. These students believe that if you are a conservative, you are hateful, support oppression, and only want to benefit straight, white men even though such beliefs are untrue.

When we hosted Lt. Col. Allen West to speak on our campus last year, he spoke on the topic of “Debunking Diversity, Equity, and Inclusion” and proved that “America is Not Racist”.

We used chalk advertisements to promote the event which is something many colleges do to effectively let students know about upcoming events. Immediately, our chalk was altered, which is a violation of school policy. New messages were put in place saying that Allen West is racist, and that racism is prevalent in schools. At Allen West's Lecture, a protestor stood in the back holding a sign that read, "Stop the alt-right. Punch your local Nazi today." This is blatant irony. Conservatives are slandered by students and faculty as harmful yet here is an obvious example of someone openly delivering a violent threat and they face no repercussions. The entitlement continues.

I find that when a conservative doesn't want to hear a speaker, they do not attend the event. When a leftist does not want to hear a speaker, they do everything they can to shut the lecture down. Our club recently hosted Matt Walsh. Students and faculty were willing to do almost anything to cancel the event just because they found Walsh's speech offensive. Some people were so dedicated to silencing our voices that literally as one of us was advertising with chalk, a leftist student was effacing each of those letters with a wipe. We received death threats along with plenty of verbal harassment. The night before the speaking event, my roommate stalked outside of my bedroom door by putting his ear on it multiple times to see if I was in my room because he was outraged by my involvement. That was a terrifying experience! When I talked to our Hall Coordinator about this, she replied "People are allowed to think, feel, and react as they want to about the upcoming event". At the event, someone threw 20,000 marbles on the floor to prevent people from entering the venue. Attendees were spat on. Outside, university's own marching band played loud music to try to drown out the speaker's message.

I share these occurrences with you all to show that despite repeatedly meeting with University Administration, the rules are continually permitted to be broken by left-leaning students. They, in fact, are coddled by our school. The University expresses affirmations and puts together “support, solidarity, and celebration spaces”. These individuals act out against conservatives without care or consequence and are empowered to act this way because of the lack of action by the administration and university leaders. Conservative organizations do not get the same resources that these other organizations receive. Conservatives often have to hide who they are and what they believe in so that they do not lose relationships or receive a lower grade or face constant doxxing, harassment, intimidation or threats.

I went to college with the expectation that I would hear different points of view because I thought that it would be a place where young people could come together, disagree, and still be friendly or courteous. However, after two years, I have realized that this is not the case at all and that students who hold opposing views are often subjected to frequent violent threats and other forms of harassment with no accountability.

Our founding fathers guaranteed every US citizen the right to free speech in the Constitution. It is an important resource for all Americans, not just a small percentage of them, particularly if they hold different views and ideas from those of others. To ensure the peaceful continuation of this nation, we must all come to understand that while holding differing opinions and expressing them, we should nevertheless show respect for one another and refrain from causing each other bodily, mental, or emotional harm.

Chair JORDAN. Thank you, Ms. Jordan.  
Ms. Silberstein, you're recognized.

**STATEMENT OF AMANDA SILBERSTEIN**

Ms. SILBERSTEIN. "I was alone in a world gone mad." These are the words my grandfather wrote on the day in October 1942 after his father had been shot dead and the Jews in his small Polish town, including his entire family, were deported to a death camp. He was a teenager, alone in a labor camp, with a bleak future filled with unimaginable suffering.

I have thought about my grandfather's words often in the 32 days since October 7th, as I have watched what I can only describe as a world gone mad.

I have seen and heard things on and around Cornell's campus that just over a month ago I could not have imagined. Cornell Professor, Russell Rickford, publicly justified and celebrated barbaric acts of terror as exhilarating and energizing, describing the torture, rape, and murder of innocent women and children as resistance.

I see classmates perpetuating age-old anti-Semitic tropes on social media. I walk across the campus defaced with anti-Israel signage and graffiti, seeing phrases such as "f\_\_\_\_\_ Israel" and "Zionism equals genocide."

Anti-Zionism and anti-Semitism are inextricably linked. This is evidenced by the Jew hatred that consistently and openly accompanies attacks on Zionism.

On campus, I am now confronted daily with shouts to free Palestine from the river to the sea. This catchy chant is not about peace or sovereignty for the Palestinian people. It is a call for a Palestinian State extending from the Jordan River to the Mediterranean Sea, a territory that encompasses the entire State of Israel. It is a Jew-hating, genocidal mandate seeking to deny the Jewish right to self-determination in Israel. It is a call to exterminate all Jews in accordance with Hamas' open and unequivocal goal. This chant is not about Palestinian life; it is about Jewish death.

Imagine that you frequent Jewish events on campus. Imagine that you live in a Jewish sorority house. Then imagine scrolling on your phone one day only to discover that a fellow student wants to shoot up the kosher dining halls and, I quote, "gang rape all Jew pig women" on campus. That is what my peers and I experienced last week when reading the multiple online threats made by a fellow student instructing other Cornell students to assault Jews on campus, to follow them home and slit their throats. This was not just hate speech. It was a call to action and an immediate threat.

The sentiment did not begin with that student. Professors and student organizations have been fueling Jew hatred and spreading it across campus with disregard or potentially even with deliberate intent to incite.

[Disturbance in hearing room.]

Chair JORDAN. The Committee will be in order.

[Disturbance in hearing room.]

Chair JORDAN. The Committee will be in order.

I apologize, Ms. Silberstein. You can continue.

Ms. SILBERSTEIN. Even after that student's arrest, professors have continued to teach blatant anti-Israel lessons in their classrooms. Students in the course Race, Racism, and Public Policy reported that Professor Lindsey played a video in class claiming that Israel is committing apartheid, in which students felt was an attempt to place blame for the terror attack on Israel.

Students in the writing seminar True Stories taught by Professor Glaubman reported that the Professor suggested that Palestine is a textbook case of genocide, and sought to pressure students who had previously expressed sympathy for Israel to change their views. These not-so-subtle examples of bullying and attempts at indoctrination have a tangible impact on the pervasive Jew hatred spreading throughout my campus.

My grandmother, along with many of my family members and close friends, live in Israel. Why are they calling me every day to check in and see how I am doing? Do I feel safe on campus? Is there enough security? Do other students know that I am Jewish?

They live in an active war zone with rockets constantly being fired at them, and yet my safety on an American college campus is keeping them up at night.

Growing up with the firsthand accounts of what my grandfather enduring during the Holocaust, I could never comprehend how neighbors and friends stood by as Jews were rounded up to be killed and how governments around the world turned a blind eye, until now. Witnessing such unbridled and unapologetic anti-Semitism unfold on my college campus is a testament to the impacts of permitting Jew hatred to fester and infect the mob mentality of impressionable students.

It is shocking that college campuses have devolved into echo chambers, fostering animosity, aggression, and bigotry, a shift that is painfully reminiscent of the vitriol and terror that my grandfather endured in the 1930s. Anti-Semitism can no longer be hidden under the guise of anti-Zionism. Disseminating lies about Israel is an effort to validate violence against Jews.

I am grateful for the supportive words from the Cornell administration, but actions speak louder than words. We require tangible measures, including strict adherence to policies that forbid threatening or intimidating behaviors toward any student, and ensures that purveyors of violence are removed from campus. No student should ever live in fear for their safety, regardless of background or religion.

What is happening on Cornell's campus and across universities in this country is not about protecting expressions of free speech or free exchange of ideas. It is about enabling and even promoting intimidation and the threat of harm to Jewish students and supporters of Israel. It is imperative that decisive action is taken to ensure the collective safety of students.

Thank you for your time today.

[The prepared statement of Ms. Silberstein follows:]

**Amanda Silberstein**  
**Cornell University Class of 2026**

**Written Testimony**  
**Before the**  
**House of Representatives**  
**Committee on the Judiciary**  
**Free Speech on College Campuses**

**Nov 8, 2023**

“I was alone in a world gone mad.”

These are the words my grandfather wrote the day in October 1942 after his father had been shot dead and the Jews in his small Polish town, including his entire family, were deported to a death camp. He was a teenager, alone in a labor camp, with a bleak future filled with unimaginable suffering.

I have thought about my grandfather's words often in the 32 days since October 7th, as I have watched what I can only describe as a world gone mad.

I have seen and heard things on and around Cornell's campus that just over a month ago I could not have imagined. Cornell Professor, Russell Rickford, publicly justified and celebrated barbaric acts of terror as “exhilarating” and “energizing,” describing the torture, rape, and murder of innocent women and children as “resistance”. I see classmates perpetuating age-old antisemitic tropes on social media. I walk across a campus defaced with anti-Israel signage and graffiti, seeing phrases such as “Ef Israel” and “Zionism equals genocide”. Anti-Zionism and anti-Semitism are inextricably linked – this is evidenced by the Jew hatred that consistently and openly accompanies attacks on Zionism.

On campus, I am now confronted daily with shouts to free Palestine “from the river to the sea.” This catchy chant is not about peace or sovereignty for the Palestinian people — it is a call for a Palestinian state extending from the Jordan River to the Mediterranean Sea, a territory that encompasses the **ENTIRE** State of Israel. It is a Jew-hating, genocidal mandate seeking to deny the Jewish right to self-determination in Israel. It is a call to exterminate all Jews, in accordance with Hamas' open and unequivocal goal.

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And even after that student's arrest, professors have continued to teach blatant anti-Israel lessons in their classrooms. Students in the course “Race, Racism, and Public Policy”, reported that Professor Lindsey played a video in class claiming that Israel is committing the crime of

apartheid, in what students felt was an attempt to place blame for the terror attack on Israel. Students in the writing seminar, “True Stories,” taught by Professor Glaubman, reported that the Professor suggested “Palestine is a text book case of genocide” and sought to pressure students who had previously expressed sympathy for Israel, to change their views. These not-so-subtle examples of bullying and attempts at indoctrination have a tangible impact on the pervasive Jew hatred spreading through our campus.

My grandmother, along with many other of my family members and close friends, live in Israel. Why are they calling ME everyday to check in and see how I am doing – do I feel safe on campus? Is there enough security? Do other students know that I am Jewish? They live in an active war zone with rockets constantly fired in their direction, and yet, my safety on an American college campus is keeping them up at night.

Growing up with first-hand accounts of what my grandfather endured during the Holocaust, I could never comprehend how neighbors and friends stood by as Jews were rounded up to be killed. And how governments around the world turned a blind eye—Until now. Witnessing such unbridled and unapologetic anti-Semitism on college campuses is a testament to the impacts of permitting Jew hatred to fester and infect the mob mentality of impressionable students.

It is shocking that college campuses have devolved into echo chambers fostering animosity, aggression and bigotry, a shift that is painfully reminiscent of the vitriol and terror my grandfather endured in the 1930s. Antisemitism can no longer be hidden under the guise of Anti-Zionism. Disseminating lies about Israel is an effort to validate violence against Jews.

I am grateful for the supportive words from the Cornell administration, but action speaks louder than words. We require tangible measures including strict adherence to policies that forbid threatening or intimidating behavior towards any student, and ensure purveyors of violence are removed from campus. No student should ever live in fear for their safety, regardless of background or religion.

What is happening at Cornell and universities across the country is not about protecting expressions of free speech or free exchange of ideas. It is about enabling and even promoting intimidation and the threat of harm to Jewish students and supporters of Israel. It is imperative that decisive action be taken to ensure the collective safety of students.

Thank you for your time today.

Chair JORDAN. Thank you, Ms. Silberstein. Thank you for your courage.

Mr. Marcus, you're recognized for five minutes.

**STATEMENT OF KENNETH L. MARCUS**

Mr. MARCUS. Chair Jordan, Ranking Member Nadler, distinguished Members—

Chair JORDAN. Make sure you got the mike—make sure your mike's on there.

Mr. MARCUS. Chair Jordan—

Chair JORDAN. There you go. Thank you.

Mr. MARCUS. Ranking Member Nadler, distinguished Members, friends, brave students, thank you for conducting this important hearing today. I am Chair of the Louis D. Brandeis Center for Human Rights Under Law and former head of the U.S. Department of Education's Office for Civil Rights.

At the Louis D. Brandeis Center, we fight anti-Semitism on college campuses. I appreciate the kind words from both the Chair and Ranking Member about the work that we are doing, more work than ever before. I would have said, if this were October 6th, that we have never seen more anti-Semitism on college campuses than we were seeing on October 6th. Our staff was stretched. We were getting more complaints on a daily basis than ever before and by far. We look back with nostalgia at those days because, in a week since October 7th, we're hearing from more students than we would in a month or more before October 6th. Incidents have gone through the roof.

Let's think about that. We're talking about a situation in which there was mass murder of civilians, organized rape, torture, and desecration of corpses. The immediate reaction on many, many college campuses was for student organizations to go out and celebrate the murders, the rapes, and the torture. For so many students that we work with, and you may get a sense from this from the brave words that you've heard today from these students, what they're facing is an extraordinary shock and the difficulty of realizing that the masks are down, and the students who they thought were their friends are celebrating murders of people just like them.

This is partly about—

[Disturbance in hearing room.]

Chair JORDAN. The Committee will be in order.

[Disturbance in hearing room.]

Mr. MARCUS. This is an issue of speech and it's also an issue of civil rights. Again and again we are seeing Jewish college students who are being prevented from expressing, not only their viewpoints, but an integral part of their identity. For many Jewish Americans, not all, but for many Jewish Americans, Zionism, a commitment to the Jewish State of Israel, is an important part of their identity. So, when they are excluded as Zionists, they feel this as exclusion as Jews. A rule against Zionists is a rule against Jews.

Even before October 7th, we were finding that large numbers of college students, including strongly self-identified Jewish college students such as people who are living in Jewish fraternities and sororities, were unwilling on a consistent basis to express their Jewish identity. Majorities were saying that they sometimes felt it

necessary to conceal their Jewish identity, including, in particular, their support for the State of Israel. In many cases, we saw this, not just as toxic, hostile environments, but as specific actions to exclude Jewish students who had that as part of their identity.

For instance, at Tufts and the University of Southern California, clients of the Brandeis Center were members of student government facing organized efforts to exclude them, to throw them out of student government because as Jews they support the State of Israel. Similarly—this is difficult, but I have to say—at SUNY New Paltz, we had two clients who were thrown out of a sexual assault survivors group because Zionism was an important part of their identity. At the University of Vermont, similar issues, as well as a book club in which one could not participate if one was a Zionist.

Here we found viewpoint discrimination but not just viewpoint discrimination; that is to say, people were shunned, marginalized, and excluded not just because of their political views but because who they are and what their identity is as Jews.

At my own alma mater, the University of California at Berkeley School of Law, many student organizations, including law reviews, have adopted rules including bylaws and changes to their constitutions that prevent anyone from speaking to their groups who is a Zionist or a supporter of the State of Israel. Let me be clear, they were prevented from speaking and are to this day prevented from speaking on any topic.

This was not just a statement that if your viewpoint disagrees with us, we don't want to hear you. This was, if you are a Zionist, we don't want to hear you on any topic. If you are a feminist legal scholar, we don't want to hear you on feminist legal issues if you are a supporter of Israel, which is to say most Jewish Americans would not be able to speak to these groups because of their identity as Jews.

Since October 7th this has skyrocketed. We are hearing continually of Jewish students being assaulted, Jewish property being vandalized, Jewish students being harassed in any number of different ways, not just on a few college campuses that one might describe as hotspots but at so many colleges and universities that one cannot identify any place better safe.

A few quick suggestions, if I may.

First, the Department of Education should have the same tools to protect students' free speech that it has to protect the very important issues of antidiscrimination.

Second, a coordinator within the Department to protect free speech.

Third, the Department of Education has committed to issue a regulation implementing the Executive Order on Combating Anti-Semitism and has set a deadline of next month. Be nice to ask them if they're going to do it.

Finally, the Anti-Semitism Awareness Act would provide for the Department of Education a codified definition of anti-Semitism similar to what's used around the world and has been embraced by this administration. I would suggest that action needs to be taken, and I commend you for this opportunity.

[The prepared statement of Mr. Marcus follows:]

TESTIMONY OF HON. KENNETH L. MARCUS  
FOUNDER AND CHAIRMAN  
THE LOUIS D. BRANDEIS CENTER FOR HUMAN RIGHTS UNDER LAW  
"FREE SPEECH ON COLLEGE CAMPUSES" TESTIMONY  
BEFORE THE UNITED STATES HOUSE COMMITTEE ON THE JUDICIARY  
NOVEMBER 8, 2023

CHAIRMAN JORDANS AND MEMBERS OF THE COMMITTEE ON THE JUDICIARY:

I am honored to appear before you today at this briefing on “Free Speech on College Campuses.”<sup>1</sup> 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.

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. Jewish students are entitled to the same rights and protections as their non-Jewish peers on campus. But unfortunately, their voices are being silenced and their rights abridged as university free speech policies are selectively applied under the guise of politics. 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.<sup>2</sup> Today, many are not even allowed to publicly mourn their Jewish brethren slaughtered by Hamas or call out the rise in anti-Semitism since October 7th, fearing for their physical safety on campus. Instead,

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<sup>1</sup> Emma Enig provided research assistance for this testimony.

<sup>2</sup> “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>

they stay silent, afraid that they will be harassed or attacked by their fellow students or university faculty. Sadly, they doubt that their university administrators will protect them or their rights.

Ironically, those physically and verbally intimidating Jewish students are the same ones claiming that their discriminatory harassment is protected under the First Amendment. It is not.<sup>3</sup> The First Amendment of the Constitution provides students with the right to free speech, even hate speech. This right, when properly enforced, is part of what makes American college campuses so vibrant – the exchange of ideas, encouragement of open debate, and ability to use one’s own voice to protest speech one finds objectionable. The First Amendment does not, however, protect those who violate federal law, incite violence, intimidate, or threaten.<sup>4</sup> 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.

Unfortunately, Jewish students are being intimidated into silence. 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.<sup>5</sup> In 2021, the Brandeis Center conducted a survey of Jewish fraternity and sorority students,

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<sup>3</sup> Marcus, Kenneth L., Higher Education, Harassment, and First Amendment Opportunism. William & Mary Bill of Rights Journal, Forthcoming. Available at SSRN: <https://ssrn.com/abstract=1112189>

<sup>4</sup> “Limits to Free Speech.” The Foundation for Individual Rights and Expression. Accessed November 5, 2023. <https://www.thefire.org/research-learn/limits-free-speech>.

<sup>5</sup> 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](https://www.bjpa.org/content/upload/bjpa/c_c/Anti-SemitismReportFinal.pdf).

finding that most have felt unsafe as a Jew at some point while on campus or in virtual campus settings.<sup>6</sup> Over 80% of these students were pro-Israel, yet more than half of them avoided expressing their views on Israel.<sup>7</sup> 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.<sup>8</sup>

These fears are not imaginary – they parallel the anti-Semitic incidents we have seen in recent years. At University of Southern California, a Jewish student body vice-president was forced to resign after anti-Zionist harassment.<sup>9</sup> At Tufts University, a Jewish student was harassed and marginalized by his fellow judiciary council members, pressured to recuse himself for his Zionist identity.<sup>10</sup> 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.<sup>11</sup> At SUNY New Paltz, two Jewish students were excluded from a sexual assault support group.<sup>12</sup> The Department of Education’s Office of 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

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<sup>6</sup> “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>.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> 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>.

<sup>10</sup> Weiss, Melissa. “Tufts Student Alleges Antisemitism and Harassment at University.” Jewish Insider, February 24, 2021. <https://jewishinsider.com/2021/02/tufts-university-student-harassment/>.

<sup>11</sup> Marcus, Kenneth L. “Berkeley Develops Jewish-Free Zones.” Jewish Journal, January 15, 2023. <https://jewishjournal.com/commentary/opinion/351854/berkeley-develops-jewish-free-zones/>.

<sup>12</sup> 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/>.

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.<sup>13</sup> These are just a few examples. But I believe we can all agree that targeting students based on their ethnic and ancestral identity – forcing them to hide their Jewish heritage and affinity for Israel – is egregious. All students, including Jewish students, should be able to express themselves.

In the wake of Hamas' October 7<sup>th</sup> attack on Israel, the situation for Jewish students on many campuses has become dire. 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.<sup>14</sup> Jewish Tulane University students were physically assaulted at a nearby protest – one ending up with a broken nose.<sup>15</sup> An Israeli student at Harvard Business School was physically and verbally assaulted while pleading with protesters to stop grabbing him.<sup>16</sup> A Cornell University student was arrested for making death and rape threats against Jewish students on campus.<sup>17</sup> 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.<sup>18</sup> On many campuses across the country, Jewish students are hanging flyers of kidnapped civilians

<sup>13</sup> Dion J. Pierre, Dion J. "'Historic Victory': US Gov't Rules That University of Vermont Failed to Address Campus Antisemitism." *Algemeiner*, April 4, 2023. <https://www.algemeiner.com/2023/04/03/historic-victory-us-govt-rules-that-university-of-vermont-failed-to-address-campus-antisemitism/>.

<sup>14</sup> 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>.

<sup>15</sup> 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/>.

<sup>16</sup> "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>.

<sup>17</sup> 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>.

<sup>18</sup> <https://www.nbcbayarea.com/news/local/tensions-uc-berkeley-israel-hamas-war/3356755/>

currently being held in Gaza. Their fellow students are tearing them down while calling it propaganda.<sup>19</sup>

With the drastic surge in antisemitism on college campuses, it is now more apparent than ever why Jewish students are fearful of being verbally or physically attacked, socially excluded, harassed online, and marginalized on campus. It is happening across the country. It is being reported in the media. Most importantly, it is happening to their Jewish peers. It is, however, the universities' responsibility to ensure that Jewish students receive the same civil rights protections as everyone else. Jewish students should not be forced into silence and submission. They should not be forced to downplay their religious, historical, and cultural connection to Israel, nor should they be forced to downplay or hide their Jewish identity on campus. They should be able to act in accordance with the First Amendment or their university's comparable free speech policies. If their rights are abridged, the university must act.

So, what can be done to ensure American campuses are a safe place for Jewish students to express themselves? To begin with, the U.S. Department of Education should not wait for complaints to come in. The Secretary of Education has authority to commence self-directed investigations and pro-active compliance reviews. University administrators need not wait for more incidents to occur. Instead, administrators should ensure that they are following federal and state law, as well as their own on-the-books free speech and academic freedom policies.

Additionally, the Biden administration has long promised to deliver important regulation, which would implement President Donald Trump's Executive Order 13899 on Combating Anti-

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<sup>19</sup> 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>.

Semitism.<sup>20</sup> The Executive Order codified important rules under which Jewish students receive civil rights protections on American campuses. It also directed federal agencies to use the “gold-standard” International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism.<sup>21</sup> By codifying the IHRA Working Definition, OCR would have a clear guide to follow during investigations into antisemitic incidents on campuses. Finally, legislative efforts to promote free speech and call out antisemitism on university campuses are always welcome.

Last week, the House passed a bipartisan resolution condemning the support of terrorist organizations and antisemitism on college campuses.<sup>22</sup> The bipartisan Antisemitism Awareness Act was also introduced, which would require the Department of Education to consider antisemitism while enforcing federal anti-discrimination laws and to ensure that antisemitism on college campuses is “properly investigated and prosecuted.”<sup>23</sup> Now is the time to give the Department of Education the tools needed to protect free speech as forcefully as it does other civil rights. Legislative efforts to promote free speech and call out antisemitism on university campuses are always welcome.

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<sup>20</sup> 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>.

<sup>21</sup> “What Is Antisemitism?” The International Holocaust Remembrance Alliance. Accessed November 5, 2023.

<https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.

<sup>22</sup> H. Res. 798; Quilantan, Bianca. “House Passes Resolution Disavowing Antisemitism, Support for Hamas on Campuses.” POLITICO, November 2, 2023. <https://www.politico.com/news/2023/11/02/house-antisemitism-hamas-college-campuses-00125135>.

<sup>23</sup> 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>.

Chair JORDAN. Thank you, Mr. Marcus.  
Dr. Nadell, you're recognized for five minutes.

**STATEMENT OF PAMELA NADELL**

Ms. NADELL. Thank you. Can you hear me?

Chair JORDAN. Hit that. Pull it close. Is the light on?

Ms. NADELL. Let's try that. Sorry. Thanks.

Thank you, Chair Jordan, Ranking Member Nadler, and the distinguished Members of this Committee, for inviting me to testify today.

[Disturbance in hearing room.]

Chair JORDAN. The Committee will be in order.

Ms. NADELL. I am Pamela Nadell, professor of history at American University. I am writing a book called, "Anti-Semitism, an American Tradition," under contract with *W.W. Norton*. I am a recipient of a National Endowment for the Humanities Public Scholars Award to write this book, and I am delighted to be able to thank the Congress for supporting the National Endowment for the Humanities for supporting work that teaches us about the history of our Nation and for this prestigious award.

Anti-Semitic behavior that we're seeing right now on college campuses, as we have heard so brilliantly from the students and from Mr. Marcus, this anti-Semitism is part of anti-Semitism that is raging across the United States.

The last time that I testified before this Committee in 2017—November 2017, just—three months after the White nationalists at the Unite the Right rally in Charlottesville, Virginia, marched across the University of Virginia campus brandishing tiki torches, and they were deliberately imitating the Nazi Storm Trooper parades of the 1930s. During that hearing, I was opposed to Congress legislating any definition about anti-Semitism, and I remain opposed now because the definition keeps changing. It keeps morphing and changing over time. What I can do is I can give you some of the themes that are ensconced in the word "anti-Semitism."

Anti-Semites blame Jews for the death of Jesus and believe that the Jewish people across eternity should be punished for that crime. Anti-Semites believe that Jews have been corrupted by money since Judas sold Jesus out for 30 pieces of silver. What they've done since then is they have used different code names over time—Shylock, Rothschild, and now George Soros—to signify avaricious Jews.

Anti-Semites believe the Jews' primary loyalty is to their people around the world and not to the nations that they live in. That conspiracy theory gained traction in the United States when Henry Ford published in *The Dearborn Independent* over 91 weeks a series called, "The International Jew: The World's Foremost Problem." Today, that charge the Jews are internationalists goes under a different code word, "globalist."

Across American history people from all walks of life have conveyed these anti-Semitic ideas. New Amsterdam's Governor, Peter Stuyvesant, tried to expel, quote, "this deceitful race, such hateful enemies and blasphemers of the name of Christ." The future President, John Quincy Adams, wrote, quote, "The Jews would steal

your eyes out of your head if they possibly could.” Congressman Albert Johnson, a Chief Architect of the 1924 law establishing immigration quotas, told a Jewish reporter, quote, “If the Jewish people combine to defeat the immigration bill as reported by the committee, their children will regret it.”

That was the past. What about today? We are just five months out from the massacre at the Tree of Life synagogue, and I could give you so many other examples.

As for the campus anti-Zionism meaning opposition to Israel’s policies, absolutely crosses the line into anti-Semitism when it leads to discrimination, violence, harassment, intimidation, and bullying, as we have heard from the students today.

The barbarity of the Hamas invasion, the torture, the rapes, the murders, and the taking of more than 200 hostages adds a terrible new chapter to Jewish history. Anyone who claims to care about human rights should denounce these horrors. That so many students on college campuses not only did not, but that they claim that the savagery was justified, has caused not just students on campus, it has caused Jews around the world deep anguish. What happened on October 7th was not anti-Zionism, it was anti-Semitism.

I deplore hate speech, but in the United States, in America, hate speech, including anti-Semitic speech, remains protected speech, for that speech stands at the core of liberal arts education, an education which I believe every single Member of this Committee benefited from when you were students at some of the Nation’s elite colleges and universities and the fine public colleges and universities that our country has.

The value of free speech does not permit discrimination bias, threats, or violence in any form, including on the campus. When these occur, our institutions of higher education have mechanisms for dealing with them.

In May 2023, the White House published the U.S. National Strategy to Counter Anti-Semitism, the first time I believe that any Nation in the world has published such a strategy. It talks about how to use Title VI to deal with problems of anti-Semitism on campus.

I am a proud American and I am a proud Jew. I never used to be afraid to identify as a Jew in this world. Since 2017, since that March in Charlottesville, I am afraid.

We can work together in this country to resolve this problem, but it’s not just a problem on campus.

Thank you, Chair.

[The prepared statement of Ms. Nadell follows:]

Pamela S. Nadell

Professor of History and Jewish Studies  
Patrick Clendenen Chair in Women's & Gender History  
Director, Jewish Studies Program  
American University

Written Testimony  
before the  
United States House of Representatives  
Committee on the Judiciary

November 8, 2023

**Written Testimony of Pamela S. Nadell**

Before the

**United States House of Representatives  
Committee on the Judiciary**

November 8, 2023

Introduction

Thank you, Chairman Jordan, Ranking Member Nadler, and distinguished members of this committee for this opportunity to testify on “Free Speech on College Campuses,” “a hearing that will also highlight,” according to the invitation that I received from Chairman Jordan, “the rise of antisemitic behavior at universities across the country.”<sup>1</sup>

I am Pamela Nadell, a professor of history and Jewish Studies at American University. I am currently writing a new book titled *Antisemitism, an American Tradition*, under contract with W. W. Norton, a project supported, in part, by a National Endowment for the Humanities Public Scholars Award. I am honored that this hearing gives me the opportunity to thank Congress publicly for supporting, through the National Endowment for the Humanities, scholarship, exhibitions, and documentaries essential to informing our citizens about our nation’s past and for recognizing my scholarship with this prestigious award.

“The rise of antisemitic behavior at universities across the country” is, of course only one manifestation of the horrific rise of antisemitism in American society since the last time I testified before this committee on November 7, 2017, on “Examining Anti-Semitism on College Campuses.”<sup>2</sup>

That hearing had been called because antisemitism was already then beginning its surge in American life. The hearing took place just three months after white supremacists, chanting “Jews will not replace us,” paraded through the University of Virginia, brandishing torchlights, echoing Nazi storm troopers strutting through the streets of Germany in the 1930s. The next day, Jews were at prayer when Unite the Right ralliers, armed with semi-automatic rifles, marched past their synagogue which had already moved a sacred Torah scroll out of the building for safekeeping. Fearing for their safety, they snuck out of the building by the back door when services concluded.<sup>3</sup> As we know, later that day, the rally turned murderous when a car ramming left a counter-protestor dead.

I provide these details to convey the new emotion of fear this evoked among American Jews today. Until then, they had thought they were safe in America. Now they knew they were not.

By the close of that year, the Jewish communal agency the Anti-Defamation League counted 1,986 reported antisemitic incidents in the U.S., then the highest number since it began tracking these events in

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<sup>1</sup> Letter from Chairman Jim Jordan to Pamela Nadell, November 3, 2023.

<sup>2</sup> Committee of the Judiciary, House of Representatives, “Examining Anti-Semitism on College Campuses,” <https://www.govinfo.gov/content/pkg/CHRG-115hrg32325/html/CHRG-115hrg32325.htm>

<sup>3</sup> Ellie Silverman, “Neo-Nazis marched past their synagogue chanting ‘Sieg Heil’.” *Washington Post*, August 26, 2017.

1972. In 2022, the number of antisemitic incidents hit a new high of 3,697,<sup>4</sup> almost a 100 percent increase in just five years. We can presume that the number for 2023 will be even higher.

During that 2017 hearing, I was opposed to Congress legislating any definition of antisemitism, and I remain opposed now, because the meaning of this term has morphed and changed over time.

#### Understanding Antisemitism

Before turning to the questions of free speech and antisemitism on campuses today, we need to begin to understand just what antisemitism is. While it is difficult to define antisemitism, we can look to examples from history to illustrate the contours of this prejudice.

The term “antisemitism” is a relatively recent invention. The word was coined in Germany in the late 1870s to distinguish between the modern racial basis of Jew hatred and historic religious animosity. Today, the word antisemitism is commonly used to signify any of the ancient, medieval, and modern expressions of animosity towards Judaism and the Jewish people.

Here are just some of antisemitism’s historic canards.

- Antisemitism blames Jews for Jesus’s death and posits that Jews, the historical witnesses to Jesus’s life, must be punished across eternity until they recognize the truth of Christianity.
- Antisemitism charges that Jews murder Christian children to use their blood for religious purposes.
- Antisemites believe Jews have been corrupted by money since Judas betrayed Jesus for thirty pieces of silver. Ideas about nefarious, avaricious Jews have been repeated across the ages with different shorthand code names—Shylock, Rothschild, and more recently George Soros—signaling covetous Jews.
- Antisemites believe Jews are more loyal to their people than to the lands where they live and that, since medieval times, Jews have conspired across borders to destroy Christianity and seize power.
- These conspiracy theories gained new currency early in the twentieth century with the publication of *The Protocols of the Elders of Zion* and the series *The International Jew—The World’s Foremost Problem*, which first appeared in the *Dearborn Independent*, a newspaper owned by Henry Ford.<sup>5</sup>
- More recently, the canard charging that the Jews are internationalists, more loyal to their people around the world than to their nations, has been replaced by the dog whistle, “globalist,” a coded word for the old antisemitic conspiracy theory that Jews’ stand behind a worldwide order that will bring them control over banks, governments, and media.<sup>6</sup>

<sup>4</sup> Anti-Defamation League, *Antisemitic Incidents, Ten Year Review, 2013-2022*, <https://www.adl.org/audit-antisemitic-incidents>

<sup>5</sup> For somewhat fuller discussions of these themes, see the resource guide American University’s Jewish Program developed; *Understanding Antisemitism: A Guide for the AU Community* (April 2023).

<https://www.american.edu/cas/js/upload/Understanding-Antisemitism-Guide-AU-2023-1.pdf>

<sup>6</sup> American Jewish Committee, *Translate Hate: Stopping Antisemitism Starts with Understanding It*, [https://www.ajc.org/sites/default/files/pdf/2021-02/AJC\\_Translate-Hate-Glossary-2021.pdf](https://www.ajc.org/sites/default/files/pdf/2021-02/AJC_Translate-Hate-Glossary-2021.pdf)

### Antisemitism in America: The Past

Across American history, people from all walks of life have conveyed these antisemitic ideas about the Jews as enemies, as financially unscrupulous, and as standing by their people rather than by their nation. Here are just a few examples:

- In 1654 when twenty-three Jews landed in New Amsterdam, before it became New York, Governor Peter Stuyvesant sought to expel this “deceitful race, — such hateful enemies and blasphemers of the name of Christ,” for their “customary usury and deceitful trading with the Christians.”<sup>7</sup>
- In 1780, when John Quincy Adams, the future president, was just thirteen years old, he saw Jews in Amsterdam’s synagogues: “I am sure they are all wretched creatures for I think I never saw in my life such a set of miserable looking people, and they would steal your eyes out of your head if they possibly could.”<sup>8</sup>
- On December 17, 1862, from Holly Springs, Mississippi where General Ulysses S. Grant had his headquarters in the Department of Tennessee, he issued his infamous General Orders No. 11. He declared: “The Jews, as a class violating every regulation of trade established by the Treasury Department and also department orders, are hereby expelled from the department within twenty-four hours from the receipt of this order.”<sup>9</sup>
- In February 1924 Congressman Albert Johnson, a chief architect of the 1924 National Origins Act which established immigration quotas based on the pseudoscience of racial hierarchy, told a Jewish Telegraphic Agency reporter: “If the Jewish people combine to defeat the immigration bill as reported by the Committee, their children will regret it.”
- In April 1941, Congressman John E. Rankin called the journalist Walter Lippmann an “international Jew,” a mouthpiece for the international Jewish financiers who “have controlled the world through the gold standard ever since Rothchilds [sic] got financial control of England during the Napoleonic war. They are now crucifying civilization on a cross of gold.”<sup>10</sup>

### Antisemitism in America: The Present

It is imperative to understand antisemitism across America today before turning to its appearance on our campuses and its implications for free speech. The antisemitism surging in colleges and universities is just part of the toxic stew of antisemitism Jews in the U.S. now face.

I want to convey how dramatic a change this is. In 2012, the historian Leonard Dinnerstein, who had published the fine history *Antisemitism in America* in 1994 looked at what had happened since that book

<sup>7</sup> Quoted in Samuel Oppenheim, “The Early History of the Jews of New York, 1654-1664: Some New Matter on the Subject,” *Publications of the American Jewish Historical Society*, 18 (1909), p.4-5.

<sup>8</sup> *Diary of John Quincy Adams*, vol. 1, August 25, 1780, <https://www.masshist.org/publications/adams-papers/index.php/view/ADMS-03-01-02-0002-0004-0025>

<sup>9</sup> <https://www.nps.gov/articles/000/ulysses-s-grant-and-general-orders-no-11.htm>

<sup>10</sup> Quoted in Edward S. Shapiro, “The Approach of War: Congressional Isolationism and Anti-Semitism, 1939-1941,” *American Jewish History* 74, 1 (September 1984), p. 59.

appeared. He concluded that of the “the plague of antisemitism: most American Jews don’t see it, feel it, or fear it.” He asserted that in the United States in 2012, “antisemitism is too minor an issue to disturb the daily lives of American Jews.”<sup>11</sup>

The change in just a decade is chilling. As this committee surely knows, we have just passed the fifth anniversary of the worst antisemitic attack, in terms of loss of life, on American soil. On October 27<sup>th</sup>, 2018, a little more than a year after the Unite the Right rally, a gunman murdered eleven Jews at prayer in Pittsburgh’s Tree of Life Synagogue. Since then, Jews were murdered at a synagogue in Poway, California,<sup>12</sup> and at a kosher supermarket in Jersey City,<sup>13</sup> and a rabbi and three congregants were taken hostage at a synagogue in Colleyville, Texas.<sup>14</sup>

American Jews now have a new litany: Charlottesville, Poway, Jersey City, Colleyville. The fear evoked by Charlottesville’s “Unite the Right” rally now sits at the bedrock of Jewish identity in the United States of America.

Those violent attacks are just the tip of the iceberg. On city streets, visibly Orthodox Jews are physically attacked. In 2022, a woman in Brooklyn spit at some children playing in New York and yelled “Hitler should have killed you all.”<sup>15</sup> A swastika was etched into the wall of an elevator at the U.S. State Department, not far from the office of what was then the special envoy to combat antisemitism.<sup>16</sup>

On the Bethesda Trolley Trail, not far from where I live, vandals scrawled swastikas and “White Power 1488.”<sup>17</sup> The 14 stands for the final words of a white supremacist manifesto: “We must secure the existence of our people and a future for white children.” The number 88 stands for “Heil Hitler,” since H is the 8th letter of the alphabet.

### The Campus

When antisemitism flares on campus, it ignites primarily over students’ support for or opposition to the state of Israel. This has been evident on campuses well before the horror of Hamas’s invasion of October 7, 2023.

For example, in October 2000, when the First Intifada was underway, 200 Arab students protested a Hillel teach-in and yelled “Israel is a fascist state” at the University of Michigan, while at Rutgers University, Jewish students saw placards calling for the “liquidation of the Jewish state.”<sup>18</sup> In 2015, a UCLA judicial board originally rejected a candidate for membership because she was Jewish and involved with Jewish groups.<sup>19</sup> In November 2015, a Palestinian student group disrupted an academic event organized by the

<sup>11</sup> Leonard Dinnerstein, “Antisemitism in America: An Update 1995-2012,” *Journal for the Study of Antisemitism*, 4 (2012), p. 565.

<sup>12</sup> Chabad of Poway, April 27, 2019.

<sup>13</sup> December 10, 2019.

<sup>14</sup> Congregation Beth Israel, January 15, 2022.

<sup>15</sup> Timothy Bella, “Woman 21, arrested after Jewish Boy was spat on outside synagogue,” *Washington Post*, January 22, 2022.

<sup>16</sup> Astead W. Herndon, “The State Department Finds a Swastika in one of its elevators,” *New York Times*, July 27, 2021.

<sup>17</sup> Chioma-Emilia Ahaghotu, “Antisemitic Graffiti Discovered on Bethesda Trolley Trail,” *WUSA9*, August 8, 2022.

<sup>18</sup> Toni L. Kamins, “Focus on Issues: Anti-Israel Rallies Give College Jews Their First Lesson in Mideast Rhetoric,” *Jewish Telegraphic Agency*, October 18, 2000.

<sup>19</sup> “Jews Need Not Apply?” *Inside Higher Ed*, March 2, 2015.

University of Texas's Institute for Israel Studies that required the police to intervene.<sup>20</sup> In April 2018, when a pro-Israel New York University student club held a rave in Washington Square Park, pro-Palestinian student protestors set an Israeli flag on fire, and one, shouting "Free Palestine, end the occupation" grabbed the microphone away from a student singing the Israeli national anthem.<sup>21</sup>

These events and a myriad of others provide background for what we have witnessed since October 7, 2023.

#### The Invasion, the War, and the Campus

The barbarity of the Hamas invasion has entered Jewish memory and will stand for all eternity alongside the massacres of the Crusades, the Jews burned at the stake during the Inquisition, the 1903 Kishinev Pogrom, when the world was outraged over the murder of "only" 49 Jews, and the massacre at Babi Yar, when over the course of two days, the Nazis and their collaborators murdered 33,000 Jews at the ravine outside Kiev. The atrocities of October 7, 2023—the murdering of babies, the rapes, the burning of people alive, and the taking of more than 200 hostages—adds a terrible new chapter to Jewish history.

Anyone who claims to care about human rights should denounce these horrors. That so many students on college campuses did not has caused their Jewish peers deep anguish.

For Jews what happened on October 7<sup>th</sup> was not anti-Zionism, opposition to the policies of Israel, it was antisemitism.

Zionism was a nineteenth-century European nationalist movement, a response not only to discrimination Jews faced in their nation states but also to the pogroms, the anti-Jewish riots in the Russian Empire. These attacks persisted well into the twentieth century before the rise of the Nazis, with an estimated 100,000 Jews murdered in the Ukraine between 1918 and 1921.<sup>22</sup> The political movement of Zionism rests on the traditional Jewish hope that one day the Jewish people would return to their historic homeland.

Criticism of the government of Israel, a state brought into existence through the United Nations, is not antisemitism. We watched in recent months as hundreds of thousands of Israelis turned out weekly to protest their government's policies.

But when bigoted symbols and tropes about the Israel-Palestine conflict cross the line into hateful speech, when Palestinians proclaiming "From the river to the sea, Palestine will be free," intend that not as a metaphor, but as a call to destroy the Jewish state, a democracy and strong ally of the United States, then these symbols and rhetoric become antisemitic.

Yet, antisemitic speech is protected speech. It may be abhorrent, but abhorrent speech remains protected.<sup>23</sup>

That means that when thirty Harvard student organizations signed October 7, 2023 a letter issued by the Harvard Graduate Students for Palestine and the Palestine Solidary Committee—"We, the undersigned

<sup>20</sup> "Statement on University Review of Nov. 13 Incident," *UT News*, March 19, 2016.

<sup>21</sup> Sarah Jackson, "Two Student Protestors Arrested at Rave for Israel's 70<sup>th</sup> Birthday," *Washington Square News*, April 27, 2018.

<sup>22</sup> Jeffrey Veidlinger, *In the Midst of Civilized Europe* (New York: Metropolitan Books, 2021).

<sup>23</sup> In *Nazis in Copley Square*, the author Charles Gallagher claims that *Terminiello v. Chicago* 337 U.S. 1 (1949) upholds the right to engage in public antisemitic speech; (Cambridge: Harvard University Press, 2021), p. 246.

student organizations, hold the Israeli regime entirely responsible for all unfolding violence”—their statement is protected speech.

What is not protected is discrimination, violence, harassment, intimidation and bullying, and that is what we have seen on some campuses recently when Jewish and Israeli students have been physically assaulted, when Jewish students have been threatened with murder, and when confrontations between pro-Palestinian and pro-Israel students have led to menacing encounters that have no place in the academy.

Free speech not only upholds the First Amendment, it is also essential to educating the future generations of our nation’s leaders. This was stated eloquently at the University of Chicago when Dean of Students John Jay Ellison welcomed the Class of 2020. He wrote: “Our commitment to academic freedom means that we do not support so-called “trigger warnings,” we do not cancel invited speakers because their topics might prove controversial, and we do not condone the creation of intellectual “safe spaces” where individuals can retreat from ideas and perspectives at odds with their own. Fostering the free exchange of ideas reinforces a related University priority—building a campus that welcomes people of all backgrounds. Diversity of opinion and background is a fundamental strength of our community. The members of our community must have the freedom to espouse and explore a wide range of ideas.”<sup>24</sup>

In this spirit, Congress has an obligation to stand by the First Amendment. “Congress shall make no law...abridging the freedom of speech.” That includes antisemitic speech.

This remains the essence of a liberal arts education, one which every single member of this committee, I believe, benefitted from, when you were undergraduate, graduate, and professional students in this country’s outstanding private and public universities and colleges. You have an obligation to insure that college students today will benefit from the same opportunities to learn and to be challenged that you had when you were in college.

#### What is to be done?

We cannot censor antisemitic speech nor can we command everyone in our university community to recognize that if they truly support human rights, they have an obligation to denounce the Hamas invasion of October 7.

What we must do is make certain that everyone on the campus—students, faculty, and staff, no matter their religious, racial, ethnic, or national background—feels safe and does not encounter discrimination in any form, whether in the classroom from faculty members who single out Jewish students or from student social justice organizations who use a litmus test requiring Jewish students to distance themselves from Israel if they wish to be members. These are forms of discrimination, which along with violence cannot, must not be tolerated. We have legal and institutional mechanisms to deal with these.

In May 2023 the White House published *The U.S. National Strategy to Counter Antisemitism*, the first outcome of the president’s new inter-agency strategy to counter antisemitism, Islamophobia, and other forms of bias and discrimination in our nation. I urge Congress to do everything in its power to support the national strategy to counter antisemitism. Its “Strategic Goal 3.4—Address Antisemitism in K-12 Schools and on College Campuses” contains concrete steps which our leaders can and must take.

<sup>24</sup> John Jay Ellison, University of Chicago, to the Class of 2020 student, (undated)  
[https://news.uchicago.edu/sites/default/files/attachments/Dear\\_Class\\_of\\_2020\\_Students.pdf](https://news.uchicago.edu/sites/default/files/attachments/Dear_Class_of_2020_Students.pdf)

These demand educating not only about the alarming rise of antisemitism but also about the protections Title VI of the 1964 Civil Rights Act offers as well as sharing with students, educators, and communities notable efforts that aim to prevent and address antisemitism.

#### Conclusion

Congress must uphold the First Amendment right to free speech. But it also must seize this moment to educate our nation about antisemitism in the hopes of combating it. More than twenty states require education about the Holocaust. I surmise that for many that is their answer to educating about antisemitism. But teaching about the Holocaust makes antisemitism a problem that happened a long time ago and across the sea, not in America. My brief remarks demonstrate that antisemitism has long been an American problem too.

As a proud American and a proud Jew, the daughter of a soldier who served in the occupation army in Germany who was a typist at the Nuremberg trials, I grew up in a country where I was never afraid to say that I was a Jew. Since 2017, that has changed. Surely, *The U.S. National Strategy to Counter Antisemitism*, the first time, I believe, that any nation has issued such a strategy, with its concrete steps to address rising antisemitism on college campuses and across the nation, merits bipartisan support.

Chair JORDAN. Thank you, Doctor.  
Ms. Burdett, you're recognized for five minutes.

**STATEMENT OF STACY BURDETT**

Ms. BURDETT. Thank you, Chair Jordan, for inviting me and for having these students able to bring their voices here. We have too many conversations about them without them.

Chair Nadler, thank you for always being a voice of conscience in this country against anti-Semitism and for the civil rights of all Americans.

Listening to these students, if I had a Sharpie, I'd want to change my name tag just to say "mom," because I too have a son processing these events on a college campus.

A campus is the most diverse place most people will ever encounter. For the rest of their lives, graduates will sort themselves into the right neighborhoods, the right book clubs, the right school districts, or houses of worship filled with people who agree with them. In college, they live in the reality that a free society isn't only about what you get to say, it's what you have to hear. Managing that experience for young adults is a very hard job for universities.

Students who can navigate the discomfort of conflicting ideas—and we've heard some here today—they will be leaders who can engage in the kind of give and take that we need to solve the world's biggest problems. We're living in what it looks like to not be able to have give and take to solve problems.

Now, just because speech is legal, doesn't mean it can't be harmful. University presidents and deans have made crystal clear that anti-Semitism goes against their values. Protecting expression also means making clear when it crosses a line into threats or harassment.

Support for Palestinian rights, solidarity with Palestinian suffering is not anti-Semitism. It is not anti-Semitism to advocate for curing cancer either. When your advocacy turns into threats of violence, eliminationist speech, hostility that goes from online threats and translates into hate incidents against people because of their identity, well, then we need to see, and we have seen, schools enforcing their rules, protest permits, and suspending perpetrators. Schools have been working with law enforcement to have people arrested and to open investigations. That's not enough.

The anti-Semitism task forces that have been announced in some schools can go deeper. They can make transformative change across systems. They can touch every aspect of student life and what they learn. The National Strategy to Counter Anti-Semitism did that kind of stocktaking. They spoke to 1,000 community members and experts, and it commits our government to serious action with time-down deadlines. Federal agencies have already been fulfilling those commitments, including some mentioned by my long-time colleague, Mr. Marcus.

In addition to the Department of Education, eight other Federal agencies have affirmed in writing for the first time that Title VI bans anti-Semitic discrimination in all Federally funded programs. So, if you ride on a transit system that gets Department of Transportation money, you are covered. These changes and commitments are important and dramatic and meaningful.

Even the little actions matter. Making a new complaint form so that it says on the form and makes clear that if you're a Jew, victim of harassment, you are covered. Making information available in Hebrew and Yiddish for Orthodox Jews who walk to and from synagogue and face attacks. They need to know their rights and they need to know what recourse is available to them.

This strategy—those are just a few examples of why the action recommendations in this strategy are a real roadmap to stem the normalization of anti-Semitism. It's got bipartisan, bicameral support. So many organizations rallied around and celebrated this strategy because it's such a serious plan.

First, Congress should implement it if they're serious. Second, by the time a student files a complaint to the Department of Education, we failed them. Their peer networks have failed them, their school has failed them, and now they will be making a complaint; the number is what Mr. Marcus called through the roof. They will send those complaints to a civil rights staff that is already processing a record number of complaints with less capacity.

So, Congress should fund the Office of Civil Rights, put investigators in the chairs for the complaints that we know are going to be coming. We are sad, but we don't want those students and families to wait.

Finally, it seems like the only thing communities and Congress can agree on is to fund security, and that is critical. We can't legislate, regulate, tabulate, or barricade anti-Semitism out of our society. Jews are saying loudly and clearly, they feel alienated, they feel alone, and they feel disappointed in their allies. They want support. Prevention and awareness building and community building aren't some kind of extra. The Jewish community values those opportunities. You should see how many groups are working with the U.S. Department of Agriculture that never did before.

We want these programs. We want to engage in prevention. The Department of Justice, civil rights—Community Relations Service and those programs that we sometimes think of as an afterthought, they are essential to prevent these incidents before they escalate.

Jews are a small minority in this country, and we are targeted so disproportionately by hate violence. That was true before October 7th, it was true 10 years ago. We don't have the luxury right now to be partisans of anything but our safety. Right now, the national strategy is the best blueprint for action I have seen in 30 years of writing blueprints for action.

The clock is ticking for us and for Jewish students. So, the question isn't whether but how quickly is Congress going to fund and implement it.

Thank you very much.

[The prepared statement of Ms. Burdett follows:]

Testimony of Stacy Burdett  
Before the  
House of Representatives  
Committee on the Judiciary  
  
Hearing on  
Free Speech on College Campuses  
  
November 8, 2023  
  
Washington, DC

**Testimony of Stacy Burdett**  
**House Judiciary Committee**  
**November 8, 2023**

Thank you, Chairman Jordan, for inviting me. And thank you, Ranking Member Nadler, for being a true voice of conscience against antisemitism and for the civil rights of Jews and all Americans. While some fight antisemitism by dividing people against each other, you have been clear that Jewish rights are human rights and that fighting antisemitism and all bigotry is an American civic value.

This is not the first time I've had the privilege of appearing before a Congressional committee to speak about the growth of antisemitism in the world. But it is the first time we are talking about it while the threat and the shock is weighing so heavily, so directly impacting American Jews. I hold in my heart those of us whose children are processing these events and experiencing them on college campuses. If I could, I would change this name card to just read, *Mom*.

I come to this conversation not only as a mother, not as a lawyer or an academic, but as a practitioner. I've developed policies and practical strategies to prevent and counter antisemitism and put those strategies into practice in corporate settings, higher education and in advocacy coalitions. I will share some learnings from that work, what new tools the government has at its disposal and propose some recommendations for what universities, individuals, and Congress can do.

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 will sort themselves into the "right" neighborhoods, the right school districts, the right book club, the right house of worship – filled with people they agree with.

On college campuses, diverse groups of students and faculty are literally living on top of each other and have to build a community where they can learn and live together. In fact, one could argue, that is at the very heart of a university's mission. 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 Principles<sup>1</sup>, under which they choose not to take policy stances in order to be able to stay faithful to the core mission: "the discovery, improvement, and dissemination of knowledge."

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.

I've seen universities mobilize their tools in recent weeks. Campus public safety officers are in close 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 and requiring a school ID to prevent outsiders from disrupting student gatherings.

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.

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.

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<sup>1</sup> 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 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.

### **New Government Tools**

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.

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 will also ensure that agency staff understand and are ready to respond. They will make clear that antisemitic discrimination is a violation. They committed to enforce protections within the federally funded programs they administer.

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) helps drive and support this. And especially with the horrific attacks we have seen among orthodox communities, where there's 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 - it is vital that information about these rights are now being provided in both Hebrew and Yiddish language.

As recently as yesterday, 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 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 civic unity and resolve to tackle antisemitism through concrete, coordinated action to stop the spread and the normalization of antisemitism.

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 an investigator is there to answer.** We should hold agencies like the Department of Education to account for the commitments they've made. But we have to give our government 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. 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.

### **Moving Forward Stronger**

As this committee came together to demonstrate Jewish shouldn't have to fight antisemitism alone. Universities are already stepping up with serious community building measures, solidarity campaigns and direct support. There is a long way to go.

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.

Please, look at this national strategy, and the [key actions](#) it recommends. The clock is ticking for Jewish students and the question isn't whether but how quickly can Congress move to implement it.

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 they will identify and close gaps in they think about and address antisemitism. So many people are checking in with friends and colleagues, asking what they can do and many are questioning whether their organization or movement or community is standing in the right moral place in 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.

Chair JORDAN. Thank you, Ms. Burdett.

We will now proceed under the five-minute rule with questions.

The Chair recognizes the gentleman from California, Mr. Issa, for five minutes.

Mr. ISSA. Thank you, Mr. Chair.

The testimony today, obviously, is concerning. I want to touch on a few points and then ask a couple of short questions. I wish I had more time.

I grew up in a Jewish neighborhood. I grew up at a time in which there were wars between Arabs and Jews in the region. Those wars have ended. When this war began, I was in Bahrain, a country that assigned diplomatic relations with Israel. They didn't do it because the Palestinians were being treated well or ill-treated; they did it because, in fact, Israel is a partner they wanted to have against Iran.

I'm going to say here today, and the protesters who have all been escorted out probably don't understand, but they are playing into the hands of Iran. They are playing into the hands of the last major nation to be, not just anti-Semitic, but wanting to destroy the State of Israel and doing it, in no small part, by funding activities around places, including college campuses.

So, I'm going to agree personally with Ms. Burdett. Yes, we need to fully fund, but we need to fully fund investigations into the funding that goes to anti-Semitism, into a pattern that we see here today.

I want to say to all of you who—both Young Americans for Freedom and non-YAF members, thank you for standing up to be conservatives on campus and taking it.

Particularly to Ms. Silberstein, I have a question for you. You know the history of the Holocaust. You know that before the terrible time and the mass murders, in fact, Jews had ducked their heads. They had been forced to reduce or deny who they were.

Do you see that as a young Jew? Do you see that as a pattern that today we are at risk if we don't use the full power of civil rights to protect the right of people to have their religion, be proud of it, and be proud of all that goes with it?

Ms. SILBERSTEIN. Thank you for your question. The Jewish—the history of the Jewish people is one of constant oppression and fear for our lives and for being persecuted for who we are. As I've mentioned, my grandfather experienced this throughout his life and was prominently in his childhood during the Holocaust and suffering at Auschwitz. We are seeing it very prevalent, especially on college campuses today.

I never thought twice about putting on my Jewish star every day, about opening my computer with my Hebrew keyboard in class. Today, I do think twice about that. The thought of being persecuted for who I am, being looked at differently, and being discriminated against crosses my mind multiple times a day.

I do see a positive path forward for us. I think that Jews are—we are resilient, we are perseverant, and we will not stop shouting out and voicing our concerns and voicing our fear until it is dealt with. I really do appreciate you all considering this today.

Mr. ISSA. Mr. Marcus, are you concerned that this movement is not just pro-Palestinian or just anti-Semitic but, in fact, massive

amounts of dollars in support, not just here but globally, is, in fact, being spent coming from the very country who paid for the 5,000, now 10,000-plus rockets that have fallen on Israel that paid for those weapons and it continues to be virtually the sole funder of attempts to destabilize Israel and, in fact, led to the murder of more than 2,000 Israelis?

Mr. MARCUS. Thank you, Congressman Issa, for your question. It is well put. Yes, indeed, what we are seeing today, especially post-October 7th, is not just harassment of Jewish students, although we are seeing that. It certainly isn't just support of Palestine, which in and of itself is simply a political view. What we're seeing is a lethal hatred which may be supported by funds from other countries.

To that extent, I believe we need to know, first, are colleges making the disclosures that are required by law? If not, are there appropriate sanctions being brought on them? Second, we need to know, if funds are being brought in from abroad, what is the impact, not just on these groups, but on university curricula, personnel, and other decisionmaking?

Mr. ISSA. Well, and you have our pledge, and my pledge particularly, to a two-pronged approach: Combat anti-Semitism using the power of this Committee and particularly civil rights, and look into and root out the continued foreign influence that may affect, not just here but around the world, anti-Semitism and anti-Israel.

Mr. Chair, thank you for your indulgence. I yield back.

Chair JORDAN. The gentleman yields back.

The Chair now recognizes the Ranking Member from New York, Mr. Nadler, for five minutes.

Mr. NADLER. Thank you, Mr. Chair.

Ms. Burdett, do you agree that if Congressional Republicans really cared about enforcing Title VI, they would support fully funding rather than trying to cut funding for the Office of Civil Rights at the Department of Education to ensure that the office has adequate staffing in anticipation of a surge in Title VI complaints?

Ms. BURDETT. I would say that anyone who cares about civil rights and enforcement against anti-Semitic actions should fund that office.

Mr. NADLER. Ms. Burdett, was the Office for Civil Rights already inundated with complaints of anti-Semitism and Islamophobia before October 7th?

Ms. BURDETT. They had their record year of complaints in 2016, I'm sorry to say, and that record was broken in 2022 at almost 19,000 complaints. They have worked through them, but they're working with, I think, 12 percent less staff. So, it just doesn't make any sense at all.

Mr. NADLER. What happened after October 7th?

Ms. BURDETT. After October 7th, we already know from NGO's, like the ones cited where my professional alma mater ADL, talking about 400—hundreds of percent increase. If you ask, Mr. Nadler, the NYPD, they—even reports coming to them in just three weeks have been skyrocketing. When you compare it to an average month of October, there are three times as many incidents. I'm sure police departments in a lot of Congressional districts would say the same.

Mr. NADLER. What do you think will happen going forward?

Ms. BURDETT. We know that every time Israel is in the headlines, unfortunately, attacks against Jews go up. So inappropriate. There's no war, there's no conflict, there's no injustice that entitles someone to punch their neighbor in the face, to spit at them, and all the things we've heard here from these students.

I think that this war won't be a six-day war. This conflict, the tension on campus is going to take a very long time to work through. It's really a work in progress, and I think we're going to be dealing with these incidents for a long time. That's why I mentioned the Community Relation Service. I don't know if we think about it every day, but those civil rights tools and instruments and outreach programs that we have, they're going to work first. The universities and those programs have the ability to help Ms. Silberstein right now without a law and without a markup.

Mr. NADLER. Thank you.

Professor Nadell and Ms. Burdett, in your testimony, you noted the White House's National Strategy to Counter Anti-Semitism. For the record, I would also note that the White House is also pursuing an analogous national strategy to counter Islamophobia.

To the extent you are able, can you explain the National Strategy to Counter Anti-Semitism and highlight why you think it's valuable and effective?

Ms. NADELL. Thank you. Thank you for your question. I was one of the 1,000 people that the White House talked to as they were developing the National Strategy to Counter Anti-Semitism. This is an extraordinary document. It runs to, I don't know, 60–70 pages. It is filled with recommendations about what can be done to respond to anti-Semitism in different venues and in different agencies in the U.S. Government.

As I said in my opening remarks, I know of no country that has ever developed such a strategy. Believe me, as we know from the testimony of Ms. Silberstein, we know that other countries could have developed this if they had the goodwill to do so.

So, for example, it talks about, as Ms. Burdett was talking about, it talks about what should be done in the Office of Civil Rights in the Department of Education. Since the Obama Administration, Title VI has protected Jewish students under Title VI by understanding that they need to be protected based on ancestry and based on ethnicity because Title VI doesn't specify based on religion. To understand Jewish identity, it's a very complicated phenomenon. So, there are these kinds of measures there.

What I'm hearing from Ms. Burdett, and I'm not an expert on funding in the government, is that it's not been sufficiently funded. What is very clear, both from Ms. Burdett's testimony and from Mr. Marcus' testimony, is that it's going to need more support than ever before.

Thank you.

Mr. NADLER. Thank you.

Let me just say to Ms. Jordan and Mr. Ogrydziak—I hope I haven't mispronounced your name. As a very proud leftwing Liberal, I hold no truck with trying to silence conservative voices or any other voices on college campuses or anywhere else. Freedom of speech is a fundamental value.

I will just say that this is not new. When I was an undergraduate at Columbia, I was shouted down by an organization called the Students for Democratic Society because I was not left-wing enough, in their opinion. This is something that is an ongoing fight in the liberal society we once conducted. I am sorry for your experience.

Oh, and I ask unanimous consent to include the following items in the record: Written testimony of Jonathan Greenblatt, CEO and National Director of the Anti-Defamation League; a letter dated November 6, 2023, from Secretary of Education Miguel Cardona to Speaker Mike Johnson outlining the Department of Education's efforts to combat anti-Semitism and Islamophobia on college campuses; an op-ed piece in *The New York Times*, dated October 30, 2023, coauthored by the deans at the Princeton School of Public and International Affairs and the Columbia School of International and Public Affairs; and an article from *Inside Higher Education*, titled, "House Republicans Plan to Cut Education Department's Budget," noting that Republican appropriators want to cut about 25 percent from the Department's Office of Civil Rights.

Mr. ISSA. [Presiding.] That was a long title.

Without objection, so ordered.

Mr. NADLER. Thank you, Mr. Chair.

Mr. ISSA. We now recognize the gentleman from Colorado for his five minutes.

Mr. BUCK. Thank you, Mr. Chair.

Mr. MARCUS, I want to visit with you for a few minutes, I guess, about an issue. I feel like we're talking about college campuses right now, and we really should be talking at a much younger age about how to deal with this problem. By the time students get to college campuses, they have certain views, and oftentimes engrained, that are then reinforced by other students.

Would you advocate for some type of education or other awareness for younger adults in our K-12 system? Isn't our K-12 system really letting down the concept that we have in America for free speech, but also for responsible free speech, for speech that doesn't include hate?

Mr. MARCUS. Congressman, I would like to be able to tell you that you don't need to worry that this is just a campus problem, but the fact is that it is not. K-12 is important not only because of the attitudes that students develop and bring to college, but also because there are increasing issues that we see currently in public elementary and secondary school, including any number of different forms of discrimination. We see that especially in certain schools, especially on the West Coast, that have a particular form of ethnic studies which, unfortunately, has involved some degree of anti-Semitic stereotypes and defamations.

There are things that educators can do to address this. Certainly, there are more school districts that are incorporating Holocaust education into their programming. What studies are showing is that Holocaust education isn't necessarily sufficient, in that it's better to have also education into the ways in which anti-Semitism manifests itself today. So, that sort of programming is important, but more than that, I do think we need to have more attention

than we have been about the increasing problem of anti-Semitism also in K–12 schools.

Mr. BUCK. You mentioned funding from other countries. Do you have any direct evidence of funding from other countries?

Because I honestly believe that it goes on in a lot of different areas. One of the great things about America is we're open. One of the great vulnerabilities we have is that we're open and social media is being used to manipulate us in a lot of different ways.

Do you have any evidence that Iran or any other foreign country is using our social media in this country to promote anti-Semitism?

Mr. MARCUS. During the Trump Administration, the Department of Education revealed various kinds of evidence that there were not just significant contributions coming from the Gulf States and elsewhere in the world, but also contributions that were not disclosed as required by law.

Mr. BUCK. These are to college—

Mr. MARCUS. To colleges and universities.

Mr. BUCK. I believe there was also an effort by the Chinese Communist Party to establish groups on campuses.

Mr. MARCUS. Yes.

Mr. BUCK. The Confucius Center, I think, they were often called.

Mr. MARCUS. That's right. If I may, Congressman, the problem is also going the other way around, which is to say the increasing perception that there may be support from college campuses for terrorism abroad; not just money coming one way, but support coming the other.

Mr. BUCK. You're not suggesting that colleges are supporting terrorism abroad, but students or professors on college campuses are supporting terrorism?

Mr. MARCUS. There are student groups who have indicated that they are not just in favor of the same issues as Hamas, but that they are part of that movement. There is a point at which under Federal terrorism law that promoting the program and agenda and ideas of a U.S. State Department-designated terrorist organization may constitute material support for terrorism.

Mr. BUCK. So, where do we draw the line between speech and where it crosses the line? The Supreme Court has made clear that anything that encourages violence—and I'm not using the technical words—but crosses the line. Is anti-Semitic speech by itself a violative of the First Amendment?

Mr. MARCUS. In the case of support for terrorism, of course, under the—

Mr. BUCK. Yes, absolutely, absolutely. I'm just suggesting someone—we have hateful speech all around, and it's offensive. Frankly, I want to be the first, and as all my colleagues on this Committee are, to condemn anti-Semitism and Islamophobia, racism, and anti-Christian speech. It's terrible. It's hateful. It shouldn't be in this marketplace of ideas that we have. Is it—without threats of violence, is that speech a violative of the First Amendment?

Mr. MARCUS. So, what I would say to you, Congressman, is that the Supreme Court has properly been protective of a wide range of speech, including much speech that we would describe as hate speech. However, what we are seeing over and over again on college campuses is that where you see intense anti-Jewish hate

speech, you will almost always also find hateful conduct. Hateful conduct, not just words, it can be assault, it could be exclusion, it's happening over and over again.

So, to address the anti-Semitism, I think that there is sufficient conduct we need to go after. In terms of speech, I think there should be the same protections regarding speech in this area as in any others.

Mr. BUCK. I yield back. Thank you.

Mr. ISSA. I thank the gentleman.

We now recognize the gentleman from Georgia, Mr. Johnson.

Mr. JOHNSON of Georgia. Thank you, Mr. Chair.

The Chair, when he showed his video this morning, we witnessed in that video someone asking the question, is free speech dead on campus? I think that question applies to Congress. It's ironic that we're holding this hearing today about censorship and speech on campus, but last night, MAGA Republicans and others censured the only Palestinian voice in the House of Representatives because they didn't like what she had to say.

She didn't threaten anybody. She did not advocate for violence. She stated a view as happens on college campuses, it happens across the country. We have freedom of speech in this country. She was censured last night for exercising her First Amendment right to freedom of speech. We're not setting a very good example here in Congress.

We are all reeling from the situation in the Middle East. Passions are running high throughout the country, but they are especially intense on college campuses. Every student, including students of Jewish, Israeli, Muslim, or Arab backgrounds, deserves a safe college learning environment free from threats of violence and discrimination. It should go without saying that threatening violence against people because of who they are is illegal and never acceptable.

The Department of Education's Office of Civil Rights is primarily responsible for combatting anti-Semitism, Islamophobia, and other forms of discrimination in higher education. The Office of Civil Rights has already seen a dramatic rise in Title VI discrimination claims in the wake of the October 7th attack by Hamas. The Office of Civil Rights needs sufficient funding to carry out its civil rights enforcement mission.

President Biden's budget requested a 27 percent increase in funding for the DOE's Office of Civil Rights, but MAGA Republicans are pushing to slash its budget. MAGA Republicans need to stop playing political games with Jewish lives, with Muslim lives, and all students' lives by giving the Department of Education the money that it needs to keep students safe.

Professor Nadell, what lessons can we draw from the long history of anti-Semitism, and what do you think criticism of the Government of Israel—or let me ask it this way: Do you think that criticism of the Government of Israel is always anti-Semitic, or does it depend on context and how such criticism is expressed?

Ms. NADELL. Thank you for your question. As a historian, I think everybody depends on context. I think we always need to think more broadly.

It's very clear the criticism of the Government of Israel is not *ipso facto* anti-Semitic. If it were, hundreds of thousands of Israelis who we have watched in the past months turning out to throng the streets of Tel Aviv, and if every city and hamlet in Israel would have been seen as anti-Semitic. So, criticism of the government's policies is not by itself anti-Semitic. However, what is anti-Semitic is absolutely to deny the Jews the right of self-determination, a right that is internationally protected, and to call for the destruction of the State of Israel. So, there's no question about that.

What we know from the long history of anti-Semitism is we know that Jews live with memories of hate against their people that go back to ancient times, and that they live with the fear or with the sense that they may encounter it in their lifetimes and that they are afraid that it will continue forever. We know that anti-Semitism in those three little examples I gave you, that anti-Semitism has coursed across American history. It has risen in some time periods, and it has been more under the radar than others.

Historians used to call the years between 1933–1945 the high tide of American anti-Semitism. I have been saying, not just since October 7th, I have been saying for far longer that we are living in the high tide of American anti-Semitism, but I won't be around to write about that. What we hear from the students, but also what we hear from those who are afraid to walk into their synagogues, who are concerned about the future of their children, of their grandchildren.

Ms. NADELL. My niece did not send her daughter to a Jewish preschool on the day of global jihad because she was afraid it would be attacked. We need to deal with that in the United States.

Mr. JOHNSON of Georgia. Thank you. It wasn't made easier when ex-President Trump made his remarks about there is good people on both sides when he was talking about down in Charlottesville.

Thank you, and I yield back.

Ms. NADELL. Thank you.

Mr. ISSA. The gentleman yields back.

I now recognize the gentleman from Florida, Mr. Gaetz.

Mr. GAETZ. I want Israel to win and Hamas to lose, but this is not an Armed Services Committee hearing about the military, it's a Judiciary hearing about speech. In that vein, I am reminded of the great words of the philosopher Austin Powers who said, "There's only two things I can't stand: People who are intolerant of other people and the Dutch."

A similar tension seems to be on display today, because on one side of the witness table we have people saying we have speech that we would like to have vindicated, and we are under this tremendous pressure from these entities that offer hecklers veto of what we're trying to get out. Then on the other side of the table you have people saying, well, there's speech we really don't like that's anti-Semitic and problematic, and we've got to figure out ways to root it out.

There is an inherent tension in having that discussion on those terms. Increasingly, it feels as though, if we like speech, then any effort to constrain that speech is really problematic and the Committee needs to explore it. If we don't like speech, we're increas-

ingly censuring it on the House floor, we're increasingly confronting it on pretty negative terms.

So, I guess I want to just go through some of the statements some of our witnesses made. So, Mr. Marcus, a celebration of what happened on October 7th, let me disclaim, is offensive, horrid, but is it Constitutionally protected speech?

Mr. MARCUS. Thank you, Congressman. It may be, but it depends, and I'll give you an example.

Mr. GAETZ. OK.

Mr. MARCUS. If you say, I'm going to celebrate Hamas, and then you celebrate them by giving a big talk, doing a little dance, that can be deeply offensive and protected.

Mr. GAETZ. Right.

Mr. MARCUS. If you say, I celebrate Hamas, I am part of Hamas, their mission is my mission and I will do what I can to advance them, that may be material support for terrorism, depending on what exactly you do.

Mr. GAETZ. No, I think that's right, but what you focused on there is the conduct. I think that was a really good explanation in parsing of it, because speech is different than conduct. When someone says, I associate with this known terrorist movement, then that association has more sort of a conduct flavor than someone saying, I think what happened on October 7th was good, right?

Mr. MARCUS. So, I think that's right, Congressman, but with one caveat from the law, interpreting the Terrorism Act, which is the following: Material support doesn't need to be dollars; it could be guns. It doesn't need to be guns; it could be pens. It can be the sort of PR activity that could be done by a commercial firm.

Mr. GAETZ. Now, see, that's the thing. PR activity sounds a lot like people talking. So, I just we think have to be careful with that.

I do want to move on because—I think it was Dr. Nadell. Is it possible to criticize George Soros without being anti-Semitic?

Ms. NADELL. I don't know all the tropes that people use to associate with George Soros, but when they talk about—

Mr. GAETZ. No, no, no, no, no, no, no, no, no, no. Not when they talk about something else. Is criticism against George Soros ever not anti-Semitic? That's the question.

Ms. BURDETT. I would have to address that.

Ms. NADELL. Ms. Burdett has offered to answer that question.

Mr. GAETZ. No, no, but you mentioned Mr. Soros. I want you to answer it. There's no phone and a friend here in the Judiciary Committee.

Ms. NADELL. What has happened in the United States is that we use different code words.

Mr. GAETZ. That's not the question.

Ms. NADELL. No, wait, I'm answering your question.

Mr. GAETZ. OK.

Ms. NADELL. We use different code words to disguise anti-Semitism. So, Soros has become the code word that replaced Rothschild, that replaced Shylock.

Mr. GAETZ. Is it possible to criticize them without being anti-Semitic?

Ms. NADELL. I don't know the context. I'm not going to talk without knowing context.

Mr. GAETZ. That is just an astonishing thing. Similarly, you said any critique of globalism is anti-Semitic. Now, that really is an Austin Powers—

Ms. NADELL. No, what I said was that the word “globalist”—I didn’t say any critique of globalism.

Mr. GAETZ. OK.

Ms. NADELL. What I said was the word “globalist” had become the new code word—

Mr. GAETZ. It’s not—hold on. I’m going to read—

Ms. NADELL. —for the internationalist code word from the previous period.

Mr. GAETZ. You ascribe that motive. See, when I criticize globalism, I’m often criticizing the United Nations, which then in turn goes around and criticizes Israel. So, if critiquing a globalist entity that criticizes Israel is anti-Semitic—

Ms. NADELL. So, why use the word “globalist” instead of the U.N.?

Mr. GAETZ. Well, because the U.N.’s goals are to have global order over things that deprive countries of their sovereignty. One of those countries is Israel. That is the great hypocrisy of what I think is, frankly, a reverse trope that any criticism of Soros or any criticism of globalism is somehow anti-Semitic. Sometimes they’re just criticisms of Soros and of globalism.

I see my time’s expired, and I yield back.

Mr. ISSA. I thank the gentleman and yield back.

We now recognize the gentleman from California, Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chair.

Thank you all for being here to testify.

Like so many millions of people, I watched the events of October 7th with unbridled horror. I found it hard to wrap my head around the magnitude of the brutality, the nature of the butchery, the murder of whole families, the rape of women, the desecration of bodies, the burning families alive, families clutching each other lying in bed as they were machine-gunned. I ask myself, how is it possible that people could commit such acts of barbarism?

I think I probably speak for many in the Jewish community when I say that as horrifying and traumatizing it was to witness that, it amplified the pain to see the reaction. The almost immediate reaction in the United States and around the world was to not condemn the butchers, but to condemn the victims, to celebrate Hamas’ acts of unbridled terror.

Then I asked myself a different question: How is it possible that people could justify the butchery of whole families, the wanton, deliberate violence directed against these innocent civilians? How could that be celebrated? I don’t think it can be celebrated unless you view Israeli life, unless you view Jewish life as somehow less than a human life.

We spend a lot of time debating the definition of “anti-Semitism.” I’m not sure I could give you a clear, analytic answer to that question, but seems to me at its most basic, viewing Jewish life as less than human life is the very definition of anti-Semitism, or it’s certainly anti-Semitism in its most extreme form.

What I see happening on the college campuses, with the glorification, with people talking about how empowered they felt at see-

ing women butchered, peace activists mowed down, the fact that many Jewish students don't feel comfortable expressing their Jewish identity at a time of their lives when they should be free to discuss whatever issues they want, free to be themselves, it's just horrifying.

I remember years ago talking to the President of the Jewish community in France at a time when many Jews were leaving France because they didn't feel safe there, and he told me the French Government was doing what they could to protect the Jewish community, but who wanted to live in a country where you needed protection. I remembered thinking years ago, thank God that's not the case in the United States. Now it is the case. Not for Jews alone. We've seen the horrific rise of Islamophobia. Even as we mourn the death of an older Jewish man in Los Angeles who died when struck at a protest, we mourn the loss of a six-year-old Muslim child. It's just horrifying.

Dr. Nadell, I'd be interested in your thoughts on how you see anti-Semitism today, how is it different in character than what we've seen in the past?

Ms. Burdett, I'd be interested in your thoughts on how hate online leaps into the real world and what we might do to combat that.

Ms. NADELL. The anti-Semitism that we see today, since you've closed with hate online, is horrifically magnified in a way that it has never been this magnified before because it is—you can reach millions and millions of people by expressing anti-Semitic ideas, including all these old ideas about Jews as internationalists and all the ideas about Jews as corrupted by money.

So, what we have in this moment in time is we have millions of people, especially when leading personalities, whether they are members of the government or they are entertainment figures, when they posted these kinds of anti-Semitic messages, and then they—it just explodes. It goes viral.

I don't spend time looking at the social media because I think you could just spend all your time doing it. I had a student last semester in my course, Anti-Semitism: Enduring Hatred, who told me that she had spent the previous week 40 hours looking at TikTok videos. So, I looked at her, I said, "When did you ever do any of your schoolwork?" I was a little concerned. The point is that anti-Semitism is magnified in a way today because of social media that was just unimaginable in the earlier eras.

Mr. ISSA. I thank the gentleman.

We now recognize the gentleman from Arizona, Mr. Biggs.

Mr. BIGGS. Thank you, Mr. Chair.

Thank you for our panelists, for all of you being here today. I appreciate it very much.

So, I just want to point out to my friend from Georgia, who has left the room, that apparently 22 MAGA Democrats also voted in favor of the censure resolution last night. So, I think that's important to get out.

Be that as it may, I want to just kind of get into some of this, deal with some of the anti-Semitism. We'll also talk about the anticonservative bias in education.

So, I am going to give you two personal examples. I belong to a church. I think it's the only American church that's ever been actu-

ally an extermination order was issued by a Governor, Governor Lilburn Boggs of Missouri, to actually give license to kill members of my religion over 150 years ago. I can a little bit—the other thing is—just to relate to this.

So, we talked about the U.N. just a moment ago. So, at 40 years old, having practiced law and tried literally hundreds of cases, actually representing the NGO's at the United Nations and other multilateral institutions—by the way, there is no other organization I know that is so openly anti-Semitic, in my opinion, than the U.N. The Israeli representative was constantly ostracized and ignored and maltreated, in my opinion.

Anyways, so I decided to go back because being a lawyer at the international level, that was good. Being a Ph.D. at the international level and a lawyer really got a lot of credence. So, I decided to go back to get my degree. Unafraid, very conservative.

The one thing I know is when I was on that campus in Arizona—by the way, somebody mentioned that I graduated from elite universities—I can't wait to tell ASU, U of A, and BYU they're considered elite by some Congressional witnesses.

The point is, as I was there, I had to duck and hide my beliefs because the professors held every—they held you. You're sitting in a master's degree or Ph.D. class in seminar, how could I express my thoughts knowing that a grade below of B because a professor, the professor disagrees with me? I experienced that. They control your destiny.

So, I want to ask about—to our three students. Tell us a little bit—we'll start with you, Ms. Silberstein, Ms. Jordan, and Mr. Ogrydziak—is that how you say it? Close enough—a little bit about whether the administration or the institutional—or the institution, whether it's Cornell, Iowa, or Buffalo, did anything to hinder your identity as a student or your beliefs or your—let's just go with that.

Ms. SILBERSTEIN. Thank you, Congressman. As for Cornell, in the case of anti-Semitism, following the massacre on October 7th, President Pollack issued a statement in which she essentially conflated the horrific massacre of Jews on that day with various natural disasters occurring in the world, such as an earthquake in Afghanistan, which was extremely baffling, tone deaf, and insensitive, and truly hurtful to the Jewish community on campus.

Now, many incidents, as I've mentioned, have occurred since then in which the Jewish students at Cornell have been threatened repeatedly, most recently with a student's comment posted online to directly go after and attack students.

Mr. BIGGS. So, when we have a threat, that is not protected speech, that is criminal speech. Was there criminal prosecution, investigation, or arrest made in that case.

Ms. SILBERSTEIN. In the case of the student who was just arrested?

Mr. BIGGS. Yes, tell us.

Ms. SILBERSTEIN. Yes. So, this student was arrested, I believe, last week, and he was arraigned. He is currently being held. His parents claimed that he made these comments due to his mental health issues. Regardless of any mental health issues that could have caused these statements, it's evident that the sentiment created on campus by professors and students alike of pervasive and

just widespread anti-Semitism and anti-Israel rhetoric has created such an atmosphere that has enabled him to make these comments. That really fueled the fire within many students who may feel hostile to Israel to attack Jews because of it.

Mr. BIGGS. Mr. Chair, while my time has expired, I ask the questions of the others, may they respond, sir?

Chair JORDAN. [Presiding.] They may respond to that.

Mr. BIGGS. Thank you.

Ms. JORDAN. Thank you for your question. So, our flyers have been torn down. Our chalk is washed away. We even had an advertisement sign for one of our speakers, Chloe Cole, stolen. The police recovered the sign, but they didn't figure out, I guess, who took the poster. We never received that back. This stuff has been ongoing, continues to go on. It's obviously showing that there isn't equal opportunity for our speech.

The left-leaning students' groups, they get their posters—like, theirs are literally right next to ours. You can see the remnants of the tape and our poster design still there, but then their posters are completely unattacked. I have met with the university president, I've met with other staff members to discuss this, and it just seems like there's no move toward change. I've asked. I was like, "OK, what can we do to at least let our messages be heard, so we can have people attend our events and hear different points of view?" I still haven't received any other options.

Because, it's a shame that we have to have different things be done so that we can have our speech heard. We should have the equal opportunity to have our flyers up just like their left-leaning students. We should have equal opportunity for our chalk to be unerased, so that we shouldn't have to do something different.

Also, all these actions that these students are doing violate school policy. It's very clear in the handbook. Again, it still keeps happening. So, I just would like to see something positive. Like, just us being able to stay represented without being hindered.

Mr. OGRYDZIAK. Thank you for your question. I was very fortunate myself to not face any academic penalty while I was still enrolled at the university; however, I was also a biological sciences major. Oftentimes, political topics stayed outside the classroom. However, we did have those three professors that I had mentioned in my opening statement circulating a petition heavily protesting our Michael Knowles events, calling for it to get shut down.

So, I do recognize as well that, while I was lucky, I did not have these professors in class. I recognize other students may not be quite so lucky.

Additionally, it was very obvious that the protests following our Allen West lecture was mishandled. There was danger posed to students. This was widely documented through police reports, yet there was no apology from any university officials.

Mr. BIGGS. Thank you, Mr. Chair. Thank you.

Chair JORDAN. The gentleman yields back.

The Chair now recognizes the gentleman from California for five minutes.

Mr. SWALWELL. Ms. Burdett, you are an expert on anti-Semitism, and I want to read a few different statements to you, and if you

can just give me a yes or no as to whether you would consider them anti-Semitic.

I prefer my kids knew Hanukkah from Kwanzaa. At least it will come with some financial engineering.

Anti-Semitic or not?

Ms. BURDETT. Very potentially.

Mr. SWALWELL. "I just think that's what they're about, is making money," in a reference to Jared Kushner and his Jewish family. You think that's anti-Semitic.

Ms. BURDETT. Anti-Jewish stereotype.

Mr. SWALWELL.

Planned Parenthood was made by Margaret Sanger, a known eugenics, with the KKK to control the Jew population. When I say Jew, I mean the 12 lost tribes of Judah, the blood of Christ, who the people known as the race Black really are. This is who our people are.

Anti-Semitic or not?

Ms. BURDETT. A little too confusing for me to decipher.

Mr. SWALWELL. We'll get to that.

This ain't a game. Imma use you as an example to show you the Jewish people that told you to call me that no one can threaten or influence me. I told you, this is war. Now, gone get you some business.

Still confusing?

Ms. BURDETT. Uses two stereotypes about Jews as being motivated only by business and having nefarious control that isn't real.

Mr. SWALWELL. Last one:

I'm a bit sleepy tonight, but when I wake up, I'm going death con 3 on Jewish people. The funny thing is I actually can't be anti-Semitic because Black people are actually Jew. Also, you guys have toyed with me and tried to blackball anyone who opposes your agenda.

What do you think about that one?

Ms. BURDETT. Anti-Semitic.

Mr. SWALWELL. Yes. So, what I'm concerned about is that we have anti-Semitic posts coming from this Committee. Last October, the Chair tweeted out on October 6th, "Kanye. Elon. Trump."

Those five statements that I just read to you were from Kanye West, who had made a number of anti-Semitic statements before this tweet was put up, and then made the death con statement about a day after the tweet was put up.

I, the Chair at the time, Chair Nadler, many people in the Jewish community, asked the Chair, Chair Jordan, to take this down. It wasn't just Members of Congress. It was nonpartisan Jewish organizations who said, "Kanye West is anti-Semitic." I don't know what you're doing, but please do not give him a platform by leaving this tweet up.

It stayed up for months. Defiantly, the Chair kept this tweet up.

So, Mr. Chair, I want to be just today your accountability partner, your online accountability partner, and just go through your social media. Because if we're going to have a hearing about anti-Semitism, we can't allow a tweet like this to be posted on our side or your side.

In 2019, Chair Jordan also tweeted, "@Tom Steyer," and used the dollar sign for Steyer, to spell his name. Again, known Jewish phi-

lanthropist playing into what Ms. Burdett mentioned earlier, tropes about Jewish people and money.

So, this Committee should have a conversation and a hearing about anti-Semitism. I would first insist that the Chair—I don't know why he put this tweet up. Either he believes it, which I hope is not the case, or he just wanted to own the libs. If that's what you're doing, you're hurting a lot of people by keeping that tweet up for so long, especially knowing what it represents.

If we're talking about being your online accountability partner, Chair, you still have a subpoena in your inbox that's about 500 days old.

With that, I'll yield back.

Chair JORDAN. The gentleman yields back.

The Chair now recognizes the gentleman from California, Mr. McClintock.

Mr. MCCLINTOCK. First, does the Chair wish to dignify that with a response? I can yield time.

Chair JORDAN. No, I don't.

Mr. MCCLINTOCK. It seems to me there are only two ways I know of to resolve our differences as human beings. There's reason and there's force. I don't know of any other way.

The American Founders established an empire of reason, democracy. Freedom of speech is the beating heart of democracy. Fact, the sole purpose of this building and the others like it in this complex is solely to talk out our differences and resolve them. It seems to me there's only one way to separate truth from lies or wisdom from folly, and that's to expose one to the other and then trust the people to sort out the difference. Our entire form of government is based on that.

Speech can be ugly, it can be disgusting, hateful, prejudiced, alarming, but it can never be dangerous to a free society as long as men and women of goodwill have the freedom to dispute it, to challenge it, and to reject it. I've never been comfortable with this concept of hate speech simply because it always seemed to be a very short step between banning hate speech and banning speech we hate.

Mr. Marcus, this chant, "from the river to the sea," that clearly calls for the eradication of Israel. It is genocidal at its roots. The House just censured a Member for repeating it. Let me say it is absolutely despicable. Should that be banned or punished, the mere repetition of that phrase?

Mr. MARCUS. So, thank you, Congressman. I'll just begin by saying again that most hate speech is protected speech under our Constitution, but context matters. Are we talking about public institutions or nonpublic institutions? Are we talking about public fora or nonpublic fora? I will also say again that where one finds hate speech, one often almost invariably finds hateful conduct.

Mr. MCCLINTOCK. Well, there's a very bright line between speech and conduct. Speech, we tolerate because it can be combatted by appealing to the better angels of our nature, by exposing the nature of evil that is behind it. That's how we resolve our differences without resorting to force.

Now, my point is this: We have this chant that calls for the eradication of Israel, and we punish people for using it. Well, I hap-

pen to believe in the eradication of Hamas. I'm not making a moral equivalency. There couldn't be a stronger contrast between good and evil than that. The same freedom of speech that protects my right to advocate that position is at stake here, is it not.

Mr. MARCUS. So, I also very strongly support free speech, even freedom of speech to say things that we hate. I believe that the Trump Executive Order on Combatting Anti-Semitism does something important, which is to say it indicates that in many other areas of the law we can use speech, not as something to punish or suppress, but as an indicator of the nature of conduct.

So that, for example, if you say certain things and then throw a rock through the window of the Hallel building, your statement may be used to determine whether that conduct was intentional, whether you intended to hit the building or not, and whether it was motivated in a way that implicates either student conduct codes or other rules of behavior. I believe it is important for rules, whether within universities or within the Federal Department of Education, to use conduct in this way. That is to say, speech must be protected, but it is sometimes a way of understanding conduct which often crosses the line—

Mr. MCCLINTOCK. Well, yes, but then you're talking about the conduct and the influence to speak on it. The issue is the conduct, not the speech.

What measures—let me ask the students. What measures would you propose to protect your rights to free speech on the campuses?

Mr. OGRYDZIAK. Ultimately, I would just ask for less pushback from the university. I mean, as long as we can more equally represent all perspectives, I think it would be much easier, much more conducive to do so for other students.

Mr. MCCLINTOCK. There is a word for that. It's called tolerance.

Mr. OGRYDZIAK. Correct. Yes, and it would be much less of a step up to speak your mind when you know that violence is not coming your way for doing so. Now, it is so polarized, I just wish we can step that back or increase speech, allow others to not face such consequence when doing so that would promote it.

Mr. MCCLINTOCK. Ms. Jordan?

Ms. JORDAN. Yes. So, I support what Connor said, and I think really instilling within the campus community that we need to be more tolerant of others' beliefs, whether we agree with them or not. Like, my school does a free speech training, but people will just click through that just to get it over it. They're not actually being taught to respect people just because of beliefs.

Like, that's just what we're asking for, to be respected. We aren't asking to be doxed. We aren't asking to be violently assaulted or harassed or anything like that. We are simply sharing our viewpoint, and we respectfully listen to other students' and faculty's viewpoints, but they won't do the same to us.

Ms. SILBERSTEIN. Similar to Mr. Marcus' comments, conduct often follows words. We saw at Cornell, after chants of free Palestine from the river to the sea, which calls for the genocide of the Jewish people and the eradication of the State of Israel, that soon following that, a student posted direct threats to murder Jews on campus. Those are very interrelated, and they cannot be separated.

Mr. MCCLINTOCK. So, you're saying the conduct should be banned or the speech should be banned or both?

Ms. SILBERSTEIN. Speech advocating for violence should not be tolerated on college campuses.

Mr. MCCLINTOCK. Well, but what about the eradication of Hamas?

Ms. SILBERSTEIN. The eradication of Hamas is—the eradication or recognized terror organization?

Mr. MCCLINTOCK. Well, so it depends on your viewpoint. Is that what you're saying?

Ms. SILBERSTEIN. When students who are protesting the Jewish people's right to exist, their fellow students' right to exist, leads directly to violence against those students—

Mr. MCCLINTOCK. Who's going to decide, though, which viewpoint is legal and which one is illegal? That's what concerns me.

In a free society, we've put all those viewpoints out there and let the people make that judgment for themselves.

Ms. SILBERSTEIN. In the context of a college campus, it is the school's—the school has a right and the school is obligated to protect all its students from violence, and students should all feel safe on their campus. I know that Cornell is implementing additional DENI training that now addresses anti-Semitism that all students will be required to complete so that all students feel safe. There should be similar DENI training to prevent Islamophobia on campus as well.

When talking about college campuses, the main priority is ensuring that students feel safe and that they can freely express their opinions without feeling harmed or that harm is coming their way.

Chair JORDAN. The gentleman's time has expired.

The Chair now recognizes the gentlelady from Texas.

Ms. ESCOBAR. Thank you, Mr. Chair.

I want to make it very clear that our Committee is not undertaking this hearing today because my Republican colleagues actually care about free speech on college campuses or even care about anti-Semitism. These are the same Republican colleagues who worked tirelessly to defund all efforts for diversity and inclusion initiatives in the appropriations bills. These are the same folks who want to censor and remove books they disagree with from classrooms and school libraries. The same folks—

Chair JORDAN. The gentlelady will suspend just for a second.

Ms. HAGEMAN. My point of order was the statement that her colleagues, her Republican colleagues do not care about anti-Semitism on college campuses or freedom of speech. I would request that those words be taken down because they're absolutely untrue.

Mr. NADLER. It's just a matter of opinion. It's a matter of opinion, it's not—

Chair JORDAN. The gentlelady from Texas was stating her opinion. We've talked about this before in the Committee. I think all of us should be cognizant of attributing motives to our colleagues and/or other individuals in the government. Whether that be the President, the Vice President, or former President, we should all be cognizant of that.

The gentlelady is recognized for the remainder of her five minutes.

Ms. ESCOBAR. I'll correct that. I'll say some of my Republican colleagues.

However, again, these are the same folks who've worked to defund efforts for diversity and inclusion initiatives in the appropriations bills. Those are a matter of record. Those votes are available for anyone to view.

These are also some of the same folks who want to censor and remove books they disagree with from classrooms and school libraries, and the same folks who balk at the prospect of teaching accurate history lessons on slavery and its repercussions in the United States. All that is on the record and factual and available for anyone to review.

What is going on here is that there is an effort to capitalize on an emotionally charged issue to sow further frustration and division. I have frequently complained and expressed my concerns around the fact that there are egregious efforts to continue to divide our country, and many of those efforts are coming from this Committee.

In the last four weeks alone, we've seen horrific incidents in the United States fueled by both anti-Semitism and Islamophobia alike. In the community that I represent of El Paso, Texas, we know full well, my community knows full well the power of speech, the power of hate, and how that drifts into conduct.

On August 3, 2019, a White supremacist drove over 10 miles—I'm sorry—10 hours to my community, and he published a screed online talking about the invasion of migrants and Hispanics and immigrants into the United States. Many of us flagged that speech as dangerous and life-threatening, and yet Members of this Committee continue to use that same speech, knowing full well the kind of danger it creates for my community and other communities like mine.

I want nothing more than for students to feel safe on their college campuses. I want all of us to feel safe and be able to express our opinions and to be able to address controversy head-on without fearing for our lives or the lives of people who live with us, among us, near us.

These conversations are critical and important, and I want to thank our panelists for participating in these conversations. It is really important that all of you put pressure on all of us to ensure that everyone can live in peace and dignity, free from the fear of violence, especially young people on college campuses.

Professor Nadell, Ms. Burdett, can you give us concrete strategies and policies that colleges can use to create those safer spaces for young people?

Ms. NADELL. You want to take it?

Ms. BURDETT. Sure. Thank you very much for your question. Indeed, there's a lot of serious work to do on this issue, and there are actions that could help that aren't being taken, aren't being funded. I respect very much the spirit of what you're saying.

So, campuses have rules, and the way we use our rules tells the story of our values. That's why I mentioned campuses are—they've had someone arrested, they have suspended people. There are privacy concerns around speaking openly about disciplinary action against a student, especially in such a charged time. You get a pro-

test permit. There's an approval process. There are rules you have to follow in that protest. Not all speech is permissible in our country and on a campus.

I think we heard one of the Committee Members say before that it's just up to people to decide. That's just not OK. Because, of course, I'm here to testify on behalf of free speech. I'm invited by the Democrats. I don't know why someone tried to divide this witness panel into two sides. I haven't heard two sides. I've heard people of conscience, my fellow panelists.

When you call immigrants vermin invading our country, hates crimes against people who look like an immigrant go up. I'm a practitioner. That's my indicator.

When Israel is in the front page and people are fighting about Israel, and you assault a Jew because of their connection to Israel, that's bigotry, that's a hate crime.

Words do have consequences. Of course, we can walk and chew gum at the same time. I like the Austin Powers movie also, but we are civil society and elected leaders. We can distinguish the difference between free expression that people don't like, including conservative views that should be aired on campuses.

Ms. Jordan should never have been called a Nazi. I was tearing up while she was talking about it. Words have consequences, and we can't just have Lord of the Flies in our free speech marketplace.

Thank you for that question.

Ms. ESCOBAR. Thank you.

Chair JORDAN. The gentlelady yields back.

The Chair now recognizes the gentleman from Texas, Mr. Hunt.

Mr. HUNT. Thank you, Mr. Chair.

College and free speech go hand in hand. College is meant to be a place where students are safe to express ideas and confront ideas that they may or may not necessarily agree with.

We've heard for years about microaggressions and how silence is violence. Colleges have spent years condemning and martyring speeches they deem dangerous. When actual physical threats or violence occur, do colleges know how to react?

Under the logic of the left, microaggressions are hate speech. Physical threats of violence can be free speech, depending on if the group being threatened is not oppressed enough.

It appears that colleges have labeled everything hate speech but hate speech itself. They claim to be committed to diversity, equity, and inclusion, but the dirty little secret is that there is a hierarchy of oppression within a DEI club. Colleges fail to act when they consider these less oppressed groups to be threatened.

Tragically, universities have put their responses to free speech under the DEI lens, and oftentimes that lens fails to respond to threats for fear of angering the DEI gods.

I went to Cornell. I earned three master's degrees in four years from Cornell. I went to Johnson, our law school, and got a master's in public administration. I graduated in 2015. I didn't see any of this when I was there. I cannot believe what has happened over the course of the past year.

The threats to you, ma'am, are pretty disgusting. It is not just happening at Cornell. It's happening all over the country. The attacks are not just coming from students.

A week after the horrendous Hamas attacks on Israel on October 7th, Cornell professor, Russell Rickford, said at a rally: “Challenge the monopoly of violence, and that terror attacks against defenseless Jews were exhilarating and energizing.”

I have a motion to submit to the record a letter from Cornell President Martha Pollack addressing that issue, sir.

Mr. HUNT. According to this letter, Professor Rickford’s punishment is that was placed on this person was a leave of absence for the duration of the academic year while the university is considering whether or not his personal opinions demonstrate an unfitness to serve. An unfitness to serve. That’s it.

This man was praising Hamas attacks on Jews, and there needs to be an investigation as to whether or not this guy displayed a fitness to serve.

I think this response from Cornell demonstrates the problem going on in our institutions of higher learning today. I have a sneaking suspicion that if this professor made these hateful statements against Muslim students, Black students, like me, or trans students, the professor would have been out of a job immediately. No investigation. I dare anybody who would tell me I’m wrong, because of what we see virally in schools in the past few years.

As a Cornell alum and a father of three children, I can guarantee you that if this is how this university is going to approach anti-Semitism, my children will not be attending Cornell.

Whenever we have this kind of behavior and people don’t step up and call it out for what it is, we have students that then make comments like Patrick die. He said:

If you see a Jewish person on campus, follow them home and slit their throats. Rats need to be eliminated from Cornell.

Interesting. He also said:

Rape and kill all the Jew women before they birth more Jewish Hitlers.

I’m a combat veteran. I’ve seen a lot. I’ve heard a lot. I’m an Apache pilot, so you can imagine some of the things I’ve seen in combat. Hearing things like this really boils my blood, because it shouldn’t be happening to students like you.

I’ve been Black for my entire life. I’ve been as conservative probably about as long as I’ve been Black.

Ms. Jordan, thank you for being here. It’s OK to be Black, and you don’t ever—be a Black conservative, and you don’t ever have to put up with anybody telling you differently. This is America. I fought for these freedoms, and you have the right to think however you want to think and express it the way that you see fit, without persecution.

Ma’am, thank you so much for being here. I really appreciate it.

The text messages that I have gotten from my Jewish friends and colleagues that actually took me to Israel twice while I was at Cornell during Passover to learn about their culture, I promised them that I would defend them. I promised them that I would defend their rights, and we will continue to do just that. We are not going to rewind this clock back to 1930, not on our watch.

I really appreciate your bravery. Thank you so much for being here.

I yield back the rest of my time.

Mr. TIFFANY. [Presiding.] The gentleman yields.  
The Chair recognizes Ms. Ross for five minutes.

Ms. ROSS. Thank you, Mr. Chair.

I don't know what's going on with this—but thank you to all the witnesses for being here today. This is a highly charged topic at a highly charged time in our country, but it's not new.

I want to begin by joining my colleagues in condemning all forms of anti-Semitism on college campuses and all forms of discrimination. That is not what America is about.

Like many communities across the country, my region in North Carolina has seen a spike in anti-Semitic incidents since Hamas' horrific attack on Israel on October 7th. We had seen a spike earlier.

That's why Congress is giving money to religious institutions, in particular, to synagogues, to be able to protect people. When I have worshipped with my constituents, there are armed guards in front of synagogues in my district.

I've also spoken to Hallel leaders in North Carolina, who have told me that their students, in particular, have reported an alarming number of anti-Semitic incidents in the past month, and these students fear for their safety. All students, whether Jewish or Muslim, progressive or conservative, deserve a safe learning environment at school.

College campuses are supposed to be places where people can discuss ideas, including foreign policy, with civility and with the goal of understanding different perspectives and learning from their peers. This sort of environment is only possible when harassment, discrimination, and behavior that seeks to silence, intimidate, and dehumanize is not allowed.

Congress' role here should not be to dictate which perspectives held by students are acceptable but, rather, to address this problem writ large. It is the duty of the Department of Education's Office of Civil Rights, an office that my colleagues on the right have refused to fully fund, to help you with this mission.

At this moment, when tensions on college campuses are high, we must ensure that the Office of Civil Rights has the tools it needs to properly address anti-Semitism and all discrimination on college campuses.

My first question is for Professor Nadell and Ms. Burdett. Could you just—let's go back to the basics. Why is it important that students at universities have freedom to espouse and explore a wide range of ideas?

Ms. NADELL. It's critical that the university continues to uphold the value of free speech, because what happens on the university campuses is that these are the places where our students learn to be future leaders. How are they going to learn to be future leaders if they're not exposed to opposite ideas and different points of view?

I think one of the most powerful statements comes from the dean of students at the University of Chicago when he wrote to the entering class of 2020, and he told them that, yes, you have to be on campus—campus is certainly a place where you cannot be challenged, you cannot be threatened. There are not going to be trigger warnings in the classrooms, that you cannot shut down a speaker. Speakers have to be able to come and hear the points of view.

I've heard what the students have said about their campuses. At the University of Chicago, they have upheld the value of hearing these diverse points of view so that when their graduates go out into the world, they can become leaders and they know what people will be saying on multiple sides of issues. So, we have to maintain that value.

Ms. ROSS. Ms. Burdett, do you have anything to add to that?

Ms. BURDETT. Of course. Universities have harder jobs than any of us in this room, because they have to teach people how to think, not tell them what to think. We haven't really mastered that.

They are chartered. Their mission is to create a platform that students, including some of the young people in this hearing room and Jewish students, can fill with their ideas and their perspectives and their voices. That's how we learn.

I don't think for one minute there's a university that doesn't know what's right and wrong when it comes to, was Hamas justified in that massacre? They have a very hard job. They agreed in 1967, the University of Chicago issued the Kalven principles, which is still a very influential document. They protected the right of young people to say, I don't want to die in Vietnam. I'm scared. It wasn't always the predominant view.

So their jobs are hard. We sit around and tell people what to think all the time. It's really harder to teach them how to come to their own conclusions. I just have utmost respect for the challenge they're facing. We should be helping them do better, not walking away and pulling our marbles and our funding and our kids away.

Thank you.

Ms. ROSS. Thank you, Mr. Chair. I yield back.

Mr. TIFFANY. The gentlewoman yields.

I will take five minutes for questioning now.

First, I will deign to respond in regards to the gentleman from California in regards to anti-Semitic tropes, in particular, in regards to one gentleman named Tom Steyer. That had nothing to do with anti-Semitism. He was a Presidential candidate. He was taking his enormous wealth and putting it into a Presidential campaign. In America, it is fair game to be able to criticize someone when they've chosen to enter the field of politics.

The gentleman, Mr. Steyer, threw in huge dollars. He was described by the gentleman from California as a philanthropist. He was a Presidential candidate who was throwing in hundreds of millions of dollars to political campaigns here in America. That is fair game. Using the cudgel of racism to stop free speech is also wrong.

Mr. Marcus, if you could do it really brief, so many of us—I have three children, much the same age as them. Where is this intolerance coming from? Where is this intolerance that really is a bit foreign for someone who went to college a few decades ago? Not just the anti-Semitism. Where's the intolerance coming from?

Mr. MARCUS. Mr. Chair, this has been a long time coming. The intolerance toward other groups is not unrelated to the intolerance toward Jews. We have, for too long, seen political polarization throughout our country, with extreme aspects on the college campus.

There are extremists on the left. There are extremists on the right. On the college campus, the extremists on the left have con-

siderably more influence, louder voices, and the greater ability to make their views heard. Oftentimes, that means not just presenting their own opinions but trying to silence others.

Mr. TIFFANY. Thank you for that.

So, I turn to Ms. Jordan. Why do administrators fear the left?

Ms. JORDAN. I would say that they fear the left because they don't want to hurt their feelings. I know that they probably are trying their best to be equal, be fair, but it honestly feels like they are favoring those students. I know there are a lot of different departments within a Big Ten university, and so some of those—we have a lot of diversity, equity, and inclusion spaces.

So, a lot of those that are directly funded, directly associated with the university, those are especially the leaders in initiating the activities that I feel like coddle left-leaning students and empower them to attack us.

Mr. TIFFANY. Because, Mr. Ogrydziak, isn't it true that they don't fear you on the right on campus, that you're going to tear things down, that you're going to go out and do a nasty demonstration to deny somebody from coming into the campus who comes from the left point of view to speak? I'm assuming that administrators don't fear you guys.

Mr. OGRYDZIAK. I would certainly hope that they would never expect us to commit any acts of violence against opposing speakers.

Mr. TIFFANY. So, we heard earlier in testimony, the quote was used in one of the panelists:

We have failed them. By the time it gets to the Office of Civil Rights, we have failed them.

So, Mr. Marcus, why would we put more Federal dollars into something like this? I think this is part of what you're hearing from some of us up here is we are saying, is there really a Federal role? Should we be pumping more Federal dollars in?

In fact, as we put more Federal dollars in and we hear about more intolerance, less tolerance for free speech, are we going in the wrong direction by saying, Federal Government, you should try to do more, because maybe the Federal Government is being counter-productive?

Mr. MARCUS. Mr. Chair, my experience with the Office for Civil Rights is that it has had lean years, and it has had fat years. In either case, the head of that agency has been able to do what the head feels needs to be done. That is to say, there may be in a particular year 15 or 17 or 19 thousand cases, but the number of anti-Semitism cases will never be one percent and will seldom be one-tenth of a percent.

So it is my sense that while there may be political reasons and a host of policy reasons to support either increases or decreases of the budget for that agency—and the Brandeis Center is a non-partisan group, we don't support others—that the Office for Civil Rights can focus the resources it needs on fighting the problems that needed to be fought as long as it has the political will and regardless of the budget in a particular year.

Mr. TIFFANY. I want to get one more question in here for Ms. Silberstein. By the way, you're engaged with one of the most incisive questioners we have up here in Mr. McClintock. It is a terrific lesson many of us have learned.

Why not tell parents, just take your dollars elsewhere? If Cornell is going to act the way they do, if Madison, University of Madison refuses to condemn pro-Hamas demonstrators chanting glory to the murders, why not just tell parents to take your dollars elsewhere?

Ms. SILBERSTEIN. Of course, private individuals are entitled to do what they wish with their money. With regards to sending students to these schools, I've been faced with that question numerous times and have had to grapple with it myself, about why I would put myself in such a situation that could potentially lead to my own harm.

I have gone to a Jewish day school my entire life. Coming to Cornell, I was hoping to encounter a variety of diverse perspectives from whom I'd be able to learn. On coming here, I've realized that I've been hit with a lot of hatred and virulent anti-Semitism, and it's something that makes me feel the need and the right to be there more, to combat it and to continue to fight against it and to not let it win.

Mr. TIFFANY. I want to thank all the witnesses for being here today. Thank you very much.

Ms. BURDETT. May I have a minute to clarify my words that were used? Is that possible within the rules?

Mr. TIFFANY. Sure. The Chair will give you—let's take a minute. Go ahead.

Ms. BURDETT. Thank you. Thank you very much, Mr. Chair.

So, I'm the one who said we failed them. Fighting hate and preventing hate is a whole-of-society job. We all have a job to do. If all we do is investigate a crime after someone's dead because of their identity, I'm just saying we can interrupt it earlier.

I hope we won't throw up our hands about what the United States of America and its government can do to help encourage our society to be more tolerant and moral. So, let's please not throw up our hands. Interventions work.

When the FBI counts hate crimes, that is a deterrent. When a school has a policy against hate, all they have to do is post it online, there are less hate crimes. So, let's just make the FBI count hate crimes. It's optional right now. Why?

Ms. TIFFANY. So, Ms. Burdett, we can have more of a discussion on this offline. Thank you for your comments.

Ms. BURDETT. Thank you for the time.

Mr. TIFFANY. I yield and would like to recognize the gentlelady from Georgia for five minutes of questioning.

Ms. MCBATH. Thank you, Mr. Chair.

As a woman, a woman of color who's lost her son to murder, the very kinds of bigotry and discrimination and hatred that we're talking about today, I wake up every single morning, and when I see all the elevated instances of anti-Semitism and bigotry and hatred and just racial division, I ask God every single day, are we losing our humanity?

With that said, first I'd like to thank the Committee for holding this critical hearing to highlight the need to fund the Office of Civil Rights at the Department of Education and the importance of diversity, equity, and inclusion offices across our schools as we address these incidents of hate speech across our college campuses.

Yes, we have a right to speak our minds. We have a right to share our views and be ourselves. Free speech is an invaluable right that is granted to us by the First Amendment, and we must use it to nurture our diverse and ever-changing country. However, in a Nation made up of many cultures and backgrounds, hate has no place, especially at our schools where the minds of our young people are really being nurtured.

College campuses are places where people expand their knowledge, they gain new perspectives, and pursue future success. The recent occurrences on campuses where students have use their freedom of speech to harm and intimidate their classmates are despicable and should prove our absolute need to incorporate diversity, equity, and inclusion education throughout all of our school systems.

Not only would DEI offices and education reducing the likelihood of these events happening in the future by bringing awareness and knowledge to students who otherwise, they may not learn about the richness of other cultures until well into their adulthood, but it will also educate and support the diverse interests of our children. I truly believe this at heart, because I'm a mother to my core. I mean this with every fiber of my being. We are losing our way.

In addition to DEI offices, we need to fund the Office of Civil Rights to equip students and faculty experiencing intimidation, threats of violence, and other harmful acts with the tools necessary to protect them. Without these support resources, students will continue to live in fear of harm while they know that they have little or no support in the event that they experience such personal and hate-filled instances.

Thank you, Mr. Chair, for having this hearing today. Let's work to protect our students and affirm the value of all cultures by funding the Office of Civil Rights at the Department of Education and supporting diversity, equity, and inclusion programs on campuses across our country.

Ms. Burdett and Dr. Nadell, throughout your professional careers, have either of you found that individuals with a better understanding and background of cultures dissimilar to theirs tend to be more understanding and accepting when speaking to or about someone who's from a different culture?

Ms. BURDETT. One of my favorite things about the President's strategy against anti-Semitism is that it talks about the need to celebrate Jewish heritage. Of course, understanding matters. That is where communities can actually stop problems before they happen, with understanding.

You mentioned DEI. There are people out there who want to tell Jewish people that DEI, those three letters are our enemy because it doesn't care about Jews. I work with DEI professionals all the time. Sometimes they weren't addressing anti-Semitism in the past, and it's a process to explain it, to integrate Jews into DEI work. Everything I hear these last four weeks tells me Jews want to be welcome and included, and that's what the "I" stands for.

Ms. MCBATH. Thank you.

Ms. BURDETT. Thank you.

Ms. MCBATH. Dr. Nadell.

Ms. NADELL. What I would add to that is that it is imperative to understand and learn about the diversity of cultures in American life.

So, to respond to one of the things Ms. Burdett said, we have had proclaimed in the United States May as Jewish American Heritage Month at least since one of the Bush Administrations, I forget which one, maybe at least since 2004, and that this is a way in which Americans can learn a great deal about Jewish Americans. We also have an array of specific months dedicated to learning about the different cultures of the United States, and so we need to support those efforts.

Ms. MCBATH. Thank you. I yield back.

Chair JORDAN. [Presiding.] The gentlelady yields back.

I should have mentioned this earlier. You've been here now about a couple hours, almost three hours. If anyone needs a break, just let us know. If you need to step into the restroom or anything, just let us know. We probably have about 45 more minutes of questioning. We'd like to keep going, because we are going to have to go to the floor for votes. So, if it's OK with you, we'll continue to go.

The Chair now recognizes the gentleman from Texas, Mr. Roy.

Mr. ROY. I thank the witnesses. Thank you for being here.

A couple of questions, particularly for the students, and appreciate you all being here. Have any of the three of you ever in any meaningful way received support from the Department of Education to perpetuate your viewpoints on campus, to the best of your understanding?

Mr. OGRYDZIAK. I have not received any supporting sentiments from them, no.

Mr. ROY. Ms. Jordan?

Ms. JORDAN. I have not received sentiments either.

Mr. ROY. Ms. Silberstein?

Ms. SILBERSTEIN. I, as well, have not received any.

Mr. ROY. Yes. I hear a lot from my colleagues on the other side of the aisle about how important it is to have these offices of diversity, equity, and inclusion. I'm just wondering if any of the three of you—we dance around these topics all the time in this thing, but we have a White male, we have a Black female, we have a Jewish female.

Have any of you felt exalted or supported or helped by these offices of diversity, equity, and inclusion so that you feel comfortable on campuses?

Ms. JORDAN. Never. Actually—so the story I was telling earlier about how I was doxed in a group chat of over 800 students, those were all Black students. It was a group chat for Black people on campus. At the time of my involvement as Secretary of Young Americans for Freedom, I served as the first-year representative on the Black Student Union, which is an organization within the Afro House, which is a part of the DEI organization department within our school. They requested my removal. They had a meeting for that, and they said, if I did want to continue being on the board, "I'd have to have a discussion with the executive board and their director on how Black students can have different viewpoints."

I decided to discontinue my position, because I felt like that's unnecessary. You shouldn't have to have a discussion on how people can have different viewpoints, because that's common knowledge.

Mr. ROY. Ms. Silberstein, anything to add?

Ms. SILBERSTEIN. Yes. I would just like to point out that I've only been at Cornell for about 1½ years now, and this problem far exceeds my time at Cornell. It has been a persistent problem on college campuses for many, many years.

My brother attended the university about five years ago, and swastikas were posted outside of his dorm. Following the Tree of Life synagogue shooting a few years ago, three swastikas were found within nine days on campus. Then we're seeing this happening now.

Mr. ROY. Did the university do anything about that?

Ms. SILBERSTEIN. The university issued what was, in my opinion, a weak response. Clearly, it is evident that it was weak as it has persisted on campus and nothing is being done to stop these hateful symbols from being spread around campus.

Mr. ROY. Ms. Silberstein, a quick question for you and a question for the three of you. So, I have this concern right now that I believe that we've got a world in which students fear disagreeing with professors don't feel afraid for calling for the eradication of Jews, for example.

Now, there might be some free speech lanes that are wide enough to have some very hateful statements made, and I certainly support a very wide lane of tolerance with respect to free speech and the First Amendment. The point here is something a little bit different, because all of us who have gone to law school and have studied the whole idea of yelling fire in a crowded theater, right, that we all get that there are some limits to speech.

I fully associate myself with the remarks of the gentleman from California, Mr. McClintock, in our need to defend free speech. I feel like there's something that we are not talking about here that's actually at the center of all this while we just go around the barn saying the same stuff over and over again, and that in a world in the 21st century with TikTok and with a whole lot of, say, political actors and technological actors at play driving rhetoric and speech and driving what people see as news and information, that we've got elements that are arising to something akin to yelling fire in a crowded theater.

I'm looking at TikTok data over the last week, and I'm seeing a massive ramp-up of the stand with Palestine versus the stand with Israel. This is not accidental. That's not just something that just materializes.

My point is, when there's purposeful action designed directly to foment actual response and hate and targeting of individuals, you have now stepped into the very action that the gentleman from California, Mr. McClintock, was talking about.

So, my question for you as students: To the extent that you think that these devices are harmful or helpful for society generally—and I've got my views on that—with respect to TikTok and the use of technology, can you expand on, each of the three of you, the extent to which this, TikTok, and others have been used to dox you, target you, undermine you and undermine your ability to engage in free

speech and free thinking as conservative or as free-thinking Americans?

I'll start with you, Ms. Silberstein, and go down the line.

Ms. SILBERSTEIN. So, from my experience, over the past few weeks, the rise in anti-Semitism that we've seen, yes, it has been around in person, at rallies, at protests, on campuses, but a large part of the issue stems from many of the comments made on social media.

People think that they can hide behind some perceived veil of anonymity and post whatever comments, however hurtful, however targeted, however menacing they may be. People think that they can post them about Jews with impunity and not receive any ramifications for their actions.

So, I think that social media, in general, has been fueling the fire and as we've seen with the Cornell student who was recently arrested, that veil of anonymity was pierced. Your words have consequences. I think that all students should really take that to heart, that what you write online can be traced back to you and people take it to heart.

Mr. ROY. Ms. Jordan?

Ms. JORDAN. I feel like technology usage is a double-edged sword, because on one aspect you can connect with people, especially like-minded people. That can also be dangerous, because it can create a mob mentality, the experience I've discussed repeatedly.

Also, I feel like with social media channels, especially TikTok, they can just create targeted things. Once you like something, then it shows you similar content. So, if someone just happens to a pro-Palestine graphic, then they're absorbed more and more. Then, once people start sharing stuff on their stories, that's a huge thing.

If you're the only one who shares an Israel one, then people start like DMing you and attacking you. It's a lot of fear, because it's like, are you scared to lose friends and followers? Do you want to stand up for what you believe?

Then that kind of translates to like being physical, physically involved in groups and organizations on campuses. So much fear kind of what you share online. Should you have the—which side flag should you have in your bio, things that are hotly discussed.

Also, I feel a lot of people use online to kind of organize too, which in one aspect you can kind of see what they're up to and what they plan to do to your event, because that's where we find that a lot of people want to protest our conservative events. Also, it makes them gauge a larger community, honestly, of hate.

It's just—I don't know. It's a very hard thing to have discretion over knowing what's right, what should be allowed and what shouldn't be. In general, it's very, very divisive.

Mr. ROY. Thank you.

Mr. OGrydziak, we're way over time, but if you would answer really quickly.

Ms. JAYAPAL. Mr. Chair, there isn't time.

Chair JORDAN. Go ahead.

Mr. OGrydziak. I would certainly like to echo many of Ms. Jordan's sentiments about social media opening up the door to conflicting thoughts. Of course, there's no debate that it certainly does

open up to more speech. However, yes, it is very unfortunate that it is a common tool of doxing.

I've been a victim of this. My friends, fellow YAF members have. I'm not a user of TikTok, but across both Instagram and Snapchat no shortage of leaking addresses, untrue slurs about myself and others. It is extremely unfortunate that this is the case.

I know we are well over time here, but I would like to address your previous question regarding DEI, if I may.

Chair JORDAN. We're going to hold on that. I'll give you time on that when I get to.

We'll go to Ms. Jayapal.

Ms. JAYAPAL. Thank you so much, Mr. Chair. Thank you all so much for being here and for your testimony.

Every student, staff, and faculty member deserve a college campus in a world that's free of discrimination.

Anti-Semitism is wrong. I have consistently spoken out against it. I've consistently worked to ensure that we have full inclusion in our society and for people to be able to be who they are. It's also why I cosponsored a factually correct Senate-passed bipartisan resolution this week denouncing anti-Semitism on college campuses and have consistently supported legislative efforts to combat hate crimes and anti-Semitism.

I'm glad my colleagues are talking about the dangers of fomenting hate, because I think that is a real problem in our country. Anti-Semitism is not confined to our Nation's universities. According to a January 2023 report entitled, "Anti-Semitic Attitudes in America," the *Anti-Defamation League* concluded that 85 percent of Americans believe at least one anti-Jewish trope as opposed to 61 percent in 2019. A more recent ADL report shows a 388 percent rise in anti-Semitic incidents in the United States since the Hamas attacks.

Yet, our condemnation is not always consistent, particularly from my colleagues across the aisle. When the former President and 2024 Republican Presidential frontrunner, Donald Trump, fanned the flames of anti-Semitism during his time in and out of office, Congressional Republicans failed to call him out on his bigotry. For instance, as Jews all over the world were celebrating Rosh Hashanah in September 2023, Donald Trump accused the Jewish people who did not support him in 2020 of voting to, quote, "destroy America and Israel."

Professor Nadell, you mentioned in your opening remarks that you were opposed to Congress legislating any definition of anti-Semitism in 2017, and you remain opposed today. Respecting your stance, can you briefly explain whether Trump's recent statement was anti-Semitic and why?

Ms. NADELL. Could you give me the recent statement you want me to respond to?

Ms. JAYAPAL. The statement was—he accused—in September 2023, he accused the Jewish people who did not support him in 2020 of voting to, quote, "destroy America and Israel."

Ms. NADELL. I absolutely thought that this was anti-Semitic, and there have been other similar statements that I have thought were anti-Semitic. Because what that statement was doing was buying into one of these very classic anti-Semitic tropes about the loyalty

of the Jewish people and that the question that they cannot be loyal to the Nation in which they live because they hold a higher loyalty to their own people. To say that they were being disloyal to the United States because they voted for a different political party is not saying that one is disloyal to the United States. It's just that they had a different view in terms of the party they preferred.

Ms. JAYAPAL. Unfortunately, that wasn't the first time that Trump attacked American Jews, nor was it the first time the 2024 Republican Presidential frontrunner engaged with anti-Semitism for political means.

When White supremacists chanted, quote, "Jews will not replace us," in 2017 as they marched in Charlottesville, Virginia, Donald Trump said—and he was President at the time—said there were very fine people on both sides. That is an exact quote. "Very fine people on both sides."

Professor Nadell, you discussed this example in your opening statement. Why are Donald Trump's words here anti-Semitic?

Ms. NADELL. They are anti-Semitic because those people who were marching in Virginia were deliberately echoing Nazi practices. The tiki torch parade that they had that evening was designed to look exactly like a Nazi Storm Trooper parade in the 1930's. They had planned the phrase "Jews will not replace us." That's a reference to the notion of White supremacy. The idea that the Jews are somehow—again, one of these conspiracy theories—masterminds who were working to replace Whites in America, because they were bringing in immigrants and they were helping African Americans. The idea underpinning that conspiracy theory is that those groups are not capable of orchestrating something like that by themselves. Only a worldwide Jewish conspiracy could do that.

Ms. JAYAPAL. Ms. Burdett, anything you want to add to that?

Ms. BURDETT. I had a great opportunity to work at the United States Holocaust Memorial Museum down the street with the least political people you'll ever meet in your life. I had the opportunity, just through some amazing historians, to learn a lot about Nazi propaganda and the Goebbels playbook.

One of the key aspects of how Nazi propaganda worked, they said, "try to take all the negativity about Jews"—remember, their anti-Semitism, which is a fake lie to blame Jews for what was wrong in their lives. That's what it is today—right, left, center—it's just a lie to blame me for what's wrong in someone else's life.

They said, "Try to take all the negative characteristics of Jews." It's effective if you can pull it together in the character of one person. Der Sturmer very famously would have a picture of one Jew. The historian told me, "... that's the George Soros conspiracy theory straight out of the Goebbels playbook."

So, people should criticize him. He is a philanthropist. It's OK. We've talked about philanthropists before. We don't always think about that direct connection. That man and that family, pound for pound, are probably, because we have the internet, the largest single targets of anti-Semitism in Jewish history. It doesn't mean you can't disagree with them, but I learned a lot from those apolitical historians educating me.

Thank you.

Ms. JAYAPAL. Thank you so much. I hope we speak out against anti-Semitism everywhere that we see it, not just in certain places.

Thank you, Mr. Chair. I yield back.

Chair JORDAN. The gentlelady yields back.

The gentlelady from Indiana is recognized.

Ms. SPARTZ. Thank you, Mr. Chair.

Thank you for being here.

As someone who grew up in Soviet Union under tyranny and also being enlightened, when the Soviet Union fell apart and I went to college where a diversity of ideas and freedom of ideas were had in debate, which universities should be, I was very shocked when I came here young, very idealistic, learning from Alexis de Tocqueville and Voltaire and Friedman and Hayek, and inspired by this idea what a tyranny of opinion would have.

Unless you agree with who is in charge, whether the presidents of university or who's in charge of government, you actually can have a mob rule and actually try to intimidate you.

So, I think it is a very dangerous trend. I truly believe if we do not do something about it, we're going to fail as a Republic. A lot of people don't realize it's a Republic. We are not a pure democracy for a reason. We're actually a Republic to protect rights of the minority to express opinions unless they're harmful and try to hurt.

So, I was very disappointed also, and this was very strange to me when I first came here that they put people in categories woman, male, Black, and White. I was like, they only did it to Jews in Soviet Union to oppress them. Why are we doing that? That was very strange to me, because it's divisive. It's divisive. We're all Americans that believe in our country and our ideas and we have to fight for them.

So, my question is for you, Mr. Marcus, just briefly. Do you think we should really rethink how we're doing this, of how we can unite the country with our ideas instead of separating and dividing us constantly, talking about—because it shouldn't matter. I was like, why should it matter if I'm female or male? If I am really good at something, I'm going to pursue my happiness.

So, what do you think?

Mr. MARCUS. Thank you, Congresswoman. I agree, and here's the way I would put it. When we see the response of so many college students to such atrocities, the question shouldn't be do we criticize, do we condemn, and do we punish the speech? The question should be, how in the world did we get here? How did we get to a place where a significant portion of students at some of our best colleges and universities, students in many cases who view themselves as progressive leaders, have adopted some of the vilest values that one could possibly imagine?

I think we have to say that this is not just a question of do we issue a statement, but do we say, these institutions have to be completely rethought, and we have to figure out how it is that the moral fiber has frayed and what can we do to repair it.

Ms. SPARTZ. I appreciate it. Listen, I am someone who actually went and sometimes not a popular thing, I defended some crazy things that Marjorie says and actually was one of the few Republicans that was—actually, somebody on the other side who tabled

the resolution, because it was a badly written resolution talking about October 18th event as insurrection. It wasn't insurrection, as well as was January 6th wasn't insurrection.

So, let's just be honest. We need to have here that being honest and not play politics with people's lives. I hope people on the other side will also be able to do something where you go against your own party and get attacked and not to be afraid to do it.

So, my question is for all of you, just quickly: Do you believe that diversity of ideas, freedom of speech as well as conservative speech should be protected on college campuses?

Ms. Burdett, just yes or no?

Ms. BURDETT. Yes.

Ms. SPARTZ. Dr. Nadell?

Ms. NADELL. Yes.

Ms. SPARTZ. Mr. Marcus?

Mr. MARCUS. Yes.

Ms. SPARTZ. Ms. Silberstein?

Ms. SILBERSTEIN. Yes.

Ms. SPARTZ. Ms. Jordan?

Ms. JORDAN. Yes.

Ms. SPARTZ. Mr. Ogrydziak? If I said it right.

Mr. OGRYDZIAK. Yes.

Ms. SPARTZ. So, do we believe that we do have protection of freedom of speech right now on college campuses?

I'll start with you, Mr. Ogrydziak.

Mr. OGRYDZIAK. Completely? No.

Ms. SPARTZ. Ms. Jordan?

Ms. JORDAN. No.

Ms. SPARTZ. Ms. Silberstein?

Ms. SILBERSTEIN. No.

Ms. SPARTZ. Mr. Marcus?

Mr. MARCUS. No, ma'am.

Ms. SPARTZ. Ms. Nadell? Dr. Nadell, sorry.

Ms. NADELL. That's OK. I think we have mechanisms put in place to protect speech.

Ms. SPARTZ. Do we have it right now, protected freedom of speech and ideas and the real expression, that people are not afraid?

Ms. NADELL. Based on what some of the students have said, no.

Ms. SPARTZ. Ms. Burdett?

Ms. BURDETT. Yes, we do. It's messy, and we need to make sure that the rules are applied fairly to these students.

Ms. SPARTZ. So, the conservative and all the speeches are protected right now?

Ms. BURDETT. All speech is protected by the rules, and humans implement the rules.

Ms. SPARTZ. So, when we're talking about our implementation, but how old is diversity and inclusion? It's becoming like a tyranny unless you're agreeing, right. Is it correct? Are they effective with diversity?

I'm talking about giving more money. Department of Education also accredits on health justifies accreditation. Is it being effective, just quickly? I know that my time is expired. Quickly. Are they being effective, diversity, inclusion, all this initiative?

Mr. OGRYDZIAK. No, it has not been effective.

Ms. SPARTZ. No. Ms. Jordan?

Ms. JORDAN. It has absolutely not been.

Ms. SPARTZ. Ms. Silberstein?

Ms. SILBERSTEIN. Definitely not, no.

Ms. SPARTZ. Mr. Marcus?

Mr. MARCUS. Diversity and inclusion programs have been a mixed bag, at best.

Ms. SPARTZ. Dr. Nadell?

Ms. NADELL. They're working on it.

Ms. SPARTZ. Ms. Burdett?

Ms. BURDETT. The Emancipation Proclamation didn't work right away, but we had to work on it for hundreds of years. Don't give up.

Ms. SPARTZ. I think we have a difference of opinion between students and adults, but thank you.

Chair JORDAN. The gentlelady yields back.

The gentlelady from Vermont is recognized.

Ms. BALINT. Thank you, Mr. Chair.

I'll be honest, many parts of this hearing were extremely difficult to listen to. My grandfather, Leopold Balint, was murdered in the Holocaust, and my family has warned me my entire adult life that anti-Semitism is always lurking just below the surface. We are seeing that today in stark relief in this Nation, but also around the world. So, it's been personally difficult for me to sit through this, that here we are again. Here we are again.

I also had to pick my jaw off the floor when one of my colleagues on the other side of the aisle bemoaned the use of dehumanizing language on college campuses, because I have not forgotten what was said in a fear-mongering hearing on the dangers of trans Americans right here in this Committee. It was a hearing full of dehumanizing language. It made me sick. As the only member of the LGBTQ community on this Committee, I have not forgotten.

Now, it's been a long hearing, so I'm going to just cut to the chase here. In these situations, it's best to just follow the money, not the rhetoric, not the messaging, not the talking points. Just follow the money.

So, there is a clear policy solution to combating the rise of anti-Semitism and other abhorrent discrimination on college campuses, and that is to fully fund the Department of Education's Office for Civil Rights.

Budgets—when you're in government, budgets are a statement of your values. How we spend money demonstrates what we really care about. We should care about the rise in hateful speech and dehumanizing language in America generally and specifically, as is the topic of this hearing, on college and university campuses.

Fearmongering and hateful speech isn't just destroying our communities. It's actually tearing this Nation apart. So, we all have a part in that as well, all of us in Congress. So, we can point fingers at college campuses, we can point fingers at what's happening in our elementary schools, but I would also say we have a part in that too, in putting an end to it.

Now, it's my understanding that the Office of Civil Rights has already had a reported dramatic increase in Title VI discrimination

claims in the wake of the terrorist attack on October 7th. Yet, many of my colleagues on the other side of the aisle have proposed a significant funding cut to OCR.

The Office of Civil Rights is one of the largest Federal civil rights agencies in the country. It has over 500 staff, who serve as attorneys, investigators, support staff. So, it's been underfunded for years. When it's underfunded, people who have cases, people who have claims, the staff's not there to do the investigation, to do the followup. So, I would ask us to put our money where we say our values are.

Now, a cut that has been proposed to the tune of reducing from \$131 to \$105 million, that is a significant cut. It will have a detrimental impact on the ability of OCR to do its vital work. So, again, I urge us all, follow the money.

It seems like we are in a lot of agreement here on the things that are making us very uncomfortable. The antidote to speech we don't like is more speech. It's not shouting people down. It's not talking louder. It's not dehumanizing language. It is engaging in meaningful conversations when we have disagreements. It's that simple. So, let's fund the office that is dedicated to making sure we're dealing with discrimination on college campuses.

So, I have 33 seconds. In that time, Ms. Burdett, can you just tell me, what would be the ramifications if we were to cut from \$131 million down to \$105 million? Just really quickly, just give us a list of what's going to happen if that happens.

Ms. BURDETT. We know that when hate crime victims and students like these have no place to call, of course, that's a secondary victimization. It means the law enforcement can't respond to you. It means you have no recourse. Why would we take that away?

If we are having a hearing, this isn't the PTA that has other tools. This is the House Judiciary Committee, where I think we should look at what are the tools available. We know where we have data about hate, and the civil rights—Office of Civil Rights does data collection on what's happening in schools. Data—we're not a—government's not a university. We collect data because when we know what's happening, we can intervene. We can put resources there. If we're not here to talk about how the Federal Government can make my boy safer, then we could be at a PTA meeting or at another kind of organization meeting.

So, the budget is a moral document. I'm even saying it's not enough to have investigators. Can we please invest in interrupting it before it happens? Not a single family of a victim of the Tree of Life shooting feels better that someone was punished. They'd rather have their brother back.

Ms. BALINT. Thank you so much. I yield back.

Chair JORDAN. The gentlelady yields back.

The gentleman from Wisconsin is recognized for five minutes.

We have 30 more minutes if that's good. Like I said, if anyone needs a break, feel free to take a break.

Mr. Marcus?

Mr. MARCUS. Mr. Chair, I might take you up on that generous offer.

Chair JORDAN. Sure. Go right ahead.

The gentleman from Wisconsin is recognized.

Mr. FITZGERALD. Well, it's a good time for Mr. Marcus to leave because I didn't have any questions for him, so that's fine.

Thank you, Mr. Chair.

University of Wisconsin System, which is located in my home State, has been quite a hotbed for campus free speech issues over the years. Some in this room may remember in 2016, when protesters blocked conservative commentator Ben Shapiro from taking the stage at Young Americans for Freedom event that was on the campus at UW–Madison.

Similarly, when a very conservative speaker, Matt Walsh, came to Madison last year, there were protesters. Those protesters vandalized the Student Union and the Alumni Park.

According to a freedom of speech survey conducted by the UW System itself in 2022, over 14 percent of UW–Madison students believed it was acceptable to disrupt invited speakers whose messages they didn't agree with. This is unacceptable, and universities across the country, should be doing more to foster an environment that welcomes kind of an honest discussion and debate.

I think there's muscle memory that should happen here, so when we end up in the position where we have elevated and expanded demonstrations, that universities know how to handle those and do it in a responsible way to keep everyone safe.

There is a bill—one of my colleagues, Congressman Greg Murphy, has authored it—Campus Free Speech Restoration Act, which requires universities to report First Amendment violations to the Department of Education. The bill I think would provide a much-needed check on some of the Federally funded institutions, and I'm certainly hoping that this Congress could move swiftly on it.

What I wanted to do was just first ask the students that are with us this afternoon to just—are there any examples of a similar situation that may have happened on your campus where a speaker was invited and then they were shouted down or not allowed to actually deliver their full remarks?

Ms. Silberstein, do you want to go first?

Ms. SILBERSTEIN. Thank you, Congressman. Regarding the specific issue of anti-Semitism, I'm not exactly sure. I'm sure that there have been speakers in the past who were not invited or accepted onto campus for their beliefs, but I cannot specifically speak to that.

Mr. FITZGERALD. Ms. Jordan?

Ms. JORDAN. Thank you for your question. None of our speakers have been shouted down, but a similar situation was when we hosted Matt Walsh. The protesters were right outside the venue, and they couldn't enter because most of them had signs, and so they blocked the streets. People had a really hard time driving home, getting out.

Then we recently hosted Chloe Cole on campus. The protesters blockaded the building so people could not get in or out of the building. My best friend could not get to her class, which was really disappointing.

They ask us—the university, they were like, OK, do you want police at this event? We were like sure. It's not enough to have the police. We need to ensure that all students feel safe and are able

to access the building. That shouldn't have to be something that's in question.

Also, another thing I've noticed is that left-leaning students don't need all this police, all this security at their events. It's why do we get so viciously attacked for what we do?

Mr. FITZGERALD. Very good.

Mr. Ogrydziak?

Mr. OGRYDZIAK. Yes. When we hosted Michael Knowles, there was a protest of about 800–1,000 community members and students outside. This did foster a pretty intimidating environment for the attendees who were waiting to enter. Fortunately, Mr. Knowles was able to speak.

However, when we hosted Lieutenant Colonel Allen West, the second half of that event had opened up to a question-and-answer session, allowing anyone in the audience to pose a question respectfully if they would like to. However, instead of moving forward with that, the protesters that were in attendance began to shout from their seats. Power to both the speakers' microphones were cut, and this did end our session.

Mr. FITZGERALD. Thank you all for being here. I think it's an important part of this hearing today.

I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from New Jersey, Mr. Van Drew, is recognized.

Mr. VAN DREW. Thank you, Mr. Chair.

First, I want to thank the three of you. These three students, their bravery, their strength, their honesty, and their courage. It is not easy to be a conservative on a college campus today. Yet, you stand strong. I swear to God you're my heroes today. I really, really am proud of you. I know that many of our Members are. Thank you for being here.

I'm pro-Israel. I'm unabashedly pro-Israel. I'm pro-Israel because they are our partners. They are a force of civilization. They are a Nation that since its founding has gone through hell, and yet they still prevail.

So, I'm pro-Israel. You can check me out. You can see anything I've ever written, anything I've ever said I believed in, everything I've ever voted for, every speech I've ever given. I am pro-Israel.

Yet, I still believe that we shouldn't use these words to try to say, well, if you believe that George Soros is involved in our local elections—because he is—if you believe that he is funding prosecutors and local officials that have a different vision for America than most Americans do—he is—that doesn't make me racist. It doesn't mean that I'm wrong. It means it's my opinion. It's what I believe.

What we do now is we use these catch words, "Globalism." I'm going to tell you what globalism is. Maybe there's some people who are bad people that use it. I was at an event recently and I spoke. This has happened to me numerous times. I talked about Americanism, American exceptionalism, and how we are the shining city on the hill. Dammit, I believe that, and I know the three of you do too. We are in a special place. Without us, the world would go into chaos. Are we perfect? No.

Globalism says—and this is a theory that's put forth by a lot. When I was at the event, some people came to me, because I spoke

about all those things. They said, “you’re wrong.” America is like any other place in the world. They said, “we don’t believe in Americanism. We don’t believe in American exceptionalism.”

I disagree with them. That doesn’t make me racist. It means that I can use the word “globalism.” I can’t help if there’s a bad person that uses that word. I still think it’s a real issue and a real challenge.

So, Dr. Nadell, I’m going to ask you one thing, and I would just like a yes-or-no answer. I’m sorry to do that to you, but we’re so time-constricted.

Do you believe in American exceptionalism?

Ms. NADELL. I believe that there is an idea of American exceptionalism that has been upheld by scholars and—

Mr. VAN DREW. Ma’am, I appreciate—

Ms. NADELL. I cannot—I can’t answer in one word.

Mr. VAN DREW. You can’t answer that you believe in American exceptionalism. OK, that’s good.

Ms. Burdett, do you believe in American exceptionalism? Please, yes or no.

Ms. BURDETT. I don’t find the question relevant to this hearing.

Mr. VAN DREW. It is very relevant. It’s relevant to what’s happening on college campuses. I thank you.

Mr. Ogrydziak, I have a tough time—Ogrydziak, do you believe in American exceptionalism, yes or no?

Mr. OGRYDZIAK. Unequivocally, yes, I do.

Mr. VAN DREW. Ms. Jordan, do you believe in American exceptionalism?

Ms. JORDAN. Undoubtedly, yes, I do.

Mr. VAN DREW. Thank you.

Ms. Silberstein, do you believe in American exceptionalism?

Ms. SILBERSTEIN. I do.

Mr. VAN DREW. These are great young people. You have the courage to tell the truth and give an answer. So, I want to thank you.

I just want to talk about some of my personal experiences really quick, and I’m running out of time.

Condoleezza Rice, some people may remember her. It was back—she was the National Security Advisor, the highest ranking African American in history at that time of the Federal executive branch. She was supposed to speak at my alma mater, Rutgers University, a great school. I was premed/preudent and got a great education.

Boy, if you had a different opinion even back then—and this is not—I’m further back than that. I watched in dismay as the professors at my alma mater led the charge opposing her appearance, because they didn’t want to hear another opinion.

Every student at Rutgers, regardless of their political stance—Liberal, Conservative, Socialist, Libertarian, Democrat, Republican—mandates an exchange of ideas. It’s the marketplace of ideas.

Do you agree with that?

Mr. OGRYDZIAK. Yes, I do.

Mr. VAN DREW. Ms. Jordan, do you agree with that?

Ms. JORDAN. Yes, I do.

Mr. VAN DREW. Ms. Silberstein?

Ms. SILBERSTEIN. Yes, I do.

Mr. VAN DREW. You know why—I'm going to wrap up with this. You know why we don't want to fund DEI? Do you know why we're concerned about the Office of Civil Rights? Because they don't protect their rights. Now recently, they're starting to talk about the Jewish issue more, but, basically, it was just certain groups, certain left-wing groups, and certain groups that were in. It was in vogue to protect certain groups.

Dammit, it's not in vogue to protect conservatives. They don't have the same opportunity in their university experience that every single other person does. That is wrong, it's un-American, and that's why it doesn't get funded. Bad things happen when you do bad things, and that's bad.

Mr. Chair, I yield back.

Chair JORDAN. The gentleman yields back.

Mr. Marcus, do you believe in American exceptionalism?

Mr. MARCUS. Thank you, Mr. Chair. Yes, I do.

Mr. VAN DREW. I'm sorry I skipped you. I'm sorry.

Chair JORDAN. I didn't want you left out, and I figured you would respond.

No, it was a great line of questioning. I appreciate it.

The gentleman from Alabama is recognized, Mr. Moore.

Mr. MOORE. Thank you, Mr. Chair.

I thank all the witnesses for being here today.

I'm certainly proud of my alma mater. It's Auburn University, and recently been ranked one of the top colleges in the country that advocates for free speech and robust debate.

Unfortunately, that is not the case throughout many campuses across the country. With the shout-downs and immediate conservative voices, the heckler's veto, if you will, has the adverse effect of what the First Amendment is supposed to support.

Some extreme groups use this silencing method under the guise of tolerance. Yet their definition of tolerance is, ironically, not tolerant at all. The heckler's veto effectively silences the speech and messages through fear and disinformation—or intimidation, I should say.

Fifty-six percent of the students across the Nation fear stating their views would put them in harm's way. Actually, even my nephew. He went to Auburn, and there were times in classrooms he was afraid to speak out because he knew that it would affect his grade.

Do all of you experience that? Have you experienced that, Ms. Silberstein? Then I'll go down the line with the students.

Ms. SILBERSTEIN. So, I am a business major, so I personally have not experienced that, but many of my friends have.

Mr. MOORE. Ms. Jordan, any of your friends, do you experience that?

Ms. JORDAN. I know my friends have experienced it. Then personally, the first day of class they always ask us to say our pronouns. I'm the only student usually who doesn't say any pronouns, because it's unnecessary.

Then just in general in class, they often just have discussions that more people support liberal viewpoints. Sometimes I do get that, my heart starts beating fast. I should I say something, should I not?

Because a lot of students just know my face. I'm one of the only Black conservatives on campus. So, it's kind of hard just making friends, talking to people, because once they find out you're conservative they ostracize you.

Mr. MOORE. Yes. I can imagine because I know I can't keep my mouth shut sometimes. So, I couldn't imagine being in a classroom nowadays, being a conservative and actually having to say something maybe contradictory to what the professor might be saying.

Mr. OGRYDZIAK, have you had that experience as well?

Mr. OGRYDZIAK. Similarly to Ms. Silberstein, just based on my major, those topics were often left out of the classroom. I can vouch for my political science friends and say that they were not so lucky.

Mr. MOORE. See, and these are conservative universities.

General Schwarzkopf said about Auburn University, he said, "I send my sons to West Point and my daughters to Auburn." I have noticed, like my son, he's at Auburn now. He's a building science major, so he doesn't—he's is like you, Ms. Jordan—or, I guess, Ms. Silberstein, he doesn't have—the issue of politics does not come up often in the classroom. To me, my son's roommates are from New York now. His buddies are from New York and Arizona. They are coming to these universities where they feel they have a right to have an opposing viewpoint and actually speak up.

So, first, Ms. Silberstein, I have a question for you. How has your life been affected by the threatening rhetoric of these activist groups on Cornell's campus?

Ms. SILBERSTEIN. Every day when I walk outside, I question what I do, I question how I appear. I question what I say out of fear that someone might hear me who disagrees or who disagrees with my very existence and could threaten me with any actions. As the Chair mentioned, I'm on the Chabad board for my university and I go to Shabbat dinner every Friday night, and I'm scared to walk outside. I'm scared to walk alone without the police protecting us.

Mr. MOORE. Ms. Silberstein, let me say this: It's as easy as 1, 2, 3. Genesis 12:3 says "if you'll bless Israel, you'll be blessed and if you curse Israel, you'll be cursed." So, Judeo-Christian values, we understand Jesus was Jewish. We want to rally behind the Jewish Nation and the Nation of Israel.

I was over there recently traveling, and the thing that I noticed about the Nation of Israel is most of their weapons are defensive weapons, whether it's reactive armor on their tanks or the Iron Dome or the Iron Beam. Those are all weapons to push back against attacks.

So, they are people, they are a peaceful people. So, I just want to you to know that as a Christian we certainly support the Nation of Israel. It's as easy as 1, 2, 3, just remind all your Christian friends.

So, Ms. Jordan, have you had an opportunity to—do you feel sometime intimidated on your campus? Do you feel maybe that you just—where you couldn't stand up—I guess you had to stand up and not say your pronouns. Is that kind of—that is so weird to me. As old as I am, I guess, Mr. Chair—but I've never had that. So, tell me about some experiences.

Ms. JORDAN. Yes. So, for me with the pronoun thing I just say my name, hometown—

Mr. MOORE. Everybody looks at you when you stand up and don't say your pronoun?

Ms. JORDAN. Typically, not. I don't know if people notice as a mental thing or not. I kind of hope they don't. Yes, with my experiences, I guess—could you repeat the question again?

Mr. MOORE. So, have you had an opportunity—or an experience where you felt maybe intimidated by other students? Ms. Silberstein said she's a little bit nervous sometimes now going to certain events.

Ms. JORDAN. Yes. So, the second time that I was doxed, my photo and name, along with several of our other—

Mr. MOORE. What's doxed, for us old people?

Ms. JORDAN. Yes. So, it is when your personal information is released. So, the first time I was doxed in that 800-person group chat, my Instagram profile was screenshot and sent to all those people. It had my name, personal information, things like that.

The second time is a screenshot from a group chat. It had my name and photo, along with several other YAF member's names and photos. So, this was printed out and put all around downtown Iowa City and campus. On my birthday, me and some YAF members were walking downtown to get frozen yogurt to celebrate. This girl walks right by us. Don't think anything of it. I don't know where she starts screaming her head off and she's like, "f— — — you. You don't belong here. Get out of Iowa City. We don't like your people, stuff like that."

Mr. MOORE. The tolerant left as we call them.

Ms. JORDAN. Yes.

Mr. MOORE. Mr. Chair—I'm sorry I didn't get to this.

Mr. Chair, I yield back. I'm over time.

Chair JORDAN. The gentleman yields back.

The Chair now recognizes the gentleman from California, Mr. Kiley.

Mr. KILEY. A truly terrible sickness has afflicted colleges and universities in this country which has reached horrifying levels over the course of the last month. We have to ask, how is it that in the United States of America in the 21st century have our supposedly most elite institutions been gripped by one of the most ancient retrograde prejudices that the world has ever known? How is it that universities that have systematically suppressed free speech for years, how have they suddenly discovered the First Amendment and invoked free speech as a reason not to condemn terrorism and anti-Semitism? How is it that institutions that have proliferated their diversity, equity, and inclusion bureaucracies are turning a blind eye now to attacks on Jewish students on their own campuses? How is it that university administrations that have weighed in into every political issue of the day are now suddenly bound by institutional neutrality when it comes to the murder of children?

Perhaps the intolerable irony and hypocrisy of it all is best illustrated by Harvard University, whose leadership remained silent and said nothing for days after October 7th. Meanwhile, 24 student groups filled a vacuum with a statement explaining that Israel itself was solely to blame for the attack. It was only after enormous

criticism from alumnae like myself and Representative Elise Stefanik that Harvard President Claudine Gay came out with a very tepid statement which still refused to condemn the student groups, and instead said that Harvard is committed to free expression.

The thing is Harvard is not committed to free expression. There was a recent ranking of how committed 248 universities are to free expression, and Harvard was ranked dead last, number 248. The only institution to receive the abysmal rating.

I actually think that these things are not unrelated. Mr. Marcus, I think your testimony established that. That the suppression of free speech and the rise of anti-Semitism actually in some ways go hand-in-hand.

Do you believe that the systematic suppression of free speech on college campuses has served to fuel the rise of anti-Semitism by silencing and excluding Jewish students on campus?

Mr. MARCUS. Yes, sir, Congressman. I think that there is a culture of intolerance in which certain viewpoints and certain identities are privileged and certain other ones are condemned. We no longer have on even our greatest college campuses a sense that we should have a reasoned debate among all or that every group should be treated with the same degree of equality. What we have is a kind of orthodoxy which has taken over from the faculty and also the student body. This has implications not only for conservatives but for other groups who are disdained within the institution, including Jewish Americans.

Mr. KILEY. I'd like to read a portion of a letter from the Legislative Jewish Caucus in California to show just how dire the situation is at the public universities in my own State. This is a letter addressed to the CSU, California State University, and the leader—and the UC leaders. It says:

Among numerous other examples, we have heard from Jewish students at UC Berkeley, UC Davis and San Jose State who are a part of being physically attacked for expressing support for Israel. Jewish students at UC San Diego who required a police escort in order to safely leave a student meeting; obscene anti-Israeli graffiti on a Jewish ritual space at Cal Poly Humboldt; anti-Israel rallies at UCLA that interrupted classes with hate filled rhetoric; a social media post by a UC Davis faculty member with a knife, axe, and blood emojis calling for violence against Zionists in their homes and in their kids in school; and an increased need for armed security at Jewish student centers on multiple campuses.

Shockingly, the letter continues:

Anti-Israel student groups immediately celebrated the Hamas terrorist attack on October 7th, where UC ethnic studies faculty counsel glorified the largest mass murder, rape, and kidnapping of Jewish civilians since the Holocaust as worthy of support as part of the Palestinian freedom struggle.

The letter goes on from these 18 legislators that Jewish students and faculty have shared with us disturbing examples of Jewish students being denied opportunities afforded to other student groups. Examples include administrators providing space on campus to various identity and affinity groups, but not the Jewish student organizations. At least one Israeli student at UC Berkeley being told she could not participate in a class-related conference because of her nationality.

Given your experience at the Civil Rights Division at the Department of Education, do you believe there is more that the Department could be doing about this sort of discrimination and activity on campuses?

Mr. MARCUS. Absolutely. There's more that the Department can be doing, and it can do it tomorrow. The Department has sent out links for Jewish students to file complaints. It has added language to its complaint forms. That's fine. There is no reason why the Department needs to wait for Jewish students to come to them. The Department has the authority to initiate self-directed investigations.

Anytime it opens the newspaper and sees that there is a problem at an institution that receives Federal funds, and that's every single day, if they are reading the papers. Moreover, Secretary of Education has the authority to commence nationwide compliance reviews in particular areas that are of concern. Again, there's no way that one can pay attention to higher education today and not realize that this is a serious national problem.

These are things that can be done quickly that don't require legislation, they don't require significant infusions of funds. They can be done with the current resources and that can be done with the authority that the Secretary of Education already has.

Mr. KILEY. Thank you. I yield back.

Chair JORDAN. The gentleman yields back.

The Chair recognizes the gentleman from South Carolina, Mr. Fry.

Mr. FRY. Thank you, Mr. Chair. Thanks for having this hearing today actually.

Freedom of speech for me, but not for thee, I think is the central theme for conservatives on college campuses. That's the unfortunate truth that we really see perpetuated by college and university administrators across the country.

Think about the few examples we've kind of hit on today a little bit, including yours. Riley Gaines was attacked twice when she went to San Francisco State University. It didn't stop there. The school kind of glossed over it by saying that students took tremendous bravery for the students who participated peacefully on campus. Or when the acting associate dean for administrative affairs at the University of Arizona sent an email to students that they may be impacted by Charlie Kirk coming to the school and provided them with counseling for anyone who was—considered that, I guess, violence of some flavor. Or most recently, just last month, in a classroom at Stanford University a lecturer asked Jewish students to raise their hands if they were Jewish and put them in the corner of the room and said, "that is what happens in Palestine."

Colleges and universities should be epicenters of American freedoms. Schools should robustly protect the right of students to defend their position, to articulate their position, to express those viewpoints on campus. These are the labyrinths of our future of this Republic. Many college university administrators have shown their commitment is not to the protect free speech, unless it is speech in which they agree with.

Let's play a video really quick.

[Video shown.]

Mr. FRY. So, these are our college campuses in America today. Is this your experience, collectively, the three of you?

Ms. SILBERSTEIN. I personally have not experienced, thank God, violence toward myself, but the rhetoric being spread and the incitement to violence, yes.

Ms. JORDAN. Yes, this is very similar to what we have we were tabling. Also, the lectures that we host on campus.

Mr. OGRYDZIAK. Unfortunately, yes it is. We had a violent mob chase us across campus following one of our lectures. I have had literature comparing me to a Nazi, to a fascist, with many other obscenities written in the letter, sent to the address of my parents' house. So, these issues extend off campus.

Mr. FRY. See, that's the problem I think most of us see, is that colleges should be the environment in which you learn, that you learn how to debate, that you learn how to defend your ideas to grow as a person. That doesn't seem to be the case here. Scholars have said that the purpose of the American public school system is to prepare the future citizenry of this Republic, but that doesn't seem to be taking place.

Ms. JORDAN and Mr. Ogrydziak—did I pronounce that right? OK. I know there's a lot of variations of that I heard today. I just wanted to confirm that A 2022 report from the *Foundation for Individual Rights and Education* [sic] revealed that roughly three and five students expressed worry about damaging their reputation because someone misunderstanding what they have said or done. Roughly one out of two students reported that they feel discomfort expressing their own views on college campuses on controversial political topics.

Can genuine learning transpire in such repressive academic institutions?

Ms. JORDAN. Sorry. Could you repeat the question again, please?

Mr. FRY. Can general learning transpire in such a repressive academic environment?

Ms. JORDAN. Are you asking if learning can happen from how these students are kind of acting out?

Mr. FRY. Right. So, if one out of two students feel that they can't express themselves because of discomfort of a controversial political topic, can you truly be learning?

Ms. JORDAN. Absolutely not, because you're just running away from the conversation. You're not engaging in dialog. You're learning nothing. Recently, me and a fellow YAF member had been accosted by two pro-Palestine people. When we were sharing our viewpoints and someone else who actually had a personal connection to two hostages started sharing our viewpoints, the two students just ran away. They learned nothing, got nothing out of the discussion, because they can't tolerate a different point of view and can't be exposed to another side. They've heard it is just a constant echo chamber of misinformation.

Mr. FRY. Mr. Ogrydziak, isn't that self-censorship, basically, in that you're not allowed to participate or express your viewpoints? Isn't that concerning?

Mr. OGRYDZIAK. Yes, that is concerning to me. Of course, true education, true understanding, you know, questioning your own morals can only come when everyone in the room, everyone who is

in that center for learning is able to completely express their values, their viewpoints. If you are unable to do so, I don't understand how new ideas can form.

Mr. FRY. Thank you.

Just in conclusion, Ms. Silberstein, I noticed in your written testimony that you talked about how relatives from Israel have called you to see how you were doing here. This is in light of the recent events that are going on in Israel right now. How insanely ironic that is that they are calling you to check on you and your status at Cornell University.

Thank you, Mr. Chair. With that, I yield back.

Chair JORDAN. The gentleman yields back.

I apologize, I have to get to—I'm 10 minutes late for another engagement I have to get to. I want to thank all of you for being here.

The Chair would ask Ms. Hageman if you could come up and take the Chair while we go to Mr. Moran, and then Ms. Hageman will close out our hearing.

I did have two quick things. You had a point you wanted to make earlier, and I said I'd give you time. You can make that point if you have it.

[Disturbance in hearing room.]

Chair JORDAN. The Committee will be in order. Could we get the Capitol—he decided he'd become—not wait for the police.

So, if you want to do that really quickly, and then I did have a question for Mr. Marcus.

Mr. OGRYDZIAK. Of course. Yes, I just wanted to touch on Representative Roy's question regarding application of DEI offices and why they not be so effective.

Of course, my biggest problem with these offices is the I in DEI, inclusion. Of course, I think it's a pretty safe assumption that everyone here wants the inclusion of all viewpoints. However, I don't understand how such offices can pretend to facilitate that when it's so unequally applied.

When we hosted Allen West on our campus, he came to speak about race, and this was heavily protested, especially by members of this office. The university itself, in their Distinguished Speaker Series, which is pretty well-known in the Buffalo area, was able to host Nikole Hannah-Jones, who is the founder of the 1619 Project.

These speakers each came to talk about race. They each have large followings. The response to them was vastly different. If DEI offices were committed to handling these topics equally, I fail to see why there was this discrepancy.

Chair JORDAN. So, one of the things I just recently learned about, and you made me think of it, I know on campuses we had these safe spaces, we have free speech and all this stuff at Disney. It seems to me that free speech on its own should be everywhere; it's called the First Amendment. We have these things.

I learned about this issue called no contact orders. Have any of the three of you students experienced that dynamic on campus where someone says they don't like your point of view, they report to the DEI office or someone in the campus in authority, and then there's an order that you're not allowed to have contact with another student because that student is somehow offended by what

you believe or what you may have said? Have any of you had any experience with that?

Ms. SILBERSTEIN. I personally have not had any experience with that, no.

Chair JORDAN. OK.

Ms. JORDAN. I also have personally not experienced that.

Chair JORDAN. OK.

Mr. OGRYDZIAK. I have not either.

Chair JORDAN. That's good to hear. Maybe it's not very prevalent, which would be a good thing.

Mr. Marcus, in your opening statement, you talk about four things you thought should happen that you suggested the Committee do. If you could just—I just wrote down one of four, but I didn't get those. If you could just recite those for me again, that'd be great.

Mr. MARCUS. Certainly, Mr. Chair. I suggested that Congress could provide the education department with tools to address violations of the freedom of speech, similar to the way in which it handles violations of the right to be free of discrimination.

Chair JORDAN. OK.

Mr. MARCUS. Second, that there could be a special adviser or coordinator for free speech within the Department of Education reporting to the Secretary.

Chair JORDAN. Promoting free speech, promoting the First Amendment, not the Disinformation Governance Board that the Obama—or that the Biden Administration tried to set up that would limit speech. Is that right?

Mr. MARCUS. That's right, Mr. Chair.

Chair JORDAN. Yes.

Mr. MARCUS. If free speech is addressed, if at all, by the Office of General Counsel, by the Office for Civil Rights, there are implications of work done by the Office of Post-Secondary Education and other components, but there is no institutional repository of knowledge on how it is that free speech can be protected.

Chair JORDAN. OK.

Mr. MARCUS. Third, I suggested that the Anti-Semitism Awareness Act would provide important tools for the education department.

Fourth, I believe the is that there could be a check on whether the Biden Administration is indeed planning to issue the promised regulations implementing the Trump Executive Order 13899 next month as promised in the OIRA unified agenda and regulatory plan, but for which there's been no talk.

Chair JORDAN. That's something that's current that we need to pressing right now.

I want to thank all our witnesses, particularly our students. Ms. Silberstein, especially you and what you've had to endure. Thank you all for being here.

The Chair now recognizes the gentleman from Texas for five minutes.

Mr. MORAN. Thank you, Mr. Chair.

I would like to address in context of this hearing my concerns about diversity, equity, and inclusion offices on campuses, in particular. We've heard some of that today, but I noticed a trend that's

very disturbing to me, and then I want to come to some of the students and ask you about your experiences on campus as well.

It seems to me that staff at diversity, equity, and inclusion departments on many college campuses today are noticeably anti-Semitic. Go about their work in a manner contrary to the stated intent of treating all with equality or equity.

In 2021, *Heritage* did a report on the anti-Semitism of DEI staff at universities that objectively validates my hypothesis on this matter. In conducting its study, *Heritage* searched the Twitter feeds of 741 DEI personnel at 65 universities to find comments regarding Israel, and for comparison, also looked at their comments about China. Those DEI staff tweeted, retweeted, or liked almost three times as many tweets about Israel as tweets about China.

Here's what's disturbing. Notably, of the tweets about Israel, 96 percent were critical of the Jewish State, while 62 percent of the tweets about China were favorable toward China. So, consider that.

It appears to me through that data that DEI staff simply across our college campuses or universities are favoring China and disfavoring Israel. In my view, this explains in large part the lack of response toward anti-Semitic instances by DEI staff on college campuses. Seems clear to me that there are a number of higher education institutions whose DEI staff are disconnected with the values and the strategic objectives of the U.S., and what's more, they are clearly anti-Semitic.

One of the most painful videos from the fallout of the Hamas attack on Israel on this issue, in particular, is from UC Berkeley. In the video, you can watch Jewish students pleading with the vice chancellor of DEI to do something to protect Jewish students on campus. That DEI administrator talks about how they didn't have enough time to work with Jewish students and that they were overworked. Despite the unwillingness of the DEI administrators to assist, the students themselves put together a vigil for Israel within 24 hours, despite their busy schedules and despite their workload and despite the fact that they're not getting paid to do that as part of their job.

Simply put, Jewish students in many cases received disproportionate pushback and opposition by DEI staff on college campuses. It's atrocious to me.

Dr. Nadell earlier defined anti-Semitism in a number of different ways, but on campuses, she said, quote, "it involves threats, violence, intimidation, and discrimination on campuses." That was part of her definition.

So, I want to come to you, Ms. Silberstein, because it appears to me you've experienced this. Have you indeed experienced such threats, violence, intimidation, and discrimination on campus?

Ms. SILBERSTEIN. Yes, I have. As I've spoken about before, threats were made saying that they would come to our only kosher dining hall on campus and shoot it up, shoot all the people who are in it; bomb all of the Jewish houses and facilities on campus that I regularly attend. So, yes, I was directly threatened.

Mr. MORAN. I'm curious, you do have a DEI office at Cornell located there on campus, correct?

Ms. SILBERSTEIN. Yes. Actually, a few weeks ago, the now former DEI Chair, who I'm not sure if his leave was related to this or un-

related, but was found to have made anti-Semitic remarks and support of Hamas online.

Mr. MORAN. Did that office provide you any support in response to the intimidation that you faced on campus?

Ms. SILBERSTEIN. No.

Mr. MORAN. That's amazing to me, because when I googled DEI and Cornell, the first thing that came up on their web page, Cornell's web page is a big highlight from this last week that says Cornell awarded excellence in diversity and inclusion. First, paragraph of that says: "Cornell University has been awarded the 2023 Higher Education Excellence in *Diversity Award* by *INSIGHT Into Diversity* magazine for its outstanding commitment to diversity and inclusion."

Would you agree that they have outstanding commitment to diversity and inclusion?

Ms. SILBERSTEIN. So, I was made aware that they recently added anti-Semitism to their DEI training that every student and I believe faculty member must go through, but I haven't seen tangible results.

Mr. MORAN. This is just emblematic of what's going on across the Nation. I note that a Stanford University professor was recently suspended for forcing Jewish students in two classes to stand in a corner while he called them colonizers. That professor shrugged off the deaths of six million Jews in the Holocaust and called Hamas terrorists freedom fighters.

Joseph Massad, a professor at Columbia University, called the Hamas massacre of Israeli and American citizens, quote, "awesome," and, "a stunning victory." These are horrific statements.

Zareena Grewal, a professor at Yale University, stated on X, formerly Twitter, that Israel is, quote, "a murderous, genocidal settler State and Palestinians have every right to resist through armed struggle." To me this is disgusting. It is being propagated by the DEI offices on our college campuses, which are actually working contrary to their stated intent.

With that, Mr. Speaker, I yield back, in disgust.

Ms. HAGEMAN. [Presiding.] Thank you.

The Chair now recognizes herself for five minutes.

Giving more money to the Federal Department of Education isn't the answer. It never has been, and it never will be. In fact, it's the Federal Department of Education that's largely responsible for the free speech crisis that we're seeing on our campuses, both in grade school, high school, and college.

What do I mean by that? The testimony that you've provided today has been very enlightening, very fascinating, and very disturbing. We must identify what the real cancer is here so that we can actually at some point start addressing it. It is our Federal Department of Education.

Now, don't get me wrong. I come from a long line of educators: My grandmother, my mother, my sisters, my aunts, great aunts, and sister-in-laws. I come from—I am a product of public education in the State of Wyoming. They used to focus on that, education, not indoctrination.

I have watched with absolute horror, especially as a Constitutional attorney, over the last 10 years or so as those on the left

being unable to defend their noxious ideas in the free speech marketplace are now working overtime to prevent us from speaking at all. They are fascists. They are the ones that are preventing our students from engaging in the free marketplace of ideas.

So, forgive me if I don't necessarily believe you when you talk about wanting to fight for free speech on campus when I watch university after university after university, and people just like you go in and say, yes, we believe in free speech, but we don't necessarily agree with what these young people have to say. So, we don't know that they should be allowed to bring our speakers to campus the way that others should.

We spent an awful lot of time talking about what happened over the last 30 days and what happened on October 7th, and it is definitely at the forefront of our minds. The very purpose of this hearing was to talk about the importance of free speech on campus and how it has been squelched, how our campuses have been preventing people from engaging in that free marketplace of ideas.

Ms. Jordan, I'd like to talk to you for a moment. I very much appreciate your experience and what you've described. You're some very brave young people, very brave young people, much braver than the people who were sitting in the back of the room with their faces covered.

You highlight that because of your conservative and Christian values, other students felt you were capable of committing a hate crime or hateful or that you supported oppression. This seems to be part of a larger trend we are seeing on campuses where opposing views are redefined as violence just to justify attacks on certain viewpoints all together.

Through your experiences at college, do you think your fellow students' actions in condemning your beliefs are part of that broader trend?

Ms. JORDAN. Could you please repeat the question?

Ms. HAGEMAN. Sure. Through your experiences in college, do you think your fellow students' actions in condemning your beliefs are part of that larger trend?

Ms. JORDAN. The larger trend of—

Ms. HAGEMAN. That we are seeing people attack you simply because of your beliefs. That's the trend that I'm seeing on university campuses. They don't want to engage you about your conservative ideas, your conservative ideals, so they attack you personally and accuse you of things, such as that you are being hateful or that you support oppression.

Do you see that as part of a larger trend?

Ms. JORDAN. Yes, I definitely do.

Ms. HAGEMAN. OK. Why do you think your fellow students view your belief system in this manner?

Ms. JORDAN. I think a majority of the students are afraid of the truth. That's to simply put it. They can't agree that there's only men and women. I had a student tell me chromosomes don't matter, which is one of the most preposterous statements I've ever heard. A lot of students, when they're faced with this truth, they know it's true but they just want to deny it because they want to continue living in their delusions. It just causes a lot of chaos, hon-

estly, which is really disappointing because the constant denial of the truth is why our country is in such a disarray as it is.

Ms. HAGEMAN. Uncertainty. That's exactly right.

As a recent graduate yourself, I think your perspective on this growing issue and witnessing it for the entirety of your college experience is incredibly important. In your testimony, you covered the hurdles that you faced as a member of Young Americans for Freedom.

I want to make sure that I address the classroom situation as well. You have outlined the threats and the direct acts of violence that you witnessed due to the speakers your group was bringing in and, clearly, your student groups differing viewpoint was not accepted by some on campus.

Did this also translate into the experience in the classroom either by you or other people that you know?

Mr. OGRYDZIAK. It did, yes.

Ms. HAGEMAN. How did that happen?

Mr. OGRYDZIAK. Yes. Other students in class have been called out for wearing YAF memorabilia, YAF shirts, a YAF hat in classes related to their major. I'm fortunate that this has not happened to me, but it did happen to others.

Ms. HAGEMAN. So, our professors are also engaging in the suppression of freedom of speech?

Mr. OGRYDZIAK. Unfortunately, yes. Contrary to my preferences, the political beliefs of professors are not being left at the door.

Ms. HAGEMAN. OK. With unanimous consent, I have two articles I would like to submit for the record: "Your speech is violence": The left's new mantra to justify campus violence," by Jonathan Turley; and "The Diversity Problem on Campus," by Dorian S. Abbot and Ivan Marinovic.

Without objection.

Ms. HAGEMAN. That concludes today's hearing. We thank our witnesses for appearing before the Committee today.

Without objection, all Members will have five legislative days to submit additional written questions for the witnesses or additional materials for the record.

Without objection, the hearing is adjourned.

[Whereupon, at 1:55 p.m., the Committee was adjourned.]

All items submitted for the record by Members of the Committee on the Judiciary can be found at <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=116550>.