

ANTISEMITISM ON COLLEGE CAMPUSES

HEARING

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION AND
LIMITED GOVERNMENT

OF THE

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ANTISEMITISM ON COLLEGE CAMPUSES

Wednesday, May 15, 2024

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON THE CONSTITUTION AND LIMITED GOVERNMENT

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to notice, at 2:33 p.m., in Room 2141, Rayburn House Office Building, the Hon. Chip Roy [Chair of the Subcommittee] presiding.

Members present: Representatives Roy, Jordan, Kiley, Hageman, Hunt, Fry, Armstrong, Scanlon, Nadler, Cohen, Escobar, and Balint.

Mr. ROY. The Committee will be in order. I would like to remind the audience that there is no audience participation in the hearing. All are welcome to spectate, but to follow the rules of decorum here in the hearing room.

I would like to thank our witnesses for being here today. I would—without objection, the Chair is authorized to declare a recess at any time. We welcome everyone to today's hearing on Antisemitism on College Campuses, and I will now recognize myself for an opening statement.

I would like to thank our witnesses for being here today. Since Hamas' brutal attack on our friend and ally Israel on October 7th, we have witnessed a disturbing spike in antisemitic violence across our own country. This rampant antisemitism is perhaps most prevalent on American college campuses, often funded with billions in taxpayer dollars.

Let's be clear: Much of what we are seeing transpire on college campuses is not First Amendment protected speech. We are seeing pro-Hamas protesters commit vandalism, destroy university property, set up large encampments, and even in some instances, carry out acts of violence.

At the University of North Carolina, Chapel Hill, protesters defaced a campus building hours before graduation, covering the university steps in red paint. At Yale University, a Jewish student was surrounded by a mob of protesters and assaulted by a pro-Palestinian demonstrator. He used a Palestinian flag to jab her in the eye.

At Columbia University, protesters barricaded themselves in Hamilton Hall, breaking windows and furniture and preventing

other students from accessing the building. I would note that Columbia canceled its main commencement ceremony.

I would point out the young man that was asked if he was a Zionist at UCLA, and then prohibited from moving to another part of the campus and then a building, simply for expressing his view. Unconscionable.

In fact, at the height of the protests on Columbia University's campus, one Columbia employee, an Orthodox rabbi, urged Jewish students to avoid campus, suggesting it was no longer safe to remain on university grounds in the face of ongoing protest. Imagine that, in the United States of America Jewish students were being told to avoid campus.

It is not just antisemitism on college campuses, it is also blatant anti-Americanism. University of Pennsylvania, Ben Franklin's statue was vandalized with the words, "Glory to the martyrs—Intifada until victory."

At George Washington University, the statue of George Washington was spray painted with the words "Genocidal warmonger university."

At the University of North Carolina, Chapel Hill, protesters replaced the American flag with the Palestinian flag.

Unfortunately, the leadership of far too many of these universities has refused to respond with moral clarity as to what is happening. Instead, they have opted to cancel graduation ceremonies and in-person classes to avoid further disruptive demonstrations. The colleges that are failing to rein in these violent protests are actively trampling their Jewish students' civil rights.

Keep in mind, these colleges receive billions in funding and subsidies from the Federal Government. The Committee for a Responsible Federal Budget estimates that President Biden's student debt cancellation, which constitutes a free handout to universities just as much as the borrower, could cost taxpayers up to \$1.4 trillion.

These colleges cannot have it both ways. They cannot rake in billions in Federal dollars and subsidizing students to attend their universities while refusing to protect their Jewish students as they hide behind a false First Amendment argument.

Congress has a duty to ensure that these Federally funded entities are protecting students and upholding their rights. Thankfully, there are a few universities that have demonstrated strong leadership.

University of Florida's President Ben Sasse made it clear that while students have a right to free speech, they do not have a right to take over an entire university, barricade themselves in campus buildings, and disrupt students' commencement. He rightfully stated,

I want all of our students to feel safe. But more important than the subjective feeling, I want our students to be safe. And that is what is critically important here.

In my home State, the University of Texas, President Jay Hartzell rightfully refused to let protesters set up an encampment and disrupt campus operations.

You might ask, with Jewish students' rights under attack by students, agitators, and DEI bureaucrats, where is the Department of

Justice and its crown jewel, the Civil Rights Division? Where is Assistant Attorney General Kristen Clarke?

Instead of taking meaningful action to uphold Jewish students' rights or going to the Columbia campus, like Speaker Mike Johnson did, the former Chair of this Subcommittee, to condemn the lawlessness, on Monday, Clarke delivered Columbia Law School's commencement remarks, making no significant mention of the surge in antisemitic action on campus. In fact, lumping it into a long train of items in a speech.

Imagine that, he didn't even bring it up in any significance after Columbia had basically been sacked in protest. All while the Civil Rights Division, by the way, is actively trampling on the rights of pro-life Americans to peacefully protest by prosecuting them under the FACE Act.

One young woman, a progressive activist, received a sentence of 57 months just this week. All while we haven't heard a word about what, if anything, her division intends to do about this antisemitic movement among secular liberals on campuses across this country.

Beyond civil rights, Congress must also examine how we should use our power of the purse in Congress to shut off the flow of taxpayer dollars that are going to universities to fuel this radical ideology. We are allowing billions, five billion alone in Fiscal Year 2023 that went to Ivy League institutions.

Harvard is sitting on a \$50 billion endowment, \$50 billion endowment, most of which is tax-free. Penn, \$20 billion endowment. Yet, we continue to have taxpayer dollars flow to these universities while they are treating our Jewish brothers and sisters as we have seen unfold before our very eyes in recent weeks.

The secular left wants to admonish us not to foment culture wars. The best way to do that is for these radical progressive Democrats that infest college campuses and leech off the public dole and the public debt and the fat cat donors that fuel the endowments not to do just that, not to start the culture wars by attacking our Jewish brothers and sisters.

I look forward to hearing from today's witnesses about their experiences with antisemitism on college campuses and how we can ensure the safety, security, and equal protection of rights.

I now recognize the Ranking Member, the gentlewoman from Pennsylvania, Ms. Scanlon, for her opening statement.

Ms. SCANLON. Thank you, Mr. Chair. Thank you to our witnesses for appearing today.

As someone who represents a district with more than a dozen colleges and universities and many others nearby, it is particularly important to me that our campuses are spaces where students can engage in meaningful academic discourse while feeling safe and supported.

Let's be clear: There is no place for violence, threats, intimidation, or harassment against students, faculty, or other school community members because they are Jewish. That kind of conduct is unlawful.

It is not constitutionally protected speech, and it is antithetical to our most fundamental American values. That bigotry has no place in our society, and everyone deserves an equal opportunity

for a safe learning environment, regardless of their race, ethnicity, gender, religion, or ancestry.

That being said, we have seen too many times during this majority—as we have seen too many times during this majority, this hearing seems to be part of a pattern of conduct in which our Republican colleagues appear once again eager to divide people, to exploit the issues that they think will score them the most political points.

In this very Committee room, the Republican majority have at times decided it serves them best politically to actually defend threats or acts of violence, including those against public servants like election workers and school board officials. Every American should understand that political violence has no place in our country or in our political discourse.

Everyone who purports to call themselves a leader must unequivocally condemn such calls to violence. That includes standing against acts of discrimination and hate in all its forms.

Similarly, I believe that those in positions of leadership have an obligation to model good behavior and not inflame passions around these issues, even when it might inure to their political benefit.

So, as we focus on fighting antisemitism on campus, we must also guard against reactions in the heat of the moment that threaten important principles like academic freedom and freedom of speech, considerations that I know the Chair and many other Members of this Committee on both sides of the aisle take very seriously.

These principles are as fundamental to our democracy as anti-discrimination laws are central to the mission of our higher education institutions, and they are most threatened when the speech at issue is controversial.

Schools of course are important places to help our young people become critical thinkers. That is because schools can and should expose students to the diversity of people, viewpoints, and experiences in the world around them. In fighting hate, Congress must respect the imperative that it not overreach and end up chilling constitutionally protected speech on college campuses or other places.

That being said, there are concrete steps that Congress can take to combat antisemitism. As the Chair mentioned, Congress has the power of the purse.

If my Republican colleagues are serious about confronting this issue, they would start by adequately funding the Department of Education's Office for Civil Rights. That is the primary agency tasked with enforcing civil rights laws at colleges and universities.

This includes enforcement of Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in Federally funded programs, and which protects Jewish students from antisemitic discrimination.

When the Biden Administration requested an increase in OCR's funding for Fiscal Year 2024, House Republicans instead tried to cut the agency's funding by 25 percent. Ultimately the final compromise deal left OCR's funding inadequately flat at a time when Title VI complaints from college students have risen sharply and

OCR lacks the resources it needs to get through an unprecedented backlog.

OCR's mission includes not just identifying violations of civil rights around antisemitism, but also implementing corrective action. So, the failure to adequately fund impacts both the failure to identify past events as well as preventing future events.

So, as we look toward funding the government for 2025, the administration is once again requesting an increase for OCR. If our colleagues on the other side of the aisle are looking for a real, tangible way to fight antisemitism, they should provide that funding instead of once again trying to cut it.

Similarly, if our Republican colleagues are looking for serious solutions, they would help to implement President Biden's comprehensive national strategy to counter antisemitism. We could do so by passing the bipartisan and bicameral Countering Antisemitism Act of 2024, a bill that would, among other things, create a national coordinator to counter antisemitism in the Executive Office of the President to coordinate governmentwide efforts to combat antisemitism.

I should also add that while our Republican colleagues have called this hearing today, their record of condemning antisemitic—sorry, antisemitic speech and acts is far from perfect. Time and time again, they have failed to condemn instances of antisemitism, particularly when it comes from their right-wing allies, including the former President.

Therefore, you will have to pardon our skepticism about the rationale for holding multiple hearings to address this topic in multiple Committees, when the focus appears to be actually stoking culture wars concerning institutions of higher education, rather than actually solving the problem and the scope of the problem of antisemitism on college campuses.

We had a Full Committee hearing on this topic last fall, and other Committees have held hearings on the topic as well. We know the concrete steps that Congress can take now to help counter antisemitism on campuses. The Subcommittee's time would be better spent helping to ensure that we take those steps and empower OCR rather than pouring gasoline on the embers of hate and antisemitism that we are seeing around the country.

Nonetheless, I thank our witnesses for being here, and I look forward to their testimony.

Yield back.

Mr. ROY. I thank the Ranking Member, and I will now recognize the Chair of the Full Committee, Mr. Jordan, for his opening statement.

Chair JORDAN. I thank the Chair.

Violent protests and encampments on college campuses, civil unrest throughout the country, a deeply unpopular Democrat President, and a Democrat Convention happening in Chicago. Sounds like 1968, but it is 2024.

Weeks after the October 7th, terrorist attacks by Hamas on Israel, the Judiciary Committee held a hearing on the topic of antisemitism on college campuses. We examined the discrepancy between university administrators rapidly shutting down conserv-

ative events while posturing a slow reaction to violent pro-Hamas rallies and encampments throughout America's top institutions.

The school year continued with antisemitic and anti-American encampments lasting months. This even led to many graduation cancellations and disruptions. Imagine that. You go to class, you do your work, you pay your tuition, and your family and friends come to celebrate your achievements, and your school chooses to take the side of the woke mob they have let infiltrate their grounds since this last October.

It has been said that the activity on college campuses is like looking into a crystal ball five years into the future. Censorship of conservative ideas, speakers, and even students, Diversity, Equity, and Inclusion initiatives being forced on peers, cancel culture, safe spaces, the list goes on and on.

At this Committee our oversight is often retrospectively. This hearing is an opportunity to look forward to ensuring no other students have to go through what the brave witnesses today have had to endure. That is why we are here today.

I want to thank my colleagues, including Speaker Johnson, Conference Chair Elise Stefanik, who have launched a House-wide investigation on this topic.

In fact, this Committee sent letters to Secretary Blinken and Secretary Mayorkas three weeks ago, asking a fundamental question. The Immigration and Nationality Act says if a student is here on a visa and they are engaged in activity that is against the law, they are not supposed to be here. The visa is supposed to be taken away.

So, we asked Secretary Blinken, have you begun the process of revoking any visas. We know for example, it has been reported in the press, 55 percent of the student body, according to the press, 55 percent of the student body at Columbia is here on a student visa or some kind of visa.

Any of those people engaged in unlawful activity? If they are, Secretary Blinken, are you working to revoke that visa? If that is happening, Secretary Mayorkas, are you looking to or are you in the process of removing these folks from the country?

I want Israel to win. They were attacked by a terrorist organization. I want them to win. I thought the White House did too. I do not understand recent statements and actions by this Administration. When it comes to the weapons, not letting them go to our dearest and closest friend, the State of Israel?

When it comes to the leading Democrat in the U.S. Senate telling Israel you need a new prime minister, for goodness sake? This is our ally. I do not understand some of the things that are going on. That is why this hearing is so darn important.

I want to thank our Chair, Chair Roy. I want to thank Virginia Fox for the work she is doing on the Education and Workforce Committee as well. I want to thank our witnesses for coming here today to testify. This is important. This is real—I do not understand what this White House is doing. I do not understand.

We want to help—we want to help Israel prevail. That is what we should be focused on. We want college campuses where students can learn and get the education they paid for.

With that, I yield back.

Mr. ROY. Thank the Chair, and I will now recognize the Ranking Member of the Full Committee, Mr. Nadler, for his opening statement.

Mr. NADLER. Thank you, Mr. Chair.

Mr. Chair, I devoted much of my life to combating antisemitism, and I am as attuned as anyone to threats and bigotry aimed at Jewish people. I will take lectures from no one about the need for vigorous efforts to fight antisemitism on campus or anywhere else.

I am also an unapologetic and deeply committed Zionist. I believe, and I hope every Member at the dais and each of our witnesses here today would agree, that criticism of Israel's government or political criticism of Zionism on a college campus is not inherently antisemitic.

I also hope our witnesses and Members agree that our democracy's commitment to free speech requires each of us to tolerate criticisms of even some of our most deeply held beliefs, especially in an academic setting where the freedom of inquiry is necessary to the teaching of critical thinking.

That said, I am extremely disturbed by instances when political criticism of Zionism or of Israel does verge into antisemitism, such as when it is used as a proxy or a dog whistle for hatred of Jewish people.

To the students appearing before us today, Mr. Yakoby, Mr. Kestenbaum, I am sorry that you and your fellow Jewish students have endured threats, harassment, and intimidation simply for being who you are. That is completely unacceptable. I appreciate you being here today to share your experiences with us.

Since the Judiciary Committee held a Full Committee hearing last November on free speech on campus, protests over the deaths of Palestinian civilians and the mounting humanitarian crisis in Gaza have increased, if not in number, then certainly in intensity. Much of the protesters' activity, even expressions that I consider disgusting and despicable, constitute legally protected speech.

Too often, however, the protests have exhibited vile antisemitic conduct. The Department of Education will rightfully investigate them and their institution's response for unlawful discrimination. There have been of course obvious examples of activities that are wholly unprotected, like threats and intimidation.

Some students and protesters have even crossed the line into vandalism, destruction of private property, and willful disruption of campus life. They, too, should face disciplinary action by their institution, if not legal consequences for conduct that is obviously not protected by the First Amendment.

There is no excuse for bigotry, threats, violence, or other criminal conduct directed at anyone, anywhere. It is imperative that we confront the scourge of antisemitism. Congress can help.

With respect, Mr. Chair, we don't need more hearings. We need to take concrete action. We need to put our money where our mouth is. Last year the Biden Administration outlined a comprehensive national strategy to counter antisemitism, the cornerstone of which was increasing enforcement actions by the Office of Civil Rights at the Department of Education.

OCR, as the Ranking Member of the Subcommittee mentioned, is in charge of enforcing antidiscrimination—is in charge of enforc-

ing Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, creed, national origin, anti-semitism, etc.

President Biden's budget called for a 27 percent increase in funding for that office, an increase made necessary by the huge increase in antisemitic incidents that we saw. If my Republican colleagues were serious about antisemitism, they would have fully funded that request.

Instead, they bragged about proposing to slash funding by 25 percent. Slash funding for the office in charge of enforcing discrimination—of enforcing the laws against discrimination against Jews and others on campus. By 25 percent they wanted to cut it, and ultimately insisted that funding be kept flat, despite the marked increase in Title VI complaints.

We should also be considering H.R. 7921, the Countering Antisemitism Act, bipartisan legislation introduced by our colleagues Kathy Manning and Chris Smith, which would codify this national strategy's whole-of-government approach to confronting antisemitism.

We cannot stay silent when calling out antisemitism is inconvenient. I appreciate my Republican colleagues' concern for antisemitism on college campuses, but where were they when neo-Nazis in Charlottesville chanted that "Jews will not replace us"?

Why did they not speak up when President Trump declared that they're "very fine people on both sides of that rally"? Or when he said that the Charlottesville rally was "a little peanut" compared to ongoing campus protests regarding the Israel-Gaza war?

We hear nothing from our Republican colleagues when some conservatives repeat antisemitic tropes about George Soros or others.

If you mean what you say here today, if you believe that the threats and vitriol that Jewish students face on college campuses is unjust, and that combating antisemitism is more than just a convenient talking point in a larger crusade against institutions of higher education, then it is time to move beyond hearings, point-less gestures, and posturing.

We know what the problem is, and what we need is action that actually helps protect Jewish students. Fully fund the Administration's efforts to counter antisemitism and other forms of discrimination by fully funding the requested increase in OCR to enforce Title VI. Pass the Countering Antisemitism Act. Our Nation's students deserve no less.

With that, Mr. Chair, I yield back.

Mr. ROY. Thank the Ranking Member of the Full Committee, Mr. Nadler.

Without objection, all other opening statements will be included in the record. We will now introduce today's witnesses.

Mr. Eyal Yakoby. Mr. Yakoby is a senior at the University of Pennsylvania. He is one of three named students who filed a lawsuit against the University of Pennsylvania alleging violations of Title VI of the Civil Rights Act.

Mr. Shabbos Kestenbaum. Mr. Kestenbaum is a graduate student at Harvard University. He is one of the students who filed a lawsuit against Harvard alleging violations of Title VI of the Civil Rights Act.

Rabbi Dr. Mark Goldfeder. Rabbi Goldfeder is the Director of the National Jewish Advocacy Center. He also serves as a Presidentially Appointed Member of the United States Holocaust Memorial Council, the General Counsel to the Hillels of Georgia, and Senior Counsel at the Lewis Brandeis Center for Human Rights under Law.

He has previously served as a senior lecturer at Emory University Law School and has written widely on antisemitism and the law.

Mr. Kevin Rachlin. Mr. Rachlin is the Washington Director of the Nexus Leadership Project. He previously served as the Vice President of Public Affairs at J Street, and as the United States Director for the Alliance for Middle East Peace.

We will begin by swearing you in. Would you please rise and raise your right hand?

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

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

Thank you, please 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.

Mr. Yakoby, you may begin. I would ask everybody to remember to put your microphones on.

STATEMENT OF EYAL YAKOBY

Mr. YAKOBY. Thank you, Chair Jordan, Ranking Member Nadler, as well as Subcommittee Ranking Member Roy, Ranking Member Scanlon, and Chair Roy, as well as the other Members of this Committee, for inviting me to be here today.

My name is Eyal Yakoby, a senior at the University of Pennsylvania. For two weeks, an unlawful and dangerous encampment was erected in the heart of Penn's campus. Bigotry, violence, and harassment have become part of Penn's daily syllabus.

The encampment at Penn waved the flag of the PFLP while chanting "Al Qasam, make us proud," the PFLP being a designated terrorist organization, and Al Qasam being the armed wing of Hamas.

While students walked to class, they were met with masked individuals screaming at them "Go die, you are Hitler's children and Nazis." One member of the encampment wore a sweatshirt with two rats surrounding a Jewish star.

In another incident, a student walking on his own campus was surrounded by four masked figures flashing strobe lights directly into his eyes. They proceeded to threaten him, saying,

If you know what is good for you, you will get out of here. Hope you have a good doctor, and how is your dental plan?

During a unity rally held by Jewish students, we chanted "Rape is not resistance," while the encampment chanted "Resistance is justified."

When people reveal their beliefs, pay attention, because at Columbia, they chanted "Globalize the Intifada" right before smash-

ing windows, barricading doors, and even taking a janitor hostage. For anyone wondering, that is what the start of a global intifada looks like.

This is not just an issue for Jews, it is an issue for all Americans. Because on October 7th, Israel was physically attacked, but ideologically every free country had been infiltrated. Because the same people who wave the flags of Hamas are burning the flag of the United States.

I am a firm believer in the First Amendment, but the vandalism, assault, and trespassing that is taking place across college campuses are conduct, not speech. More specifically, it is unlawful conduct.

At Penn, bigotry and violence seems to be permitted. Because within 24 hours of the encampment being assembled, Penn's administration released a statement and said in no uncertain terms, "Blatant violations of university policies and credible reports of harassing and intimidating conduct have occurred."

The President went on. He stated, "Failure to disband the encampment immediately will result in sanctions." The encampment went nowhere.

The following week, the President of Penn released another statement, whereby he said,

Every day the encampment exists, the campus is less safe. Some have aimed to characterize this as a peaceful protest. It is not.

Despite this, he said that he still believes negotiations are the best way to go, while admitting that "The protesters have refused."

What happened a mere 24 hours after the statement, you ask? The encampment took over the other side of Penn's college green, chanted "We don't want no Zionist pigs," and compared the Philadelphia Police Department to the KKK.

They also vandalized the Benjamin Franklin statue with Nazi and Hamas logos, as well as graffiti reading "Zios get fucked." While the encampment persisted, on an anonymous social media app exclusive to Penn students, posts read "Burn Filthy Zios," and "Keep protesting louder, Hamas just made a statement and they are with us."

Penn, after 16 days, finally disbanded the encampment, declaring, "Our community has been under threat for too long." The university finally acknowledged reality. We as students for far too long endured danger.

So, let me ask you this: What value is such an acknowledgment if action takes two weeks? The lesson that Penn has been teaching students and faculty is that violence and harassment work. Penn has allowed individuals to act with impunity.

As former President Harry S. Truman stated, "Appeasement only makes the aggressor more aggressive." Moreover, four days prior to the encampment being disbanded, in Penn's own words,

We have heard reports of circulating documents with instructions for escalating, including through building occupations and violence.

The Penn crimes log even included "Terroristic threats."

To be clear, the university knew about documents circulating within the encampment for instructions on building occupations

and violence. There were terroristic threats. They waited at least four days to do something.

On top of that, once the encampment was cleared, the university found weapons within it. This right here is the moral degradation of higher education and an utter neglect for safety.

When we applied to Penn, we expected to be nervous about our final exams. What we didn't expect was to have counterterrorism units roaming on our campus. Taxpayers weren't aware that their Federal dollars would support the hate that has taken root at Penn.

Make no mistake, it is not the administration alone. Some professors at Penn are also abetting hateful speech and conduct. To illustrate, one professor posted a cartoon mocking 9/11.

Another posted on October 7th, "Beautiful and timely," referencing Hamas terrorists entering Israel. While in class, a different professor remarked that not all Jews should be thrown into the sea, but only because, in his own words, it was not practical.

I sit here today because I am urging the administration to redeem themselves. Penn's coat of arms reads "Laws without morals are useless." Well, right now, Penn has laws with zero morals.

Just last week, students put up six American flags on campus. Within 24 hours, all the flags were removed. Yet, the PFLP flag that sat just yards away was left untouched. Apparently, at Penn, the flags of terrorist organizations that rape, murder, and take American hostages can fly freely, but the U.S. flag cannot.

Thank you.

[The Statement of Mr. Yakoby follows:]

TESTIMONY OF EYAL YAKOBY

Thank you, Chairman Jordan, Ranking Member Nadler, and other members of this committee for inviting me to be here today.

My name is Eyal Yakoby, a senior at the University of Pennsylvania. For two weeks an unlawful and dangerous encampment was erected in the heart of Penn's campus.

Bigotry, violence, and harassment have become part of Penn's daily syllabus. The encampment at Penn waved the PFLP flag while chanting "Al-Qassam make us proud." The PFLP is a terrorist organization, and al-Qassam is the armed wing of Hamas. While students walk to class, they are met with masked individuals screaming at them "Go die," "You are Hitler's children," and "nazis." One member of the encampment wore a sweatshirt with two rats surrounding a Jewish star.

In another incident, a student walking on his own campus was surrounded by four masked figures flashing strobe lights in his eyes. They proceeded to threaten him, saying "If you know what's good for you, you'll get out of here," "Hope you have a good doctor," and "How's your dental plan?"

During a unity rally held by Jewish students, we chanted, "Rape is not resistance," while the encampment chanted "Resistance is justified." When people reveal their beliefs, pay attention. Because at Columbia, they chanted, "Globalize the Intifada," right before smashing windows, barricading doors, and taking a janitor hostage. For anyone wondering, that is what the start of a global intifada looks like.

This is not just an issue for Jews— it is an issue for all Americans. On October 7th, Israel was physically attacked, but ideologically, every free country had been infiltrated. Because the same people who wave the flags of Hamas are burning the flag of the United States.

I am a firm believer in the First Amendment, but the vandalism, assault, and trespassing that is taking place across college campuses are conduct, not speech. More specifically, it is unlawful conduct. But at Penn bigotry and violence seems to be permitted.

Within 24 hours of the encampment being assembled, President Jameson released a statement and said in no uncertain terms, "blatant violations of University policies and credible reports of harassing and intimidating conduct" have occurred.

The president went on, he stated "Failure to disband the encampment immediately—will result in sanctions."

The encampment went nowhere.

The following week, The president of Penn released another statement, whereby he said "Every day the encampment exists, the campus is less safe. Some have aimed to characterize this as a peaceful protest. It is not." Despite this, he said that he still believes negotiations are the best way to go while admitting that "the protestors have refused."

What happened a mere 24 hours after this statement you may ask? The encampment took over the other side of Penn's college green, chanted "We don't want no zionist pigs," and compared the Philadelphia police to the KKK. They also vandalized the Benjamin Franklin statue with Nazi and Hamas logos and graffiti reading "Zios get fuckt."

While the encampment persisted, on an anonymous social media app exclusive to Penn students, posts read, "Burn-filthy Zio!" and, "Keep protesting louder! Hamas just made a statement, and they're with us!"

Penn, after 16 days finally disbanded the encampment, declaring, "Our community has been under threat—for too long." The university finally acknowledged reality: we, as students, for far too long endured danger. So let me ask you this, what value is such an acknowledgment if action takes two weeks?

The lesson that Penn has been teaching students and faculty is that violence and harassment work. Penn has allowed individuals to act with impunity. As former President Harry S. Truman stated, "appeasement only makes the aggressor more aggressive."

Moreover, four days prior to the encampment disbanding, in Penn's own words, "We have heard reports of circulating documents with instructions for escalating—including through building occupations and violence." The Penn crimes log even included "terroristic threats."

To be clear, the university knew about documents circulating within the encampment having instructions for violence, there were terroristic threats, and they waited at least four days to do something. On top of that, once the encampment was cleared the university found "weapons" within the encampment.

This right here is the moral degradation of higher education and an utter neglect of safety.

When we applied to Penn, we expected to be nervous about our final exams. What we didn't expect was to have counter-terrorism units roaming on our campus. Taxpayers weren't aware their federal dollars would support the hate that has taken root at Penn.

But make no mistake, it is not the administration alone. Some professors at Penn are also abetting hateful speech and conduct. To illustrate, one professor posted a cartoon mocking 9/11. Another posted on Oct. 7th “beautiful and timely” referencing Hamas terrorists entering Israel. While in class, a different professor remarked that not all Jews should be thrown into the sea, but only because it was “not practical.”

I sit here today because I am urging the administration to redeem themselves. Penn’s coat of arms reads “Laws without morals are useless.” Well, right now Penn has laws with zero morals.

Just last week, students put up six American flags on campus. Within 24 hours, the flags were removed. Yet, the PFLP flag that sat just yards away was left untouched. Apparently at Penn, flags of terrorist organizations that rape, murder, and take American hostages can fly freely, but the U.S. flag cannot.

As Bari Weiss profoundly stated, “When people turn against freedom, they turn against Jews.”

And so just as encampments chanted 'death to America,' I will sit here and shout 'God Bless America' because I refuse to let hatred drown out my love for freedom.

STATEMENT OF SHABBOS KESTENBAUM

Mr. KESTENBAUM. Subcommittee Chair Roy, Subcommittee Ranking Member Scanlon, my name is Shabbos Kestenbaum. I am a proud Jew. I am a proud first generation American. Unfortunately, I have the distinction of being the plaintiff against Harvard University for their inability and unwillingness to combat Jew hatred on their campus.

As my last name Kestenbaum suggests, my family's origins are traced to Germany. Indeed, my great-great grandfather, Yosef Breuer, was the leading German Orthodox Rabbi and a respected figure within German society. Breuer's youngest daughter, my great-great aunt, vividly recalls praying from the Book of Psalms while her father was arrested by the Nazi gestapo.

Their historic Breuer Synagogue in Frankfurt completely burnt to the ground on the night of Kristallnacht. As one of the very last Jews to flee Nazi persecution in Germany, my family found home in the United States of America where they were able to rebuild and sustain their Jewish identity. To this day, the historic Breuer Shul stands tall in New York City, representing not only the indomitable spirit of the Jewish people, but of what makes the United States such a beautiful, welcoming country.

My story of antisemitism, therefore, is deeply painful and it is deeply personal. The members, Kristallnacht did not begin with burning books or broken windows. Kristallnacht did not begin with destroyed synagogues nor expulsions.

Kristallnacht began with the acceptance, the normalization, and the celebration of Jew hatred. The Members of this Committee, I appear before you with an urgent warning. The treatment of Jewish Americans on college campuses across this country and, in particular, at Harvard University is nothing short of a national emergency. It is blatantly antisemitic. It is frighteningly discriminatory, and it is deeply un-American.

I say this words out of two years of personal experience with a pervasive bigotry toward Jews and a stunning lack of moral clarity. I'd like to walk you through the last three weeks at Harvard to prove my point. On the first day Passover, hundreds of Harvard students and faculty members set up encampments in Harvard Yard in direct violation of Harvard policies demanding that Harvard divest all moneys from the Jewish State.

The protestors cheered thunderously when they replaced the American flag overlooking Harvard with that of Palestine. They screamed about globalizing the intifada, drew pictures of our Jewish university president with horns and a tail, and screamed at all hours of the day that, quote, "Palestine will be Arab." Perhaps most concerning, the protestors established their own rule of law on campus creating self-appointed safety marshals to patrol the campus. These safety marshals followed Jews like me on our way to class, monitoring our every move.

They often recorded us and demanded that we leave their encampment as if we did not have a right to exist at Harvard. They did nothing when their encampment participants physically threatened Harvard community members. This campaign was designed for one reason and one reason only, to intimidate, harass, and bully Jewish students at Harvard University.

In fact, although President Alan Garber himself admitted that these students threatened both students and employees, the encampment was allowed to continue uninterrupted for nearly three weeks. While the encampment finally ended yesterday, if you would like to see Harvard's antisemitism in real time, look no further than the fact that Harvard has agreed with almost all the encampment leader's demands. In exchange for leaving, the anti-Semites will face zero consequences.

They will get to meet with the university to discuss a Palestinian Studies Department. They will meet with the corporation to discuss divesting from the Jewish State. Not once has Harvard publicly condemned the objective antisemitism that we Jewish students have faced as a result.

Not once has Harvard's antisemitism task force said anything. More importantly, not once have they done anything to combat antisemitism at Harvard. The encampment espoused near daily antisemitism, harassed, and followed Jews, called for the violent destruction of the Jewish State, all in direct violation of school policy.

As a result, they will all be rewarded. Only those—I am a Jewish student and have thus far been unable to meet with President Alan Garber or my dean, Marla Frederick, to discuss the pervasive antisemitism on campus. Only those who call for the ethnic genocide of Jews, violate school policy, and sent masked thugs to follow Jews are given the honor of having a seat at the table.

That is the reality of being a Jew at Harvard in 2024. When the antisemitic encampment was ongoing, a few brave patriots and I decided to plant 1,200 Israeli and American flags in memory of the 1,200 Muslim, Jews, and Christians slaughtered by October 7th. Harvard responded by calling the police on me.

Harvard did not deem chanting violent destruction of the Jewish hate actionable, but planting American flags were. Tellingly within 24 hours of our installation being set up, the American flags, Israeli flags, and hostage posters were all vandalized. To this day, Harvard has yet to acknowledge let alone condemn this act of hatred.

I will close by saying that Harvard students have called Jews bloodthirsty vipers. A professor has publicly stated that quote, "Zionists do not belong in public health." Class instructors have canceled classes to encourage students to participate in anti-Israel demonstrations, and a staff at Harvard threatened me with a machete.

To this day, Harvard has yet acknowledged to me what they will do to protect me, what they have done to discipline the staff member. I have seldom experienced such disdain, disregard, and contempt for a minority group than the way in which Harvard treats its Jews at Harvard.

[The prepared statement of Mr. Kestenbaum follows:]

TESTIMONY OF SHABBOS KESTENBAUM

As my last name Kestenbaum suggests, my family's origins are traced to Germany.

Indeed, my great-great grandfather, Rabbi Yosef Breuer, was the leading German Orthodox Rabbi and a respected figure within German society.

Rabbi Breuer's youngest daughter, my great-great Aunt, vividly recalls hiding under the bed while her father was arrested by the Nazis, and their historic Breuer Synagogue burned to the ground, on the night of Kristallnacht.

As one of the very last Jews to flee Nazi persecution in Germany, my family found home in the United States, where they were able to rebuild and sustain their Jewish identity.

To this day, the historic Breuer Shul stands tall in New York City, representing not only the indomitable spirit of the Jewish people but of what makes the United States of America such a beautiful, welcoming country.

My story of antisemitism, therefore, is deeply painful and it is deeply personal.

Members of this committee, I appear before you today with an urgent warning.

Kristallnacht did not begin with book burnings or broken windows.

Kristallnacht did not begin with destroyed synagogues nor expulsions.

Kristallnacht began with a pernicious ideology that swept across German society.

Kristallnacht began with the acceptance and normalization of Jew hatred.

Kristallnacht began with words.

Unfortunately, I have come to the heartbreaking conclusion that should these behaviors and actions not be challenged immediately, our country is headed down a truly dangerous path.

Members of this committee, if antisemitism were an infectious disease, Harvard University would have instituted mask mandates and social distancing decades ago.

I say these words out of two years of personal experiences with a racial ideology championed by Harvard that views Jews as an annoyance at best, pervasive bigotry, and a stunning lack of moral clarity by the institution. As such, the Committee must think of the issue of antisemitism on college campuses in the same way they would of a national pandemic.

I'd like to walk you through three weeks in January to prove my point:

On Thursday January 4th, I woke up to dozens of fellow Harvard classmates posting on the social media app SideChat that Jews are both baby killers and pedophiles, lamenting the outsized role Jews play in media and politics, and arguing that "too many damn Jews" live in this country.

I immediately flagged this issue to the Harvard administration. To this date, no immediate action was taken.

On Sunday January 21st, the day before the Spring semester was to begin at Harvard, I walked through Harvard Yard to discover that every single poster calling attention to kidnapped Jewish civilians was vandalized by horrific antisemitism.

Some of the Jewish victims were compared to pedophile Jeffrey Epstein whereas others accused Jews of orchestrating 9/11.

In one particular instance, the vandals wrote "evidence needed, head still on" on a photo of ten-month-old Kfir Bibas, the youngest hostage taken, who remains separated from his family more than 140 days later.

I immediately flagged this issue to the Harvard administration. To this date, no immediate action has been taken. In fact, I even wrote to Harvard DEI, offering to miss my own classes to take down the posters.

On the morning of Thursday January 25th, I received an email from a Harvard employee asking me to debate him in a secluded underpass concerning whether Jews were behind the 9/11 terrorist attacks.

That night, that same Harvard employee posted a video to his social media waving a machete with a picture of my face and other prominent Jewish activists, declaring his intention to "fight" and "have a master plan that he won't get into right now."

For three days, I had private armed security outside my house. I had armed security follow me to Shabbat prayer services for my own protection.

While I immediately flagged this issue to the Harvard administration and to the police, this individual is *still employed by Harvard*.

On a Harvard student-run online forum, I was immediately removed after asking classmates to consider demanding Hamas release its Jewish hostages instead of an unconditional ceasefire.

On a different Harvard student-run online forum, after I had posted a similar question, students responded "we are taking a do not engage with Shabbos Kestenbaum approach," over my "morally reprehensible views."

On yet another Harvard student-run online forum, after I had pointed out that a featured speaker at Harvard called the October 7th massacre "about time" and a "glorious day," a fellow student responded "I am still comfortable promoting this event."

The bullying, intimidation, and ostracizing of Jewish students at Harvard is normalized.

People often ask me how Harvard has changed post-October 7th in relation to antisemitism.

I say there was no post-October 7th change, there was a change on the night of October 7th itself:

On the joyous Jewish holiday of Simchat Torah, our celebrations at Harvard Hillel were interrupted by rumors of a terrorist attack the likes of which the Jewish People have never experienced in modern history.

As an Orthodox Jew, I do not use, or even touch, electronics on the Sabbath or Jewish holidays.

Nevertheless, I was advised to break that religious obligation to locate my siblings and extended family who live in Israel.

While I was desperately trying to see whether they were alive or not, 34 student groups at Harvard, representing hundreds of students, jumped out of bed, some in their pajamas, to draft what they called an "emergency statement" blaming Jews for their own massacre, the largest one, I might add, since the Holocaust.

I know many of these students. I sit in class with them. I share study halls with them. They publicly praise Hamas, they side repeatedly with the Houthis, and believe Hezbollah to be a legitimate political resistance group.

To this day, Harvard has not condemned let alone disciplined, these 34 student groups.

But the antisemitism and Hamas sympathies do not rest solely on Harvard students.

It extends to, and is promoted by, Harvard faculty.

Just last month, close to 100 Harvard faculty and staff published a cartoon depicting a Jewish man, replete with the Star of David and the money symbol, choking an Arab and black man by their neck with a noose.

To this day, these faculty have not been disciplined in any way. They continue to teach and spread their poison with impunity. I pass them in the hallways and see their names featured prominently on lectures.

In fact, just three days later, Harvard proudly hosted antisemite Noura Erakat who participated on a panel with internationally designated terrorist and senior Hamas commander Ghazi Hamad who has repeatedly promised "a million more October 7ths."

Tellingly, according to Hillel International, in the 1970s, Jews accounted for roughly 25% of Harvard's student population. In 2023, that number is estimated to be lower than 5%. Even during President Gay's historic inauguration ceremony, which centered around the causes of "courage" and "diversity," there was no kosher food.

In response to global pressure, this congressional committee and investigation, and the withdrawal of more than one billion dollars in donations, Harvard belatedly established an Antisemitism Advisory group to purportedly combat this hate at Harvard.

The Group was so remarkably ineffective that its most effective member, Rabbi David Wolpe, resigned.

One month later, the Group was disbanded.

Now, there is a new Antisemitism Task Force at Harvard.

This too is so remarkably ineffective that its most effective member and co-chair, Raffaella Sadun, recently resigned. The other co-chair, Derek Penslar, has claimed that antisemitism at Harvard is "exaggerated."

DEI, the root cause of so much of the antisemitism at Harvard, is playing a role on the Task Force as well. Harvard had recently announced its Chief DEI Officer, Sherri Charleston, will be a critical advisor for the committee.

In fact, last month week alone, we Jewish students were forced to hire private armed security for a concert in honor of Jewish students victimized by antisemitism after a group of Harvard students encouraged a protest of the event, shouting threatening slogans such as "globalize the intifada" and "resistance is justified."

The response from Harvard? Nothing.

I know of Jewish students at Harvard who do not wear their kippahs publicly anymore, have changed majors due to hostile anti-Israel environments, have been spat on for their religious identity, and more.

While I can provide countless more examples and heartwrenching testimony, it is best that I conclude as follows: I have seldom experienced such disdain for, and contempt of, a minority group, than the way in which Harvard treats its Jewish student population.

I will conclude with one last painful anecdote:

In the first day of Passover, hundreds of Harvard students illegally set up encampments all over campus, demanding Harvard divest all monies from the Jewish state.

The protestors cheered thunderously when they replaced the American flag overlooking Harvard with that of Palestine.

They screamed about globalizing the intifada, depicted our Jewish President with horns and a tail, followed Jewish students on their way to class to intimidate them, broke School property, and violated all time, place, and manner restrictions.

The Harvard encampment finally ended yesterday. Yet, do you want to see Harvard's antisemitism in real time? Harvard has agreed with almost all of their demands.

The encampment espoused near daily antisemitism, harassed and followed Jews, called for the violent destruction of the Jewish state, and violated school policy.

Nevertheless, in exchange for leaving, the antisemites will have their suspensions or other disciplinary actions revoked. They will get to meet with the University to discuss a Palestinian Studies department. They will meet with the Corporation to discuss divesting. Yet, Not once has Harvard publicly condemned the objective antisemitism that we Jewish students have faced as a result. Not once has the antisemitism task force said anything. More importantly, not once have they DONE anything to combat antisemitism here at Harvard.

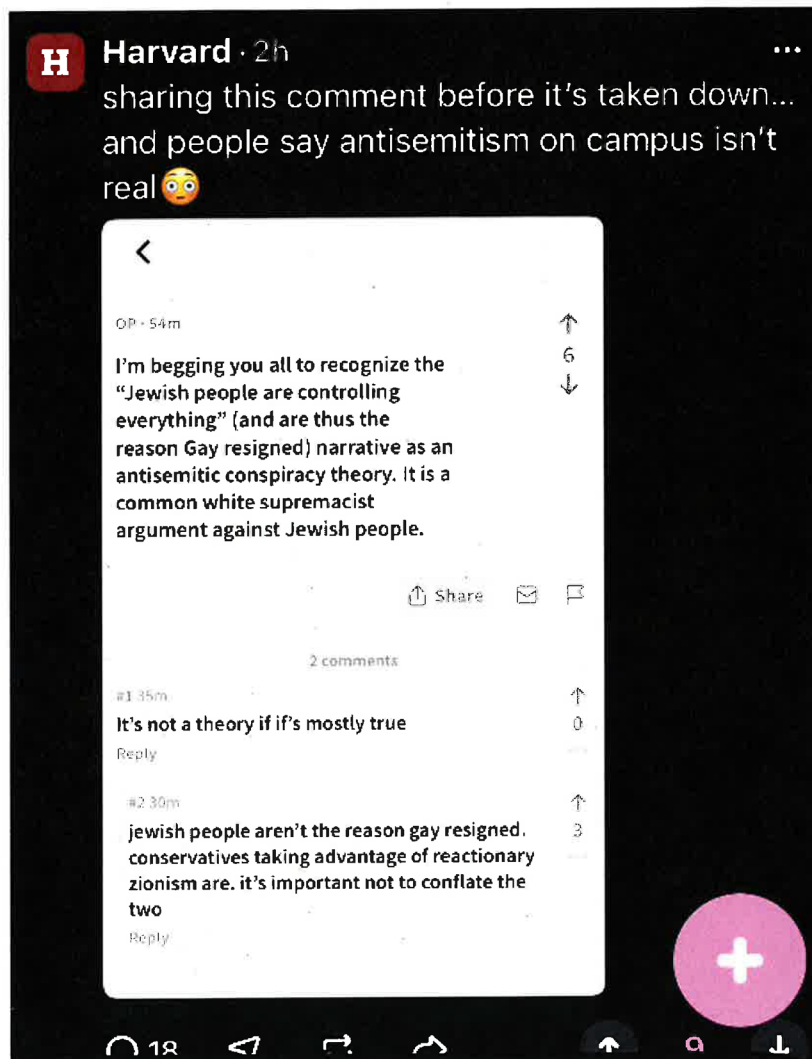
Jews here have no allies, no voice, and no advocates. The only way Harvard will ever change is sustained outside pressure. Please help us!

This is the reality of being a Jew at Harvard in 2024.

For if antisemitism is a disease, then certainly, Harvard University is the Wuhan wet market. The time for Congress to act is now.









harvardfsjp 11h

...

AFRICAN PEOPLE HAVE A PROFOUND UNDERSTANDING OF APARTHEID AND OCCUPATION.

The historical roots of solidarity between Black liberation movements and Palestinian liberation began in the late 1960s. This period was marked by a heightened awareness among Black organizations in the United States.

The **STUDENT NONVIOLENT COORDINATING COMMITTEE** likened Zionism to an imperial project...

...while the **BLACK PANTHER PARTY** aligned itself with the Palestinian resistance, framing both struggles as a unified front against racism, Zionism, and imperialism.

@harvardpsc and @harvardafro

KIDNAPPED



Kfir Bibas
10 months baby
Israeli-Argentinian

**Bring Them
Home NOW.**

#KidnapedFromIsrael



KIDNAPPED





Harvard · 2h

...

Do you guys not see the antisemitic tropes you're perpetuating? It's like y'all read Mein Kampf in expos

#2 ▶ #1

stfu pedo lover! all of you Zionists are the same. Killers and rapists of children!

1m Reply ...



1



25



70



Harvard · 3m

...

No antisemitism going on here. Nope definitely not.

OP ▶ #1

Make up your mind do Zionists bomb babies or are they pedophiles?

5m Reply ...



2



#1 ▶ OP

BOTH

Just now Reply ...



1





Mr. ROY. Thank you, Mr. Kestenbaum.
 Rabbi Dr. Goldfeder, you may begin your testimony.

STATEMENT OF MARK GOLDFEDER

Mr. GOLDFEDER. Chair Roy, Ranking Member Scanlon, the Members of the Subcommittee, good afternoon. My name is Mark Goldfeder. I'm the Director of the National Jewish Advocacy Center, a nonprofit legal organization set up to combat antisemitism.

It is an honor to appear before you on this important topic. Even pre-October 7th, studies show that nearly 75 percent of Jewish students on campus had experienced antisemitism. That number is only growing.

I'm incredibly grateful for the wide bipartisan consensus, both here in Congress and in State legislatures throughout the country, that more needs to be done to protect our Jewish students. Antisemitism is also a serious concern for the rest of American society because history has repeatedly shown that it is a proverbial canary in the coal mine of intolerance. One need look no further than our college campuses, where already the chants have morphed from death to Israel to death to America.

There's no time for a history of antisemitism. It is worth noting that there are certain patterns that consistently emerge when it comes to antisemitism's focus, the form if not the content of its justifications, and the effective process by which it allows otherwise decent people to do horrible things. In terms of its focus, as Chief Rabbi Lord Jonathan Sacks of blessed memory once explained, antisemitism often looks at Jews as a collective.

The idea being that while individual Jews might be tolerable, Jews as a separate collective identity should not be allowed to exist with the same rights as other groups. That's why the majority of antisemitism at any given era tends to focus on the primary form of collective Jewish identity at that point in time. So, in the Middle Ages, Jews were for the most part a religious community.

So, they were hated for their religion, even if those particular Jews being oppressed were not religious. In the 19th and 20th centuries, the primary unifying collective identity of Jews was their ethnicity. Even when the assimilated Jews had only a trace amount of Jewish blood in them, they were killed.

Today when the primary collective embodiment of Jewish people on the world stage is the people of Israel and their nation State, Jews around the world are hated and held accountable for their State, even if they're not Israeli. The essence is the same even if the focus shifts. It's the denial of the legitimacy of the Jews as a separate people.

In every generation, those manifesting such bigotry use some variant of the same refrain. We don't hate Jews. We just hate X, to justify their hatred in a socially acceptable way. Anti-Semites need a rationale that can pass in polite society.

So, in the Middle Ages, that was religion. In post-Enlightenment Europe, it was science. Today, it involves using, actually abusing the language of human rights with selective claims of social justice.

That's only Jews or the Jewish State as worth of condemnation. Finally, in terms of its insidious process, one unifying theme is consistent dehumanization. Whether the Jews are portrayed as malev-

olently superhuman like in the Protocols of the Elders of Zion or as worthlessly subhuman in Nazi ideology, anti-Semites have found that it is easier to despise and eventually kill that which you don't consider human.

The bottom line is that the rationales are ever changing. So, to fight antisemitism, we need solutions that can cut through all the timely excuses given for a timeless hatred. We need to focus on practical measures.

So, I wish to offer three suggested efforts. First and foremost, for the vast majority of Jewish people across time and space, Zionism is and always has been an integral part of their Jewish identities. To quote my distinguished co-panelist, Mr. Rachlin, "not all anti-Zionism is antisemitism, but most of it is."

Certainly, any time that Jews are targeted for their Jewish belief in Zionism, that is antisemitism nor is that in any way controversial or partisan. That idea actually comes from the Administration's National Strategy to Counter Antisemitism that Ranking Member Nadler referenced. So, Congress should clarify that unlawfully targeting a Jewish person for any aspect of their Jewish identity, including a belief in Zionism is antisemitism and will be treated as such.

Second, Congress should make sure that the Federal Government is enforcing laws already in place, including, of course, Title VI. Congress could also add teeth in the form of penalties for schools that fail to fulfill their obligations or to file the requirements to disclose foreign funding. Finally, Congress should make clear that the First Amendment is not some mystery that no one knows how to apply.

The government expects universities to apply it correctly and consistently. Freedom of speech, even offensive and hateful speech, must be protected. There are limits to what constitutes speech and there are rules for when it crosses over into actionable conduct.

Let me be clear. You can say whatever you want, however abhorrent, about Jews or the Jewish State. You can't then attack Jews because of those hateful feelings. The First Amendment does not protect trespassing, vandalism, harassment, assault, the destruction of property.

It does not protect those making true threats or intimidation or incitement. Protests are important, important. Schools can and must still impose reasonable time, place, and manner restrictions.

Even a public university is not a public street. The rules for what speech must be allowed on each are very different. University officials do not have to tolerate student activities that breach reasonable campus rules that interrupt the educational process or interfere with other students' right to receive an education.

We also don't have to imagine what responsible leadership looks like in practice. As the Chair mentioned, President Ben Sasse of the University of Florida is one example of someone who had stepped up to show the way. Thank you for this opportunity to testify, and I look forward to your questions.

[The prepared statement of Mr. Goldfeder follows:]

HEARING BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON THE CONSTITUTION AND
LIMITED GOVERNMENT

‘ANTISEMITISM ON COLLEGE CAMPUSES’

TESTIMONY OF RABBI DR. MARK GOLDFEDER, ESQ.
DIRECTOR, NATIONAL JEWISH ADVOCACY CENTER

MAY 15, 2024

Chairman Roy, Ranking Member Scanlon, and Members of the Subcommittee,

Good afternoon. My name is Mark Goldfeder, and I am the Director of the National Jewish Advocacy Center, a nonprofit legal organization set up to combat antisemitism in all of its different manifestations. I am co-author of the Westlaw treatise 'Religious Organizations and the Law' and I served as the Founding Editor of the Cambridge University Press Series on Law and Judaism. As a practicing attorney, educator in the University/college arena, and an ordained Rabbi, my personal and professional pursuits have involved addressing the real-life consequences and attributes of antisemitism for my entire adult life. It is an honor to be before the Subcommittee to discuss this important topic.¹

Antisemitism is often called the oldest form of hatred.² Unfortunately it is also perhaps the most persistent.³ And, despite the fact that we are still within living memory of the Holocaust,⁴ I don't need to cite the statistics to describe what you can all see for yourselves. Once again antisemitism is on the rise.

On university campuses around the country antisemitism has become entrenched, systemic, broad and deep. Even pre-October 7th studies showed that nearly 75 percent of Jewish students across the United States had experienced antisemitism on campus,⁵ and that number is only growing.

Antisemitism is a serious concern for over 90 percent of American Jews and I am incredibly grateful to observe bipartisan consensus both here in the U.S. Congress and in state legislatures throughout the country that more needs to be done to protect this vulnerable minority. But it is also a serious concern for the rest of American society, generally, because history has repeatedly shown⁶ that antisemitism is often a form of gateway racism; the proverbial "canary in the coal mine of intolerance."⁷

¹ Parts of this testimony have been drawn from my previous writings on the subject, including but not limited to: Goldfeder, Mark (2021) "Defining Antisemitism," *Seton Hall Law Review*: Vol. 52 : Iss. 1 , Article 3. Available at: <https://scholarship.shu.edu/shlr/vol52/iss1/3>, and Goldfeder, Mark (2023) "Codifying Antisemitism," *Penn State Law Review*: Vol. 127: Iss. 2, Article 4.

² Hillel Halkin, *The Persistence of the Oldest Hatred*, N. Y. TIMES: SUNDAY BOOK REVIEW (Sept. 29, 2019), <https://www.nytimes.com/2019/09/10/books/review/how-to-fight-antisemitism-bari-weiss.html>; Ildikó Barna et al., *Contemporary Forms of the Oldest Hatred: Modern Antisemitism in the Visegrád Countries* in *THE NOBLE BANNER OF HUMAN RIGHTS: ESSAYS IN MEMORY OF TOM LANTOS*, 303–38 (Katrina Swett, Anna-Mario Biro, and Mate Fischer eds. 2018).

³ *Antisemitism: A History* 8 (Richard S. Levy and Albert S. Lindemann eds. 2010).

⁴ The Persistence of Antisemitism, *Holocaust and Human Behavior*, (last visited Oct. 6, 2019), <https://www.facinghistory.org/holocaust-and-human-behavior/chapter-11/persistence-antisemitism>.

⁵ *Antisemitism and the College Campus: Perceptions and Realities*, BRANDEIS UNIV.: MAURICE AND MARILYN COHEN CENTER FOR MODERN JEWISH STUDIES (2015), <https://bir.brandeis.edu/bitstream/handle/10192/30810/AntisemitismCampus072715.pdf>.

⁶ DENNIS PRAGER & JOSEPH TELUSHKIN, WHY THE JEWS? THE REASON FOR ANTISEMITISM, THE MOST ACCURATE PREDICTOR OF HUMAN EVIL, (2003); Jerry Klinger, *The Canary in the Coal Mine? American Jewry 1654-1770*, Jewish American Society for Historic Preservation (last visited Oct. 6, 2019), http://www.jewish-american-society-for-historic-preservation.org/images/The_Canary_in_the_Coal_Mine.pdf.

⁷ Bill Rinehart, *Rising Antisemitism is 'Canary in a Coal Mine' For Other Communities*, CINCINNATI PUBLIC RADIO (Apr. 9 2019), <https://www.wyxx.org/post/rising-antisemitism-canary-coal-mine-other-communities#stream/0>; Jonathan Freedland, *Antisemitism matters: Jews are the canary in the coalmine*, THE GUARDIAN (Mar. 30 2018),

It is very challenging to answer the question of *why* antisemitism persists, but former Chief Rabbi Lord Jonathan Sacks of blessed memory has explained that the underlying problem is a society's unhealthy inability to tolerate difference. "And because we are all different, the hate that begins with Jews never ends with Jews. Antisemitism is the world's most reliable early warning sign of a major threat to freedom... It matters to all of us. Which is why we must fight it together."⁸ As Ahmed Shaheed, the United Nations Special Rapporteur on freedom of religion or belief noted in his recent Human Rights Council report on antisemitism, "antisemitism, if left unchecked by governments, poses risks not only to Jews, but also to members of other minority communities. Antisemitism is toxic to democracy and mutual respect of citizens and threatens all societies in which it goes unchallenged."⁹ One need look no further than the college campuses, where already the chants have morphed from death to Israel to Death to America.

There is not enough time for even a brief history of antisemitism,¹⁰ but it is worth noting that there are some patterns that consistently emerge every time it publicly rears its ugly head, in particular when it comes to antisemitism's focus; the form if not the content of its justifications; and the effective process by which it allows otherwise decent people to do horrible things.

In terms of its focus, antisemitism often looks at Jews as a collective,¹¹ the idea being that while individual Jews or small groups of Jews might be tolerable, Jews as a separate collective identity should not be allowed to exist with the same rights as other groups.¹² That is why the majority of antisemitism in any given era tends to focus on the primary form of collective Jewish identity at that point in time.¹³ Throughout the Middle Ages, Jews were, for the most part, a religious

<https://www.theguardian.com/commentisfree/2018/mar/30/antisemitism-jews-canary-coalmine-fake-news>:

Antisemitism may be canary in the coal mine of intolerance, THE JEWISH NEWS OF NORTHERN CALIFORNIA (Dec. 19, 2014), <https://www.jweekly.com/2014/12/19/antisemitism-may-be-canary-in-the-coal-mine-of-intolerance/>.

⁸ *Id.* See also, generally, RABBI JONATHAN SACKS, THE DIGNITY OF DIFFERENCE: HOW TO AVOID THE CLASH OF CIVILIZATIONS (Bloomsbury Publishing, 2002).

⁹ Ahmed Shaheed (Special Rapporteur on Freedom of Religion or Belief), *The Elimination of all forms of Religious Intolerance*, U.N. DOC. A/74/358 (Sept. 23, 2019). See *infra* for reasons why this might be the case.

¹⁰ See e.g., POLIAKOV, LEON, THE HISTORY OF ANTISEMITISM. PHILADELPHIA (Univ. Penn. Press 2003); ROBERT S. WISTRICH, ANTISEMITISM: THE LONGEST HATRED (1991); BEN-ITTO, HADASSA, THE LIE THAT WOULDN'T DIE: THE PROTOCOLS OF THE ELDERS OF ZION (2005); BURLEIGH, MICHAEL, THE RACIAL STATE: GERMANY 1933-1945 (1991); ANTISEMITISM: A HISTORICAL ENCYCLOPEDIA OF PREJUDICE AND PERSECUTION (Richard S. Levy ed., 2005); JAMES W. PARKES, ANTISEMITISM (Mitchell Valentine 1963).

¹¹ When Marr founded the 'League of Antisemites,' for example, he wrote that "Not individual Jews, but the Jewish spirit and Jewish consciousness have overpowered the world." WILHELM MARR, *Der Sieg des Judenthums ueber das Germanenthum vom nicht confessionellen Standpunkt aus betrachtet*, (Paul Mendes-Flohr & Jehuda Reinharz trans., 1879) in THE JEW IN THE MODERN WORLD: A DOCUMENTARY HISTORY 331, 332 (Paul Mendes-Flohr & Jehuda Reinharz eds., 1995).

¹² Videos and Audio, *Rabbi Sacks on the connection between Judaism and Israel*, THE OFFICE OF RABBI SACKS (Apr. 29, 2019), <https://rabbisacks.org/rabbi-sacks-on-the-connection-between-judaism-and-israel/>. See also Per Ahlmark, former leader of the Swedish Liberal Party and Deputy Prime Minister of Sweden, remarking that while antisemitism may begin by primarily attacking the collective Jews... "such attacks start a chain reaction of assaults on individual Jews and Jewish institutions." Per Ahlmark, "Combating Old/New Antisemitism," Yad Vashem, speech at International Conference on the "Legacy of Holocaust Survivors," in Vidal Sassoon International Center for the Study of Antisemitism, *Annual Report* (2002), available at www.yad-vashem.org.il/about_yad/what_new/data_whats_new/whats_new_international_conference_ahlmark.html.

¹³ JAMES WALD, *The New Replacement Theory: Anti-Zionism, Antisemitism, and the Denial of History*, in ANTI-ZIONISM AND ANTISEMITISM: THE DYNAMICS OF DELEGITIMIZATION, 2, 2-3 (2019).

community and so they were hated for their religion- even if the particular Jews that were being oppressed were not religiously Jewish.¹⁴ In the 19th and 20th centuries, when many Jews became secularized, the primary unifying collective identity of Jews was their ethnicity, and so the hatred mutated to focus on race- even when the assimilated Jews that were being oppressed had only a trace amount of Jewish blood in them.¹⁵ Today when the primary collective embodiment of Jewish people on the world stage is the people of Israel in their nation state, Jews around the world are hated and held accountable for ‘their’ state- even if they are not Israeli nor live in Israel.¹⁶

In each instance the essence of antisemitism is the same, even if the focus somewhat shifts. It, is “anchored in the denial of the very legitimacy of the Jews as a people... [It is] an assault upon whatever is the core of Jewish self-definition at any given moment in time- be it the Jewish religion, or Israel as the ‘civil religion’ or juridical expression of the Jewish people.”¹⁷

And while antisemitism’s focus can shift over time, in every generation those manifesting such bigotry use some variant of the same refrain; ‘we don’t hate Jews, we just can’t stand ____.’ In order to justify their hatred in a socially acceptable way, antisemites need a rationale that can pass in polite society- ideally one that appeals directly to the highest source of authority that is currently en vogue. As Rabbi Sacks notes, sometimes the justification maps directly onto the target. In the Middle Ages, for example, the highest source of authority was religion;¹⁸ in post-Enlightenment Europe it was science,¹⁹ and today it involves using (or abusing) the language of human rights with selective claims of social justice that see only Jews,²⁰ or the Jewish state,²¹ as worthy of condemnation.²²

¹⁴ THOMAS F. MADDEN, THE TRUTH ABOUT THE SPANISH INQUISITION 24–30 (2003), available at <https://www.catholicculture.org/culture/library/view.cfm?recnum=5236>.

¹⁵ The Nuremberg Laws: Background & Overview, JEWISH VIRTUAL LIBRARY, <https://www.jewishvirtuallibrary.org/background-and-overview-of-the-nuremberg-laws> (last visited Jan. 23, 2021).

¹⁶ Videos and Audio, *The Mutating Virus: Understanding Antisemitism*, THE OFFICE OF RABBI SACKS (Sept. 27, 2016), <https://rabbisacks.org/mutating-virus-understanding-antisemitism/>.

¹⁷ Irwin Cotler, *Global Antisemitism: Assault on Human Rights*, (Yale Univ. Initiative for the Interdisciplinary Study of Antisemitism Working Paper No. 3, 2009), <https://isgap.org/wp-content/uploads/2011/10/irwin-cotler-online-final1.pdf>.

¹⁸ During the medieval crusades and the pogroms of the 19th and 20th centuries, in which Jews were massacred and maimed, the persecutors focused more on Christian themes for their religious justifications, including charges of deicide and blood libels. See MARVIN PERRY AND FREDERICK M. SCHWEITZER, *The Diabolization of Jews*, in ANTISEMITISM 73–117 (2002). Throughout the Biblical period as well though the people of Israel experienced various forms of overtly religious persecution, largely because they refused to accept the pagan and idolatrous practices of their surrounding communities. See *A Brief History on Anti-Semitism*, ANTI-DEFAMATION LEAGUE (2013), <https://www.adl.org/sites/default/files/documents/assets/pdf/education-outreach/Brief-History-on-Antisemitism-A.pdf>.

¹⁹ Hence the reliance on pseudoscientific studies about racial eugenics. See *Antisemitism in History: Racial Antisemitism, 1875–1945*, U.S. HOLOCAUST MEMORIAL MUSEUM <https://encyclopedia.ushmm.org/content/en/article/antisemitism-in-history-racial-antisemitism-18751945> (last visited Jan. 30, 2021).

²⁰ See e.g., Channah Newman, *Pursuit of ‘social justice’ gives strength to anti-Semitism*, THE JEWISH CHRONICLE (Dec. 2, 2018), <https://jewishchronicle.timesofisrael.com/pursuit-of-social-justice-gives-strength-to-anti-semitism/>.

²¹ Sina Arnold and Blair Taylor, *Antisemitism and the Left: Confronting an Invisible Racism*, 9 J. OF SOCIAL JUSTICE (2019).

²² THE OFFICE OF RABBI SACKS *supra* note 42. As Rabbi Sacks explains,

Today the highest source of authority worldwide is human rights. That is why Israel—the only fully functioning democracy in the Middle East with a free press and independent judiciary—is regularly

Finally, in terms of its insidious process, one of the rare unifying themes that emerges from the history of antisemitism is the consistent attempt at dehumanization of the Jewish people. Whether they are portraying Jews as malevolently superhuman, as in the Protocols of the Elders of Zion,²³ or as worthlessly subhuman, as in the Nazi ideology,²⁴ antisemites throughout history have found that it is easier to despise and eventually kill that which they do not consider human.

Jews have also been ‘othered’ in more subtle ways; for example, in America they have been considered non-white when whites are being privileged²⁵ and then been told that they are privileged whites when they demand recognition of their struggles.²⁶ “In the past Jews were rendered alien to the West by being orientalized. Today, Jews are rendered alien to the Middle East by being redefined as European...”²⁷ They killed us in Europe and chanted for us to go back to the Middle East, now they are chanting for all of us to go back to Poland.

The practical problem with defining antisemitism is that the rationales are everchanging; Jews are criticized for being whatever a society, or a particular part of a society, hates at that particular

accused of the five cardinal sins against human rights: racism, apartheid, crimes against humanity, ethnic cleansing and attempted genocide. The new antisemitism has mutated so that any practitioner of it can deny that he or she is an antisemite. After all, they’ll say, I’m not a racist. I have no problem with Jews or Judaism. I only have a problem with the State of Israel. But in a world of 56 Muslim nations and 103 Christian ones, there is only one Jewish state, Israel, which constitutes one-quarter of one per cent of the land mass of the Middle East. Israel is the only one of the 193 member nations of the United Nations that has its right to exist regularly challenged, with one state, Iran, and many, many other groups, committed to its destruction...

That is why, as he has explained elsewhere, “[w]henver you hear human rights invoked to deny Israel’s right to exist, you are hearing the new antisemitism.” See THE OFFICE OF RABBI SACKS, *supra* note 42. At other times, the justification for antisemitism latches on to whatever concrete policy aim is likely to stir up popular support. For example, the Jewish people were enslaved in Egypt for reasons that were eerily foreboding of the kind of thing that would routinely happen to this nation. The Biblical Pharaoh rationalized his actions in beginning to oppress his Jewish population by blaming the soon-to-be victim, saying: “Come, let us deal wisely with them. Otherwise, they may become so many that if there is a war they will join our enemies, fight against us, and leave the land.” *Exodus* 1:10. As Jeff Jacoby has keenly noted, Pharaoh’s notion of dealing wisely with this ‘national security threat’ entailed “slave labor, followed by mass murder.” “Then Pharaoh commanded all his people, ‘Every boy that is born to the Hebrews, you shall throw into the Nile.’” *Exodus* 1:22. See Jeff Jacoby, *Hitler, Pharaoh, and the Anti-Semitic Culture of Victimhood*, BOSTON GLOBE (Apr. 18, 2012), <https://www.bostonglobe.com/opinion/2012/04/18/hitler-pharaoh-and-anti-semitic-culture-victimhood-victims-who-persecute/Hph5XM6IfgWN7VkObPAasl/story.html>. Thirty centuries later, when the Nazis came to power, their crimes against the Jews were also described as self-defense. “The Jews of the whole world are trying to destroy Germany,” screamed government posters as the Nazis unleashed a boycott of Jewish-owned businesses. “German people, defend yourselves!” *Id.*

²³ See MARCUS, *infra* note 72, at 44.

²⁴ See Johannes Steizinger, *The Significance of Dehumanization: Nazi Ideology and Its Psychological Consequences*, 19 POLITICS, RELIGION & IDEOLOGY 139–57 (2018).

²⁵ See KAREN BRODKIN, *HOW JEWS BECAME WHITE FOLKS AND WHAT THAT SAYS ABOUT RACE IN AMERICA* (1998).

²⁶ ERIC L. GOLDSTEIN, *THE PRICE OF WHITENESS: JEWS, RACE, AND AMERICAN IDENTITY* (2006). In a recent example of this phenomenon, the widely criticized latest draft of California’s new proposed ethnic studies curriculum has been condemned as antisemitic for a number of reasons, including the fact that it both fails to discuss antisemitism, and reinforces negative stereotypes about Jews. For example, it uses the word “privileged” to describe only one ethnic group – the Jews, and recommends that students discuss how Jews “sometimes have experienced conditional whiteness and privilege.” Matthew Foldi and Adam Kredon *Describing Jews as ‘Privileged,’ Ethnic Studies Curriculum Sparks Backlash*, Washington Free Beacon (Jan. 20, 2021).

²⁷ WALD, *supra* note 54, at 19.

moment. Politically, the right will call them radicals, while the left will label them fundamentalists. They are characterized simultaneously as being too liberal or too conservative, both too rich and a drain on the society, too strong or too weak, at once too influential and too parasitical. It does not matter if the reasons are contradictory; in the span of one generation the main theory of antisemitism went from Jews being an inferior race worth of destruction (by the Nazis in the Holocaust) to being a powerful race that tries to destroy others (like the Nazis, in Holocaust inversion).²⁸

So what can the Subcommittee as a legislative body do to address such a mutating virus? Well in order to fight antisemitism we need solutions that can cut through all the various timely rationales given for a timeless hatred. We need to focus on practical measures. And so, to that end I wish to offer three suggested efforts.

First, and foremost, antisemites should not get to decide what is and is not Judaism, and what it and is not antisemitism. For the *vast* majority of Jewish people across time and space, Zionism is and always has been an integral part of their Jewish, often their religious, identities. Congress should clarify that unlawfully targeting a Jewish person for any aspect of their Jewish identity, including a belief in Zionism, is antisemitism, and will be treated as such.

Of course, Jews like any other group, are not monolithic, and a small percentage of Jewish people are themselves anti-Zionists. That does not change the fact that the overwhelming majority of Jews are one way, and such tokenism is seen as unacceptable — and rightfully so — in any other space where a marginalized community feels threatened.”²⁹ Antisemites love to point to the Jews who agree with them, and this classic trope, in the vein of well “some of my best friends are _____,” is a logically invalid claim of innocence by association,³⁰ and so lazily dismissive that “it has become shorthand for weak denials of bigotry — a punch line about the absence of thoughtfulness and rigor in our conversations about racism.”³¹

Jews, like any other group, are not homogenous and so, as Professor Andrew Pessin has noted, it is dire that the question of anti-Semitism be framed correctly: “For if Jews come in many types... it is perfectly conceivable that someone legitimately characterizable as an antisemite might not hate all or even most Jews...The crucial question should not be whether he hates all or most

²⁸ BAKAZS BERKOVITS, *Social Criticism and the “Jewish Problem,”* in ANTI-ZIONISM AND ANTISEMITISM: THE DYNAMICS OF DELEGITIMIZATION 53, 53 (2019).

²⁹ Blake Flayton, *On the Frontlines of Progressive Anti-Semitism*, N.Y. TIMES (Nov. 14, 2019), <https://www.nytimes.com/2019/11/14/opinion/college-israel-antisemitism.html>.

³⁰ See Matthew P. Winslow, *Reactions to the Imputation of Prejudice*, 26 BASIC AND APPLIED SOCIAL PSYCHOLOGY 289–97. As one expert explained, “it is like saying there is no such thing as sexism because we all have a close friend or family member who is a woman.” *I’m not racist, I have black friends*, WIKIPEDIA, https://en.wikipedia.org/wiki/I%27m_not_racist_I_have_black_friends#cite_note-10 (last updated Dec. 23, 2020) (citing ELIZABETH ANNE MCGIBBON AND JOSEPHINE B. ETOWA, ANTI-RACIST HEALTH CARE PRACTICE 159 (2009)).

³¹ See John Eligon, *The ‘Some of My Best Friends Are Black’ Defense*, N.Y. TIMES (Feb. 16, 2019), <https://www.nytimes.com/2019/02/16/sunday-review/ralph-northam-blackface-friends.html>.

Jews...It is whether the people he hates, *he hates for their Jewishness*.³² Or for some aspect of their Jewishness, including, for example, their Zionism.³³

My second suggestion is that Congress make sure that the federal government is enforcing laws already in place; including of course, Title VI of the Civil Rights Act of 1964, but also the laws that provide for punishment when foreign students provide support for terrorism. The Immigration and Nationality Act mandates that those engaging in terrorist activity are barred from entering the United States, and eligibility also applies to those who have “persuaded others to endorse or support one of these named terrorist groups,” such as Hamas, which has been designated as a foreign terrorist organization by the State Department since 1997. Congress could also add teeth in the form of penalties for failure to follow the requirements for schools to disclose foreign funding.

Finally, Congress should make clear that the First Amendment is not some mystery that no one knows how to apply, and that the government expects Universities to apply it correctly.

On campuses across the United States, Jewish students are being harassed, intimidated, demeaned and abused, and in too many cases, administrators wringing their hands and refusing to exercise leadership are hiding behind the First Amendment, pretending that this is all about free speech and it is just too complicated. They are ignoring the desperate pleas for help, implying that someone has to actually get physically hurt or killed before they can step in. Congress should emphatically communicate the requirement for schools to enforce the First Amendment, wholeheartedly — but first, make sure that everyone understand its outer limits.

The First Amendment is not a free pass to threaten, harass, intimidate or otherwise violate the rights of others. It is true that freedom of speech, even offensive and hateful speech, needs to be protected; but there are limits to what constitutes speech, and there are rules for when it crosses over into actionable unlawful conduct.

At many schools, incidents have already clearly crossed these lines. The First Amendment does not protect trespassing, vandalism, harassment, assault or the destruction of property. Nor does it protect speech that is not to inform or persuade, but rather to disrupt lawful endeavors — activities like studying in a library, for instance. The First Amendment also does not protect someone who is making true threats, which the Supreme Court in *Virginia v. Black* (2003) defined as “statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.” Nor does it protect intimidation, which is “a type of true threat, where a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.” Just a few months ago, in *Counterman v. Colorado* (2023) the Supreme Court clarified that the intent standard for

³² Andrew Pessin, *The Indelible Stain of Antisemitism: The Failed Practice of “Jew-Washing,”* THE TIMES OF ISRAEL, (June 14, 2017) <https://blogs.timesofisrael.com/the-indelible-stain-of-antisemitism-the-failed-practice-of-jew-washing/>.

³³ This is also clear under a disparate impact analysis. A recent Gallup poll found that 95% of Americans Jews support Israel³³— which, is the definition of Zionism that tends to get Jewish students and Jewish groups excluded on campuses around the country³³— even as they may disapprove of certain Israeli policies. The research also shows that religion plays an important part in those beliefs.³³ If you exclude or demonize 95% of a group based on their shared ethnic beliefs, then it should be obvious that you are discriminating against that group and their beliefs.

true threats is not that the person speaking actually intends to threaten the victim. Instead, they asserted that the First Amendment does not protect a person who consciously disregards a substantial risk that his communications would be viewed as threatening violence.

All of the above have occurred on American campuses in recent weeks if not days. But the problem here is somewhat more acute, and there is an answer.

There is no First Amendment protection for speech that involves incitement, which the Court in *Brandenburg v. Ohio* (1969) explained includes speech that “is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.” *Brandenburg* is famously a very high standard, and *that* is precisely where the universities are hiding. Despite the dozens of anecdotal incidents, and despite all of the well-known studies confirming that the kind of inflammatory discriminatory antisemitic rhetoric that these groups have been spreading leads directly to antisemitic violence, officials are telling students and parents that their hands are tied because in most cases (excluding, for example, Rutgers and Cornell) there has not been sufficiently *direct* incitement.

The truth is that even the *Brandenburg* standard has clear and applicable limits; schools can still impose reasonable time, place and manner restrictions, for instance. Even under the *Brandenburg* paradigm, any student rally that disrupts the educational enterprise and functioning of a school may be restricted by that school without offending the First Amendment.

But this argument is also unnecessary — *because Brandenburg is the wrong standard for schools to be using*, and university presidents and general counsels need to correct that misunderstanding immediately.

In *Tinker v. Des Moines*, the Supreme Court found that the Constitution permits schools to limit speech that will “materially and substantially interfere” with the “requirements of appropriate discipline” in the operation of the school” or “invad[es] the rights of others.” That is the standard that these schools must now vigilantly enforce.

Of course, private colleges and universities can, in most cases, restrict certain speech, conduct and demonstrations, without triggering any constitutional issues. But even a public university is not a public street, and the rules for what speech must be allowed on each are very different.

The Supreme Court in *Healy v. James* (1972) cited *Tinker* to hold that university officials do not have to tolerate student activities that breach reasonable campus rules, interrupt the educational process or interfere with other students’ rights to receive an education. This is especially true when the student speech is happening in school-sponsored forums or is reasonably perceived as bearing the imprimatur of the institution (e.g. NYU SJP). Additionally, the Supreme Court in *Bethel v. Fraser* (1986) and *Hazelwood v. Kuhlmeier* (1988) held that schools have even greater latitude to limit student expression if they can establish a legitimate pedagogical concern. Ensuring that all students have a safe and harassment-free environment in which to learn is an overwhelmingly legitimate pedagogical concern.

Legally, schools do not have to wait for a disruption to occur: they can ban potentially disruptive expression if they can “reasonably forecast” that the speech in question would disrupt school discipline or operation, or if it would violate the rights of other students. In Melton v. Young, for instance, the court ruled in favor of school officials who prohibited the wearing of a Confederate flag jacket because it was reasonable to assume that it would be disruptive in an environment of heightened racial tension. Cheering on the slaughter as victims’ bodies are still being recovered — announcing solidarity with this “resistance” movement, who uses rape and torture and murder as “legitimate” tools in an “armed struggle” — is certainly no less likely to cause a disruption than a jacket.

Jewish students are telling university administrators that they are afraid to be on campus. These leaders have a legal obligation to fix that, and they have the tools to do it. Universities can protect speech, even hateful speech, but use both common sense and the relevant case law to know where to draw the line. We also do not have to imagine what responsible leadership look like in practice—President Ben Sasse at the University of Florida, is one example of someone who has stepped up to show the way.

Thank you for this opportunity to testify. I stand ready to work with the Subcommittee and any Member of Congress on this important matter and welcome any questions on my Testimony.

Mr. ROY. Thank you, Rabbi Goldfeder.
Now, I would turn to Mr. Rachlin for his testimony.

STATEMENT OF KEVIN RACHLIN

Mr. RACHLIN. Thank you so much, Chair Roy and Ranking Member Scanlon. Thank you for inviting me here today. My name is Kevin Rachlin, and I'm the Washington Director of the Nexus Leadership Project, a group committed to supporting the historic U.S. National Strategy to Counter Antisemitism and to fight antisemitism in ways that bring together communities.

Antisemitism is a threat to our society and to the norms and values of democracy. Every day, there seems to be new data showing an undeniable dramatic spike in antisemitism. That data doesn't tell the story half as well as these two students here today.

As Rabbi Dr. Goldfeder explained in his testimony, the kind of incidents being reported go well beyond the bounds of mere expression or protest. Chants of eff the Jews or calls for Jewish students to go back to Poland, these are brazened anti-Jewish taunts and harassment and they should be condemned and are simply unacceptable. The Israeli-Palestinian conflict is a complex issue, and reasonable people can disagree on solutions.

Universities should be a place to embrace complexity and promote understanding. When students are celebrating October 7th or saying Zionists should die, this is simply unacceptable and should be condemned. There's some disagreement about where anti-Zionism and criticism of Israel overlaps into antisemitism.

That's a debate that Nexus project has engaged in. When it comes to actually to protect college students, there's consensus around the anti-Jewish incidents we are hearing about today and about one of the common ways that anti-Zionism shows up. While not every argument against Zionism as a political ideology may be motivated by anti-Jewish bias, as a practical matter, the majority of American Jews self-identify as Zionists.

So, we have seen school clubs or movements with litmus tests saying Zionists not allowed, this is effectively a ban on including a majority of the Jewish students on that campus. That exclusion can be a Title VI violation and civil rights laws give enforcement agencies a mandate to act against that discrimination. Ultimately, we have to recognize that the rise of antisemitism is a broader societal issue that extends far beyond just our college campuses.

That is why the comprehensive whole-of-society approach of the National Strategy is so critical. Its recommendations for how the government, schools, businesses, and communities can prevent and respond to antisemitism has bipartisan bicameral support and has been embraced by the majority of the American Jewish community. The administration is already currently implementing the strategy within the relevant Federal agencies.

What we have seen again is that politicians won't even take a look at it or accept it simply by virtual of the fact that it's from another party. As you hear in this room today, Jewish students are facing atrocious antisemitic hostility, and Members of Congress should do something that might be extraordinary. Reach across any divide to take action.

Too much of this debate and too many proposed solutions do nothing for Jewish students, American students, or the health of the higher education system here in the United States. A recent letter from Jewish students at Columbia noted, quote,

Over the past six months, many have spoken in our name. Some are politicians looking to use our experiences to foment America's culture war.

Another national Jewish student petition said something similar. To truly protect Jews on campus and across the country, Congress must implement a collaborative and nuanced antisemitism strategy that centers Jewish safety above political gamesmanship. Students are smart enough to know that the external public posturing and politicized debate is making more headlines than headway to improve their lives on campus.

Politicians who are quick to descend on campus, call for Presidents to be fired, or to hold press conferences have not done their core job to make sure students have a place to call for help. I hope that every Member of the Subcommittee supports two bills that are a priority for the vast majority of the Jewish community. I don't know what could be easier or more salient at this point in time.

First, support the Goldman's Showing Up for Students Act, so that the Department of Education has the capacity it needs to cope with the influx of Title VI complaints. That office is handling a record number of antisemitism cases. Congress hasn't even provided adequate support to cope with their pre-October 7th case load, not to mention what has happened post-October 7th.

Second, support the Manning-Smith Countering Antisemitism Act, a bipartisan bicameral bill to establish a national coordinator to oversee Federal efforts to counter antisemitism and lead an interagency task force to implement the U.S. National Strategy. This bill has broad American Jewish communal support from groups like the ADL, AJC, J Street, AIPAC, Nexus, Hillel, and JCPA, just to name a few. I hope this hearing spurs a few more Members of Congress to cosponsor and support these really critical bills in fulfilling a basic duty to protect these students at this critical point in time. Thank you so much for inviting me to testify today, and I really look forward to your questions.

[The prepared statement of Mr. Rachlin follows:]

Testimony of
Kevin Rachlin, Washington Director of the Nexus Leadership Project
House Judiciary Subcommittee on the Constitution and Limited Government
May 15, 2024

Chairman, Ranking Member and members of the subcommittee, thank you for the opportunity to testify today on an issue that has impacted me and my community so much in recent months and which poses a threat to American society and the values of pluralism and democracy.

The data shows an undeniable and deeply concerning increase in antisemitic incidents at universities over the past year. A staggering 73% of Jewish college students reported experiencing or witnessing some form of antisemitism since the start of this school year, and just this week, a new report by US News and Generation Lab found that two-thirds of students at the nation's top universities say antisemitism is a problem on campus.

These statistics on their own are alarming, but they only begin to scratch the surface. The harsh reality of feeling under siege, having to look over your shoulder, feeling unwelcome in the communities you've built with classmates, roommates and extracurriculars. Wondering if you'll be the next victim of harassment or violence solely because of your religious identity is unacceptable. Only the most cynical among us would lack empathy for what these young people are going through during the formative years of their lives.

This problem did not begin on October 7. Addressing antisemitism requires two key things: a commitment to recognize the pain and sense of vulnerability sweeping Jewish communities and to understand where antisemitism comes from and how it harms and divides communities.

Hatred against the Jewish people dates back centuries, ever-evolving and weaponized by ideologies across the political spectrum - from the far-right's "Great Replacement Theory" to the antisemitic rhetoric coming from Hamas and its far-left supporters across the globe.

Everyone agrees that criticism of the Israel is not inherently antisemitic. And many, if not a majority of students moved to protest the suffering in Gaza, aren't driven by antisemitism.

We hear from Jewish students across the country, not just an acceptance, but a commitment to supporting Palestinian human rights and many have registered their own critique of various Israeli policies. But the kind of incidents being reported go well beyond the bounds of that type of expression. Chants of "F--- the Jews," calls for Jewish students to "go back to Poland," those are pure anti-Jewish taunts and harassment.

These are complex issues where reasonable people can disagree on solutions. Our universities should be places that embrace complexity and promote mutual understanding, not oversimplified "us vs. them" narratives. But where antisemitism has emerged in these movements, or when students are celebrating October 7th or calling for "more October 7ths," it is unacceptable and we must call it out.

There is much debate about where anti-Zionism or criticisms of Israel and antisemitism overlap. That's a debate the Nexus Leadership Project has engaged. But, for the purpose of action to protect college students,

there is consensus about a key factor. While not every argument against Zionism as an ideology may be motivated by anti-Jewish bias, as a practical matter, most American Jews identify as Zionist. So where we have seen clubs or movements with litmus tests for entry saying “Zionists not allowed,” this is effectively a ban on including a majority of Jews, not to mention countless of non-Jews, and that is not acceptable.

This challenge universities face in governing spaces that demand the free flow of inquiry is not a simple one. Administrations must balance protecting all students' right to learn in a discrimination-free environment, with the bedrock principles of free speech that allow the open exchange and debate of ideas - even ones some may find offensive. But what I fear is happening across campuses and beyond, including in the chambers of this very building, is that in our attempts to counter antisemitism, we are losing sight of that core objective.

Certainly, administrations must respond swiftly and seriously to discriminatory conduct that violates codes of conduct and federal anti-discrimination laws. But public pressure from outsiders for punitive disciplinary measures at best, and quasi-military intervention at worst are recipes for escalation and do nothing to address how and why antisemitism has gained such traction in American society.

While discipline or enforcement can be necessary, it is never sufficient. Universities need to work internally on ways to mobilize the full weight of their academic and intellectual assets to promote critical thinking – including about the Israeli Palestinian conflict. They need to invest in programs that bring students together across difference, teach students, faculty and staff to recognize antisemitism, and build campus communities in which Jews and all students have a fair chance to learn and succeed.

Ultimately, we have to recognize that the rise of antisemitism is a broader, societal issue that extends far beyond just college campuses. That is why the President launched the United States' first-ever National Strategy to Counter Antisemitism. This whole-of-society approach, supported by Jewish communal organizations across the spectrum, makes a comprehensive set of recommendations for how government entities, schools, businesses, communities and other sectors can take concrete actions to study, prevent and respond to antisemitic incidents and underlying biases.

The administration has already started implementing the national strategy within relevant federal agencies. But more can and should be done. Bills like the Goldman-Casey Showing Up for Students Act, which would give the Department of Education the resources they need to investigate claims of discrimination in schools, to the bipartisan bicameral Manning-Smith-Lankford-Rosen Countering Antisemitism Act that would provide authorization and direction to help the Administration execute more of the strategy's proposals, are exactly the type of common-sense proactive measures that can meaningfully address the surge in antisemitism in this country.

We cannot be naïve about the serious challenges universities face navigating tensions, fears and passions of different groups of students. In such a polarized public debate about almost every aspect of this problem and possible remedies.

And Jewish students themselves are not blind to how the debate about their wellbeing has been politicized and used to add much more heat than light on the problem. A recent Jewish students letter that was covered

nationally noted that “Over the past six months, many have spoken in our name. Some are politicians looking to use our experiences to foment America’s culture war.”¹ Another national Jewish student petition said something similar: “To truly protect Jews on campus and across the country, Congress must implement a collaborative and nuanced antisemitism strategy that centers Jewish safety above political gamesmanship.”²

It’s clear that the anguish of Jewish students who feel unsafe and discriminated against on their own campuses must stir us to action, and they are smart enough to know that the external political debates are making more headlines than headway in the fight to improve their lives on campus. Too much of this debate and too many proposed solutions do nothing for Jewish students, American students or the health of higher education in our country.

Members of Congress can demonstrate their sincerity by taking two of the easiest, most immediate, steps right now:

1. **Support the “Showing Up for Students Act”** to support the federal government’s ability to investigate and punish Title VI violations with an infusion of \$280 million for the Office for Civil Rights at the Department of Education. That office is handling a dramatic increase in antisemitism cases. Between October 1, 2023 and February 15, 2024, the number of complaints involving Title VI shared ancestry investigations, the category under which complaints relating to antisemitism are classified, rose by a staggering 1,360 percent from the same time period the year before. The bill has bipartisan support in Congress and is endorsed by 90 community organizations, including major Jewish organizations like the Anti-Defamation League and the Jewish Council for Public Affairs.
2. **Support the Countering Antisemitism Act.** This bipartisan bill would establish a first-ever National Coordinator to Counter Antisemitism, who would oversee federal efforts to counter domestic antisemitism and lead an interagency task force to implement the U.S. National Strategy to Counter Antisemitism and future government strategies and has the support of Jewish organizations across the spectrum, including the ADL, AJC, J Street, AIPAC, Nexus, Hillel, and JCPA.

By promoting civil discourse, critical thinking skills and diversity & inclusion efforts that encompass ALL communities - including Jews - our universities can be part of the solution in reversing the disturbing rise of antisemitism we have witnessed. I stand ready to work with this committee to make that vision a reality.

Thank you and I look forward to your questions.

¹ In Our Name: A Message from Jewish Students at Columbia University, May 8, 2024.

² Tell Congress, Don’t Play Politics with Antisemitism, [J Street U Student Letter]

Mr. ROY. Thank you, Mr. Rachlin. I will now recognize myself under the five-minute rule for questions. Mr. Kestenbaum, you wrote on March 5th in *Newsweek* a fairly detailed outline of what you've been facing at Harvard. I wanted to give you the opportunity to be able to express some of that.

Let me just read for the record, then you can expand on it, if you want, where you talked about being shocked to learn that Harvard permits the Palestine Solidarity Committee and other groups to hold an annual Israel Apartheid Week funded with Harvard money, designed fund student initiatives as you laid out in the lawsuit.

During these events, student activists built what they called apartheid walls meant to criticize Israel's efforts to prevent terrorist attacks, plastered Harvard Yard with imagery designed to compare Israel to the Nazis, and have invited more antisemitic speakers to infect Harvard's community. After that week, a swastika was found in the undergraduate Currier House, correct?

Mr. KESTENBAUM. Yes.

Mr. ROY. Since October 7th, "antisemitism on campus has multiplied exponentially," you wrote. On my way to class, this is your words, "people directed chants at me to," quote,

Globalize intifada, to kill all Jews in the world, or to free Palestine from the river to the sea to annihilate the only Jewish State and its Jewish inhabitants, including my family.

Your family.

Might expect that, as you wrote that, Harvard Divinity School, with its mission emphasizing, quote, diversity, inclusion, and belonging, and with religious tolerance—the divinity school, I want to be clear—one of its core tenets would be a safe place for Jews. As you wrote,

Harvard Divinity, however, as my lawsuit alleges, has proven to be a fount of anti-Jewish sentiment and discrimination.

Does this reflect what you are currently finding in your experience at Harvard? Do you think it reflects the experience of most Jewish students currently at universities across the country, particularly Ivy League universities?

Mr. KESTENBAUM. It absolutely reflects my experience, and I would actually argue it has only gotten worse. I will give you one quick anecdote. Marla Frederick, who is the Dean of Harvard Divinity School, who I am sure is watching right now, I have emailed her more than 40 times to talk about antisemitism. She has not responded once to a single one of my emails. She has refused to meet with me. She has refused to acknowledge that antisemitism is a problem at Harvard Divinity School, and Harvard University more broadly.

I will make one last point. We invited two months ago a popular Israeli musician, Ishay Ribo, to come sing songs to Jewish students who have been experiencing antisemitism. There was such a vicious boycott and protest where they chanted "Globalize the intifada, resistance is justified," that we had to hire outside security.

When I asked Harvard DEI to at minimum condemn the fact that Harvard students had made it so unsafe for Jews to sing

songs that we needed to have security, they said, “This does not fall under our purview.” This is the same Harvard DEI that commented on George Floyd, on abortion, and on Russia’s invasion of Ukraine. When it comes to protecting Jewish students, nothing.

Mr. ROY. So, and to be clear, this is Harvard that has a \$50 billion endowment, correct? It is still—

Mr. KESTENBAUM. That is correct.

Mr. ROY. —getting billions of dollars in taxpayer funds.

Mr. KESTENBAUM. Right.

Mr. ROY. I just want to be very clear, when we are talking about the money, and the need for resources, the problem here is the secular left in control of universities that are perpetuating the kind of stuff that you just described. I want to investigate the point here the extent to which this has been coordinated, the extent to which this is coordinated across campus across this university—across the country.

Rabbi, I believe you are familiar with some of the observations and actually some information about the extent to which this has been very clearly organized and coordinated campus by campus around the country.

Mr. GOLDFEDER. Sure. Chair, somebody is buying all those matching tents. I believe, and I believe strongly enough, that along with my partners at Greenberg Traurig, Holtzman Vogel, and the Schoen Law Firm, we filed a Federal lawsuit in the Eastern District of Virginia accusing some of those coordinators of working directly with Hamas. We will let our filing speak for ourselves.

I know that Congress is now looking into some of that funding, but it goes beyond funding. It goes beyond coordinating. When someone tells you that they are trying to provide material support to Hamas, it behooves us to believe them. I will tell you why I think it is important to trace that funding. It is because if you ever walk into one of those protests, which I have done, you will notice something fascinating. Eighty percent of the people there don’t know what river and what sea.

Mr. ROY. Yes.

Mr. GOLDFEDER. Some are there for the pizza. Some are there because they have been genuinely misled into thinking that they are on the right side of history. If we can actually prove who is behind this, I think we can save 80 percent of our future citizens.

Mr. ROY. On this point about the universities fomenting this, there are some universities that have not. There are some universities that have stood up. I would ask if you can think of some good examples. For example, my friend Ben Sasse, the President of the University of Florida, who basically said this is not a daycare. You know the rules. Follow the rules. Florida then did it the right way. Or, for example, the University of Texas where Jay Hartzell said we are not going to do this.

Would you guys agree that there is a way to do this at campuses, you can have free speech, you can be able to say what you believe, but not terrorize and harass Jewish students? Would you guys agree with that? Yes or no.

Mr. GOLDFEDER. Yes.

Mr. ROY. Yes?

Mr. KESTENBAUM. Yes.

Mr. ROY. Last question because I am running out of time, particularly to the two students. Could you guys expand a little bit on the extent to which this is not just antisemitism but anti-Americanism? I am going to go to you first, Mr. Yakoby. I would ask the two students to answer my question.

Mr. YAKOBY. Definitely. I just want to reference one Professor who on a Twitter account, which criticized Sami Al-Arian, who was deported for terrorism, and it commented on how he visited a campus. A professor then retweeted it saying that "This is the time to say that I have a longstanding respect for Sami Al-Arian."

That is a terrorist that was deported from the United States, and a Professor at Penn then said that she has a longstanding respect for him in response to that tweet.

Mr. ROY. Mr. Kestenbaum, do you want to respond?

Mr. KESTENBAUM. Within 24 hours of installing two American flags at Harvard Divinity School, they were vandalized three separate times. The flagpole was ripped in half. The flags were tossed across the ground. This is not just about antisemitism, and it is not just about Jew hatred, but it is hating the United States. It is hating our democracy and hating Western values.

Mr. ROY. Thank you, Mr. Kestenbaum.

I will now recognize the gentleman from Tennessee, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chair. There is a whole lot of—

[Disturbance in the hearing room.]

Mr. KESTENBAUM. Even when we talk about antisemitism, we can't even do it.

[Disturbance in the hearing room.]

Mr. ROY. All right. Mr. Cohen, you may begin. We can restart the clock at five minutes.

Mr. COHEN. Thank you, sir. What bothers me with this hearing—I think the hearing is good that we are having it on the issue, and I think the discussion has been great and the witnesses are great. There has been antisemitism in this country and in the world for a long, long time, and the world I guess 2,000 years give or take, and in the United States probably since the beginning of this country.

Most of it has come from right-wing racist crowds, like the Ku Klux Klan, the Proud Boys, other groups that stand for nationalism. They were the groups that were at Charlottesville and said, "Jews will not replace us" and marched with their torches.

They are the people that have consistently been the David Dukes and been antisemitic, and yet when those things happen, people that are really against antisemitism, and those of us are who are Jewish and feel it in a personal way so many times, didn't feel support from many, many, many people who today are some of the strongest people fighting antisemitism.

Now, when they fight it, they are really fighting higher education, and they have always had a problem with that. I know a Senator who said, "Higher education is a cesspool." Well, obviously, it is not, but that says something about her education.

We ought to fight antisemitism at every corner in which it exists. What is happening now on the campuses is despicable and unfortunate, and so many of these people, including those—many of those who just left us with their red hands and voices, don't understand

the history of why Israel was created, why there is a necessity for Israel, and why it needs to exist.

Ignorance has given them a lot of opportunities to make their voices heard. It needs to stop, but I think in that—what I would ask Dr. Goldfeder, and I know you have been at Emory, I don't know, but I think earlier—I don't think you are necessarily as Southern as that far back, but you get a taste of it in Atlanta. Is antisemitism more prevalent among Klansman and Proud Boys, and some of these right-wing groups?

Mr. GOLDFEDER. I am Emory by way of New York. Thank you for the question, Congressman. It is an excellent question. I will answer that by saying that I think that antisemitism is hard to measure where it is more prevalent. It is dangerous wherever it comes from, but I think it is more dangerous coming from the left right now, because it is OK to say it in polite society. No one thinks it is OK to say, "I stand with David Duke or with the Klan." People are willing to literally say, "I stand with Hamas." That is why it is more dangerous, because you can say it in polite society on university campuses.

Mr. COHEN. Well, President Trump said he thought David Duke was OK when he ran for office in 2016, and he said he didn't know about all that other stuff. He welcomed David Duke's support. That is neither here nor there.

A lot of the issues—and I don't mean to defend it in any way whatsoever, but has anybody out here, any one of you, done any studies to see how much Saudi money, Kuwaiti money, or Qatari money has been given to the schools, Ivy schools in particular? It is dollars I think might have something to say because I have read that there is a lot of Middle Eastern money gone into these universities, and that they are afraid to lose it.

Yes, sir. Rabbi?

Mr. GOLDFEDER. I didn't do the study, but there was research done by the Institute for the Study of Global Antisemitism and Policy, and they found that from 2015–2020, institutions that accepted money from the Middle Eastern donors had on average 300 percent more antisemitic incidents than those institutions that did not. From 2015–2020, institutions that accepted undisclosed funds from authoritarian donors had on average 250 percent more antisemitic incidents than those institutions that did not.

Mr. COHEN. Anybody else have anything to add? Mr. Yakoby?

Mr. YAKOBY. This was a report done by the Network Contagion Research Institute that invested Qatari money funneling into U.S. universities. The report clearly states, and I quote,

There has clearly been an erosion of democratic norms on campuses and that a massive influx of foreign concealed donations to American institutions of higher learning, much of it from authoritarian regimes with notable support from Middle Eastern sources.

That was the direct quote from the study.

Mr. COHEN. They generally are—those countries are generally aligned with Hamas.

Mr. YAKOBY. I can tell you from my own experience—I am a political science and modern Middle East studies major—I have yet to take a class in all four years of college that depicts the United States in any sort of positive light. Much of the professors that are

saying things like playing the victim is what Jews are best at are the ones in the Political Science and Modern Middle East Studies Department at Penn.

Mr. COHEN. Well, I thank each of you. The students are very impressive, and the adults are—super adults are very impressive, too, but—and I appreciate the hearing. I do hope that we will have more consistency in our opposition to antisemitism.

I yield back the balance of my time.

Mr. ROY. I thank the gentleman from Tennessee.

I will now recognize my friend from Texas, Mr. Hunt.

Mr. HUNT. Thank you. Thank you, Mr. Chair. You have probably been wondering why all these pro-Palestinian antisemitic protests are occurring across the country today. It seems organic, right? Just some college kids protesting like it was back in the 1960s and 1970s, same song, different verse. Is that true?

We have seen this before even more recently than you might think. In 2020, we had the Summer of Love, and then the organized, coordinated BLM and Antifa riots. In 2024, we had the organized and coordinated antisemitic protests and riots on college campuses around the country, like we are seeing right now.

What do these two years have in common? I know. They are both Presidential election years. Sometimes I feel like Bill Murray on Groundhog Day. It is the same thing over and over and over again, groups with similar ideologies and goals causing chaos and riots across my Nation, and they have just picked a different cause this year. This year it is my friends of Israel and my friends, the Jewish people.

This isn't just some grass-roots effort of college kids rallying around a joint cause, picketing the campus with signs and shouting "From the river to the sea" for those who know what that means. These are people shouting antisemitic remarks taking over and barricading themselves inside campus buildings, and in the case of Columbia University, taking a university employee hostage inside of a campus building.

What are we seeing? What we are seeing now is not a simple protest. It is a more organized, violent occupation of campuses funded by outside organizations, by their wealthy, liberal donors. Who are these wealthy donors? Don't shoot the messenger. I am not the one saying this. This is in *Politico*. We can all agree that *Politico* is a relatively trusted source, especially for the left. According to a recent *Politico* article, "some of the biggest donors behind these protests are George Soros, David Rockefeller, Jr., and Nick and Susan Pritzker."

Mr. Chai, I would like to submit to the record the article from *Politico* titled "Pro-Palestinian Protests are Backed by a Surprising Source: Biden's Biggest Donors."

Interestingly enough, in his remarks about the campus protests, President Biden said, and I quote, "Destroying property is not a peaceful protest. It is against the law." It seems like the President is talking out of both sides of his mouth, so which one is it? The protests wouldn't have happened in the first place without his donors funding it. For you, President Biden, none of this would be happening at all.

Remember, this isn't me saying this, Republican Wesley Hunt. This is *Politico*. We should have seen this coming. This is a Presidential year after all, and I suspect that many of the protests that we have seen on college campuses may have just been recycled from 2020 riots and rioters and protests.

Why do I suspect that? New York city officials said that close to 30 percent—

Thirty percent of the people arrested at Columbia, and 60 percent of the people arrested in City College, were not affiliated with the universities at all.

In my home State, over half the people who were arrested at the University of Texas had no tie to the university at all.

Mr. Kestenbaum, you brought up a very good point. You see, if you were Black students, you wouldn't be sitting here. Period. Because the entire campus would have changed their social media profiles to Black dots, and these people would have been fired. These teachers would have been fired, and you would have your justice.

Just because I am Black, I look different from you, doesn't mean that we get different treatment and we should be treated better than you, because we are all Americans. I know we are all Americans because I fought for this country. I went to West Point. I fought beside my Jewish friends. I went to Cornell University for grad school. I learned beside my Jewish friends.

You should see the emails and text messages that I am getting from my Jewish friends that I grew up with. I want to let you know that I have their back and I have your back. Just because you have a lighter skin color than me doesn't mean that you get to get treated differently than me because we are all Americans and we all should be treated fairly in this country.

No one should have it easier or more difficult to be able to walk around on campus based on the way we look. If you are leaders on these campuses today, you are failing us.

I went to Cornell for grad school. Failure. Columbia. Failure. Harvard. Failure. Fix it right now.

I want to let you all know that we, especially on this side of the dais, we have your back, and we will fight antisemitism tooth and nail.

Thank you for the courage and continue to fight for your people, and most importantly continue to fight for our fellow Americans. God bless you. Thank you for being here.

I yield back the rest of my time.

Mr. ROY. Thank you. I thank the gentleman from Texas.

I will now recognize the gentlelady from Texas, Ms. Escobar.

Ms. ESCOBAR. Thank you, Mr. Chair. I would like to thank all our witnesses for being here to testify. I know this is a really challenging moment in American history, and it is so important for us to listen to one another and learn from one another.

I will tell you, I wish, wish, wish we could hear that same passion that we just heard about all racism. I sit on this Committee, this Subcommittee, and the Immigration Subcommittee, and I think it is really important for us to draw an interesting distinction that I have seen. From this Committee, this Committee actually has been used as a vehicle to promote xenophobia and to push anti-

immigrant rhetoric in a way that has been incredibly alarming and disheartening.

Again, I stand against antisemitism, as do the vast majority of Americans I believe. I wish we could stand against all racism and all hatred together. It is important for Americans who are watching at home to not necessarily listen to what my colleagues on the other side of the aisle are saying with regard to this issue, but really to look at their actions.

They say they condemn antisemitism, and yet they fought to reduce funding for the Department of Education's Office of Civil Rights by 25 percent last year. If we really are deeply committed as the U.S. Congress to combating antisemitism, then we should put our money where our mouth is, and actually use the tools at our disposal and fund those tools.

When one side wants to cut those tools, it really makes you question what their real intention is. They say they condemn antisemitism, yet a good portion of them stood by silently in 2017 when White supremacists chanting explicitly antisemitic slogans marched in Charlottesville. They said nothing when then-President Donald Trump called those marching good people.

They say they condemn antisemitism, yet they embrace the great replacement theory, a White supremacist belief that is rooted in both anti-immigrant and antisemitic sentiment, and it portrays immigrants and non-White Americans as invaders. In fact, the word "invasion" is probably the word most frequently used on this Committee by my colleagues on the other side of the aisle.

Here in Congress, as I said, "our budgets reflect our values." I will continue to support and urge funding for offices like the Department of Education's Office of Civil Rights, so that our government has the tools it needs to really combat antisemitism.

I do believe students' rights to express their opinions or share their beliefs on campus should be protected, but students do deserve to be safe and learn in a safe environment.

Mr. Rachlin, can you please tell us, do you think colleges and universities could help ratchet down the temperature on campuses and prevent violence by facilitating constructive dialog and understanding among students with diverse backgrounds, students who are Jewish, Israeli, Muslim, and Arab?

Mr. RACHLIN. Thank you so much for that question, Congresswoman. Unequivocally, yes, this is something that can and should be done. Universities, college campuses, high schools, they need to meet students where they are, and they need to be able to bring them together in a safe and collaborative environment that fosters open and honest dialog, but that is respectful dialog at the same time.

It can be upsetting, these conversations, for students on both sides of the aisle, but at the end of the day this is how you actually bridge the sides together, through conversation that is respectful and meaningful. Having worked in the peace-building space, this is something that we push for quite consistently, the idea of sitting down with the others to see them as a human being and to actually have those conversations that are difficult and recognizing the shared humanity from the other side as well.

So, it is absolutely critical that universities bring people together to have those conversations in a safe and effective environment.

Ms. ESCOBAR. Thank you for reminding us of those very important values, which we should not just pursue in a university setting but those of us who are lawmakers as well.

Thank you, Mr. Chair. I yield back.

Mr. ROY. I thank the gentlelady from Texas.

I will now recognize the gentleman from California, Mr. Kiley.

Mr. KILEY. Mr. Kestenbaum, thank you for your very compelling and very disturbing testimony. I am so sorry for what you and your peers have had to endure, just the backwardness and the horror, on Harvard's campus.

I want to reiterate a very important point from your testimony, which is that Harvard caved to the demands of the encampment. Is that correct?

Mr. KESTENBAUM. That is correct.

Mr. KILEY. Tell us again how long the encampment was there?

Mr. KESTENBAUM. About three weeks.

Mr. KILEY. You had the people on this encampment—I don't know if they were students or not—who were harassing Jewish students, who were threatening them, who were following them around, and monitoring their activities. In response to this, the university gave them what they wanted?

Mr. KESTENBAUM. That is absolutely correct.

Mr. KILEY. What were the demands that were agreed to?

Mr. KESTENBAUM. They want a full divestment from the only Jewish State, they want a Palestinian study center, and they want to have full control over certain narratives that are being given in classrooms as it pertains to Israel.

Mr. KILEY. This was described as a negotiation. Were you invited to that negotiation?

Mr. KESTENBAUM. I have never once been invited to speak, with the president, with the dean, with anyone of power in Harvard.

Mr. KILEY. So, this is the important point, and you have these university presidents, and this has become a trend now of university presidents caving to the demands of the encampments. Then they pat themselves on the back. They say, "Oh, reasoned dialog, that is how we got here, dialog is the answer."

This is not dialog. This is the opposite of dialog. Dialogue involves a reasoned consideration of different points of view. Dialogue is not the preferred mode of operation for antisemites, anarchists, terrorists, and their sympathizers because their arguments are terrible. They are morally bankrupt. They are repugnant. So, they prefer to do things by force.

Now, you have university administrations that are rewarding that mode of operation by saying the way that you get to be part of this negotiation is not by representing a significant voice on campus, not by someone who has been victimized by the things that are going on the campus; rather, the way that we will negotiate with you is if you engage in illegal activities and violate the university's rules and harass other students.

We are seeing this at more and more universities now. Just today, Sonoma State, which is a university in California, announced that they were, in response to the encampment there, ba-

sically adopting the full BDS program. They even said that for flyers that might be out there that made a reference to study abroad in Israel, they would immediately act to get rid of those flyers, so the word “Israel” doesn’t even appear on any of them.

Then, to top it all off, to enforce this new policy, they set up an Advisory Council of Students for Justice in Palestine. I am not making this up. This is actually what they did. This Council will enforce the agreement, and it is going to consist of members from the encampment—faculty, staff, administrators, Palestinian alumni, and other interested students. This is an absolute disgrace. Any leader at Sonoma State who is party to this needs to resign immediately. They are institutionalizing antisemitism.

I will give you another example, because you said you haven’t been invited to take part in negotiations, to have any sort of meeting with university leadership, and that is what we are seeing at universities across the country.

Here is an example from University of California, San Diego, where a student emailed the Chair of the Academic Senate and said,

Hope all is well. I have been invited to schedule a meeting with the Academic Senate regarding my experience as a Jewish and Israeli student on campus during this academic year. Please let me know the followup steps.

The response, and this is from John Hildebrand, the Chair of the Academic Senate at UCSD, says,

I apologize, but we can’t meet with you at this time. There is a lot going on, and it is just not possible just now. Feel free to send comments to my email. But as you may imagine, we are inundated with requests.

This is an absolutely shameful State of affairs where you have the voice of Jewish American students that is being sidelined, the people who are most affected by what is going on in our campuses, but the people who are creating the disruption, who are engaging in harassment, who are engaging in threats of violence, and even in some cases acts of violence, are being elevated, are being given a privileged position, and then are having their antisemitic, anti-Israel demands actually being agreed to by the Administration.

So, this has become a much bigger problem than just the sort of scenes that we are seeing that are so disturbing, that have been described by our witnesses today. It has become an institutional problem, the way that universities are responding to this, but of course we know that it is the actions of the universities that in many ways have led to this crisis that we are now experiencing in the first place.

So, I want to thank, in particular, the students here from Harvard and from Penn, and so many voices that we have heard, courageous accounts from all across the country. We need fundamental reform in American higher education.

I yield back.

Mr. ROY. I thank the gentleman from California.

I now recognize the gentlelady from Vermont, Ms. Balint.

Ms. BALINT. Thank you, Mr. Chair.

This issue is deeply personal for me. I am the granddaughter of Leopold Balint, who was horribly, viciously murdered in the Holocaust. When you go to Yad Vashem and you read the “Book of

Names,” you will see a lot of Balints there. You don’t see a lot of Balints in this country. There are a lot of Balints in that book.

I have seen antisemitism firsthand. My family has experienced it. We are continuing to deal with the generational trauma that was brought on my family through the Holocaust.

I was raised in a house in which it was taught at a very young age that you always need to look for the signs of antisemitism. It is used to manufacture division and fear, and anyone can fuel it, but it always benefits politicians who rely on that division and fear for their own power.

It is incredibly frustrating to me that in Congress right now we can’t have a conversation around antisemitism that will lead to actual action.

I ask unanimous consent to enter into the record a video that I have compiled regarding antisemitism, and I ask unanimous consent to show it in Committee.

[Video shown.]

Ms. BALINT. So, you can see why I have a very hard time taking it seriously when we come together in this format, when I have to sit and listen to antisemitic rhetoric from my own colleagues.

To the students, your experience is horrible, and you never should have had to go through that. I have family and friends who have students also at college campuses right now. Some are part of exercising their First Amendment rights against Israel. Some of them, like you, have been on the receiving end of horribly antisemitic rhetoric. Both these things are true.

What I would like to see from my colleagues is to stop using antisemitism and your bogus attempts to address it to raise money and dollars. Why don’t we do something that will actually solve the problem? Because it is real, and many people in this country are suffering from it.

I yield back.

Mr. ROY. I now recognize the gentlelady from Wyoming, Ms. Hageman.

Ms. HAGEMAN. Thank you, Mr. Chair. I actually want to take a step back and look at the forces behind these college campus riots, which have far overstepped the protections from the First Amendment and threatened Jewish students and faculty across the Nation.

From what I have seen, these riots are a form of anarchy that are being pursued by a violent group of anti-American and antisemitic groups. What strikes me about this pro-Palestine, pro-Hamas-inspired unrest is both the speed, in which, it started after the October 7th attack, and the sophistication of the coordinated acts of crime, including threatening our Jewish students occupying and damaging college buildings and more.

First, we must start with the fact that on October 8th, one day after the Hamas terrorist attack, Palestine chapters on college universities such as Harvard issued statements and began holding rallies in support of Hamas, and placing the blame for the violence entirely on Israel.

Mr. Kestenbaum, you are a master’s student at Harvard. Didn’t you find it a little odd that groups were so prepared to immediately support the Hamas attacks?

Mr. KESTENBAUM. I found it odd, and I found it horrifying.

Ms. HAGEMAN. Well, and I did, too. I would say this preparation suggests outside influence inside the student organizations, and that such outside groups were possibly informed of the October 7th attack, before it occurred. That this situation is being driven by outside forces is not just speculation.

Of the 262 people arrested at Columbia and the City College of New York, nearly half had no affiliation with the schools. At George Washington University here in D.C., only six of the 33 arrested individuals were affiliated with the school. The coordination is mind-blowing.

I don't want to diminish what our Jewish students are going through right now, but I want to hopefully highlight something, Mr. Kestenbaum, you stated in your testimony and to describe the further danger of this situation. Wouldn't you agree that outside criminal and violent forces exploiting colleges for their causes are dangerous for each and every member of the school, the students, and the faculty alike? Mr. Yakoby, would you agree with that?

Mr. YAKOBY. One hundred percent.

Ms. HAGEMAN. What about you, Mr. Kestenbaum?

Mr. KESTENBAUM. Absolutely.

Ms. HAGEMAN. Rabbi Goldfeder?

Mr. GOLDFEDER. Absolutely.

Ms. HAGEMAN. Mr. Rachlin?

Mr. RACHLIN. Yes.

Ms. HAGEMAN. Shai Davidai, an Assistant Professor at Columbia Business School, reported that one of the nationwide instigators of these campus movements, Students for Justice for Palestine, received guidance and financial support from American Muslims for Palestine, and he reports AMP's directors have links to groups which fundraise for Hamas.

These groups have these antisemitic, anti-American groups even have direct ties to the Biden Administration, to the White House. The National Security Council Coordinator for Intelligence and Defense Policy, and the Deputy Assistant to the President, Maher Bitar, is driving the Administration's Hamas policy. In college, Mr. Bitar was an active participant in the Students for Justice in Palestine at Georgetown University.

Again, that relationship, that connection, absolutely horrifies me, and it demonstrates why we have seen such a weak response from the Biden Administration.

Rabbi Goldfeder, your testimony touches on this issue a bit in your second recommendation, and what you State is that we just simply need to enforce the laws on the books, which provide for punishment when foreign students provide support for terrorism. Could you please elaborate on the source of the issue from which this recommendation comes from and what Congress can do through oversight to ensure that DOJ is doing just that, which is enforcing the law?

Mr. GOLDFEDER. Sure. Well, that particular recommendation comes from the Immigration and Nationality Act, but I will take it a step further, which is that even groups that include domestic citizens that support terror, there are laws in place. The ATA and

JASTA are there to protect everyone else from groups that support terror.

AMP was founded on the ashes of other groups that were shut down literally for supporting Hamas. AMP coordinates NSJP, and that is why we sued them in Federal Court. So, it is important to enforce those laws to make sure that the DOJ actually does hold them accountable.

Ms. HAGEMAN. Do you think that the DOJ is currently enforcing the law as it is written?

Mr. GOLDFEDER. I do not.

Ms. HAGEMAN. OK. I would ask unanimous consent to introduce into the record the article "One Look at Biden's Top Advisor Explains his Support for Hamas."

I want to thank all of you for being here. I am sorry for what you are going through, but I also want to thank you for your bravery, for your willingness to step up and talk about this. It needs to be exposed. Sunshine is the best disinfectant. We are going to get through this. We are all going to get through this. I know it is tough, but your bravery demonstrates that there are good, good, good Americans out there that will always fight for the right thing.

Thank you. I yield back.

Mr. ROY. I thank the gentlelady from Wyoming. Without objection, her consent request will be admitted into the record.

Mr. ROY. I also have a letter from *Advancing American Freedom* that—to Attorney General Garland that, without objection, I would like to introduce into the record involving these issues and some questions they asked from the Department of Education.

Then, in addition, I think somebody referenced earlier and would like to introduce a *Politico* article, dated May 5th, titled "Pro-Palestinian Protestors are Backed by a Surprising Source: Biden's Biggest Donors," including Soros, Rockefeller, and Pritzker. Without objection.

Now, with that, I will recognize the Ranking Member.

Ms. SCANLON. Thank you. I do think we are hearing an interesting array of conspiracy theories here without much evidence to back them up. That could be a subject of a whole other hearing, including the growing evidence that Russia, China, and Iran are exploiting the campus protests for their own purposes, to sow division in the U.S., particularly, in advance of an election, as we have seen them do the last two election cycles.

So, that probably is not the right subject for today's hearing, but it does go to one of the issues I am most interested in, which is the role that our schools, colleges, and universities can play in terms of educating students and young people how to distinguish fact from fiction, propaganda from what is true in the world, and how they can help us, everybody, but particularly on our college campuses, provide the atmosphere, the respect for one another, and the ability for people to have those open conversations.

We have seen a variety of responses. I know today's focus has been on places where there has been virulent antisemitism and hate speech and actual potentially criminal violations. There are many campuses where this has not occurred and there have been great efforts.

So, Mr. Rachlin, could you comment on the role that colleges and universities can play, what they can do, perhaps in combination with the Office of Civil Rights, to make sure we do have safe spaces for people to discuss these important issues without veering into territory that we don't want them to.

Mr. RACHLIN. I am really glad you brought that up, and actually I am very happy you brought up the Office for Civil Rights. I think it is an important thing to note in this Committee that hasn't been said yet is this. I am just going to say a quick number, 50 to 1. This is the number of investigations per investigator that the Department of Education's Office of Civil Rights have currently for their caseloads—50 investigations per investigator.

Each one is trying their best to try to investigate all these complaints of Title VI on college campuses and in high schools around the country. They don't have the resources to adequately address this. They need more money. It is one of the reasons why we and others are really pushing for increased funding for OCR to really push that forward to give them the resources to take some of the pressure off the university, so that when there are complaints, like the students say that they are being investigated quickly, that they are being brought to fruition, and that there are consequences following those investigations that the Department is actually putting forward.

In terms of universities, they really need to do a better job at bringing people together. One of the things I have seen is that there are several universities that rather than allow these encampments and these issues to bubble up and explode the way they have on other campuses around the country that they brought together sides before any of this has happened, sat them down, and said: These are the rules for engagement. These are the rules for protests. If you go outside these lines, you will be subject to be penalized for that.

I think that is the way that universities should be handling this. They should be taking a proactive approach rather than a reactive approach to this at this point in time. I think all universities, particularly, someone like my alma mater, Ohio State, this is what they are trying to do at this point in time. They are trying to be proactive and address this before it starts spilling out, so that it impacts Jewish students across their campuses.

Ms. SCANLON. I do think that is a really interesting role, particularly in the academic context, of helping people to understand, what are the boundaries of free speech versus hate speech, what are the boundaries of nonviolent protests and civil disobedience, so people understand where they are, and if they do cross those lines, they do so intentionally, and then they know what the consequences are.

Do you want to add anything, Rabbi? You looked like you were nodding in agreement.

Mr. GOLDFEDER. I agree with everything that was said, but I am also a practical thinker. When I look on campus, we are not seeing calls for conversation. Hard conversations are like chess, and you can't play chess when someone keeps on knocking over the board and kicking you in the face.

So, until we can assert these are the rules of the game, and how we are going to have conversations. Again, I will point to Ben Sasse in Florida, President Ben Sasse; he has done that—then I am all for it. You have to have a conversation with someone who respects your very existence or else it won't go anywhere. So, I 100 percent agree in theory. When it comes to funding OCR, absolutely, we should give them the funding that they need. There also does need to be accountability.

I have done OCR complaints for many years, and to my knowledge there has never been in history a single time where a university actually lost its funding for antisemitism. The words have to mean something, so I think any additional funding has to come with accountability.

Ms. SCANLON. Sure. That makes sense, and it would help if OCR had the resources it needs to do its job.

I do have to disagree that the only response has to be threats, because we have certainly seen many of the universities in my district that having open dialog, having respectful dialog, has avoided some of the issues that we have seen and that have been discussed today. So, thank you.

With that, I yield back.

Mr. ROY. I thank the Ranking Member.

I will now recognize my good friend, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Chair. I think we should start with this isn't a protest. What we saw here today is performative art. The only time their hands go up is when the camera goes on, because they are trying to get in a picture. They can't keep their hands up for longer than 15 seconds.

If they want to know what protest and bravery looks like, read some stories, talk about somebody starving to death and handing the person standing next to them in line their food for the day, when the food they are getting for a day is less than most people get for half of a breakfast, when an entire continent is trying to wipe you off the face of the planet.

You want to know what the difference is? Mr. Kestenbaum, if the Klan tried to have a two-week sit-in protest at Harvard, do you think Harvard's university and their leadership would negotiate a cease-fire with them?

Mr. KESTENBAUM. Absolutely no.

Mr. ARMSTRONG. Mr. Yakoby, if a bunch of militia guys showed up in Tommy tactical gear and playing G.I. Joe and doing all those things, and wanted to do all that at Pennsylvania, do you think the university would negotiate with them?

Mr. YAKOBY. They would not.

Mr. ARMSTRONG. No, they wouldn't.

Mr. Goldfeder, you said that. That is the difference, because you can get a picture with these people, you can stand there, you can talk about these things in polite society, when they are saying things when they have no idea what the history is.

Seven miles from the river to the sea. Seven miles to the Jordanian border. That is where it is in Israel. The reason Israel exists is because nobody in Europe would take them. We wouldn't take them. It is the greatest single horrific event in modern his-

tory. I just think if you are at Harvard maybe you should learn about it, or if you are at Penn, you should learn about it.

So, when we talk about these things like they are equivalent, they are not. They are just not. This is coordinated. This is going on. We treat somebody differently. Here is the thing. If somebody comes after you with a machete, that is not a mostly peaceful protest. That is a felony. Charge them.

If you want to occupy an entire building and commit felony acts of vandalism, how about a bunch of rich, liberal, and credit card kids understand what the consequences to a protest are.

I spent 10 years as a criminal defense attorney and a public defender. I can tell you, if you are not on an Ivy League campus and you decide to do that, when you are told you are going to leave, you know what you are? Six months later you are a felon. We don't need more Federal money and dialog. We need somebody to say, hey, we are going to—you want to do this? You want to go bomb the grounds of free speech? You want to commit crimes on public ground? Then, you know what? You can go through the rest of your life with your Ivy League education. Great. Fantastic. It is awesome, but You are also going to have that felony designation. Let me know how that goes when you are trying to become a licensed doctor or a licensed nurse.

Then, better yet, I think we should give them a Columbia law school graduate as their attorney, because you know what they got? Pass-fail grades because who could possibly go to law school at a time like this. The one profession where your personal feelings and your independent emotions and your spaces don't matter, "I am sorry, Judge. I need a continuance."

Judge replies "Why?" and you reply, "You overruled my objection, and I don't know how we can go on at a time like this."

I have no concept. This is not the same thing. This is pervasive. It has been allowed to exist. I just had three seniors in high school here, not from North Dakota. Turns out I don't have a very large Jewish constituency in North Dakota. We are pretty homogeneous up there.

There is no moral equivalency to any of this. When we pretend that there is, and we paint our hands red, and we walk around here, the reason the Klan wore hoods was two reasons: (1) To intimidate people; (2) because they didn't want anybody to know who they were. That is the difference.

I have got a minute left, and you guys, Mr. Kestenbaum, you go back to your neighborhood right now, where you went to high school, would you tell a senior in high school who is a Jewish senior in high school to go to Harvard?

Mr. KESTENBAUM. Thank you for the question, Congressman. I want to be super clear with my former principal and my Jewish community that it is not that Jewish students don't feel safe at Harvard. Jewish students are not safe at Harvard. Until Harvard implements any type of accountability, responsibility, or policies to combat antisemitism, then all these Jewish schools, synagogues, and communities should not allow Harvard admission recruiters within 50 feet of their school or 50 feet of their child. It is completely unacceptable what Jews are facing at Harvard in 2024 in the United States of America.

Mr. ARMSTRONG. Mr. Yakoby, same question for Penn.

Mr. YAKOBY. I agree with my friend, Shabbos. Unless the university enforces their own rules between now and graduation, then no Jewish student, no one that doesn't support the pro-terror encampments that are happening should step foot on Penn's campus.

Mr. ARMSTRONG. Thank you. I yield back.

Mr. ROY. I thank the gentleman from North Dakota.

I now recognize the gentleman from South Carolina, Mr. Fry.

Mr. FRY. Thank you, Mr. Chair.

Thank you to all our witnesses for being here today, what you have testified to. We have heard this not only here in Congress but in our communities back home, and I myself just came back from Israel where there is a deep-seated fear that there is a separation between Israel and the United States because of the policies of this Administration.

According to Hillel International, there have been 1,584 total reported antisemitic incidents on college campuses since October 7th. Since October 7th. That is a 700 percent increase compared to just last year. The 65 institutions of higher education have been placed under investigation since October 7th, of last year—65 institutions.

Mr. Chair, I request unanimous consent to enter into the record the statistics from Hillel International.

Mr. ROY. Without objection.

Mr. FRY. So, let's take a look at these statistics in action. Let's play a video.

[Video shown.]

Mr. FRY. So, these clips are just a snippet of the nonsense that we have seen on college campuses since October 7th. This isn't in Gaza. This isn't in the West Bank. This is right here in our country. Institutions of higher education, which are supposed to be great institutions of learning where you develop as an individual, are now places of repression and suppression, depending on who you are.

The last photo is George Washington visualized dressed up. I think it is one of the most abhorrent things that I have seen, and that is right here in our Nation's capital. It is heartbreaking to see that. I am not Jewish, but I empathize with what you two have gone through, and your classmates. Not only at your schools, but in dozens of schools across the country.

Mr. Kestenbaum, just yesterday protesters at Harvard finally took down their tents as the university officials agreed to the students to discuss the questions about the university's endowment. Have Harvard officials publicly condemned antisemitism that Jewish students have faced on campus in any which way?

Mr. KESTENBAUM. As it pertains to the encampments, Harvard forgot about it and hasn't condemned the antisemitism from the encampments. They haven't even acknowledged that it happened.

Mr. FRY. Do you feel that Jewish students at Harvard have an ally, an advocate, in the Administration?

Mr. KESTENBAUM. In no uncertain terms, let me be absolutely clear, Harvard—Jewish students do not have a single advocate at Harvard University. The president doesn't meet with us or care about us. Our respective deans don't meet with us or care about us.

We have students who have seen that there is no responsibility or accountability for their actions, so they can chant “Globalize the intifada.” They can chant calls for the ethnic genocide of Jewish people. They can draw a Jewish university president as a devil because they know they will get away with it. It is inconceivable that any other minority group in the United States would be treated with the scorn, contempt, and disregard that Harvard treats its Jewish student population.

Let me just add, it is a damning indictment that in order for Jewish students at Harvard to receive equity, equality, or justice, we have to go to a court of law. We have to go to the U.S. Congress. We have to go to the media, because the people at Harvard who, again, I am sure are watching this and they won’t even talk to us.

Mr. FRY. Yes. Isn’t that absurd, right? Like you are followed on a college campus, you can’t go to school, and some universities are canceling commencement.

You are the generation that couldn’t go to your own commencement for high school because of COVID, and now these radical lunatics are taking over a college campus, and we can’t ensure the security of our own students, so we are going to cancel things.

Then we adhere and acquiesce to the demands of this lunatic fringe. It just doesn’t—it makes no sense to me.

Mr. Yakoby, earlier this month you delivered a petition to shut down the encampments. I think you got 3,200 signatures. You delivered it to the president, the provost, and the Board of Trustees. You did not receive a timely response, so you sent a letter. I think it was in an email, and you laid out a few demands.

Can you elaborate what those were really briefly?

Mr. YAKOBY. Thank you for the question, Representative Fry. The demands were, actually, exactly what the president stated within 24 hours of the encampment, is disbanding an encampment, which is allowing violence, pro-terrorism support to happen. We got 3,300 signatures on that petition. Then after a week, when we hadn’t heard a response, we sent another petition where we got 2,800 signatures within 24 hours, both of which were not responded to, and yet the administration had three meetings with the encampment.

Mr. FRY. Then my last question here, do you believe—both of you—do you believe that your universities are doing enough to prevent antisemitism on college campuses? It is an obvious answer I think, but—

Mr. KESTENBAUM. I wouldn’t say that they are not doing enough. They are not doing anything.

Mr. FRY. Mr. Yakoby?

Mr. YAKOBY. It is almost a satirical question with how little they are doing.

Mr. FRY. Thank you so much. I appreciate your time, your bravery today to be here.

With that, Mr. Chair, I yield back.

Mr. ROY. I thank the gentleman from South Carolina.

I recognize the gentlelady for a UC request.

Ms. SCANLON. Yes. I request unanimous consent to enter into the record an article from the front page of *The New York Times*, Sunday, May 11th, describing how the Republican Party has seized on-

campus protests as a political tool. It is entitled “How Republicans Echo Antisemitic Tropes Despite Declaring Support for Israel.”

Mr. ROY. Without objection.

Ms. SCANLON. Thank you.

Mr. ROY. Well, this concludes today’s hearing. We thank the 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 4:15 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Subcommittee on the Constitution and Limited Government can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=117305>.

