

**ANTISEMITIC DISRUPTIONS ON CAMPUS:
ENSURING SAFE LEARNING
ENVIRONMENTS FOR ALL STUDENTS**

HEARING
OF THE
**COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS**
UNITED STATES SENATE
ONE HUNDRED NINETEENTH CONGRESS
FIRST SESSION
ON
EXAMINING ENSURING SAFE LEARNING ENVIRONMENTS FOR ALL
STUDENTS, FOCUSING ON PROTESTS ON CAMPUS

MARCH 27, 2025

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ANTISEMITIC DISRUPTIONS ON CAMPUS: ENSURING SAFE LEARNING ENVIRONMENTS FOR ALL STUDENTS

Thursday, March 27, 2025

U.S. SENATE,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC.

The Committee met, pursuant to notice, at 10:01 a.m., in room 430, Dirksen Senate Office Building, Hon. Bill Cassidy, Chairman of the Committee, presiding.

Present: Senators Cassidy, Collins, Marshall, Hawley, Banks, Husted, Moody, Sanders, Murray, Baldwin, Hassan, Hickenlooper, Markey, and Kim.

OPENING STATEMENT OF SENATOR CASSIDY

The CHAIRMAN. The Senate Committee on Health, Education, Labor, and Pensions will please come to order. Thank you to all of our witnesses for being here to discuss a really important topic.

On October the 7th, 2023, the world watched in horror as Hamas terrorists invaded Israel and slaughtered 1,200 innocent men, women, and children. Hundreds of victims including babies as young as 9 months old were taken hostage and subjected to abuse and torture.

It should have been a time for unity, standing with the Jewish people against hate. Instead, for over a year, violence and Antisemitic demonstrations rocked our Country. At colleges and universities, Jewish students were harassed and attacked for who they are. According to the Anti-Defamation League, there were 1,200 reported Antisemitic incidences on college campuses between 2023 and 2024, a 500 percent increase from the previous year.

Instead of standing up for Jewish students, too many university officials failed to respond or refused to even condemn these horrific occurrences. Under Title VI of the Civil Rights Act, the Department of Education must hold universities accountable for failing to address discrimination against students on campuses.

After October the 7th, the Biden administration refused to penalize universities violating Title VI. I led a roundtable to examine Antisemitism on college campuses attended by both Republicans and Democrats. It is disappointing that previous HELP Democrat leadership refused to consider any legislation or hold even one hearing on this bipartisan issue.

With President Trump in office and Republican Majority in Congress, the time of failed leadership is over. Universities have been put on notice, failing to protect the students' civil rights will no longer be tolerated. If universities refuse to follow the law to address discrimination on campuses and to support Jewish students, then they should not expect the support of the Federal taxpayer.

Just last week after pressure from the Trump administration, Columbia University agreed to change its policies and cracked down on demonstrators targeting Jewish students. The Trump administration has launched investigations into 60 universities concerning allegations of Antisemitic discrimination and harassment on campuses.

These efforts would not have been possible without the strong leadership of President Trump and Secretary McMahon. Today, as Chair of the HELP Committee, I launched an investigation into the American Muslims for Palestine, demanding answers about their activities on college campuses.

This group's leaders have ties to Hamas and helped create the group, Students for Justice in Palestine. I also requested information from the Justice Department and several universities on these groups. We must continue to build upon these efforts, as we saw in Columbia last month pro-Hamas activists continue to wreak havoc on campuses. Jewish students still feel unsafe to go to school.

I lead the *Protecting Students on Campus Act*, bipartisan legislation ensuring students know how to file civil rights complaints if they experience discrimination on college campuses. I look forward to considering this and other legislation in Committee and on the Senate floor. Jewish students and their families are depending upon us to defend their civil rights.

President Trump and Congressional Republicans are committed to this. Thank you again to all our witnesses. I look forward to discussing how we can better discuss protecting Jewish students and ensuring a safe learning environment for all. With that, I recognize Senator Sanders for his opening statement.

OPENING STATEMENT OF SENATOR SANDERS

Senator SANDERS. Thank you very much, Mr. Chairman, and thank you for holding this important hearing. And I hope I speak for every Member of this Committee in saying that hate and discrimination of any kind is beyond acceptable and has no place in our society. In the United States of America in the year 2025, it should not be a controversial statement to say that Antisemitism is horrific and must be—must not be tolerated in any place in our Country.

Let us never forget that Antisemitism has plagued Jewish people for many, many, many centuries, culminating in the slaughter of some 6 million Jews during the Holocaust. When I was Chairman a number of years ago, my wife and I visited Auschwitz. I don't know if you have ever done that, but I would recommend that anybody here goes to Europe drop by, and it is certainly a—something that you will never forget.

A number of years ago, I was—happened to be in Pittsburgh and I spoke with the rabbi of the Tree of Life synagogue in Pittsburgh. As you, recall it was the worst Slaughter of Jews in American history. Seven Jews were killed by somebody at a synagogue. So let me be very clear, Antisemitism on college campuses or any—by any place else must be condemned in the strongest possible terms.

But today, we should also be clear that we—and again, I hope I speak for every Member of this Committee, condemn all forms of bigotry. Vile hatred is not something that should exist in the United States, whether it is racism against the African American community, whether it is sexism, whether it is homophobia, whether it is xenophobia, or whether it is islamophobia.

Today in America, we have Asian Americans who are walking the streets and getting harassed. We have Muslims who are walking the streets and getting harassed. We have continued to see people who are African American and Latino face prejudice of all kinds. And in fact, we have seen a rise in hate crimes against the transgender community as well.

I want to remind people, because this is kind of a little bit personal, in my city of Burlington, Vermont. Just a couple of years ago, three miles from where I live, 10 minutes away, three young Palestinian students—wonderful kids because I ended up talking to them. They were shot in cold blood—shot because they were Palestinians.

Mr. Chairman, I applaud you for holding this hearing, but I hope when we look about prejudice and bigotry in America, we may want to expand it. Antisemitism, unacceptable, so is islamophobia and other forms of bigotry. Now, the other thing, and you touched on it a moment ago, Mr. Chairman, there is a great dispute and debate in this country about what is going on in Gaza right now. No great secret about that.

As you indicated, Mr. Chairman, in October of a year and a half ago, Hamas, a terrorist organization, launched a horrific attack against Israel. Killed 1,200 innocent men, women, and children. Took several hundred people hostage. I don't think there's anybody on this Committee who does not believe that Israel had the right to defend itself and go after the Hamas terrorist organization.

But Mr. Chairman, there are very serious disagreements about what the Netanyahu government has done in Gaza. And some of us think that Netanyahu has not just gone after Hamas. They have gone after the Palestinian people. And in a nation or group of 2.2 million Palestinians in Gaza, over 50,000 of them have been killed, over half of whom—two-thirds of them are women and children.

Over 100,000 people have been wounded because of the incessant bombing on civilian areas. The entire infrastructure of Gaza, their entire healthcare system, their educational system, their water system has been completely destroyed. And according to international law, and in my view, what Netanyahu has done is criminal.

We can agree that Antisemitism is unacceptable in all forms, but some of us happen to believe that the response of the Netanyahu government to the Hamas attack is also unacceptable. And if anyone wants to suggest that I or anybody else who speaks out on that

issue, whether you are on a college campus or in the U.S. Senate, is Antisemitic because we think that what Netanyahu is doing is outrageous, we can have that debate.

If I attack the Italian government for doing what they may or may not be doing, I am not anti-Italian—or the Irish government. To attack the Netanyahu government for their outrageous activities in Gaza does not make one an Antisemite. So with that, Mr. President—Mr. Chairman, I would yield the floor.

The CHAIRMAN. Thank you for that. And of course, our jurisdiction is on college campuses, and so that is where we will focus. Each speaker, thank you again for being here, will be introduced in the order in which—you first, ma'am, and then the witness who is the next after you testify, Okay.

I would like to introduce our first witness, Ms. Carly Gammill—Gammille? Gammill. Ms. Gammill is the Director of the StandWithUs Center for Combatting Antisemitism, part of an international nonprofit organization that educates about Israel and fights Antisemitism around the world.

An experienced attorney and civil rights advocate, Ms. Gammill has focused her career on addressing Antisemitism through legal, educational, and policy driven approaches. Her work includes supporting students, faculties, and communities facing discrimination. We are grateful for your expertise today. Please proceed.

STATEMENT OF CARLY GAMMILL, DIRECTOR OF LEGAL POLICY, STANDWITHUS CENTER FOR COMBATTING ANTISEMITISM, LOS ANGELES, CA

Ms. GAMMILL. [Technical problems]—

The CHAIRMAN. Microphone, please.

Ms. GAMMILL. Chairman Cassidy, Ranking Member Sanders, Members of the Committee, good morning, and thank you for the invitation to participate in today's hearing.

My name is Carla Gammill. I am the Director of Legal Policy for StandWithUs, which as you have heard is an international nonprofit, nonpartisan organization that educates about Israel and combats Antisemitism through our work on campuses, in K through 12 schools, on social media, in the legal field, and in communities around the world.

I am a civil rights and Constitutional litigator specializing in freedom of speech and religious liberties. I am also a former high school educator. We are here today because Jewish students continue to find virtually every aspect of U.S. campus life increasingly hostile not merely to their views but to the very core of who they are as Jews.

This includes rallies that not only distort and demonize Jewish identity, but also often include harassment, intimidation, violence, and threats of violence, which are no part of freedom of speech. Intentional exclusion of Zionist students from campus programs and activities—also no part of freedom of speech. And biased, inaccurate classroom content that indoctrinate students through misinformation and creates a hostile learning environment.

Exacerbating the problem is the failure of many Administrations to acknowledge the Antisemitic nature of the activity and to enforce relevant campus policies. Impacted Jewish students are thus denied equal protection of their rights, making many of them legitimately afraid to be on their campuses.

The perpetrators are then emboldened to continue and even escalate their behavior. Some of these administrative failures are intentional refusals to protect Jewish students and should be addressed accordingly.

But there is also a critical lack of understanding at play because of a well-organized, well-funded campaign that has co-opted and imposed its own erroneous definition of a term that is integral to the religious and ethnic identity of most Jews around the world, including here in the U.S., with the clear intention of demonizing the term and those who identify with it.

That term is Zionism, derived from the term Zion, an actual physical location in Israel with deep historical significance to the Jewish people. Simply put, Zionism is the term that describes the desire of the Jewish people for safety and sovereignty in their ancestral homeland of Israel.

This nefarious campaign, however, seeks to redefine Zionism as nothing more than a term of political support for the Israeli government, which the narrative falsely accuses of a host of evils. The dangerous anti-Zionist narrative of this campaign has been allowed to take firm root in academia, manipulating droves of students, faculty, and administrators into believing the lie that Jews who identify as Zionists, which is to say most of them, are merely expressing a position of political support for the alleged wrongdoings of Israel.

A proper understanding of this term Zionism, however, reveals this campaign for what it is, an attempt to erase over 3,000 years of Jewish history and a direct attack against a core component of mainstream Jewish identity. In short, a textbook definition of Antisemitism, just adapted and repackaged for a contemporary audience.

The problem of Antisemitism on U.S. campuses has reached a level that necessitates Congressional action, and I would like to suggest three such actions. First, Congress should pass two important pieces of pending legislation.

One, the *Antisemitism Awareness Act*, which would codify the requirement that in investigating the allegations of Antisemitism under Title VI, the Department of Education must consider the International Holocaust Remembrance Alliance's working definition of Antisemitism, which contrary to some assertions is fully consistent with freedom of speech principles.

Two, the *Protecting Students On Campus Act*. Second, as Title IX already does, Title VI should require institutions receiving Federal funds to employ a coordinator who is qualified to address the types of discrimination covered by Title VI. The first opportunity and responsibility to rectify hostile environments that implicate Title VI falls to the educational institutions themselves.

They should be required to employ professional staff qualified for the task. Finally, the receipt of Federal funding should be conditioned in a manner consistent with Federal Constitutional principles upon institutions' clear communication of the times, places, and manners in which expressive activity is and is not permitted on their campuses and upon their proper enforcement of such policies when violations occur.

Administrations must not be permitted to hide behind the facade of fidelity or freedom of speech as a justification for their failures to comply with their obligations under Title VI as though the two are mutually exclusive. They are not. Educational institutions are not public streets or sidewalks and students need not be permitted to engage in expressive activity wherever, whenever, and however they wish.

For example, including by wearing masks to conceal their identities, especially when such allowances ultimately contribute to the creation of hostile educational environments. In closing, we must put an end to the political weaponization of Jewish identity and unify around the reality that Antisemitism is causing real harm to real human beings, without confusing matters by insisting on addressing this acute issue only in tandem with other forms of bias and bigotry, or only when it comes from the opposite side of the political aisle.

Attacks against Jewish identity are not a matter of left or right, but of wrong and right. Thank you for the opportunity to testify. I look forward to answering questions.

[The prepared statement of Ms. Gammill follows:]

PREPARED STATEMENT OF CARLY F. GAMMILL

Chairman Cassidy, Ranking Member Sanders, and Members of the Committee.

Good morning, and thank you for inviting me to participate in today's hearing. My name is Carly Gammill, and I am the Director of Legal Policy for StandWithUs, a nonprofit, non-partisan organization with the mission of educating about Israel and combating antisemitism. I am a constitutional and civil rights litigator, specializing in the areas of freedom of speech and religious liberties. Before that I was a high school educator.

I was fortunate that my professional development took place in learning environments that prized the educational values of dialog, civil debate, and a "robust exchange of ideas,"¹ rather than activist-oriented indoctrination. Settings that sought to foster understanding of differences rather than fomenting division and discord. Unfortunately, especially for Jewish students on many of our college and university campuses today, such environments are difficult to come by.

For over a decade now, and especially since October 7, 2023, Jewish students have found their campuses increasingly hostile—not merely to their views but to the very core of who they are as Jews.² This hostility is expressed in virtually every aspect of campus life, including:

- (1) protest and demonstration activity by fellow students (and outside agitators) who distort and demonize certain aspects of Jewish identity. Such activity often includes not only hateful rhetoric (including genocidal chants) but also blatant disruption of the academic environment, like taking over and shutting down spaces wholly incompatible with such activity, including classrooms, libraries, and administrative offices, blocking Jewish students' access to campus spaces, and overtly violent conduct like property destruc-

¹ *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967) (quoting *United States v. Assoc. Press*, 52 F. Supp. 362, 372 (S.D.N.Y. 1943)).

² Anti-Defamation League, *Audit of Antisemitic Incidents 2023*, <https://www.adl.org/resources/report/audit-antisemitic-incidents-2023> (finding that antisemitic "incidents on college and university campuses spiked by a staggering 321 percent" in 2023, mostly after October 7).

tion and physical assault (e.g., at the end of 2023, two masked students attending a pro-Hamas demonstration at UC Berkeley assaulted a Jewish student expressing his Jewish religious and ancestral identity by wearing a kippah on his head and an Israeli flag across his shoulders);³

(2) intentional exclusion of Zionist students from campus programs and activities (e.g., the leader of an LGBTQ group at Columbia sent a message explicitly stating that no “Zionists” would be welcome at an upcoming film event);⁴ and

(3) biased and factually inaccurate classroom content delivered by agenda-driven instructors seeking to indoctrinate students through misinformation and creating a hostile learning environment for Jewish and Israeli students (e.g., a faculty member at George Washington University asked students to introduce themselves the first day of class and, when one student’s introduction included their Israeli national origin, the professor responded that it was “not [the student’s] fault” they had been born in Israel and later subjected students to a rabidly anti-Israel lecture;⁵ another lecturer, immediately after October 7th, asked Jewish students to identify themselves, instructed those who raised their hands to move to a small area in the back of the classroom, and told the class, “That’s what Israel does to Palestinians.”)⁶

Exacerbating the problem is the failure of many administrations to acknowledge the antisemitic nature of the activity on their campuses and to equally apply and enforce relevant policies to those engaged in activity that violates those policies. Each campus has a process for reporting and responding to incidents of bias and discrimination, including antisemitism. But if administrators fail to identify a given situation as implicating those policies, impacted students are denied equal protection of their rights, and those engaged in the discriminatory conduct are emboldened to continue—and even escalate—their behavior. As a result, the hostile campus climate worsens, doing both an injustice to Jewish students, who are increasingly not merely uncomfortable but legitimately afraid to be on campus, and a disservice to the entire campus community.

Some administrations’ refusals to protect Jewish students from unlawful conduct are intentional and should be addressed accordingly, including, as appropriate, through the withdrawal of Federal taxpayer dollars. But administrators who intentionally ignore, distort, or downplay these issues are not the only culprits. Information that StandWithUs has obtained during educational programs indicates that often at play is a lack of understanding regarding Jewish ancestral identity by the very administrative staff tasked with addressing antisemitism complaints.⁷ A critical reason for this misunderstanding lies in the success of a well-organized, well-funded campaign to politicize Jewish identity, in particular Jewish ancestral identity. The operative narrative underlying this campaign has co-opted and imposed its own (erroneous) definition of a term that is integral to the religious and ethnic identity of most Jews around the world, including here in the U.S.,⁸ with the clear intention of demonizing the term and those who identify with it. That term is “Zionism.”

Importantly, the term “Zion” refers to an actual physical location in Jerusalem (Mount Zion), significant to Jewish historical events in that land (where the Jewish people in fact *became* the Jewish people over 3,000 years ago), such that the term “Zionism” has an ancient and broad meaning, encompassing the centuries-old desire of the Jewish people to safety and sovereignty in their ancestral homeland of Israel, a desire that is borne out in a variety of ways in Jewish customs and traditions that

³ <https://www.standwithus.com/post/standwithus-files-Federal-civil-rights-complaint-against-uc-berkeley-for-failing-to-protect-jewish-s>.

⁴ <https://nypost.com/2023/10/25/metro/columbia-university-lesbian-group-disinvites-zionists-from-movie-night/>.

⁵ <https://www.standwithus.com/post/standwithus-files-title-vi-complaint-against-gwu-for-discriminatory-retaliatory-antisemitic-conduct>.

⁶ <https://www.cnn.com/2023/10/13/us/stanford-instructor-jewish-holocaust-comments-reaq/index.html>.

⁷ For example, many campuses task their professional Title IX offices, established to address issues of gender-based discrimination, with handling complaints under Title VI. Such staff are often, unsurprisingly, among those who lack education and understanding about Jewish ancestral identity.

⁸ <https://www.jpost.com/diaspora/article-808658>.

have nothing at all to do with politics but everything to do with Jewish ancestral identity.⁹

The anti-Zionist narrative seeks to erase this history by focusing on the establishment of the *modern* State of Israel, following World War II and United Nations Resolution 181, which proposed the establishment of both a Jewish state and an Arab state in the geographical area then known as the Palestine Mandate and overseen by Great Britain—a proposal accepted by the Jewish Agency but rejected by the Arab states, as have been all other proposals for a two-state solution since that time. The narrative falsely asserts that the establishment of this modern state was an act of land theft and attempts to re-define “Zionism” as simply a term of political support for the Israeli government, which the narrative falsely accuses of a host of evils, treating the world’s only Jewish state in precisely the same way that more classic forms of antisemitism treat the individual Jew.¹⁰

Because many people outside the Jewish community are unfamiliar with Jewish and Israeli history, including the term “Zion” and, hence, the history of the term “Zionism,” this dangerous narrative has been allowed to take firm root in academia. And in the wake of the horrific Hamas terrorist attack against Israel and its people on October 7, those peddling this anti-Zionist narrative have successfully persuaded droves of students, faculty, and administrators to believe the lie that Jews whose identity includes Zionism, which is to say most Jews, are proud supporters of the actions of which the narrative falsely accuses Israel. This form of manipulative propaganda attempts to erase the reality that a Jewish individual’s identification as a Zionist is actually a reflection of the deep ancestral connection of the Jewish people to the land of Israel, an expression of the peoplehood component that serves as a foundational element of Jewish identity. Hence, the many forms of harassment and discrimination toward Jewish members of the campus community that we continue to see are justified by perpetrators, and often misidentified by those in positions of authority, under the guise of mere expressions of political disagreement. A proper understanding of the term “Zionism,” however, reveals this campaign for what it is: an insidious attempt to erase 3,000+ years of Jewish history and a vicious attack against a core component of mainstream Jewish identity. In short, a textbook example of antisemitism, just adapted and repackaged for a contemporary audience.

Much of the anti-Jewish hatred reported in the media focuses on undergraduate institutions, but it is important to note that the antisemitism that has infected these campuses is an equally serious concern within our Nation’s graduate schools, including, in particular, medical schools.¹¹ At Georgetown University Medical School, for example, students posted antisemitic content online, using tropes about Jewish control and targeting Jewish peers. Similar trends were observed at George Washington University.¹² Recent reports also highlight an alarming trend of antisemitism during medical school commencement ceremonies.¹³ At Stanford Medical School, for example, a student wore a three-part stole and carried a large keffiyeh

⁹ See, e.g., “Evidence of Zionism in Daily Life,” StandWithUs Saidoff Legal, available at <https://www.flipsnack.com/59DEA577C6F/evidence-of-zionism-cover/full-view.html?p=1&td=Ym9va3NoZWxmOmNmMDEwMDV1bmY%3D>.

¹⁰ For a more thorough explanation of how antisemitism has “mutated” over time and today focuses largely on the State of Israel as a Jewish “collective,” see, *The Mutating Virus: Understanding Antisemitism*, THE OFFICE OF RABBI SACKS (Sept. 27, 2016), <https://rabbisacks.org/videos/mutating-virus-understanding-antisemitism/> and *The Mutation of Antisemitism*, THE OFFICE OF RABBI SACKS, <https://rabbisacks.org/videos/the-mutation-of-antisemitism/>.

¹¹ A study in *The Journal of Religion and Health* found that most (75.4 percent) Jewish-identifying medical students and professionals reported exposure to antisemitism. Schwartz, D.M., Leiba, R., Feldman, C.L. et al., *Social Media, Survey, and Medical Literature Data Reveal Escalating Antisemitism Within the United States Healthcare Community*, *J Relig Health* 64, 206–223 (2025), <https://doi.org/10.1007/s10943-024-02191-5>. See also, Michelson, K., Fishman, A., Feinberg, E., Ross, S., et al., *Antisemitism in American Healthcare: A Survey Study of Reported Experiences*, *J Gen Intern Med* (2024), available at <https://link.springer.com/epdf/10.1007/s11606-024-09159-x?sharing-token=1PTK9pTkK-HZLCb6TmYEave4RwlQNChNBiy7wbcMAY5nncMVfuml7xWZanLiTB-i3iaO4PZpexDOQYSievt9h3ehbLx6X-NGWbSk5RwmL3Wp7C4gHhwMzcQgwerbKKZVhR2CMmTiWiR-4X3ZbqYVX-2cYuMWODxD4-IyMKuNU-w%3D>.

¹² <https://www.timesofisrael.com/med-students-antisemitic-comments-after-oct-7-roil-two-prominent-dc-universities/>.

¹³ A study of top U.S. medical schools found antisemitic symbols and messages displayed by students at over half these institutions during recent commencements, <https://nypost.com/2025/01/27/us-news/us-medical-schools-plagued-by-antisemitism-pro-terror-antics-at-graduations-study/>.

to the stage and unfurled it, revealing an antisemitic sign on its reverse side. Hostile demonstrations are also plaguing these schools. A New York Times article from June 2024 described the blatant anti-Zionist/anti-Jewish fervor at University Hospital in San Francisco, for example, where medical students and doctors at the prestigious medical school and teaching hospital could be heard shouting: “intifada, intifada, long live [the] intifada!”¹⁴ The U.S. Department of Health and Human Services (HHS) is investigating four prominent medical schools—Harvard, Columbia, Brown, and Johns Hopkins—over allegations of recent antisemitic incidents. These include displays of offensive symbols, verbal protests, and expressions of support for terrorist organizations like Hamas.¹⁵ The situation has escalated to the point that Jewish students are being advised to hide their identity during applications to our Nation’s medical schools.¹⁶

There is an important tool, though, that can assist in greater understanding of how antisemitism manifests today, including anti-Zionist forms of antisemitism, which in turn helps ensure consistent identification and reporting of anti-Jewish bias and bigotry, as well as proper enforcement of policies aimed at responding to antisemitism: the International Holocaust Remembrance Alliance Working Definition of Antisemitism (“IHRA Definition”) and its contemporary examples of antisemitism. The international consensus definition of antisemitism, the IHRA Definition has been widely adopted around the world and is utilized by institutions and agencies spanning the spectrum of society, including the U.S. Department of Education’s Office for Civil Rights.¹⁷ It enjoys broad support within the Jewish community as a tool that speaks to their real-world experiences of antisemitism, including both traditional and more contemporary forms of anti-Jewish bigotry and hatred. Contrary to the assertions of some, utilizing the IHRA Definition as an educational tool for understanding and identification is fully consistent with freedom of speech principles and is an effective means of ensuring that allegations of antisemitism receive proper review, investigation, and resolution.¹⁸

There can be no legitimate dispute that campus antisemitism is a serious problem with lasting and dangerous effects, which requires a response that is likewise serious, lasting, and effective. While many aspects of education fall within the purview of the individual states, the Federal Government has the authority to attach conditions to educational institutions’ receipt of Federal taxpayer dollars, as it has done in many ways, including through Title VI of the Civil Rights Act of 1964 (“Title VI”) and the Higher Education Act of 1965. Title VI prohibits recipients of Federal funding from discriminating on the bases of race, color, or national origin (including shared ancestry). When a campus administration is on notice of events or circumstances with the potential to create a hostile environment that would deprive students of equal access to, or use and enjoyment of, campus activities, based on a protected characteristic under Title VI, the administration is legally obligated to investigate and to take the steps reasonably necessary to put an end to the hostility and remedy its effects. Full stop.

Importantly, the requirements of Title VI do not conflict with freedom of speech rights under the First Amendment. Even if public institutions are not legally permitted to silence or punish certain speech that creates or contributes to a hostile environment, that does not relieve them of their obligations under Title VI.¹⁹ This

¹⁴ <https://www.nytimes.com/2024/06/24/us/israel-hamas-war-sf-doctors.html>.

¹⁵ <https://www.hhs.gov/about/news/2025/02/03/hhs-civil-rights-office-acts-swiftly-combat-anti-semitism.html>.

¹⁶ Melissa Langsam Braunstein, *The Antisemitism Rooted in the US Healthcare System*, <https://www.jowma.org/in-the-news/the-antisemitism-rooted-in-the-us-healthcare-system> (Dec. 19, 2024).

¹⁷ See, <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf-utm-content=&utm-medium=email&utm-name=&utm-source=govdelivery&utm-term=>.

¹⁸ For additional information about the IHRA Definition, including responses to common misconceptions and misinformation about the IHRA Definition, see *A Guide to Understanding & Adopting IHRA Working Definition of Antisemitism*, StandWithUs, available at <https://www.flipsnack.com/59DEA577C6F/guide-to-understand-ihra/full-view.html?p=1&td=Ym9va3NoZWxmOnpocGVtZmp6aG0%3D>.

¹⁹ U.S. Dep’t of Education, Office for Civil Rights, *Dear Colleague Letter*, May 7, 2024, p. 3, available at <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf?source=email> (last visited Mar. 24, 2025) (“The fact that harassment may involve conduct that includes speech in a public setting or speech that is also motivated by political or religious beliefs, however, does not relieve a school of its obligation to respond under Title VI as described below, if the harassment creates a hostile environment in school for a student or students.”).

is where it becomes appropriate, and at times entirely necessary, to implement—and properly enforce—reasonable, content-neutral time, place, and manner policies regarding expressive activity on campus to ensure equal protection of the rights of all students without disruption to the educational environment. In short, the campuses of educational institutions are not public streets or sidewalks, and students need not be permitted to engage in expressive activity on campus wherever they wish, whenever they wish, and in whatever manner they wish. Dr. Mark Goldfeder recently testified in greater length about the constitutional requirements—and the discretion of educational institutions—in this regard at a hearing before the U.S. House of Representatives Committee on the Judiciary’s Subcommittee on the Constitution and Limited Government.²⁰ I commend his discussion of these issues to this Committee and to others seeking a clear understanding of the interplay between freedom of speech principles and the campus context. At a minimum, however, campuses should have in place clear policies identifying where, when, and how students may (and may not) engage in expressive activity and outlining the consequences for violating such policies. They must then be held accountable for equal application and enforcement of those policies.

We are here today because the failure—or refusal—of too many administrators to accurately identify the hostile antisemitic environments on their campuses and take the necessary steps to remedy that hostility has resulted in the deprivation of the civil rights of Jewish students nationwide. Worse still, Federal courts asked to preside over Title VI complaints by these students have applied the legal standard for these claims in an inconsistent manner,²¹ and when students seek assistance through the submission of Federal administrative Title VI complaints, they are often subjected to a lengthy waiting period, many times so long that the directly impacted students graduate before the resolution of their complaints.²² The problems related to antisemitism on U.S. campuses have risen to a level such that Congress must now take decisive action to effect meaningful improvement.

I would like to take this opportunity to suggest three such actions:

First, and easiest, Congress should pass two important pieces of pending legislation: (1) the *Antisemitism Awareness Act*, which would codify the requirement that the Department of Education consider the IHRA Definition in reviewing and investigating potential violations of Title VI based on an individual’s actual or perceived shared Jewish ancestry or Jewish ethnic characteristics; and (2) the *Protecting Students on Campus Act*, which, among other things, would require institutions of higher education participating in Federal student aid programs to share certain information about Title VI in prominent campus locations, including on their websites, and to share data about their receipt and handling of Title VI complaints with the Department of Education on an annual basis. The bill would also require the Department of Education’s Office for Civil Rights (OCR) to provide Congress with regular updates about its handling of Title VI complaints, including the length of time complaints remain open after OCR’s receipt.

Second, Title IX, prohibiting gender-based discrimination, requires educational institutions to designate a Title IX coordinator, who is tasked with overseeing the institution’s efforts to carry out its responsibilities under that law.²³ Title VI should include a similar requirement, such that each institution of higher education receiving Federal funds, including medical schools, must employ a Title VI coordinator who is qualified and experienced in investigating and educating about the types of discrimination covered by Title VI, including specifically the shared ancestry component of national origin. Such individuals should be required to undergo relevant

²⁰ <https://www.Congress.gov/118/meeting/house/117305/witnesses/HHRG-118-JU10-Wstate-GoldfederM-20240515-U7.pdf>, pp. 6–8 (explaining that the *Tinker* standard—allowing schools to restrict speech that will “materially and substantially interfere” with the “requirements of appropriate discipline in the operation of the school” or that “inva[de]s the rights of others”—is the correct standard for application in the campus context and citing additional sources in support).

²¹ Cf., e.g., *Kestenbaum v. Pres. & Fellows of Harvard College*, Civ. No. 1:24-cv-10092 (D. Mass. Aug. 6, 2024) with *StandWithUs Ctr. for Legal Justice v. Mass. Inst. of Tech.*, Civ. No. 1:24-cv-10577 (D. Mass. Jul. 30, 2024).

²² 34 C.F.R. § 106.8. See also, <https://www.ed.gov/about/news/press-release/us-department-of-education-office-civil-rights-launches-initiative-address-backlog-of-biden-administration-era-complaints-alleging-antisemitism>.

²³ <https://www.ed.gov/laws-and-policy/civil-rights-laws/frequently-asked-questions-sex-discrimination#:-:text=Is%20there%20someone%20at%20my,Security%20Data%20Analysis%20Cutting%20Tool>

(confirming that “[a]ll school districts, colleges, and universities receiving Federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX”).

training regarding Title VI and its proper application (including specifically about the relationship between Zionism and Jewish identity) at least semi-annually and should likewise be required to provide such training to (1) relevant campus stakeholders on at least a semi-annual basis and (2) students within the context of the institution's regular anti-bias educational programming. To ensure that these offices do not themselves become politicized in the execution of their responsibilities, the Department of Education's Title VI regulations should be updated to provide appropriate guidance regarding the operations of such offices and the qualifications of those staffing them. The first opportunity—and responsibility—to rectify hostile environments that implicate Title VI falls to the funding recipient (here, the educational institution). To best ensure this can happen, and decrease the burden on the Federal Government, institutions should be required to employ professional staff qualified for the task.

Finally, for institutions seeking to voluntarily resolve administrative Title VI complaints involving disruptive expressive activity on campus, or for institutions as to which the Federal Government identifies Title VI compliance concerns related to disruptive expressive activity on campus, such institutions' continued receipt of Federal funding should be conditioned, in a manner consistent with Federal constitutional principles, upon the institutions' clear communication to their campus communities of the times, places, and manners in which expressive activity is / is not permitted on their campuses, including clear identification of the consequences for violations of such policies. Congress should also consider heightened consequences under Title VI for institutions found, in the course of a Federal Title VI investigation, to have failed properly to enforce such policies to known violations, resulting in the creation or exacerbation of a pervasively hostile educational environment based on race, color, or national origin.

The integral components of individuals' identities, including their religious, ancestral, and ethnic identities, should never be weaponized, for political purposes or otherwise. Yet, that is precisely what has happened to the Jewish community, and it is time for people of good faith to stop fighting *each other*, unify around the reality that antisemitism is causing real harm to real human beings, and begin fighting *together* against all forms of anti-Jewish hate and hostility.

As we have seen throughout history, antisemitism does not harm only the Jewish community; like a cancer, it infects the whole of society.²⁴ This is not an isolated issue impacting only one group, and it is not an issue that we as a nation can afford to ignore in any of its insidious forms. Antisemitism presents a significant and troubling problem on our campuses that must be identified for what it is—without confusing matters by insisting on addressing it only in tandem with other forms of bias and bigotry. We must finally be willing to acknowledge that the discrimination and harassment targeting students on campus *because of an aspect of their Jewishness* comes from individuals on both sides of the political aisle. This is not a matter of left or right but one of wrong and right. I implore every Member of this Committee to be willing to take the necessary actions to stand against all forms of attack against the Jewish community, regardless of their source, no less than you would for any other targeted minority community.

Thank you for the opportunity to testify today. I look forward to the efforts of this Committee and the full Congress to address this serious problem in a substantive and meaningful way. I and my organization, StandWithUs, welcome the opportunity to work alongside you all in those efforts, and I welcome any questions regarding my testimony.

[SUMMARY STATEMENT OF CARLY F. GAMMILL]

The rising threat of antisemitism on U.S. college and medical school campuses, especially following the October 7, 2023, Hamas terrorist attack, has escalated such that Congress must take decisive and meaningful action to ensure equal protection of the rights of all students and preserve the primary purpose of our Nation's institutions of higher education. Jewish students are facing increased hostility not just toward their views, but toward their identities.

In addition to intentional refusals by some administrators to protect the rights of Jewish students, there is another contributor to the surge in hatred toward Jews on campus: an intentional and dangerous campaign to erroneously re-define the

²⁴ See, e.g., DENNIS PRAGER & JOSEPH TELUSHKIN, WHY THE JEWS? THE REASON FOR ANTISEMITISM, THE MOST ACCURATE PREDICTOR OF HUMAN EVIL, (2003); see also Goldfeder Testimony, *supra* n.7 at pp. 1–2, f 7 (collecting sources).

term Zionism in a way that ignores its true, historical meaning and significance as an aspect of Jewish ancestral identity and that attempts, instead, to equate Zionism with political support for the State of Israel, which this anti-Zionist narrative fashions as a purveyor of a host of evils.

Those responsible for this dangerous campaign to distort Jewish ancestral identity have, especially since October 7, successfully convinced campus stakeholders that Jewish students who identify as Zionist are merely expressing a political position—one for which they deserve to be ostracized, marginalized, and excluded from campus programs and activities. As a result, Jewish students are subject to hostile campus climates, including harassment during protests, exclusion from events, biased classroom content, and even physical violence. Administrators—whether through intentional refusal to protect Jewish students or sincere misunderstanding about the connection between Zionism and Jewish identity (as opposed to politics)—are failing to identify and address the blatant antisemitism ravaging their campuses, including through proper application of relevant campus policies.

Administrative confusion—real or feigned—about the interplay between Title VI of the *Civil Rights Act* and freedom of speech principles exacerbates the problem, but there is no tension between these legal provisions. Administrators at institutions receiving Federal funding may (and those on public campuses must) simultaneously comply with the requirements of both the First Amendment and Title VI.

Congress can take decisive action to improve the situation on our Nation's campuses by (1) passing the *Antisemitism Awareness Act* and the *Protecting Students on Campus Act*; (2) requiring at all federally funded educational institutions a properly qualified and educated Title VI coordinator; and (3) subject to Federal constitutional principles, strengthening Title VI through measures that hold administrations accountable for proper application and enforcement of campus policies regarding the time, place, and manner of expressive activities.

Antisemitism should not be treated as a political weapon but as the moral issue it is—one that harms not only the Jewish community but all of society. As such, it demands bipartisan action. Protecting Jewish students is an essential part of ensuring safe and equal learning environments for all.

The CHAIRMAN. Thank you. I'll introduce now our second witness, Rabbi Levi Shemtov. Rabbi Shemtov is the Executive Vice President of the American Friends of Lubavitch Chabad.

Senator SANDERS. Lubavitch.

The CHAIRMAN. One more time.

Senator SANDERS. Lubavitch.

The CHAIRMAN. Lubavitch—I'm sorry. Which serves as a representative office of the worldwide Lubavitch movement in Washington, DC. and plays a vital role in Jewish community engagement and public affairs.

In addition to his organizational leadership, Rabbi Shemtov is widely regarded as a prominent voice for Jewish advocacy and has worked extensively with Government officials, faith leaders, and community organizations to combat Antisemitism and promote religious understanding. We are thankful to have you today, rabbi. Please proceed.

STATEMENT OF RABBI LEVI SHEMTOV, EXECUTIVE VICE PRESIDENT, AMERICAN FRIENDS OF LUBAVITCH (CHABAD), WASHINGTON, DC

Mr. SHEMTOV. Good morning, Chairman Cassidy, Ranking Member Sanders, and honorable Members of this Committee. I am Rabbi Levi Shemtov, and I serve as the Executive Vice President of American Friends of Lubavitch Chabad, directing the efforts of the Chabad Lubavitch movement in our Nation's capital structure and international community.

Chahab Lubavitch is currently the world's most dynamic and fastest growing Jewish educational and social services network with over 4,000 centers in all 50 states and more than 110 countries. Our work spans all aspects of life for people of all ages, from preschool to seniors, touching millions of people from diverse backgrounds, including business and communal leaders, academics, military personnel, young professionals, incarcerated individuals and their families, and those in need.

A significant part of our efforts is dedicated to Jewish students on campus with active centers serving over 525 universities nationwide, including more immediately under my own purview over 10,000 Jewish students in Washington, DC. at institutions including the George Washington, Georgetown, American, and Gallaudet universities, as well as Johns Hopkins and various graduate programs across Washington, DC.

For three decades now, I have worked closely with students witnessing firsthand the challenges they face particularly with the rise of Antisemitism on college campuses. My colleagues and I are guided every day by the teachings of the Lubavitcher Rebbe, Rabbi Menachem Schneerson of sacred memory.

The Rebbe widely recognized as the most influential rabbi in modern times, champion the values of education, moral responsibility, and a deep appreciation for America as a land of unprecedented religious freedom. In recognition of his exemplar, benevolence, ethics, leadership, and scholarship, and selfless commitment to education, Congress unanimously awarded the Rebbe the Congressional gold medal in 1994, and every U.S. President since 1978 has declared his birthday each year as Education and Sharing Day, USA.

His guiding principle was that every individual regardless of status has the ability and responsibility to make the world a better place through acts of kindness and moral leadership. The concept is one of the most famous in the Jewish faith, *letaken olam bemalchut Shadai*, to perfect the world under the sovereignty of the almighty God. Many refer to it merely as *Tikkun Olam*, but this is the original mandate.

This brings me to the pressing issue of today's hearing. Antisemitism is not just an age-old prejudice. It is a contemporary crisis manifesting on campuses across the Nation. It is not enough for individuals or institutions to merely claim they are not Antisemitic. As my father once taught me, it is not enough for people, especially public figures, to be neutral or not be Antisemitic.

One must be anti-Antisemitic. We must demand the same of our universities and Government institutions. This hearing in my opinion is an attempt to be just that, anti-Antisemitic. We recently celebrated Purim. We are soon going to celebrate Passover. Two great indicators of our history of overcoming oppression and discrimination. Jewish students are increasingly targeted, harassed, and ostracized simply for being Jewish or expressing support for Israel.

This crisis escalated dramatically after October 7th when Hamas carried out its brutal terrorist attack on Israel. Many Jewish students who once felt safe and included on campus suddenly found themselves abandoned by peers and institutions they once sup-

ported. Students have been physically threatened, spat upon, had their mezuzah stripped from their doors—even faced academic retaliation for their Jewish identity.

Jewish students who wear kippahs or other identifying symbols reported being verbally assaulted and in some cases physically attacked. Last year at the George Washington University, for example, an encampment—the protesters disrupted campus life under the guise of political activism.

These gatherings went far beyond peaceful protests, which we must all respect. They became breeding grounds for Antisemitic rhetoric, intimidation, and outright violence. I personally visited the encampment multiple times and saw firsthand the fear it instilled in Jewish students. Even some professors joined in the hostility, and university administrators failed to take sufficient decisive action to ensure Jewish students' safety.

This was not an isolated incident but found to be part of a coordinated effort across campuses nationwide. Freedom of speech is a core American value, but it does not include the right to intimidate, harass, or introduce violence.

Universities have the authority and obligation to enforce policies that protect all students, however, time and again, Jewish students are subtly told and made to feel that their actual safety is secondary to the political climate of the moment or other considerations. And the torture of having to wait for the “process” to play out is painful to watch.

When there is right and wrong, not doing enough, quickly enough, sides with those who are wrong. We have seen that too often in history. The Federal Government must take urgent steps to address this crisis. The anticipated passage of the *Antisemitism Awareness Act* is a crucial measure that will help define and combat Antisemitism in its—in educational institutions.

The adoption of the IHRA definition of Antisemitism is another necessary step as it provides a clear framework for recognizing and addressing Antisemitic incidents. Without these defining developments, universities and administrators will continue to exploit loopholes to avoid taking real action.

Moreover, Federal authorities must demand a safe learning environment for all students, including Jewish students. Universities that tolerate Antisemitic harassment should face real consequences. The previous Administration took some steps in recognizing Antisemitism as a national concern, hosting high-level meetings and engaging Jewish leaders and discussions across the spectrum.

However, these efforts must not be diluted by lumping Antisemitism together with other forms of discrimination at this point. While all forms of hatred should be addressed, Antisemitism has unique characteristics that require a dedicated response.

As Nobel Laureate Elie Wiesel once said, Jews are always the first but never the last. The normalization of Antisemitism on campus is a warning sign for Society at large. I have one more paragraph. Can I finish?

The CHAIRMAN. One more paragraph.

Mr. SHEMTOV. Jewish students need more than protection from hate. They need to be empowered with a robust Jewish identity. As the Rebbe taught, the best way to combat darkness is with light. It is not enough to fight Antisemitism. We must also promote a strong and proud Jewish presence on campus.

In other words, the best antidote to Antisemitism is perhaps robust Semitism. Institutions should be more protective and supportive of Jewish student life and ensure the Jewish students clearly feel welcomed and valued as members of their academic communities.

I apologize for going over my time but thank you very much for the opportunity to testify and be here today. And thank you, Ranking Member, Senator Sanders for making sure the name Lubavitch is pronounced correctly.

Thank you for the opportunity to testify. I am prepared to answer any questions you might have.

[The prepared statement of Mr. Shemtov follows:]

PREPARED STATEMENT OF RABBI LEVI SHEMTOV

Chairman Cassidy, Ranking Member Sanders, and honorable Members of this Committee:

My name is Rabbi Levi Shemtov, and I am the Executive Vice President of American Friends of Lubavitch (Chabad), which directs and organizes the operations in our Nation's capital and the international community on behalf of the international Chabad-Lubavitch movement, currently the largest, most vibrant and fastest growing network of Jewish educational and social service institutions in the world. We are present and active through over 4,000 centers in all 50 states and over 110 countries.

Our work literally spans the gamut of life, with religious, humanitarian and communal programs catering to innumerable individuals and families, from preschool to senior citizens, and helps lift the lives and well-being, materially and spiritually, of millions of people from all walks of life—on all strata of social and economic existence, from business and academic leaders, to the poor and homeless, from those at the top of society, to Jewish people serving in all ranks of the military, to those incarcerated or otherwise disadvantaged searching for a better existence and more meaning in their lives.

Included in these are active centers serving hundreds of thousands of Jewish students on 526 campuses in the U.S. Under my more immediate purview are centers some 10,000 Jewish students in Washington, DC, specifically at the The George Washington, Georgetown, American and Gallaudet Universities, as well the Johns Hopkins and dozens of other Graduate Programs with a presence here.

Personally, in addition to my work in the governmental and international arenas as well as the local community, I have interacted closely with students directly for about thirty years now and have thus seen and shared their experiences first-hand. So I hope you will appreciate that my words today will not be merely theoretical or philosophical. They are practical, gleaned from what I have seen and heard directly from students and colleagues who serve on campuses across the country.

My colleagues and I dedicate ourselves tirelessly every day to our mission inspired and in many cases, personally directed by our mentor, the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, of sacred memory. Widely regarded as the most influential rabbi in modern times, he infused us all with a deep appreciation for America and the unique opportunity it affords us to proudly practice our faith and inspire others to do the same. Actually, this very body, the U.S. Congress, unanimously awarded the Rebbe the congressional Gold Medal in 1994. His teachings and exemplary dedication has reached and improved the lives of millions of men women and children of all ages and affiliations and persuasions, as his sage advice and insight were sought by presidents, prime ministers, Governors, mayor, business leaders, teachers, journalists and even perhaps most importantly, the young and common folk.

One very important focus of the Rebbe, perhaps, the sharpest focus, was on education. He taught that education is more than the provision of knowledge, it is the

building of character and meaning within a child and then an adult, to help ensure that their life is not merely lived, but lived meaningfully, so that the world will become a better place because one has lived within it for whatever time G-d has allowed them to.

This concept is one of the most famous in the Jewish faith “*letaken olam bemalchut Shadai*” to perfect the world under the sovereignty of G-d. Many merely refer to it as Tikkun Olam, but this is the original mandate.

One can do this in many ways. Reaching someone in need, discipline in expression so as to help and not hurt, offering support to those who need it (everyone, no matter how great, needs support on some level) and generally working to ensure that the world becomes more livable and the great garden of life G-d desired when he created it and all of us within it.

To honor the Rebbe’s work and teachings, the President of the United States has, since 1978, declared his birthday every year as Education and Sharing Day, USA, in an effort to focus society’s actions in this regard. A remarkable concept which has defied any partisan factor, this has been replicated by Governors across all 50 states, and even a large number of mayors and civic leader on the local level.

The point of all this is to drive home the notion the Rebbe taught that every individual, no matter how humble or great, has the power to change the world, for better or for worse, by what they say and do, and thus the responsibility to do so positively.

Which leads me to the central point of today’s hearing.

I was once discussing with my father a particular public figure who was being labeled an antisemite. We all know great things about this individual and I was troubled by that label for them. My father, who many of you may know through his own work here on the Hill for decades, said something very important to me. “Yes, we are sure they are not antisemitic. But someone like them can and should be more anti-antisemitic and is not, and that is troubling.”

Mr. Chairman, Ranking Member and Members of this distinguished Committee, in my opinion, the mere holding of this hearing is a strong and important statement of anti-antisemitism. You are focusing on this scourge where it lurks the worst and strikes people at a very vulnerable time when, for the first time, they are defining their very personalities and identities on their own.

These students come to explore the marketplace of thought and ideas and determine their own path in the world they will inhabit and 1 day lead. They will form opinions about faith family, country—central components of every life. And they will determine who they want to be and how to live that out for themselves, their friends and the families they will build.

It is crucial that at this particular junction their essential identities not be attacked and undermined.

We, the Jewish people, find ourselves shortly after the festival of Purim and soon approaching Passover. Anyone wanting to understand the Jewish odyssey and formation of our identity ought to understand these festivals and their meaning.

Purim marks the miraculous deliverance from near annihilation by an evil antisemite named Haman in ancient Persia in the fourth century BCE. His main complaint was there is a Nation, the Jews, who are different and have customs unlike those of others in the Persian empire and thus must be annihilated, G-d forbid. Among the figures in the biblical Book of Esther, which recounts the story, are she and a rabbi who led the Jewish people at the time named Mordechai, who would not bend a knee nor bow to this vicious antisemite, Haman, even though he was familiar in the royal court as well.

We don’t know as much about other Jewish people who lived in that era, other than that they felt threatened and succumbed to the influences of the times. Mordechai stood up to the powerful Haman and ensured Jewish survival.

One might say he countered that terrible antisemitism with what I like to call informed and *Robust Semitism*. It will be very difficult for Jewish students on campus to properly counter the latest explosion in antisemitic activity on campuses without a strengthened sense of identity. Sadly, over the past decades, that sense of identity has weakened. And so, when threatened academically, socially, and even as we have seen lately, physically, a Jewish student can be woefully unprepared for the onslaught. Until now, we hope they had a good network of Jewish community back home, but that is too often wishful thinking, I have learned from more students than I wish.

We will soon celebrate Passover. Almost immediately after the Exodus from Egypt, the nascent Jewish people, then still called Israelites, were attacked, first by the ancient Egyptian army and then later by the first recorded antisemite, Amalek. The Torah commands us, and we are required to read this every year, to “remember to eradicate the *memory of Amalek*.” Who is Amalek today? Physically, that is a good question. Philosophically, however, it is the pernicious perpetrators of anti-semitism.

The Lubavitcher Rebbe taught that Amalek has a similar context to the word “safek”, Hebrew for doubt. When the actual Amalek confronted the Jewish people in ancient times, he attacked the stragglers, the weakest among them. He was not brave and could not beat the Jewish people all, so like any bully, went after the most vulnerable. Today, those seeking to sow doubt among Jewish people about the righteousness of our cause, about our historic rights to the land of Israel, and to the right we enjoy to live fully, proudly and openly as Jews, are the heirs to Amalek.

Their terrible spirit, the intent to make us doubt ourselves (safek) and thus more susceptible to attack, lives on the campuses and streets of America and increasingly elsewhere. They evilly attacked Israel like savages on October 7th, and they and their supporters have continued this attack even more since. While there are military and law enforcement ways to eradicate the problem, and they will do their responsibility, every decent human being has a responsibility to eradicate the philosophy the present day Amalekites espouse, since it will destroy civilization as we know it if we do not counter it effectively.

The government of the United States does not have an obligation to support any particular religion, but it *does* most certainly have a solemn obligation to protect in every possible way the ability of its citizens to practice and live their own faith. Indeed, there have been many such efforts, whose details might be appropriate in a different hearing.

As it pertains to the campuses, specifically, more must be done to underscore the commitment by our government to do so, not just in theory but in practice and most importantly, enforcement. The passing of the *Antisemitism Awareness Act* which is now expected, will do a lot to help the public understand again that we will continue to live by the words of our first President, the heroic founder of the United States, George Washington, who promised, in the first known Presidential correspondence to the Jewish community, that the United States will offer “bigotry no sanction”. There is no doubt a large majority of the Congress, and of the United States, who support this endeavor.

I also know there has been some noise about the IHRA definition, and efforts to dilute that. But without it, people will find too many loopholes and continue to undermine, threaten, cancel and gaslight Jewish students and members of our community generally. You might never find language acceptable to all, but the IHRA definition does enjoy the broadest acceptance by Jewish organizations and should be respected as policy of the United States. If our own Ambassador to monitor and combat antisemitism is asking other nations and global institutions to adopt it, we should do the same.

(I will point out that while our own organization generally avoids political statements and has not declared an official position on the above, this is what I sense from my own viewpoint.)

As I mentioned, the mere holding of this hearing is in itself a statement of leadership in this regard. And I hope the diligent deliberations herein will result in a strengthened approach to ensuring safety of all students on campuses.

I would like to focus on Jewish students for a moment. Last year, and the year before that, a special high-level meeting was held at the White House to address the issue of antisemitism, generally as well as on campus. I believe all Jewish leaders present were heartened by the senior level of representation by the Administration and heartfelt expressions by the principals, some of whom are themselves Jewish.

But somehow, the effort to singularly target and combat antisemitism was weakened, in my opinion, and maybe even undermined, by the introduction of fighting other forms of discrimination at the same time within that effort. I will repeat what I said there, in addition to my obvious gratitude for being present at such a significant effort:

Anyone who flies knows that we are warned at the beginning of the flight that in the event of a sudden change in cabin pressure, one should apply the oxygen mask that drops down to your seat. We are clearly warned to use our own mask first despite our instinct to help others, especially children. For if we stop breathing,

we cannot help anyone. And our continued ability to breathe properly will help us to help others.

We, the Jewish community must be very careful to do as above. We must worry and address completely the scourge of antisemitism and its dangers first, and obviously once that would be under control, we must help to combat other form of discrimination, so every human being, created in the image of the Almighty G-d, can live in dignity and safety.

But if we allow the dilution of our large and pressing matter into a larger pool of perpetrated hatred, as important as that might be, we will not be as effective, if we will be effective at all. I have heard first-hand too many stories of students who thought they could depend on their friends in other minority groups whom they supported to stand by them after October 7th. Sadly, they were disappointed to find the support was just not here. Further, in too many instances, they were slowly squeezed out of affinity groups to which they dedicated so much time and effort and sad to find themselves, despite their best efforts integrate, that they were just an annoyance to be discarded, moral and just considerations thrown to the wind.

I believe the Jewish community must stand first and foremost for ourselves, and when we regain our strength, then and only then will we be able to build and rebuild alliances as we are needed.

Perhaps I might add my appreciation that while this hearing is to help ensure safety for all students, you did assert the main focus on antisemitism. Because, as Nobel Laureate Elie Wiesel famously said, we Jews are always the first, but we are never the last. We are a test case, and if they succeed with us, G-d forbid, they are coming for everyone else next. As a matter of fact, he also lamented that after reflection on why the Nazis hated him so much, and what he might have done to earn his terrible fate to see the worst of humanity, he concluded, "there is no valid reason, for they hated me before I was even born."

Antisemitism is the world's oldest form of hate, and it has never been totally extinguished. Perhaps it never can be. When it rears its ugly head, we must stand steadfast in countering it, and we must also at the same time work diligently to reinforce a positive Jewish identity, or Robust Semitism, within our own Jewish community.

But this time is different.

My own realization that something ominous was upon us happened about 12 or 13 years ago. A friend of ours, not Jewish, shared their sadness at having just been to a prestigious dinner party where someone made an antisemitic joke. "No one gagged", they said, "and some even laughed." When I asked why they were telling me this, they answered. "I just thought it was important for someone like you to be aware that something like this has happened at this time. Things seem to be changing."

When I spoke about it in synagogue that week, people were not sure it was that serious. Those who remember it all know now how serious it was.

Hate has a way of starting small and metastasizing quickly. Doubling every day, a penny turns to more than a million dollars within a month. I believe we have seen a doubling in antisemitism every five years or so and then more recently in shorter timeframes. When a one turns to two, or two turns to four, you hardly notice. We are now seeing how we are going from eight to sixteen, or even worse, 16 to thirty-two. It's gotten very serious.

But there is one big difference. This time, the powers that be, in the greatest and most powerful nation on Earth, are *not* supportive of this antisemitic hate. Indeed, the government of the United States is increasingly exerting efforts and resources to counter and destroy this hate. We see this in a bipartisan manner, as political leaders who disagree on major policy issues are almost one and in sync on this one.

I know that there are those who might suggest that first amendment rights are threatened by some of the efforts underway to combat antisemitism. I would say that freedom of expression is about words and ideas, and is not a license to disrupt the lives of people you disagree with and threaten them academically and worse, with their very physical safety.

Last year, on the campus of The George Washington University, this actually happened, and I saw it with my own eyes. I was at the "encampment" there several times to see what was going on, and to help bolster the spirit of the Jewish students who were harmed by it and shocked by the seeming lack of sufficient action by the University's leadership, and the municipal government leaders who should have backed them up, to effectively disperse this disgraceful assembly of hate which physically desecrated the campus, including the violent removal of the American

flag which flies as a reminder of the welcome freedom of expression for all. They disrupted the peaceful flow of academic activity, and impaired students who had worked so hard to excel in their exams, which some could not reach because of this violence.

Dozens of university and DC police officers roamed the campus almost as spectators, seemingly unable to restore order among the chaos. The University is not public property. It is governed by its own policies. Students were so dismayed by how literal gangsters were able to operate there with seeming impunity even repeatedly threatening the University's President with physical harm. There were some actions taken by the University's administrators, but hardly enough and too much of it quietly downgraded or reversed. They can and must do better to address breaches of their policies.

Lest you think that these were all well informed individuals, I personally spoke to some students who were convinced that "from the river to the sea" that thinly veiled antisemitic slogan calling for the elimination of Israel, G-d forbid, referred to the Potomac River and the Chesapeake! I wouldn't believe it either, but I heard it with my own ears. When I suggested they were mistaken and asked why they'd be participating in an encampment whose purpose they weren't fully aware of, one said, and I quote, "I actually don't know. I signed up for Code Pink a while ago, and I just got a text today saying 'Come over to GW now. We need you here and they're serving great schwarma' so here I am."

They weren't just from GW. Many were bussed in from elsewhere. This was a coordinated campaign of hate, not a spontaneous event of freedom of expression. They harassed Jewish students, yelling epithets and even spitting at them. Many Jewish students had second thoughts about the mezuzah on their door, especially after one student had theirs ripped from her doorpost. Others rethought even telling friends or roommates that they are Jewish! And yet others were unsure about attending Jewish events, with one student telling me they feared their unfriendly professor might see them there and downgrade their paper as a result!

These are but a few little snippets from the sad and sorry story of the campus "encampments". There are so many more perpetrated by students and even (and to) professors on a number of campuses across the country. I also listened in on some of the indoctrinating speeches there. While I will respect their right to preach their faith, in too many instances I discerned that within this group were many people who hate not only Israel and the Jewish people. They hate America. We need to wake up and see that they are not just exercising First Amendment rights. They are abusing them. And to help preserve the sanctity of that particular right, we must address and hopefully eliminate its abuse. There are plenty of Muslims we can work with on this, who pine for a more decent life of peace for all and resent what is being done in their name. When we will be able to, we must also help strengthen them to be fearless in the expression of that. They, too, are victims of this most recent spike in hate directed at Jews.

Again, the First Amendment, the bedrock of our society, is sacred, but must not be misused to weaken our required response to this issue. Today's hearing is a very important step in that direction of addressing it forcefully and I hope it will succeed. I am honored to have been invited to participate and look forward to answering any questions you might have.

Thank you very much.

The CHAIRMAN. Thank you. Our third witness, Dr. Charles Asher Small. Dr. Small is the Founding Director of the Institute for the Study of Global Antisemitism and Policy, an interdisciplinary research center committed to understanding and combating contemporary Antisemitism through scholarly research and policy analysis.

He is an internationally recognized expert on Antisemitism and extremism, with a background in sociology and public policy. Dr. Small has testified before various governmental bodies and has authored extensive research on the impact of Antisemitism on democratic societies. Thank you for joining us, sir.

STATEMENT OF CHARLES ASHER SMALL, EXECUTIVE DIRECTOR, INSTITUTE FOR THE STUDY OF GLOBAL ANTISEMITISM AND POLICY, NEW YORK, NY

Mr. SMALL. Thank you. It is an honor and a privilege to be here. And thank you very much for convening this critical hearing on the alarming rise of Antisemitism on colleges—college campuses.

Thank you, Chairman Cassidy and Ranking Member Sanders for convening this important meeting. I serve as the Executive Director of the Institute for the Study of Global Antisemitism and Policy. It was established in 2004 with Nobel Prize Laureate, Professor Elie Wiesel.

Professor Wiesel always used to say that Antisemitism is not a parochial problem for the Jewish people or for the State of Israel, but that Antisemitism is a vile form of hatred that begins with the Jewish people but never ends with the Jewish people.

Once this form of hatred is unleashed, it knows no boundaries and it attacks other vulnerable parts of our society, our cultural institutions, and our core democratic values. ISGAP is a research center that operates globally. We operate in the United States, in the United Kingdom where we have a research center in Cambridge University. We do programs at Oxford University.

We are also at—in Tel Aviv University at the INSS in Israel, in Italy, and in Canada. Our mission is to map and decode contemporary Antisemitism and the anti-democratic forces at the highest levels of scholarship, developing scientific, evidence-based strategies to assist policymakers in combating this ancient scourge. Our research demonstrates that Antisemitism has infiltrated mainstream discourse across educational, political, and social spheres.

Our most prestigious universities and campuses, we have witnessed hundreds of Antisemitic resolutions and protest which turned—some of them turned violent. Others leading to the harassment and exclusion of Jewish students, faculty, and staff.

While Antisemitism is known as the world's oldest hatred, the Hamas attack of October the 7th triggered an explosion of organized Antisemitic attacks against Jewish people and Jewish institutions initially, initially on college campuses before it spread nationwide.

Antisemitic incidents have surged 360 percent since October the 7th according to the ADL survey, and 83 percent—83 percent of Jewish college students across this country have reported witnessing or experiencing Antisemitism on their campus. I have personally seen that many Jewish students and faculty no longer feel physically safe on their college campus, which should be a bastion of tolerance and intellectual freedom and exploration.

ISGAP's primary premier research project now is called Follow the Money, which examines the relationship between foreign funding to United States universities and the rise of Antisemitism on campus but also in the classroom. Our research has documented disturbing patterns of foreign influence and financial contributions that coincide with increased Antisemitic activity, compromise academic freedom, and distort campus discourse on issues related to Israel, Jews, and the Middle East.

In 2019, I presented our initial findings of this Follow the Money research project to Federal officials revealing that \$3 billion of undisclosed money coming from Middle East anti-democratic, anti-American, Antisemitic forces, primarily from the Qatari regime to American universities, has led to a Federal—led to a Federal investigation that identified more than \$6.5 billion in unreported foreign funding to our universities.

Our ongoing research establishes that the Qatari regime donations have substantially impacted Antisemitic discourse at American universities, while also promoting anti-democratic values. It should be noted that the Qatari regime maintains documented ties to the Muslim Brotherhood.

The Muslim Brotherhood is a reactionary, I would even say perversion, of Islam that combines a perversion of Islam with European Antisemitism and even the Protocols of the Elders of Zion that—the Protocols of the Elders of Zion that led to the Holocaust.

That they have this—it is called the bai'at, spiritual oath to the Muslim Brotherhood that has given—that also support and gives rise to Hamas, the Palestinian chapter of the Muslim Brotherhood, and other violent Antisemitic and anti-democratic extremist affiliations.

Since October the 7th, ISGAP has published 12 comprehensive reports revealing tens of billions of dollars in undocumented foreign funding coming to American universities, again, primarily from the Qatari regime, unreported to the Department of Education as required by law. Our analysis shows that between 2015 and 2020, that there has been a 300 percent increase in Antisemitic incidents as well.

We have uncovered systematic efforts to circumvent the transparency required by Section 1.17 of the *Higher Education Act*. Universities under report foreign gifts, use third-party foundations to shield donor identities, and fail to disclose conditions and restrictions attached to the donations. Can I finish in 30 seconds or—?

The CHAIRMAN. Thirty seconds.

Mr. SMALL. Okay. Very quickly, we found—we did a report on Texas A&M. We found \$1.3 billion in undocumented money between the Qatari regime and Texas A&M. We found 502 research projects. Texas A&M gave all of their intellectual property rights to the Qatari regime.

58 projects we flagged that have military dual-use purposed. 13 have nuclear research dual-use purposes. Qatar has very good relations with the Iranian revolutionary regime, Hamas, and the Taliban. At Cornell University, we found \$2 billion in unreported, undocumented funding going from Qatar to Cornell.

K through 12, we just published a report, hundreds of millions of dollars going to create curriculum across the United States of America for children that remove Jews and Christians from curriculum about the Middle East. We've done reports on SJP. I'll end it there and I'll get to recommendations in the Q&A but thank you for listening.

[The prepared statement of Mr. Small follows:]

PREPARED STATEMENT OF DR. CHARLES ASHER SMALL

Chairman Cassidy, Ranking Member Sanders, and distinguished Members of the Committee:

Thank you for convening this critical hearing on the alarming rise of antisemitism on college campuses.

I serve as the Executive Director of the Institute for the Study of Global Antisemitism and Policy (ISGAP), and as the Director of the ISGAP-Woolf Institute Fellowship Training Program in Critical Contemporary Antisemitism Studies, Discrimination, and Human Rights at the Woolf Institute at St. Edmonds College at the University of Cambridge. Additionally, I am the Director of the Fellowship Training Program in Critical Contemporary Antisemitism Studies at the Institute for National Security Studies (INSS), Tel Aviv University.

In 2004, together with Nobel Peace Prize laureate Elie Wiesel, I established ISGAP as North America's first international interdisciplinary research center dedicated to studying contemporary antisemitism. Since then, ISGAP has been at the forefront of researching, teaching, and publishing scholarly work on this critical issue. Today, we operate as the only global research institute specifically focused on identifying and countering antisemitic narratives in academia, with operations across the United States, United Kingdom, Israel, Italy, and Canada. We are based at top universities and consult and advise governments and security agencies of allied countries.

The Mainstreaming of Antisemitism on College Campuses

ISGAP's extensive research demonstrates that antisemitism has transcended fringe extremist groups and infiltrated mainstream discourse across political, educational, ideological, and social spheres. Jewish individuals and institutions now face unprecedented levels of harassment, intimidation, and violence fueled by converging radical ideologies.

On our most prestigious college campuses, in the United States and in other democratic nations, we have witnessed hundreds of protests, demonstrations, and antisemitic resolutions. Some have turned violent, while others have resulted in the social ostracism, harassment, intimidation, and exclusion of Jewish students, faculty, and staff.

It is essential to understand, as Elie Weisel always taught us, that antisemitism is not a parochial problem for the Jewish community, or for Israel. Antisemitism always begins with the Jews but never ends with the Jewish people. Once unleashed, this deadly form of hate knows no boundaries. It attacks our democratic principles and institutions, and basic human decency.

The weaponization of intellectual frameworks against Jewish people has a dangerous historical reference that we can see today. Academia in pre-Nazi Germany helped legitimize antisemitism by developing "scientific" racial theories that classified Jews as inferior, creating intellectual foundations that the Nazi regime later exploited to justify persecution. Today, some critics of Israel have shifted from legitimate criticism of government policies to more extreme rhetoric that denies Israel's right to exist and justifies violence against Israelis (including civilians), which crosses the line from political critique to harmful discourse. The disturbing parallels between historical academic antisemitism and certain modern campus movements cannot be ignored, as both employ intellectual frameworks to dehumanize and threaten Jews and justify their exclusion or harm.

The Aftermath of October 7th

Antisemitism is the world's oldest hatred, and the tragic implications of this discrimination are still very much with us today. Hamas—the Palestinian chapter of the Muslim Brotherhood—carried out a horrific attack against Israel on October 7, 2023, that triggered—and even seemed to justify—immediate, coordinated, and well-funded attacks *globally* against Jews, Jewish institutions, and organizations supporting Israel. This weaponized hatred initially emerged at universities and on college campuses before rapidly spreading to our streets and communities. And most troubling, the protests willfully ignored key facts on the ground—including that it was Hamas who initiated the attack against Israel; that Hamas staged a monstrous and brutal attack targeting Israelis, especially innocent civilians, including torture, mutilation and sexual violence against women; and that the ultimate goal of the attack was to completely destroy the Jewish state of Israel and to murder Jews around the world.

Further, those who took to the streets in so-called “anti-Israel” protests following the attack on October 7th effectively aligned themselves with Hamas and Hezbollah, both of which are longstanding designated foreign terrorist organizations in the United States and by countries around the world. The protesters’ rhetoric and symbolism revealed hostility not just toward Israel but also toward Jewish communities writ large, as well as a fundamental rejection of democratic principles and American values that protect pluralism and religious freedom. Their demonstrations, draped in the language of resistance but fueled by antisemitism, represented an assault on the very constitutional foundations that guarantee equal protection and dignity for all citizens, regardless of faith or ethnicity.

Jewish Americans and their friends and allies now face threats to their physical security and dignity at levels not seen in generations, and the statistics are deeply concerning. Antisemitic incidents have surged 360 percent since October 7th, according to the Anti-Defamation League (ADL); and a survey conducted by Hillel, ADL, and College Pulse found that 83 percent of Jewish college students have witnessed or experienced antisemitism on campus. Many Jewish students report feeling unsafe on campuses that should be bastions of tolerance and intellectual freedom. And we have seen that what often begins as “criticism of Israel” frequently crosses into antisemitism by denying Jewish self-determination, applying double standards, or employing antisemitic tropes.

ISGAP’s Mission and the “Follow the Money” Project

ISGAP’s core mission involves mapping and decoding contemporary antisemitism, its root causes and the antidemocratic forces operating at the highest levels of scholarship and developing evidence-based strategies to assist policymakers in combating this pernicious hatred. Our extensive research has documented a troubling increase in antisemitic activity throughout academia and analyzed the role of different agents in nurturing this hostile atmosphere.

Our groundbreaking “Follow the Money” project specifically examines the relationship between foreign funding to American universities and the alarming rise of antisemitism on college campuses. This research initiative has meticulously documented disturbing patterns of foreign influence through financial contributions that consistently coincide with increased antisemitic activity; compromised academic freedom; and distorted campus discourse on issues related to Israel, Jews, and the Middle East.

Key Findings from the “Follow the Money” Project

In July 2019, I presented initial findings from our research (begun in 2012) to the Department of Justice, the Department of Education, the Department of Homeland Security, and numerous other Federal officials. The project revealed, for the first time, \$3 billion in undisclosed Middle Eastern funding—primarily from Qatar—to U.S. universities, triggering a Federal investigation. The Trump administration then undertook its own investigation, led by the Department of Education, and found \$6.5 billion in undocumented foreign funding at our colleges and universities.¹

ISGAP’s ongoing research has established that foreign donations from Qatar, in particular, have had a substantial impact on fomenting antisemitic discourse and campus politics at U.S. universities, while also promoting anti-democratic values within these institutions of higher education. Following the Hamas attack on Israel on October 7, 2023, these influences have raised serious security concerns with potential domestic and global implications.

It should be noted that Qatar maintains documented political and ideological ties to the Muslim Brotherhood, the transnational antisemitic and antidemocratic movement that calls for the destruction of Israel and the killing of Jews and gave rise to Hamas and other violent extremist affiliates.

Since October 7, 2023, ISGAP has published 12 comprehensive reports² revealing tens of billions of dollars in foreign funding to U.S. universities—again, primarily

¹ See <https://www.ed.gov/sites/ed/files/policy/highered/leg/institutional-compliance-section-117.pdf> for the full report.

² For a full list of reports, see *Follow the Money: Qatar and the Muslim Brotherhood Funding of Higher Education in the United States-ISGAP*.

from Qatar—unreported to the Department of Education.³ Our statistical analysis demonstrates a direct correlation: from 2015–2020, institutions that accepted funding from authoritarian regimes—including from the Middle East—experienced, on average, 300 percent more antisemitic incidents than institutions that did not.

Systematic Evasion of Transparency Requirements

Our investigation also has uncovered systematic efforts to circumvent existing transparency requirements under Section 117 of the *Higher Education Act*. We found that universities have chronically underreported or entirely omitted foreign gifts and contracts from mandatory Federal disclosures. Our research also has revealed the strategic use of third-party foundations, institutes, and businesses to shield the identities of foreign donors, and that universities systematically fail to disclose conditions attached to foreign donations that may compromise academic independence and integrity.

Significant Qatari funding has been provided to numerous institutions, including Texas A&M, Georgetown, Cornell, Carnegie Mellon, Northwestern, Virginia Commonwealth, University College London and HEC Paris—all of which maintain campuses in Doha subsidized by the Qatar Foundation, which is fully funded by the Government of Qatar.⁴ In addition, Qatar has provided billions of dollars in direct funding to other myriad universities in the United States.

Despite its close ties to the United States and other Western countries, Qatar has built an extensive network of Islamist partners. It endorsed, hosts, supports, and represents the Muslim Brotherhood and its global agenda; maintains ties with Iran and the Taliban; and supports and hosts Hamas and its exiled leadership.⁵

Case Studies from Our Research

We published two detailed reports on Texas A&M University, which operates a satellite campus in Doha, Qatar. These reports reveal that the agreement between Qatar and Texas A&M involves more than \$1 billion in Qatari funding and more than 500 research projects, some with potential dual-use applications at the military and nuclear levels. Our research also revealed that their contractual agreement granted the Qatar Foundation ownership of all intellectual property for research projects conducted at the Doha campus, which is particularly concerning given the potential military applications of some of these projects.⁶

After our first report on Texas A&M was published in November 2023, the university announced that it would wind down its Doha campus by 2028. Nevertheless, we believe there should be an investigation into the sensitive research activities undertaken at the campus and that the terms of the agreement between the university and the Qatari regime should be fully disclosed.

Our comprehensive analysis of Cornell University revealed that Qatar provided nearly \$10 billion to the university between 2001 and 2023, making it the largest direct foreign donor—approximately 30 times larger than Cornell’s next largest donor. This massive financial involvement, directly and indirectly, in funds and in kind raises serious questions about potential influence over academic priorities and campus discourse.

Our investigation into Columbia University uncovered that it has failed to report any of the Qatar funding it has received—estimated to be at least \$7.17 million—to the U.S. Department of Education, despite being legally required to do so. This non-compliance exemplifies the systemic transparency problems that plague foreign funding relationships across American higher education.

In addition, we have published two reports on Students for Justice in Palestine (SJP), a student-led organization that serves as the ground troops spreading Hamas’s deadly ideology and disrupting classrooms and campuses nationwide. SJP

³ Our most recent report—the 12th installment in the “Follow the Money” series—examines the Choices Program, a national education initiative for K–12 social studies curriculum housed at Brown University. The program, which combines licensed curriculum units, free online content, and professional education workshops, is used by 8,000 schools nationwide, reaching over one million students. Our investigation uncovered extensive foreign influence and anti-Israel bias within the Choices curriculum, including undisclosed foreign funding and systematic distortion of historical facts aimed at delegitimizing Israel.

⁴ “Education City in Qatar.” <https://www.qf.org.qa/education/education-city>.

⁵ David B. Roberts, “Reflecting on Qatar’s ‘Islamist’ Soft Power,” Policy Brief (2019): <https://www.brookings.edu/wp-content/uploads/2019/04/FP-20190408-qatar-roberts.pdf>.

⁶ See <https://isgap.org/wp-content/uploads/2023/11/Texas-AM-Qatar.pdf> and <https://isgap.org/wp-content/uploads/2024/02/TAMUQ-Report-Volume-Two-1.pdf> for the full reports.

denies the right of Jewish self-determination (in other words, the right of Israel to exist in any form), diminishes and, at times, denies the Holocaust, and supports a global intifada (violent resistance) against Jews and Israel.⁷ Since October 7, more SJP rallies and rhetoric actually call for and justify the violence, mutilation, and rape of so-called “colonialist settlers” of Palestinian land, and blame the violence on their presence, which necessitates “resistance” by any means necessary. Some SJP chapters have declared their support for terrorist groups such as Hamas and openly call for the dismantling of Israel as the homeland of the Jewish people. In fact, the SJP Toolkit, released after October 7, 2023, openly declared themselves to be part of the “movement” (which refers to Hamas’ October 7 attacks), and not just supporters.⁸

A Tipping Point and Opportunity for Change

We stand at a critical juncture. Students, faculty, and staff face intimidation at universities worldwide, particularly in the United States. The demonization of Israel in academia has spilled from classrooms into campus encampments, and from there onto subways, streets, airports, and even to the homes of Jewish leaders and journalists.

The tipping point is the normalization of antisemitism within intellectual circles and campus culture, where young Americans are shaped into citizens and future leaders. When hatred toward Jewish people becomes acceptable in these formative environments, we risk poisoning generations of minds at their most impressionable stage, threatening not just Jewish communities but the very foundations of a tolerant, democratic society.

Within this crisis lies a tremendous opportunity for change. With that in mind, I respectfully offer the following recommendations:

- *congressional Oversight*: Convene additional hearings in relevant committees to understand Qatar’s aggressive investment strategies and assess its influence on Western democratic values and security.
- *University Investigation*: Examine institutions receiving Qatari funding to assess impacts on education, curriculum, scholarship, and campus discourse, particularly regarding antisemitism.
- *Financial Accountability*: Investigate systematic underreporting of foreign donations to U.S. universities and pursue appropriate action against non-compliance, including examining correlations between funding and increasing antisemitism. ISGAP strongly supports the *DETERRENT Act* as a balanced approach to strengthening transparency while preserving legitimate international collaboration at our colleges and universities.
- *Enhanced Transparency*: Enact stronger laws requiring comprehensive public disclosure of any foreign contracts, grants, and donations received by U.S. universities, including collaborative projects, travel sponsorships, endowed faculty positions, and any attached conditions.
- *Definitional Clarity*: Adopt the IHRA Working Definition of Antisemitism as an educational tool across government agencies, educational institutions, and civil society.
- *Educational Initiatives*: Develop comprehensive programs about critical study of contemporary antisemitism, the Holocaust, and Jewish contributions to American society for public schools.
- *Civil Rights Enforcement*: Ensure full funding and enforcement of Title VI of the *Civil Rights Act* to protect Jewish students from discrimination. In addition, colleges and universities must be more proactive in providing for the safety and security of Jewish students on their campuses, as well as for other students who are being affected by the toxic atmosphere on campuses.

Conclusion

Antisemitism threatens not only Jewish Americans but the pluralistic, democratic values that define our Nation. Confronting this ancient hatred in its contemporary forms requires a coordinated approach across government, academia, and civil soci-

⁷ “Students for Justice in Palestine,” ADL, October 19, 2023, <https://www.adl.org/resources/backgroundunder/students-justice-palestine-sjp>.

⁸ “Day of Resistance Toolkit,” <https://isgap.org/wp-content/uploads/2023/10/DAY-OF-RESISTANCETOOLKIT.pdf>.

ety, as the scourge now permeates American education, from the classroom to the encampments to our streets.

I commend this Committee for its attention to this crucial issue and stand ready to provide any additional information or assistance as you continue your important work.

I welcome any questions you may have about our research findings or recommendations.

Thank you.

APPENDIX: FULL LISTING OF ISGAP “FOLLOW THE MONEY” REPORTS

“The Qatari Regime, Hamas, and the Muslim Brotherhood” lays out the history and the ideological tenets of the Muslim Brotherhood as well as its relationship and connections to Hamas and Qatar.

“Networks of Hate” exposes the deceptive tactics and means with which Qatar, which is linked to the Muslim Brotherhood, funnel funds into academia and civil society, how universities are bypassing U.S. government reporting requirements, and how companies such as Al Jazeera are averting FARA requirements.

“The Corruption of the American Mind” assesses the impact of foreign funding on antisemitism and anti-democratic politics on campus.

“The Ongoing Failure to Report” raises concerns about transparency and accountability within higher education (in this case Yale), particularly regarding financial dealings with foreign entities.

“Hijacking Higher Education, Qatar, The Muslim Brotherhood, and Texas A&M, Volume I and Volume II” reveal why unrestricted access of Qatar and its state-owned entities to Texas A&M University’s sensitive research might pose a potential national security risk.

“Cornell University’s Ten Billion Dollar Sale” exposes the scale of Qatari funding to Cornell, with over \$1.95 billion donated directly to the university from 2001 to 2023, making it the largest direct foreign donor to the university—some 30 times higher than the next largest donor.

“National Students for Justice in Palestine: Antisemitism, Anti-Americanism, Violent Extremism and the Threat to American Universities” delves into the roots of antisemitism within SJP, its connections to violence and terrorism, and its alarming rise in influence since the Hamas attack in Israel on October 7. The report also reveals “over \$3 million a year” of funding for the NSJP linked to organizations accused of funding Hamas. See ISGAP report on SJP from 2019 [here](#).

“Columbia University From the Classroom to Campus Politics: The Normalization of Antisemitism, Anti-Democratic Politics, Marginalization, and Intimidation” notes that despite being legally required to do so, Columbia University has not reported any of the Qatari funding (estimated to be at least \$7.17 million) it has received to the U.S. Department of Education’s reporting system and makes no mention of any connections between Columbia University and Qatar or Qatari entities in its financial statements.

“The Ongoing Failure to Report: Yale University, Qatar and Undisclosed Foreign Funding - Volume Two” reveals substantial *unreported* collaboration between Yale and Qatar both at the institutional level and among university staff; for example, the report shows that since 2012, Yale has only declared one grant from Qatar in the amount of \$284,668 but is estimated to have received approximately \$15,925,711 from Qatar during that time.

“South Africa, Hamas, Iran, and Qatar: The Hijacking of the ANC and the International Court of Justice” sheds light on how the alliance of terror and radical Islam are using South Africa and the people’s valiant historical legacy of struggle, as a critical node in global terrorist financing networks. Crucially, the report connects South Africa’s political and financial alignment with Iran and Qatar—both leading supporters of global terrorism—with its campaign to bring a legal case against Israel at the International Court of Justice (ICJ).

“Foreign Influence and Anti-Israel Bias in K-12 Classrooms” examines the Choices Program, a national education initiative for K–12 social studies curriculum housed at Brown University that combines licensed curriculum units, free online content, and professional education workshops. Choices is used by 8,000 schools nationwide, reaching over one million students. Our investigation reveals extensive foreign influence and anti-Israel bias in the curriculum, and that it operates with undisclosed foreign funding and has been found to systematically distort historical facts to delegitimize Israel.

[SUMMARY STATEMENT OF DR. CHARLES ASHER SMALL]

As Executive Director of the Institute for the Study of Global Antisemitism and Policy (ISGAP), I will present evidence on the root causes of the alarming rise of antisemitism on college campuses. Founded in 2004 with Nobel laureate Elie Wiesel, ISGAP is the only global research institute specifically focused on identifying and countering antisemitic narratives in academia.

Our research reveals that antisemitism has moved from fringe groups into mainstream academic discourse. Since the October 7th Hamas attack, antisemitic incidents have surged 360 percent according to the ADL, with 83 percent of Jewish college students reporting experiencing or witnessing antisemitism on campus.

ISGAP's "*Follow the Money*" project has uncovered a disturbing correlation between foreign funding—primarily from Qatar—and campus antisemitism. In 2019, we revealed \$3 billion in undisclosed Middle Eastern funding to U.S. universities, triggering a Federal investigation. Our statistical analysis shows institutions accepting funding from authoritarian regimes—including in the Middle East—experienced 300 percent more antisemitic incidents than those that did not (2015–2020).

Since October 7, 2023, ISGAP has published 12 comprehensive reports revealing tens of billions of dollars in foreign funding to U.S. universities—again, primarily from Qatar—unreported to the Department of Education. ISGAP's research has established that this funding has had a substantial impact on fomenting antisemitic discourse and campus politics at U.S. universities, while also promoting antidemocratic values.

Our investigations have found that universities have chronically underreported or entirely omitted foreign gifts and contracts from mandatory Federal disclosures required under Section 117 of the *Higher Education Act*, including: more than \$1 billion from Qatar to Texas A&M; nearly \$2 billion from Qatar to Cornell University between 2001–2023; and an estimated \$7.17 million in Qatari funding to Columbia University.

It should be noted that Qatar maintains documented political and ideological ties to the Muslim Brotherhood, the transnational antisemitic and antidemocratic movement that gave rise to Hamas and other violent extremist affiliates, raising questions about the impact of this funding on campus discourse and academic independence.

Our key recommendations include:

1. Increased congressional oversight of foreign influence in higher education;
2. Investigation of institutions of higher education that are receiving Qatari funding;
3. Enhanced transparency laws for foreign funding disclosure;
4. Adoption of the IHRA Working Definition of Antisemitism;
5. Development of educational programs about antisemitism; and
6. Full funding and enforcement of Title VI protections for Jewish students, as well as ensuring the safety and security of Jewish students on campus.

The CHAIRMAN. Senator Sanders.

Senator SANDERS. Thank you, Mr. Chairman. Our next witness is Rabbi David Saperstein, the Director Emeritus of the Religious Action Center of Reform Judaism. Rabbi Saperstein has served as Director and Counsel for the Religious Action Center of Reform for 40 years. Rabbi, thank you very much for being with us and you may proceed.

STATEMENT OF RABBI DAVID SAPERSTEIN, DIRECTOR EMERITUS, RELIGIOUS ACTION CENTER OF REFORM JUDAISM, WASHINGTON, DC

Mr. SAPERSTEIN. Chair Cassidy—

Senator SANDERS. Turn the mic on please.

Mr. SAPERSTEIN. Chair Cassidy, Ranking Member Sanders, distinguished Members of this important Committee, as a rabbi, a

First Amendment lawyer, a civil rights advocate, a diplomat having served as the United States Ambassador for International Religious Freedom, I have engaged in a career of fighting for religious freedom and equal rights for all fighting against discrimination of any group because of their identity.

The foundational lesson I take from this half century of work is that we cannot counter and delegitimize hatred against any one group unless we counter hate against all, which I think is embodied in Elie Wiesel's quote that you gave. So, to countering Antisemitism.

At this period of unprecedented levels of Antisemitism in our society, on the campuses—I won't go into. You've described it very, very well here. And there are distinctive aspects to fighting Antisemitism and we should accept nothing less than every Jewish student being safe.

It doesn't mean you are going to be free of hearing speech that you are deeply troubled by and find offensive, but I want to say it again, we should accept nothing less than every Jewish student being safe on their campuses. And we cannot ensure that Jewish students are safe on campus until all students are safe unless the mechanisms against discrimination are robust enough to support all protected groups.

Unless we effectively address the broadest spread of hate speech, hate crimes, dehumanization, demonization, discrimination, ostracization against all those who are so victimized. Hate speech and hate crimes are intended to tear at the threads that hold our society together. Haters seek to undermine the comity and unity of Americans. Our responses must not add to those divisions.

Any attempts to secure the rights and safety for Jews that undercuts the rule of law, that weakens our public schools or higher education, that further divides our Nation in college campuses undermines the very principles and institutions, undermines the democracy that have made it possible for Jews to flourish with more rights, more freedoms, more opportunities, more achievements in this country than Jews have ever known in diaspora life.

But sadly, alarmingly a number of recent actions against judges, law firms, defunding universities, ignoring of judicial rulings, stripping due process in acting against protesters, the dismantling of the Department of Education's Office of Civil Rights, and the subsequent loss of its knowledgeable professionals seems to be doing exactly that. The Administration should build on not abandon successful approaches that have shaped and embraced by prior Administrations of both parties.

Improving consistent comprehensive reporting of Antisemitism. Strengthening security resources for vulnerable nonprofits and for religious life on our campuses. Expanding support for strong Holocaust history of Antisemitism, anti-bias education on campuses—in our society.

Pressing social media platforms to curb Antisemitism and Holocaust denial and other expressions of group hate. And continuing vigorous efforts in identifying Antisemitism, enforcing existing education, anti-discrimination, and hate crimes laws. As to the last of

these recommendations, I would leave it to my colleague to talk about how IHRA should and should not be used to affect that.

There is unity across political and ideological lines on what constitutes most Antisemitic speech and action. There are however different views about when expressing substantive criticism of Israel's policies and actions steps over the line into Antisemitism, or just maybe right or wrong on its merits.

Whichever side of that line the speech may fall on, our law is clear against intimidation or harassment or threats regardless of the content of the speech targeting. For example, it is protected speech, even if deeply objectionable speech, to assert that Israel is an apartheid state or guilty of genocide.

But whenever a Jewish student is taunted, blamed, or accused of supporting apartheid or genocide because they are Jewish, this constitutes discrimination because of their religion, national origin, shared ancestry. The same principle would apply to a student who looked to be Muslim or Arab being taunted for being a terrorist or Jihad supporter.

As well as the Jewish student wearing a yarmulke facing taunts saying no Zionists are welcomed here. How many babies have you killed today? One key aspect of fighting Antisemitism that is in the Committee's purview is we know the higher the levels of education, the less likely to hold racist or Antisemitic attitudes.

It is not an inoculation. We are looking at politicized forms of Antisemitism on our campuses here. But for 340 million Americans, it is true, according to all these studies, the higher level of education, the less racist and Antisemitic. Finally this, above all to succeed, political leaders of both parties, civic religious leaders, their communities must come together if we are to make hate have no place in America.

As Rabbi Stacy Friedman observed in conclusion, it is our compassion, our common humanity, that defines us. It is a very—the way people have united as allies and partners and standing up against such hatred that defines us. It is the support so many have shown one another after each attack that ultimately defines us. It is the love and tears we have shed for one another at our vigils, that is what defines us, and I hope to defines Congress's work as well.

[The prepared statement of Mr. Saperstein follows:]

PREPARED STATEMENT OF DAVID SAPERSTEIN

Chairman Cassidy, Ranking Member Sanders, Distinguished Members of this important Committee.

I am a rabbi who for decades represented the largest denomination in American Jewish life in its public policy and social justice work. I am a lawyer who taught both Jewish Law and Church State constitutional law at Georgetown Law School for over 35 years. I had the immense honor to work closely with a number of you and many of your colleagues across party lines as the U.S. Ambassador for International Religious Freedom. I have chaired two Federal commissions dealing with religious freedom and human trafficking, and have served on the boards of major civil rights organizations including decades on the national boards of the NAACP and Leadership Conference on Civil and Human Rights. One constant theme throughout all of those decades, in all of these honored roles, was fighting for equal rights for all, and fighting against discrimination of any group because of their immutable characteristics or a core identity. The foundational lesson I take from this half century of work is that hatred against any group cannot be stopped, cannot be

thwarted, cannot be delegitimized, and cannot be changed into comity and understanding, unless we succeed in protection for all, and in countering hate against all.

It is clear to me that this is true of the effort to counter antisemitism. We cannot ensure that Jewish students are safe on campus until all students are safe. We cannot effectively bar discrimination against Jews, unless the mechanisms against discrimination are robust enough to bar discrimination against all protected groups. We cannot counter hate crimes against Jews unless we effectively address the spread of hate speech, hate crimes, dehumanization, demonization and discrimination against all those who are so victimized. Often called the world's oldest hate, we Jews have been victims of antisemitism in so many forms, the quintessential victims throughout human history of religious persecution. We have faced repeated efforts to destroy us, to ethnically cleanse us not only from our historic homeland, but from many nations and communities in which we sought refuge. We have experienced centuries of pogroms, banishment, persecution, and second-class citizenry—simply because of the way we worshiped God, because of our vision of ethical monotheism, and because of our ties to a 3000-year-old historic homeland. And since the age of reason, we so often have been the canary in the coal mine of group hatred in the nations in which we have dwelled.

Today in America we see antisemitism reach its highest levels since the ADL and FBI began tracking statistics. Eighty three percent of Jewish students, according to the ADL, say they have witnessed antisemitism this past year. We are hearing hate speech against Jews and witnessing antisemitic actions against Jews in America and across the globe that we never dreamed of, and hoped after the Holocaust, we would hear or see again in our lifetimes.

Yet again, it is not just Jews who are affected. We have seen in our own Country not just an explosive growth in antisemitism, but a terrible multiplying of hate groups and the spread of hate speech and hate acts. We see hate acts against Asians, Muslims, Sikhs, Christians, LGBTQ+, women, African Americans, and immigrants in escalating numbers. And in America, as well as throughout the world, we have witnessed the degradation of civil discourse, first in the dark corners of the internet and then more publicly, exacerbated by the anonymity of social media and the stamp of approval of such rhetoric by too many leaders in our Nation, in nations across the globe.

This hate speech has inspired hate crimes. And the damage such speech and crimes inflict on their victims—and on America—can be great and requires both a national and a communal response. Hate crimes are more than mere acts of violence. They are more than murders, beatings, arsons, and desecrations. Hate crimes are nothing less than attacks on the values that are the pillars of our republic and the guarantors of our freedom. They are a betrayal of the promise of America. They erode our national well-being. Those who commit these crimes do so fully intending to tear at the too-often frayed threads of diversity that bind us together and make us strong. They seek to divide and conquer us. They seek to tear us apart from within, pitting American against American, fomenting violence and civil discord.

Yet that, distinguished Members of this Committee, seems to be exactly what we are witnessing, on the one hand, in the explosive spread of antisemitism on campuses and, on the other, in the response to protests against Israel's policies without thoughtful regard to setting clear lines as to when exercise of free speech and the right to protest criticism steps over the line into antisemitism. And this has inflamed rather than constructively helped address the antisemitism that Jews face today.

In the end, whether nationally or globally, we must confront, delegitimize and combat antisemitism—embracing the paradox that antisemitism has distinctive characteristics and is capable of taking on a life of its own regardless of what happens in the rest of society. Yet simultaneously recognizing that unless we ensure freedom, equality and security for all peoples and all religions, and bring an end to hate speech and hate crimes against any vulnerable group—America's Jews will never be safe.

I submit to you the following:

This nation has given Jews more rights, more freedom, more opportunities than we have known in 2500 years of diaspora life. Three things relevant to our conversations today were indispensable in achieving that for American Jews:

First, the rule of law at the heart of our democracy and our constitutional system of government.

Second, the framers' commitment to the separation of church and state and to religious freedom that, combined, created for the first time in human history, a nation

in which one's rights as a citizen would not depend on one's religious identity, beliefs or peaceful practices. It took the Supreme Court's robust interpretation of the religion clauses in the mid-20th century and the core civil rights protections forged by the Court and the Congress to fulfill that promise, but in the 20th century it changed everything for Jews.

The third was the public schools of America and the system of Higher Education, which has been one of the glories of America. When higher educational institutions finally dropped their Jewish quotas limiting Jewish students and faculty, it opened unprecedented floodgates of opportunity and achievement for American Jewry.

Painfully now, under the guise of fighting antisemitism, we are witnessing attacks on all of these foundational aspects that have contributed to making America so special. Several factors exacerbate this divisiveness.

First, so much of the current Administration's focus is only on antisemitism from the left such as antisemitism related to pro-Palestinian protests particularly since the horrific attacks of Oct 7th and Israel's response. Yet most of the deadliest attacks against Jews in America's history from the lynching of Leo Franks to the Charlottesville "Jews will not replace us" rally to the Tree of Life tragic murders came from neo-Nazi or white supremacist groups. Some of the worst antisemitic rhetoric in American history came from center right figures like Father Coughlin, America Firster Charles Lindbergh, and Henry Ford.

Part of this seems reflected in the Heritage Foundation's *Project Esther: A National Strategy to Combat Antisemitism*, which seems to have, like the rest of Project 2025, a significant impact on the shaping of the Administration's actions. It focuses almost entirely on what it refers to as "an active cabal of Jew-haters, Israel-haters and America-haters in Washington all apparently aligned with the far left."

I acknowledge that, of course, there is antisemitism on campuses that comes from the left, but can we all agree that we need to address antisemitism from both the right and the left? And we won't effectively address antisemitism on campuses unless we address antisemitism more broadly throughout America, from the left and from the right.

Second, there are numerous constructive steps that can be taken by the Department of Education that have been successful in the past. They should be built on, not abandoned. The Department of Education's Office for Civil Rights has previously reached agreements with universities to tackle antisemitic harassment and other expressions of antisemitism. These agreements involve commitments to update discrimination policies, provide better training, conduct assessments, and establish reporting mechanisms, outlining demonstrable limits on protests and consistently enforce those limits. They illustrate how civil rights frameworks can be applied without undermining free speech by enforcing reasonable restrictions (including time, place, manner restrictions) on expression, regardless of content. In contrast, we now see a financial sledgehammer approach that threatens to undermine higher education institutions that have not adequately addressed antisemitism.

Third, the decision to gut the Department of Education and its OCR office is truly counterproductive for effectively countering antisemitism on campuses. To dismantle the system which has allowed for Jewish students to report instances of antisemitism highlights the Administration's misguided approach to addressing what we have witnessed on college campuses. There must be significantly greater resources provided to government agencies to allow them to investigate all forms of discrimination and hate crimes including antisemitism. It is far better that these cases be addressed by people with educational knowledge and experience, and not simply by law enforcement. The decision to fire hundreds of experienced employees from the Department of Education's Office of Civil Rights who know how universities function, what their needs are, and how to effect change—to fire the very employees who are tasked with investigating and enforcing civil rights law on campus—has decimated one of the few channels available for students to take action and report their experiences, especially in the context of unreceptive university leadership.

Truly addressing antisemitism, as the original version of the *Countering Antisemitism Act* sought to do (in contrast to the mostly symbolic *Antisemitism Awareness Act*), required significantly expanding funding to strengthen more responsive reporting mechanisms and to bring on significantly more investigatory staff to engage more expeditiously in investigations of every complaint about antisemitism they receive, as well as addressing similar discriminatory occurrences against other protected groups. This would allow for the resolution of such complaints constructively with universities—not by defunding critical institutions or suppressing speech.

I am confident that every one of you here, across political lines, shares my heartbreak that antisemitism has spread so rapidly over the past few years in the U.S., Europe, and across the globe. I am confident that every one of you here shares my heartbreak that antisemitism has spread so rapidly over the past 6 years in the U.S. And I am confident that there is no partisan divide when it comes to recognizing almost all forms of antisemitism: murders of Jews at worship, assaults, desecrations of synagogues and cemeteries, bullying, harassment, discrimination and ostracization of Jews from any area of public life. I am confident that you believe as well that every vulnerable and marginalized group is entitled to the exact same protections.

It is because of our concerns for and about Israel, which is both a political state that should be judged and held to the same standard as every other democracy (one of the requirements I would note of the IHRA definition's examples), and an expression of national identity to a group with a distinctive religious identity—that we see sharp differences in how to balance legitimate criticism of Israel with the protections afforded to every religious group.

The Administration's actions such as the detention and planned deportation of Muhammed Khalil gravely damage fundamental due process rights that help make anti-terrorism laws effective and viable, not weaker. I may be deeply opposed to Muhammed Khalil's views and actions. You may find them anathematic. The Administration may well be genuinely appalled. But advocating positions, even positions you might find reprehensible, is not a crime.

The Administration is rounding up people with no evidence of crimes or even of violating the standard of damage to foreign policy and national security they have cited. In doing so they attack the very values and legal protections that have protected Jewish communities throughout American history. Antisemitism—the hatred of Jews as Jews—thrives in authoritarian environments where civil liberties are curtailed, not in spaces of robust, protected democratic discourse. Jews have been safest in pluralistic democracies and most at risk when those democracies have been weakened or abandoned as with Nazi Germany. We must balance protecting every Americans' right to live free from discrimination and harassment with the bedrock principles of free speech. Unfortunately, we continue to see an overemphasis on punitive measures rather than on educational and community building approaches that can prevent antisemitic incidents from occurring in the first place.

Far too much time is spent on how to punish someone who expresses antisemitic ideas or engages in antisemitic acts. We need more time spent on preventing these instances from occurring in the first place, and creating constructive responses that will bring greater understanding and solidarity against such incidents when they take place.

In past hearings there has been much debate about how to draw the line between criticism of Israel and Israel's policies—even harsh criticism, unfair criticism, and offensive criticism—and when such criticism crosses the line into antisemitism. And I want to explore how the debate over IHRA and other definitions intersects with this line drawing. But before I do, we should recognize that practically speaking, a number of universities and others have revised policy guidance to accommodate the impact of incidents we are seeing in which protests against Israeli government policy or actions has targeted Jews because of their identity.

A broad swath of the Jewish community and other important leaders are rallying behind some clear recommendations of what can be done on college campuses to effectively address antisemitism that will minimize division and offer common ground between those holding different positions on American politics in general and on Israel and Israel's policies.

Let me start with recommendations:

Several years ago, a broad range of major Jewish organizations—American Jewish Congress, Anti-Defamation League, Hebrew Immigrant Aid Society, National Council of Jewish Women, Rabbinical Assembly, and World Jewish Congress together representing the vast majority of affiliated American Jews—all supported the IHRA definition as an effective educational, training and monitoring tool—as I should say I did when I served as the U.S. Ambassador for International Religious Freedom and urged it as the standard for nations across the globe, who had little experience in confronting growing antisemitism to follow. These organizations came up with six core recommendations of how Congress, the Administration, and other entities could effectively respond to the crisis of antisemitism. The sixth recommendation was to affirm IHRA as it was intended—not as a legal standard but a valuable tool in the education and training of government officials, law enforcement, and institutional civic leaders on how to identify antisemitism. All opposed it as a formal legal stand-

ard. Indeed, the organizations, when adopting the definition made it absolutely clear this should not be codified as a legal standard. The battles over its adoption have proven to be a major distraction from all the other steps that must be taken if we are to be effective—exactly the concern that led all these organizations to send this letter to Congress and the Administration.

The statement lays out additional urgent priorities including:

- Improved reporting (in which the IHRA definition plays a particularly important role), making it more comprehensive and consistent at the local, state and Federal levels;
- Stronger government/private sector partnerships aimed at enhancing Jewish communal security—for our vulnerable religious, civic, and communal institutions;
- Expanded support for strong Holocaust education and anti-bias education (this has to start in pre-university education, but it includes such efforts on the university campuses);
- Urging social media platforms to curb antisemitism, Holocaust denial, and harassment (which today has much weaker constraints than when we wrote that letter); and
- Continued, vigorous efforts in identifying antisemitism (again, in which the IHRA definition can play a constructive role) and enforcing existing education, anti-discrimination, and hate crimes laws.

The full letter with numerous recommendations on behalf of these major diverse Jewish organizations is attached in the appendix.

Almost all of our recommendations were fully realized in the last Administration's National Strategy on Countering Antisemitism. Bipartisan embrace is merited for this national strategy with its very specific steps to be taken (and with later detailed reports from every single agency of the executive branch of what actually was implemented). Never before in 2500 years of Jewish Diaspora life had there been a whole of government, a whole of society response to protect the Jews of that nation. Never. That it too became a partisan weapon is truly a shanda as the Yiddish phrase goes—a shameful scandal.

I would add to these a number of other recommendations especially aimed at university settings. One goal I have, as I hear from rabbis, parents and students, on some campuses, of how fearful Jewish students are of being harassed and discriminated against, is to ensure that Jewish students feel safe on campus. But feeling safe from threats, harassment, or discrimination does not inoculate students from hearing speech (whether in protests or elsewhere) that they may find deeply offensive. Toward those ends:

- Universities must promote clear standards as to what is protected speech and what steps over the line of what the university's rules permit. These standards should both bar verbal harassment, specific threats, intimidation, and incitement for violent action, even while affirming academic freedom and freedom of speech for individuals and groups and eschewing punishment as a response to the expression of political content—even deeply offensive political speech—that is devoid of the factors I listed.
- For how protests are allowed and what limits are imposed when the protests interfere with others' access to their educational classes or activities or involve the kind of speech barred above.
- Standards must be publicly transparent and consistently enforced.
- Safe spaces for difficult conversations must be created in both academic settings and programmatic settings on campus.
- As Prof. David Myers of UCLA recently explained, universities should support academically rigorous courses teaching about the Middle East. This may include courses that focus on different aspects in ways that evoke criticism and concern. But if it meets academic standards, it should be allowed. Obviously presenting courses in which different perspectives are shared not only provides a richer educational experience, but allows the university to model a sense of commitment to academic freedom, free speech, and respectful debates over differences, expressing a spirit of unity and cooperation.
- Universities should support courses on campus that examine the history of Zionism and Palestinian nationalism not in total isolation, but rather as contiguous and overlapping phenomena.

- An advancement of educational initiatives that promote understanding of antisemitism's historical manifestations and contemporary forms across the political spectrum.
- There should be content moderation on online platforms both as to what is posted, and under what circumstances there would be consequences for posting content that violates university policy.

A general point on responding to violations of university speech and protest codes: University responses do not necessarily need to be legal punishments such as expulsion or arrest. Indeed, calling the police should be a last resort, not a first resort of universities, particularly where overt violence is not involved. When someone steps over the line of antisemitic speech out of ignorance, education may be the proper response. When it is a first offense as opposed to consistent speech or activity, counseling or mediation may be a constructive approach that brings campuses together rather than divides them. When that fails, then disciplinary steps or legal consequences should follow.

However, even when hateful, divisive speech is protected, universities should make a decision when to speak out critically of such occurrences and when it should act in solidarity with those vulnerable and marginalized individuals and groups which were targeted.

Understanding the Purpose of Definitions

We know antisemitism today can arise from numerous sources: Primarily, three at this moment in history: the radical populist right in varied countries across the globe. These groups, including the white Christian nationalist right, are the source of much of the violent hate in America including antisemitic violence. Second, are Islamist groups, often related to Israel, sometimes not. And finally, left-oriented criticism usually connected with Israel, felt in some progressive political and advocacy circles, on some college campuses, and in a number of European countries—all greatly intensified after Oct 7th. All remain serious threats.

Those from the left and from Muslim, Arab, and Palestinian sources are in good measure focused on the relation of Jews with Israel, the Israeli-Palestinian conflict, and the intense reactions, as I noted earlier, to the brutal massacre of Oct 7th, the resulting hostage crisis, and the devastation that has been inflicted against the people of Gaza by a combination of Israel's military onslaught and Hamas' use of its civilian population as human shields for its military infrastructure.

There is an intense discussion today among those engaged in fighting antisemitism as to what is the proper definition of antisemitism. Right now, three variants are receiving a lot of attention, analysis, and debate, albeit there are other such efforts proposed by academics, organizations, and experts of all kinds. Listen to the three major ones, and please listen for what they all have in common in the protection of Jews, as Jews. They are virtually interchangeable.

There is the well accepted definition of the International Holocaust Remembrance Alliance definition:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities." [Just to explain, the reference to non-Jewish individuals refers to those who were targeted with antisemitism by perpetrators who erroneously thought the non-Jews were Jews.

This definition, which calls itself a "non-legally binding definition" is, of course, widely accepted cumulatively by hundreds of nations, localities, corporations, and some universities, although the rate of universities adopting IHRA has fallen significantly with only a handful in the last 2 years.

Second, is the Nexus definition, a project first of a USC taskforce, which has now moved to Bard College. I should acknowledge it is an enterprise with which I am associated. Its authors and promulgators have emphasized that it is not intended to be an alternative to IHRA, but a complement or supplement. The definitions are not all that different, but they would argue that their examples are more up to date and useful in clarifying where to draw lines between criticism of Israel that is not antisemitic and that which is. The NEXUS materials are included in the appendix.

The definition reads:

Antisemitism consists of anti-Jewish beliefs, attitudes, actions or systemic conditions. It includes negative beliefs and feelings about Jews, hostile behavior directed against Jews (because they are Jews), and conditions that discriminate against Jews and significantly impede their ability to participate as equals in political, religious, cultural, economic, or social life.

Third, is the Jerusalem Declaration on Antisemitism definition, which is even shorter:

Antisemitism is discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish).

Add to that the concise descriptions of antisemitism that parallel these definitions such as the SPLC's description of antisemitism, T'ruah's in its "Guide to Combating Antisemitism" (T'ruah is a national rabbinic social justice group), and even the U.S. National Strategy itself, which does not offer examples, but which reads:

Antisemitism is a stereotypical and negative perception of Jews, which may be expressed as hatred of Jews. It is prejudice, bias, hostility, discrimination, or violence against Jews for being Jews or Jewish institutions or property for being Jewish or perceived as Jewish. Antisemitism can manifest as a form of racial, religious, national origin, and/or ethnic discrimination, bias, or hatred; or, a combination thereof. However, antisemitism is not simply a form of prejudice or hate. It is also a pernicious conspiracy theory that often features myths about Jewish power and control.

It is not the definitions that are the major differences; they are virtually interchangeable. It is in the line drawn as manifested in their examples of how the definitions themselves ought to be applied to real-life situations.

Why is a debate over definitions important: on the one hand, an answer is "how do you fight antisemitism, how do you take legal action against antisemitism, if we can't identify what it is?" Wouldn't it be extremely helpful in our battle against antisemitism, if everyone had a common understanding of what antisemitism is?

That was one of the goals when I was at the State Department and we decided—and I strongly supported—to endorse IHRA as the international standard we would push globally. To countries with little or no understanding of antisemitism, and others with inconsistent standards, it was indeed helpful to have them adopt a definition to recognize antisemitism when it arose in their nations. I would point out that none of the countries adopted it as a legal standard, but rather used it as intended—as an educational, training, and monitoring tool.

It is hard to think of any country in which IHRA was used as the standard underlying legal action, and when the UK tried to force universities to accept and use it, it evoked a divisive firestorm. We must remember that at the time it was drafted, IHRA was the only definition, forged for the European context, particularly in the context of the Second Intifada and the intense controversies surrounding antisemitism, Jews, and Israel that erupted at the 2001 World Conference Against Racism held in Durban. IHRA guidance was helpful in thinking through these new expressions of antisemitism.

On the other hand, critics argue, it was crafted 20 years ago and the world has changed, leaving its examples outdated, and vague enough with IHRA's caveat that their application had to be applied in context, without much guidance on what that meant. Further, critics argue, they are outdated or seen differently today as to whether they actually are "good examples" or "flawed examples" of antisemitism. (This is precisely why neither IHRA nor any other definitions ought to be codified as law, rather than as an educational, training, and monitoring tool they were all intended to be.)

Among the most criticized of the IHRA examples are:

- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.

I'll touch on the other two later, but just for a moment, let's focus on the double standard example.

The problem is the ambiguity of the phrase "double standard". If what that is saying is that if you would treat Israel by different standards than you would another country if you were addressing the same problems in that other country, then I

agree that crosses the line. But the wording “expected or demanded” has led to an alarming misuse of the definition, leading to accusations that people or organizations that criticize Israel alone or Israel more than other nations that do much worse things, are antisemitic. But clearly, there are many reasons an individual or group would focus or address only a single country or a single conflict. Many Jews may be Zionists focusing on Israel in ways we don’t focus on other nations, condemning Hamas but not Boko Haram, which kills many more people through terrorist attacks than Hamas. So too American Palestinians have a right to focus on the suffering of the Palestinians in Gaza even if they do not comment on the humanitarian crisis in Sudan with far more people displaced and facing starvation than in Gaza. Or someone may feel we give billions to Israel that we don’t give to other countries, and thus we are implicated in Israel’s actions if we feel they are immoral and feel compelled to speak out in a way we don’t regarding other nations. Or a Christian or Muslim may feel the Holy Land is precious to billions of people across the globe—again, justifying focusing on Israel more than other countries.

On the other hand, the standards for Israel to be measured by international law must be the same as those that would apply to others when they are evaluated. So those entities like the U.N. Human Rights Council in Geneva or Human Rights Watch, or Amnesty International, who are charged to assess human rights abuses everywhere should treat every country and all similar abuses equally. The fact that the U.N. Human Rights Council often has a majority of their resolutions in a given year condemning Israel, while there are horrible oppressions across the globe that get scant attention in comparison is clearly an example of a double standard that does cross the line into antisemitism. The examples used by those propagating other definitions do a better job in making such distinctions. But the imprecision of the double standard provision of IHRA has been used by diverse parties to affirm almost all of these variant positions.

The three biggest objections to the adoption of IHRA, is first, it was never intended as a legal standard to determine antisemitism, but rather a tool for training and education as a “non-legally binding” standard. But in states, localities, corporations, and universities, it is often presented as being the standard that will have the force of law and enforcement. Some of the groups that oppose its codification turn a blind eye to efforts to adopt it when it is used as the legal standard.

Since all of IHRA’s examples address speech, it has been accused of being used to stifle freedom of speech and freedom to protest, and to interfere with academic freedom.

Universities are caught in a dilemma. On the one hand, they are committed to “free speech” and “academic freedom” for all, including faculty. On the other hand, they have an obligation to “protect students” and provide them “a safe environment.” What those terms mean and how to balance them when they collide is the vexing challenge every university faces and adopting IHRA is, on the face of it, neither a particular help nor detriment—albeit outside forces may launch complaints citing IHRA in ways that do significantly threaten the free speech side of that balancing act.

Further, critics say: we don’t hear debates on “definitions” of racism, misogyny, anti-Asian hate, or LGBTQ+ hate. One reason universities fear adopting IHRA is that soon other constituencies will be pushing for definitions of the racism targeting them, bringing with it all the intense divisive battles over those definitions, their examples, and their implementation that have raged over IHRA. Like it or not, the issue of definitions and IHRA is emotionally charged, thoroughly unresolved, and divisive within a number of stakeholder communities, and even within the Jewish community. How does it bring a university together, how does adopting such a contentious position then help bring the university community together to oppose antisemitism.

Finally, imagine everyone adopted it, what really would the difference be? Consider: Very few of the most controversial manifestations of antisemitism in America, Kanye West, Tree of Life, desecration of synagogues, attacks on Jews on the streets for wearing yarmulkes, or an attack on Jews at a restaurant for being supporters of Israel—how often do we ever hear IHRA mentioned by anyone as being needed to identify that these were antisemitic acts, or when has it ever been needed in the prosecution, prevention, and communal responses to such occurrences?

Hate, even hate aimed at a protected class, is, of course, not a crime. Harassment, stalking, overt threats, vandalism, assaults, or discrimination against a protected class including Jews under many laws, incitement to imminent violence—may well be crimes. Of course, neither IHRA nor any definition is relevant to establishing whether such a crime has been committed. And there are very few, if any, cases

where prosecutors or judges in considering antisemitism in the sentencing phase have ever felt they needed to evaluate whether the hate met the standards of the IHRA definition to determine it was a hate crime.

This is a diversion from the real work that needs to be done.

Antisemitism on the Left: Drawing Lines on BDS, Anti-Zionism, and Apartheid

Let me then turn to the challenges of antisemitism from the left. Antisemitism from the left also has a long history. Marx and other influential early communists were intensely pejorative about Jews and/or Judaism. And just consider the treatment of Jews in communist countries, most particularly in the efforts of cultural genocide against Jews in the USSR, as reflected in the response of the international campaign for the freedom of Soviet Jewry and the use of laws like Jackson-Vanik to address some manifestations of Soviet repression that disproportionately affected Jews.

Today, efforts to prevent Jews, Jews who support Israel, or Jews who identify as Zionist from participating in progressive or broader social justice coalitions, or efforts to create litmus tests of disavowing Israel in order to participate in a range of activities, have been seen beyond college campuses. From the environmental group Sunrise's DC chapter efforts to prevent Jewish supporters of Israel from participating in a protest for DC statehood; to the attacks against Jews during an earlier Israel-Gaza conflict by pro-Palestinian supporters at restaurants in New York City and Los Angeles, on the streets in several cities. So too the controversy over the alarming British Labor Party's antisemitism, which lost significant support and ended Jeremy Corbyn's leadership role. Incidents of harassment of Jews on campuses during so-called anti-Israel apartheid protests and at pro-Israel programs have all intensified after Oct 7th and Israel's military response in Gaza.

Let me address the question of when criticism of Israel steps over the line into antisemitism, and how we respond to antisemitism when it is merged with criticism of Israel's policies—most notably the explosion of antisemitism following October 7th.

I do so with one important caveat: We must remember that students can be subject to intimidation or harassment regardless of the content of the speech targeting them.

I would suspect that there is unanimity among the Committees' Members that Israel striking back at Hamas after the brutal attacks of Oct 7th—the 1200 murders, the 3,000 injured, the sexual violence, the hostage taking—Israel's right to respond militarily against Hamas is almost the classic definition of a “just war.” But just war requires not only a “just cause” but requires prosecuting it through “just means”—in most religious traditions and under international law. And there are profound differences among you on this Committee, among American society writ large, among American Jewry, and on every campus in America, as to whether Israel's strategy, tactics, and actions of fighting this war are to be viewed as meeting the criteria of just means. And we have no consensus on when criticism of Israel's policies crosses the line into antisemitism. All this makes this moment in history even more painful, more challenging, more complicated, and more alarming.

Where should lines be drawn as to when criticism of Israel is judged on its merits as being right or wrong, fair or unfair, wise or wrong-headed. Constructive or counter-productive—and when does it cross over the line to become antisemitic?

Three issues are among the most widely debated on this point. Is advocating for BDS (boycott, divestment and sanctions) against Israel always antisemitic? Is using the term “apartheid” as related to Israel always antisemitic? Is anti-Zionism or condemning Zionism and/or Zionists as racist or declaring oneself to be an anti-Zionist inherently constitute antisemitism?

There are some Jewish leaders who say anyone who says they are an anti-Zionist is inherently an antisemite. First, people often use the term Zionist differently. If you use it to say that Zionism is the national identity of Jewish people in its historic homeland, and you deny the right of the Jewish people to hold such an identity, that crosses the line for many of us, into antisemitism. But should debates over if and how that right can be actualized, in which many argue that right must be balanced against Palestinian nationalism rights inherently antisemitic? I think not. And if someone uses the term as a substitute for Israeli policies and says, “I am an anti-Zionist because of Zionism's justification for the occupation and the oppression of the Palestinian people,” is that antisemitic?

The use of the term Zionism altogether? Underlying a lot of sensible line drawing will be the assertion that criticism steps over the line when it (a) Delegitimizes Jewish national identity i.e. denying the inherent legitimacy of the Jewish people's right to its 3,000 year old national identity in their historic homeland, or (b) uses terms like "Zionism" or "Zionist" (or "Israeli" for that matter) as a substitute for "Jews" and then evokes the myths, stereotypes and caricatures that have been at the heart of classic antisemitism. So if someone says Zionists or Israelis are engaged in a global conspiracy to control the finances of the world or that they created the COVID virus to make money—they are using Zionist or Israeli as a synonym for Jews, and it is a form of antisemitism.

What about apartheid? If someone says: "Israel (or for that matter Zionism) is like Apartheid South Africa (or like Nazi Germany), i.e., it is an inherently evil undertaking that has no right to exist", in that form, I believe such assertions cross the line into antisemitism. But if someone warns, as former Prime Ministers of Israel have done, if Israel maintains the occupation until the non-Jewish populations are larger than the Jewish population and still deny them the right to determine their destiny, then it will become an apartheid state. Is that antisemitic? Or if someone says a specific policy of Israel in the West Bank is an apartheid policy (two separate sets of laws on the West Bank—one for Jews and one for non-Jews), is that antisemitic? What if they say it is like the Nazi policies of 1933–34. Or when Amnesty International or Human Rights Watch both concluded that Israel's treatment of Palestinians violates the International Convention Against Apartheid, but make clear they are NOT comparing Israel to Apartheid South Africa. For those of us who think that assessment is wrong—or if you think it right—is that antisemitic? My organization, the Union of Reform Judaism, criticized both and explained why. Further, we warned that this would embolden antisemites and be used to spread antisemitic language and acts, but we did not conclude that the organizations or the reports were, on the face of it, antisemitic. And what of Ben Pogrund, a famous anti-apartheid activist in South Africa, who made aliyah and spent decades knowledgeably rebutting accusations of apartheid against Israel, showing the significant difference between the two legal and social systems, and treatment of the "other"? But he now says that this extreme right-wing government, in its policies and in turning a blind eye to growing settler violence, has reached a point where the comparison of the West Bank has some validity and is debatable—is he now an antisemite?

What of BDS? The international BDS movement has said things that are widely perceived to be calling for ending Israel's existence. That to me crosses a line into antisemitism. But are the rabbis deeply opposed to the occupation who boycott wine produced in the territories antisemitic? Is Ben and Jerry's, which withdrew its business from the territories antisemitic? Protestant denominations that would boycott companies that sell Israel equipment used to maintain the occupation of the West Bank? Antisemites? Or any who say they won't buy products produced by settlements on the West Bank? Antisemites? Or even those who say they will boycott Israel entirely to pressure it to end the occupation—are such policies *inherently* antisemitic?

There is certainly nothing inherently racist or antisemitic or evil about boycotts, divestments, and sanctions per se. Jews and our allies have used them widely over the years within America and across the globe, and continue so today to pressure countries whose actions, words, or policies may be anathema to us such as Iran and Russia. Why do people who are pro-Palestinian not have the right to engage in economic pressure on Israel to change its policies? I may believe their justification is wrong-headed, I may believe this action is utterly counterproductive for what they are trying to accomplish, but is it on the face of it "antisemitic"?

Sec. Pompeo, you will remember, solicited an internal memo, threatening to declare Amnesty International, Human Rights Watch, and OXFAM as supporting BDS and therefore antisemitic under the IHRA definition (which, by the way, IHRA examples do not mention), with the presumption of cutting them off from partnering with the State Department. But if we want to keep the anti-antisemitism tent as large as possible, we should be cautious about writing out of it millions who, while not challenging Israel's right to exist, might engage in some of those hypotheticals above toward the goal of seeking a non-violent way to protest Israeli policies—even when they would condemn and seek to counter vigorously the vast majority of antisemitic acts in America.

Two final aspects of what an effective response to antisemitism in America requires on which you can make the most significant difference.

You cannot worry about anti-Semitism in America without worrying about educational standards in America. Studies show that racist, antisemitic attitudes cor-

relate with levels of education. The higher the level of education, the lower the likelihood a person will hold racist and anti-Semitic views. We are focused on higher education and we know it is not an inoculation to prejudice, particularly the politicized forms of antisemitism that debates over Israel engender. But among the 340 million Americans it holds: the higher the levels of education, the less likely to hold any kind of prejudicial attitudes based on race or other immutable characteristics as well as religious identity.

If we want in the long run to prevail in the goal of this hearing we must preserve and strengthen the public school system of America—with 83 percent of our students, as well as a sizable proportion of Jewish students attending. If the public school system of America doesn't make it, then neither will America nor the Jewish community. Addressing the rescue of public education in America must remain a priority of our community, particularly at a time when teachers and principals are feeling under serious attack.

Second, what has been so extraordinary is how the religious and civic communities of America have arisen to come together after racist, antisemitic, Islamophobia tragedies have occurred: Muslims cleaning up desecrated Jewish cemeteries in St. Louis and Philadelphia; the president of a McClellan Texas synagogue and the pastor of a near-by church handing sets of keys to the imam of a mosque that had been burnt to the ground for as long as they needed it; cleaning up graffiti together and repairing vandalism; the entire community around Tree of Life and Mother Emmanuel and so many other places standing in solidarity with those so tragically victimized. Working in broad-based interfaith and intergroup coalitions is a hallmark of America—often working together to delegitimize hate acts and hate speech. Indeed, it is encouraging to note that we live at a moment when there is more interfaith engagement, comity and cooperation in America and globally than we have ever seen in human history. And when people come together across political, religious, cultural lines to build together a better America for all, they are modeling the very kind of America we hope to create. And, we look to all our political, religious, cultural and civic leaders to help in achieving this.

As Rabbi Stacy Friedman observed: It is our compassion and our common humanity that define us. It is the way people have united as allies and partners in standing up against such hatred that defines us. It is the support so many have shown one another after each attack that ultimately defines us. It is the love and the tears we have shed for one another at our vigils. That is what defines us.

May that indeed be the goal, the outcome, the blessing of your deliberations on this issue as you move forward to address antisemitism and hate in our universities and everywhere in our Nation.

APPENDIX:

A Campus Guide To Identifying Antisemitism In A Time Of Perplexity, The Nexus Project, September 2024

Guide to Identifying Antisemitism in Debates About Israel, The Nexus Project, 2022

The URJ and CCAR Join Other National Jewish Organizations in Sending Recommendations to Administration and Congress on Urgent Steps to Take to Combat Antisemitism, Union of Reform Judaism, January 2021

[SUMMARY STATEMENT OF RABBI DAVID SAPERSTEIN]

- The effort to combat antisemitism must be fully integrated with the effort to counter hate speech, discriminatory treatment, and hate crimes targeting other individuals and groups on the basis of immutable characteristics or core identity.
- Such hate speech and hate crimes are intended to tear at the frayed threads that bind our Nation together, seeking to undermine the comity and unity of Americans. Our responses to such divisive efforts must not add to those divisions, but instead seek reconciliation, comity, greater understanding, and efforts to change hate to understanding and friendship.
- Three factors—the rule of law at the heart of our democracy and our constitutional system of government, the separation of church and state, and our educational system of public schools and of higher educational opportunities—have all have been central to creating a nation offering Jews more rights, opportunities, freedom and achievement than Jews have ever known in Diaspora life.

- Several recent actions, including dismantling the Department of Education's Office of Civil Rights, acting punitively against participants in protests involving protected speech without due process, and imposing damaging financial penalties on higher education, have undercut all three of the pillars that helped make America special for its Jewish citizens and Jewish refugees seeking safety and shelter fleeing antisemitism in other lands. The Administration should build on, not abandon, successful approaches, such as:
 - Improving reporting making it more comprehensive and consistent at the local, state and Federal levels;
 - Strengthening resources for security of our religious and communal institutions;
 - Expanding support for strong Holocaust education and anti-bias education;
 - Urging social media platforms to curb antisemitism and Holocaust denial; and
 - Continuing vigorous efforts in identifying antisemitism and enforcing existing education, anti-discrimination, and hate crimes laws.
- IHRA plays an important role in education, training, and monitoring in regard to antisemitism, but it is 20 years old, was written for a non-U.S. setting, and several of its examples are ambiguous and have been misconstrued by some advocates—creating controversy and divisiveness. Other definitions like Nexus's and the National Strategy's should be used as constructive complements to the use of IHRA.
- There is unity across political and ideological lines on what constitute antisemitic speech and action in most regards, but much less clarity in determining where the line should be drawn between substantive criticism of Israel's policies and actions, and such criticism that steps over the line to antisemitism.
- We must remember that students can be subject to intimidation or harassment regardless of the content of the speech targeting them.
- In the case of those who claim to be anti-Zionists, those who accuse Israel of being an apartheid state, or those who support BDS against Israeli settlements or against Israel to halt the occupation, the key test is when any of those are an effort to deny the legitimacy of Jewish nationalism, to challenge Israel's right to exist, or to deny the Jewish people to express their national identity in their 3,200 year old historic homeland.

The CHAIRMAN. Thank you. Senator Sanders, again.

Senator SANDERS. Thank you. Our final witness is Mr. Kenneth Stern, the Director of the Bard Center for the Study of Hate. Mr. Stern was also the lead drafter of the IHRA, IHRA definition of Antisemitism, which he has vocally opposed codifying into law for purposes of enforcement. Mr. Stern, thank you very much for being with us.

**STATEMENT OF KENNETH S. STERN, DIRECTOR, BARD
CENTER FOR THE STUDY OF HATE, BROOKLYN, NY**

Mr. STERN. Thank you, Chairman Cassidy, Ranking Member Sanders and the other honorable Members of the Committee. I am Kenneth Stern. I do direct the Bard Center for the Study of Hate, and I also worked at the American Jewish Committee for 25 years where I directed the division on Antisemitism and was the lead drafter of the text that is now known as the IHRA definition of Antisemitism.

Let me emphasize five points. First, students, including Jewish students, have a right not to be victims of true threats, harassment, intimidation, bullying, discrimination, let alone assault.

However, they should expect to hear ideas that cut them to their core. Attempts to affect the campus that aren't grounded in protection of free speech and academic freedom are not likely to work.

Anything that smacks of a hate speech code will backfire. Recent threats against funding without a full investigation and an opportunity to be heard are not only likely illegal but horrible policy. Arresting students should be a last resort, not a first impulse, especially for technical violation of rules.

The campus environment can be improved with programs and courses, but if we bludgeon the campus into submission, we risk destroying an institution which has made America the envy of the world. In 2020, I wrote a book entitled, *The Conflict Over the Conflict, The Israel-Palestine Campus Debate*. I worried then and am more worried now that the campus tensions over this issue threaten higher education as each side tries to silence the other.

Pro-Palestinian activists sometimes use a heckler's veto, promote academic boycotts, and sometimes exclude Zionists from social spaces, which is almost always McCarthian and sometimes clearly Antisemitic. But I am more worried about the use of law to silence pro-Palestinian speech. When the *Antisemitism Awareness Act* passed the Senate in 2016, proponent cited the suspension of a professor for an alleged anti-gay blog post, and the stopping of the film, *American Snipers*, anti-Muslim.

They were saying violate free speech and academic freedom for us too, a message I find deeply troubling. There are church state implications here too. Some House Members said adopting it would be a Congressional declaration that the gospels were Antisemitic. Some have suggested that one example from the definition be dropped. The others are no less protected speech. In the case of *SJP v. Abbott*, where IHRA had been mandated in Texas University policies, the judge found it was illegal viewpoint discrimination and chilling. In Germany, the definition was adopted and applied to label Jews protesting the war in Gaza, Antisemites. One person said, "once again, Germany defines who is a Jew, right?"

That the German state would actually classify what is a legitimate Jewish position as beneath contempt. Most Jews are Zionists, as am I, but for many whom—for whom Judaism teaches about repairing the world and treating the stranger leads them to anti-Zionism. Congress shouldn't decide this internal religious conflict.

A recent court decision involving Haverford College rejected a claim that since Zionism was essential to Jewish identity, no religious issue was presented, calling it disingenuous. Recently, Harvard settled an Antisemitism case agreeing to use IHRA, but OCR settled two related complaints, one alleging Antisemitism and one anti-Palestinian anonymous with George Washington University.

GW wasn't required to use IHRA but imagine if the GW facts had taken place at Harvard, and the settlement required using IHRA and the definition of anti-Palestinian racism. Would a professor who tweeted about Israeli sovereignty over Judea and Samaria be open to a Title VI case if they gave a Palestinian student a bad grade? Can each side be affected by calling for exclusive control from the river to the sea? How could you use one without violating the other?

Then there is the arrested green card holder Mahmud Khalil, because he distributed “pro Hamas propaganda.” Seriously? Are we that weak that our national security and foreign policy is threatened by a former student allegedly distributing a leaflet? We are America, not Russia or Iran. There are things we can do, one of which is to increase funding for OCR so the backlog of cases can be resolved. On campuses there are courses, initiatives, and even an AI program called Sway that pair students in discussions of contentious topics like Israel and Palestine.

No raised voices, no eye rolls, just texts back and forth, fun and effective. Instead, we are seeing this, a desire to silence political speech because of the discomfort of many pro-Israel Jewish students, the gutting of the Department of Education, or OCR when complaints about Antisemitism were pending.

Thinking it is only pro-Israel Jewish students who are having difficulties. It is also anti-Zionist Jewish students, Muslim students, Arab and Palestinian students, immigrant students, and many more. Shockingly, we are seeing ex existential threats against universities without a modicum of due process. We are not going to improve the campus for Jews or anyone else this way. We cannot burn down the house in order to save it.

[The prepared statement of Mr. Stern follows:]

PREPARED STATEMENT OF KENNETH S. STERN

Dear Chairman Cassidy, Ranking Member Sanders, and the other honorable members of the Committee:

My name is Kenneth Stern. I am the director of the Bard Center for the Study of Hate¹, which works to increase the serious study of human hatred, and ways to combat it.² Before that I directed the Justus and Karin Rosenberg Foundation, a philanthropy focused on hate,³ and before that I was the director of the American Jewish Committee's division on antisemitism and extremism, where I worked for 25 years. While at AJC⁴ I was the lead drafter of the text of what is now known as the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism.⁵

¹ <https://bcsh.bard.edu/>

² Hate Studies is defined as "Inquiries into the human capacity to define, and then dehumanize or demonize, an 'other,' and the processes which inform and give expression to, or can curtail, control, or combat, that capacity."

³ The Justus and Karin Rosenberg Foundation was founded by the last surviving member of the Emergency Rescue Committee – an operation during World War II lead by American Varian Fry to rescue artists and intellectuals, among them Marc Chagall and Max Ernst, from Vichy France.

⁴ During my AJC tenure I was part of the defense effort of Dr. Deborah Lipstadt (Ambassador Lipstadt was the Department of State's Special Envoy to Monitor and Combat Antisemitism in the last administration) in her 2000 London defense of a libel charge brought by a Holocaust denier; I was an invited presenter at the 1997 White House Conference on Hate Crimes, and also an official member of the United States delegation to the Stockholm International Forum on Combating Intolerance in 2001; in 1995 I authored a report on the growing danger of the militia movement, released less than two weeks before the Oklahoma City bombing, with a covering memo warning that there might be some sort of attack on government on April 19, the anniversary of the siege of the Branch Davidian compound in Waco, Texas, a date of great importance to the militias.

⁵ <https://holocaustremembrance.com/wp-content/uploads/2024/01/IHRA-non-legally-binding-working-definition-of-antisemitism-1.pdf> and <https://2001-2009.state.gov/g/drl/rls/56589.htm>

I want to spend my time today addressing the importance of cultivating an environment where all students can thrive. I'll talk first about what not to do, and then what to do so that not only pro-Israel Jewish students, but all students can have the college experience they not only deserve, but need to become critical thinkers and good citizens.

Let me emphasize five main points:

- 1) Students have an absolute right to expect a campus environment where they will not be victims of true threats, real harassment or intimidation, bullying or discrimination, let alone assault. They however, should have every expectation that they will hear ideas that cut them to their core. There has been too much emphasis, from both the right and the left, about "intellectual safety." To become good critical thinkers students must encounter conflicting viewpoints and be challenged, in fact disturbed, by ideas, in an environment that rejects group think, values individual agency, and encourage students to try on ideas, while protecting their right to be wrong.
- 2) Any attempt to affect the campus that isn't grounded in protection for free speech and academic freedom is not likely to work, and any effort that attacks free speech or academic freedom will fail. Anything that smacks of a hate speech code, especially a government incentive to chill or punish disfavored speech, will backfire and likely harm the very people you think you're trying to protect.
- 3) The recent threats against funding, including the insistence that a department be put in receivership, all without a full investigation and an opportunity to be heard as due process requires, are not only likely illegal, but horrible policy – any changes made will not be welcomed, but understood as a sacrifice of free speech and academic freedom agreed to under duress.
- 4) Time/Place/Manner restrictions have their place, and pervasive disruptions of campus life certainly have to be addressed by administrators. There are indeed situations when the police should be called in. But arresting students should be a true last resort, not a first impulse, especially for technical violations of rules.
- 5) There are ways to improve the campus environment, including programs and courses and even AI. Additional funding for the important work of the Department of Education's Office of Civil Rights is also needed, especially given the backlog of cases. If we give into anger and seek to bludgeon the campus into submission, especially in a highly partisan environment, we risk destroying an institution which has made America the envy of the world for the last century.

In 2020 I wrote a book entitled The Conflict over the Conflict: The Israel/Palestine Campus Debate. I was worried then, and am more worried now, that the campus tensions over this issue threatened one of our most important national treasures – higher education.

The book was grounded in lessons from hate studies. Its component fields, from brain science to social psychology to history and so much more, tells us what happens to human beings when we get into "us" versus "them" silos, especially when the matter at hand, like Israel/Palestine, is one linked to identity and relates to questions of social justice or injustice, let alone when the

“them” is perceived as a threat. It is in these moments that we crave simplicity and certainty, are allergic to complexity, and frequently have a visceral response. We default to tribal spaces and binary ways of thinking (good vs bad). Symbols – such as flags, slogans, or even ideas (like the IHRA definition of antisemitism) – also take on outsized importance.

Those who hate – whether they hate people of different races, religion, countries, gender identities or politics – tend to see the world this way, frequently justifying the dehumanization or demonization of the “other” as noble self-defense. But because it’s a human characteristic, people who believe they are fighting hate are not immune from the seduction of simplistic, certain, moralistic, symbol-seeking and binary thinking.

By understanding how hate works, we can learn what NOT to do when fighting antisemitism on campus. Much of the speech complained about today is binary – for example, protestors claiming Israel is always evil, and from there arguing that anyone who supports Israel or self-identifies as a Zionist is evil too, and in some cases excluding them from social spaces.⁶ Whether this is antisemitism isn’t always clear – there are Jews in the anti-Zionist camp, and non-Jews who are Zionists are targeted too. This idea that it’s somehow noble to exclude Zionist students writ large as social pariahs is, however, McCarthyism.

In my book I documented how those on each side of the debate sought to silence those on the other side. Sometimes the attempts were violent or of questionable legality, but most were by other means. Sometimes pro-Israel speakers were targeted, and some silenced, with a heckler’s veto. Sometimes professors prioritized their personal politics over their students’ interests – such as refusing to write a letter of recommendation for study in Israel. The push for an academic boycott threatened to divide the academic world in two – Israelis who should be shunned, and everyone else, violating the core principle that the academy looks for the best thinking, not the nationality of the thinker. Further, the academic boycott is a blacklist, and I hope we can all agree, especially given American history, that blacklists are not a good thing, even if those proposing it believed their cause justifies one.

But the pro-Israel side was trying to silence the other side too. A group called Canary Mission posted online dossiers of students it believed were “promot[ing] hatred of the USA, Israel and Jews on North American college campuses,” and proclaimed its goal was “to ensure that today’s radicals are not tomorrow’s employees.”⁷ This, let us not forget, is about 18-22 year-

⁶ Campuses should emphasize that most college groups ought to be open to all. Excluding Jewish students (or Catholic students or Black students or others) from the climate change group or the sexual survivor group would be discriminatory. If you’re excluded not because you are Jewish, but because you are a Zionist, it certainly feels like you are being excluded because of your Judaism. But groups have a right to political association. You wouldn’t want to force a Young Republican club to admit a bunch of socialists if their group’s mission is to advance the GOP’s agenda. If a climate change group decides, in solidarity with anti-Zionist pro-Palestinian groups, that it wants to exclude Zionists, in essence it is saying that it is now an anti-Zionist group which prioritizes anti-Zionism over climate change, because if climate change were the prime mission, you’d want to include anyone who can help achieve your goal.

⁷ More recently a Jewish group called Betar, classified as extremist by the ADL -- <https://www.haaretz.com/us-news/2025-02-21/tv-article/.premium/embraces-islamophobia-harasses-muslims-adl-lists-far-right-betar-usa-as->

olds, who don't have a right to harass or threaten anyone, but do have the right to be wrong. You don't fight a blacklist with a blacklist.

Worse, in my view, the pro-Israel side has tried to use law to silence pro-Palestinian speech. As I explained in my book and in prior testimony,⁸ since 2010 there have been efforts to employ what was once called the EUMC working definition of antisemitism, and is now called the IHRA definition, to go after speech about Israel, including in Title VI cases.

As I testified before the House Judiciary Committee in 2017:

These cases complained, among other things, about educational programs about the occupation of the West Bank, films that promoted the Boycott/Divestment and Sanctions movement against Israel, classroom materials challenged as one-sided and anti-Israel, and a program entitled "Arabs and the Holocaust," which asserted that Israel's creation was a "tragedy" for Palestinian Arabs.⁹

If you look back at the material used to support the Antisemitism Awareness Act (AAA) when it was passed by the Senate in 2016, proponents cited examples about how antisemitism was being treated differently than other forms of perceived campus bigotry. One case cited was the suspension of a Marquette professor for an alleged anti-gay blog post, the other the stopping of the showing of the film *American Sniper*, because it was alleged to be anti-Muslim.¹⁰ Obviously, both instances were ones where free speech and/or academic freedom were violated. The AAA proponents effectively said violate those principles for us too, a message I found and still find deeply troubling. If one is going to have a principle about speech, it has to apply to speech one doesn't like too. That doesn't mean ignore the speech (which can be countered, exposed and/or organized against¹¹), but rather it means not to use laws or interventions like a heckler's veto to chill or stop it.

It's also worth bearing in mind that when the UK adopted the IHRA definition and applied it to campuses, an "Israel Apartheid Week" event was cancelled. I'm no fan of Israel Apartheid Week, but that's speech. The US-based Simon Wiesenthal Center put out a press release that not only praised the ban, but encouraged other universities to follow suit.¹²

hate-group/00000195-2a1d-d05a-ab9f-2e1d09680000 -- has been compiling and sharing names of pro-Palestinian advocates -- <https://www.commondreams.org/news/betar-deportation-list>.

⁸ I am including the text of my September 2024 testimony before the Senate Judiciary Committee as "Appendix A" and incorporating it by reference. A few small sections of that testimony are replicated here too.

⁹ For an illustration of the central place complaints about political speech and academic programs deemed "unbalanced" played in these early cases, see June 25, 2009 letter of Tammi Rossman-Benjamin to U.S. Department of Education at <http://www.citywatchla.com/images/stories/misc/cw9-100benjamin-complaint.pdf>

¹⁰ <http://kennethstern.com/wp-content/uploads/2024/07/Anti-Semitism-Act-Nov-2016-w-supporting-material.pdf>

¹¹ In a different context, I wrote about how to counter speech one doesn't like by turning haters' free speech rights on their head: <https://www.cnn.com/2017/01/13/opinions/kkk-plans-march-on-mlk-day-stern/index.html>.

¹² <https://www.wiesenthal.com/about/news/wiesenthal-center-other.html>

More recently, when the legislation passed in the House in the last Congress, there was broad opposition¹³ from opinion leaders on the left AND the right on free speech grounds, including from conservatives such as

- Bret Stephens: “Much as I hate antisemitism, I also don’t think laws against ‘hate speech,’ including against my own group, should be in federal legislation.”¹⁴
- Batya Ungar Sargon: “This country was literally founded on the idea that there should be no government reprisals for speech, including hate speech. . . . I know this view isn’t going to be popular, but to be an American is to believe that if you can’t win by convincing enough people, you don’t deserve to win.”¹⁵
- Christopher Rufo and Jenin Younes: “The second problem with the Antisemitism Awareness Act, especially for conservatives and civil libertarians, is that it operates using the same coercive and corrosive principles as DEI. The legislation codifies an ideologically charged definition of antisemitism into law, provides special protections based on group identity, and expands anti-discrimination enforcement to include constitutionally protected speech.”¹⁶
- The Cato Institute: “The problem is that the definition includes all kinds of speech, most of which is not inherently threatening. Government punishment for such speech would be a fundamental violation of First Amendment rights.”¹⁷
- The Federalist: “Republicans in Congress are pushing legislation that would formally adopt the International Holocaust Remembrance Alliance’s (IHRA) definition of antisemitism as a basis for prosecuting federal antidiscrimination statutes — a move that critics such as Wyoming Rep. Harriet Hageman say ‘provides no actual relief for terrorized Jewish students and infringes on the First Amendment to the U.S. Constitution.’”¹⁸
- Tablet Magazine: The freedom and successes that Jews have enjoyed in America have been due to the protections afforded by our Constitution, and the respect for individual rights that became part of our culture. The most legitimate tax we owe—to each other, to our fellow citizens, and to those who fought for our right as Americans to say

¹³ <https://fmep.org/resource/statements-analyses-opposing-federal-ihra-legislation-2024/>

¹⁴ <https://www.nytimes.com/2024/05/13/opinion/college-graduation-commencement.html>

¹⁵ <https://x.com/bungarsargon/status/1785815861254594802>

¹⁶ <https://www.thefp.com/p/dont-expand-dei-dismantle-it>

¹⁷ <https://www.cato.org/blog/feds-should-leave-campus-unrest-others>

¹⁸ <https://thefederalist.com/2024/05/02/republicans-antisemitism-bill-merely-gives-feds-more-power-to-trample-free-speech/>

whatever the fuck we want—is the work we are asked to put in, day in and day out, to protect that freedom.”¹⁹

When President Trump signed the 2019 Executive Order requiring government agencies to consider the IHRA antisemitism definition, Jared Kushner wrote an op-ed in the New York Times saying the “definition makes clear what our administration has stated publicly and on the record: Anti-Zionism is anti-Semitism.”²⁰

And that’s one of the difficulties in this whole question, one with not only implications for the campus and matters of free speech, but also with church/state ramifications – and this beyond the reason some Republican members in the last Congress objected to the AAA, because one of the examples in the definition concerned the charge of Jews killing Jesus. They feared adopting IHRA would be a Congressional declaration that those who believed in the Gospels were to be considered by the government to be antisemitic.

I am a liberal Zionist. I believe in Israel’s right to exist, and a link to Israel is important to my Jewish identity. That’s true for the majority of American Jews.

But there is a growing number of Jews, particularly younger ones, whose Judaism leads them to embrace an anti-Zionist position. They can’t justify the existence of a Jewish state, especially with its implications for Palestinians, with the Jewish commands about repairing the world and how to treat the stranger.

I disagree with these young Jews about Zionism, but I’m not going to call them antisemites. I certainly don’t want the government to do this, to effectively come down on one side or the other of a deep, and sometimes visceral, communal divide. As I documented in my book, this internal Jewish question – whether a particular view of Zionism and Israel is required to be inside the tent – is contentious. I quoted one then-recent college graduate recalling that at her campus, Jews from every type of religious observance – from Orthodox to Conservative to Reform to Reconstructionist to secular – could break bread together. But not when the divide was about Israel.

I also ask you to keep in mind that while most of the cases of harassment of Jewish students have targeted pro-Israel ones, anti-Zionist or pro-Palestinian Jewish students have also been harassed, either as part of harassment of pro-Palestinian activists in general, or specifically targeting them as Jews, in which they are seen as “kapos” or “traitors,” and sometimes treated like such.²¹

¹⁹ <https://www.tabletmag.com/sections/news/articles/not-in-our-name>

²⁰ <https://www.nytimes.com/2019/12/11/opinion/jared-kushner-trump-anti-semitism.html>

²¹ See, for example, p. 16 of

<https://www.columbia.edu/content/sites/default/files/content/about/Task%20Force%20on%20Antisemitism/Report-2-Task-Force-on-Antisemitism.pdf> and see <https://utppublishing.com/doi/book/10.3138/9781487507367>, p. 221-222, fn 48.

I'm sure you'll hear from other witnesses today, and I know that they feel this deeply, that connection to Israel is just as central for all Jews as is keeping the Sabbath or other rituals. But there is no political dimension to these other values; the question of Zionism is very much a political question too.

In Germany the IHRA definition was adopted and applied to Jews protesting the war in Gaza. They were labeled antisemites. A news story included a previous but telling quote from an Israeli, about the German expectation that being Jewish meant support for Israel: "Once again, Germany defines who is a Jew, right? . . . The irony that the German state would actually classify who is a Jew, what's a legitimate Jewish position, and how Jews should react is just beneath contempt."²²

I don't think Congress is the right place to litigate this thorny internal religious question either. A recent court decision involving alleged antisemitism at Haverford College summed up the challenge well. It called the assertion that no religious question was being asked with respect to the claim that Zionism is inherent and essential to Jewish identity both "disingenuous," and "likely strategic, seeking to blur the line between Zionism as a political philosophy and Zionism as a component of Jewish identity, and in the process implicitly sweep any and all criticism of Israel into the basket of antisemitism."²³

That's not to say that anti-Zionism can never be a manifestation of antisemitism. Antisemitism at its most pernicious is a conspiracy theory that Jews conspire to harm humanity, and that this conspiracy explains what goes wrong in the world. When people cut and paste "Israel" for "Jew" using such tropes, that's antisemitism. And you don't need any definition to ferret this out. I recall hearing that someone suggested a group's membership be vetted for people with "Zionist-sounding names." They didn't mean Pastor Hagee. But as I said there are anti-Zionist Jews, and it's clear that for Palestinians the formation of a Jewish state did indeed diminish their ability to control their own lives – for many the objection is what happened to them, not that it involved Jews. I sometimes ask Jewish audiences to imagine if they were born Palestinian, how they would look at the world. More empathy would be a good thing.

Most of what I described above was in place before October 7. The vicious Hamas attack, and the unrelenting Israeli response, have exacerbated the campus tensions I already identified – in particular the desire to stop the other side from speaking, indeed seeing this as noble because the other side is seen as not only wrong, but evil.

²² <https://www.dw.com/en/when-germany-targets-jewish-artists-as-antisemitic/a-70180570>

²³ Landau v. The Corp. of Haverford Col, Civil Action 24-2044 decided 1/06/25 – "Plaintiffs also dedicate a full eight pages of their Complaint to their effort to link Judaism to Zionism, while simultaneously insisting that they are not asking the Court to resolve any religious issues.... Plaintiffs' equivocation is disingenuous, but likely strategic, seeking to blur the line between Zionism as a political philosophy and Zionism as a component of Jewish identity, and in the process implicitly sweep any and all criticism of Israel into the basket of antisemitism. As a threshold matter, as I have done previously, I reject Plaintiffs' embedded proposition that any anti-Israel speech is intrinsically antisemitic, because reasonable people acting in good faith can challenge decisions of the Israeli government without harboring antisemitic views."

October 7 let loose these forces on steroids.

First, every time there has been war involving Israel over the last 20 years and more, there's been an uptick on attacks on Jews. When the shooting stops, at least during these earlier episodes, things settle down. This time, the war hasn't stopped.

Second, the horror of Hamas' attack was traumatic for most Jews, bringing up memories of family stories about the Holocaust or pogroms. And on the Palestinian side, how could the continual bombing, death, and displacement not bring up memories of the Nakba?

When I was a college student I saw graffiti that said "If I didn't believe it with my own mind, I never would have seen it." Nonetheless I too was stunned when some pro-Palestinian students, right after October 7, said Israel was 100 percent to blame for what unfolded that day. Of course others acknowledged the horror. But for many, the push into binary thinking became an imperative.

And as I'll discuss later on, long term, one of the most important things universities can do is to counter binary thinking. Binary thinking is the enemy of critical thinking. But we are all seduced by tribal instincts, and campuses shouldn't play into this temptation. We all – on campus and off – should remember that we are human beings first. Too few have real empathy for both the Israelis who were killed or kidnapped (some of whom are still being held hostage) AND for the huge number of innocent Palestinians who have suffered death, loss of limbs, loss of family, loss of homes, loss of hope.²⁴ Too few think both of the pro-Israel Jewish students who are stressed by the campus environment AND the other students (anti-Zionist Jewish students, Muslims, Palestinians and others) who are under stress too.

RECENT EVENTS

I'm alarmed at the recent efforts to tackle antisemitism with brute force and threat.

Let me be clear – I've been a strong proponent of Title VI as A (as opposed to THE ONLY) remedy for campus antisemitism. Years ago I was a complainant for Jewish high school students who suffered antisemitic bullying, including a "Kick a Jew" day at their school. The Department of Education's Office of Civil Rights (OCR) worked hard to have the school come up with an effective game plan, consistent with educational norms, to remedy the situation. As far as I know, they didn't need to threaten, and certainly didn't lead with, a claw back of funds.²⁵

²⁴ Yes, Hamas cynically puts civilians at risk. But that doesn't justify the level of suffering of Palestinian civilians.

²⁵ <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/02111270-a.pdf>. See also June 1, 2012 AJC press release "AJC Praises U.S. Education Department Decision on Anti-Semitic Bullying," <https://ajcarchives.org/Portal/Default/en-US/RecordView/Index/6591>

The new policy of threatening funding without going through the process of a good faith investigation and due process may seem to some as taking campus antisemitism seriously, but it will harm Jewish students – in fact all of us – in both the short and long run. And it may well legally backfire. As a recent legal analysis notes, demands such as “requiring recipients to forgo unrelated protected activity raises independent First Amendment concerns under the unconstitutional conditions doctrine. . . . But even if the Trump Administration’s letters and threats do not alone violate the 60 targeted institutions’ and their students’ First Amendment rights, any eventual Title VI enforcement actions against those universities almost certainly would. Where the motive for government action is unconstitutionally impermissible, the government can sustain its action only if it can show that it ‘would have reached the same decision’ even ‘in the absence’ of that improper motive.”²⁶

As I testified before the Senate Judiciary Committee in September, there remains a pressing need for further funding for OCR, primarily so the backlog of cases on antisemitism can be addressed. OCR’s role in reducing antisemitic and other forms of hateful discrimination in schools goes beyond developing policies and training programs, and the important task of collecting and reporting data. It has to investigate complaints, which means gathering evidence, talking to witnesses, assessing whether there has been a potential Title VI violation, and perhaps most importantly, working with the school in question to put in place changes designed to remedy the problem, consistent with the educational norms (ideally so the school sees changes it agrees to as ones that will help them help their students, rather than ones grudgingly acquiesced to because of a threat to funding).

I encourage the committee to read the February 14, 2024 letter from the Leadership Conference on Civil and Human Rights to President Biden (endorsed by scores of groups, including the ADL [Anti-Defamation League] and the Jewish Council for Public Affairs), making a strong case that OCR’s budget be doubled.²⁷

It noted that “[a]lthough OCR received more than six times as many complaints in 2022 as the office received in 1981, the number of staff was cut in half over that same time period. . . . In addition to the new complaints filed every year, OCR also has more than 13,000 pending investigations dating back nearly two decades.”

This is unacceptable.

Delay is to no one’s advantage, especially on campuses with tensions, where delay may be interpreted as disinterest or worse. But now Department of Education may be drastically reduced if not dismantled, and some have suggested that the Department of Justice (DOJ) take this portfolio and bring cases. I worry about the draconian implications of having a law enforcement agency, rather than an educational one, tackle these educational challenges, let alone initiate them.

²⁶ <https://www.dwt.com/insights/2025/03/trump-education-letters-title-vi-and-antisemitism>:

²⁷ <https://civilrights.org/wp-content/uploads/2024/02/Double-the-Funding-for-ED-OCR.pdf>

Second, look at what happened at Columbia. The university was seemingly bullied into submission, without due process, and in a way that will clearly exacerbate tensions on campus (not only between groups with opposing politics, but also between faculty and the administration). This will also make the future harder for Jewish students. Change will be seen by many as not as resulting from anything other than raw power.

What will the threatened cuts do? We know some of what they'll accomplish. They'll likely impact research on cancer, diabetes, and other initiatives.²⁸ Cures may be delayed. Students' work will likely be disrupted – including that of Jewish students. In this environment of threat, the best and brightest from around the world, who wanted to learn in the US and maybe stay and contribute, will now likely go elsewhere.

Columbia's agreement last Friday²⁹ to many of the administration's demands, especially those that signaled that government can dictate putting an academic department in receivership, has and will have disastrous effects. The long-established idea of faculty governance of higher education now seems under assault. The 1915 foundational document of the American Association of University Professors' "Report on Academic Freedom and Tenure" directed, in former Columbia president Lee Bollinger's words, "that faculty members, not external actors, should determine professional standards for the academy."³⁰ The Supreme Court ruled in *Keyishian v Board of Regents*, 385 U.S. 589, 603 (1967): "Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us, and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."³¹

And of course foreign students will likely go elsewhere after the arrest of Mahmoud Khalil, a green card holder, because, according to the administration, he supposedly distributed "pro-Hamas propaganda."³² Are we that weak as a country that one student – one who didn't hide his identity behind a mask (as some protestors do for fear they will be targeted for protected speech, or to escape punishment for criminal acts) – allegedly handed out such propaganda, and this is "a threat to the foreign policy and national security interests of the United States." Seriously? The United States' national security and foreign policy is threatened by a former student allegedly distributing a leaflet?³³

²⁸ <https://www.nytimes.com/2025/03/18/nyregion/columbia-research-grants-trump.html>

²⁹ <https://www.columbiaspectator.com/news/2025/03/21/columbia-to-acquiesce-to-trump-administrations-demands-amid-federal-funding-threats/> and <https://www.nytimes.com/2025/03/24/opinion/universities-inventions-funding.html>.

³⁰ See <https://utppublishing.com/doi/book/10.3138/9781487507367>, p. 60.

³¹ <https://supreme.justia.com/cases/federal/us/385/589/#tab-opinion-1946365> See also discussion of academic freedom and governance at <https://utppublishing.com/doi/book/10.3138/9781487507367>, pp 58-62, including challenges to academic freedom during World War I and the McCarthy period.

³² <https://www.nbcnews.com/news/us-news/white-house-says-hamas-propaganda-rallies-palestinian-activist-rca195947>

³³ <https://responsiblestatecraft.org/free-speech-khalil-green-card/> and <https://www.nydailynews.com/2025/03/23/how-columbia-university-activist-mahmoud-khalil-became-trump->

Aren't we, as a country, strong enough to hear people advocate things with which we strongly disagree, even find deeply hateful or offensive? Isn't it countries like Russia and Iran and China we point to, rather than America, where just expressing an opinion may get you in trouble with the law, chilling others from expressing that same opinion too?³⁴

Isn't there a fundamental difference between advocating for a despicable group or idea, and actually violating the law, such as giving actual material support for terrorism, for example?³⁵

Are we really okay with a journalism professor at Columbia being entirely reasonable when he told foreign journalism students that they shouldn't write about Ukraine, Gaza, or protests because "nobody can protect you?"³⁶ I don't know these journalism students, but over the years I've met and even mentored foreign students who sought internships at groups like PEN America, because in their countries you could get punished for saying the wrong thing in public, but the United States cherished free speech. Some wanted to learn these lessons about our approach to speech to help other countries develop the same ethos – that one can disapprove of what someone says, but defend their right to say it, because if we encourage using law and threats to punish disfavored speech, tomorrow it will be your speech, not the speech you don't like, that will be threatened.

Are we again losing sight of the distinction between actual harassment and true threats, on one hand, and advocacy on the other?

[administration-symbol-of-protests/](#). The government reportedly now also alleges that Khalil withhold information when he applied to become a permanent US resident, but his lawyers say this is pretextual, and in any event the effort to deport him began not because of an improperly filled out form, but because of his speech. <https://www.nytimes.com/2025/03/23/nyregion/mahmoud-khalil-trump-allegations.html>

³⁴ Law professors, from the left and the right, condemned the demands on Columbia: "The First Amendment protects speech many of us find wrongheaded or deeply offensive, including anti-Israel advocacy and even antisemitic advocacy. The government may not threaten funding cuts as a tool to pressure recipients into suppressing such viewpoints. This is especially so for universities, which should be committed to respecting free speech. . . . Yet here the sanction was imposed without any agency or court finding that Columbia violated Title VI in its response to antisemitic harassment or discrimination. Even to the extent that some protesters' behavior amounted to illegal harassment of Jewish students, no agency and no court has concluded that Columbia illegally failed to reasonably respond to such discriminatory behavior—much less failed to act at a level justifying withdrawal of nearly half a billion dollars in funds. The government's action therefore risks deterring and suppressing constitutionally protected speech—not just illegal discriminatory conduct. And this danger extends beyond universities. The safeguards and limits that the administration has ignored are designed to protect all recipients of federal funding from unwarranted or excessive sanctions. They protect recipients of federal funding across the ideological spectrum, including K-12 schools, hospitals, nursing homes, and business and agricultural initiatives. The administration's failure to honor the Title VI safeguards creates a dangerous precedent for every recipient of federal financial assistance." <https://www.nybooks.com/online/2025/03/20/a-statement-from-constitutional-law-scholars-on-columbia/>

³⁵ On some campuses, Students for Justice in Palestine chapters were also suspended, wrongly, not for what they did, but for what they said. <https://sapirjournal.org/war-in-israel/2023/11/sjp-still-deserves-freedom-of-speech/>

³⁶ <https://forward.com/news/704218/mahmoud-khalil-columbia-journalism-warning/>

Are we going to use the IHRA definition to chill and police campus speech too – the inevitable and intended result of codifying it by Congress for application to the campus? As I wrote in my September testimony:

Proponents of AAA argue that you have to define antisemitism in order to tackle it.³⁷ This is nonsense. Organizations like ADL and AJC have worked since the early 1900s without an official definition of antisemitism. I don't recall seeing it cited when Kanye West talked about going "Def Con 3" against Jews, or at Charlottesville or other contexts. It's, however, energetically used to target speech regarding Israel. It has been deployed as a weapon to try and cancel events, both before and after the 2019 Trump Executive Order adopting the definition, including at the University of Massachusetts at Amherst,³⁸ Indiana University,³⁹ Columbia University,⁴⁰ University of California at Berkeley,⁴¹ and elsewhere.

Just a few weeks ago, in early August, the Chancellor of the Board of Governors of the State University System of Florida sent an email requiring review of courses for "Antisemitism or Anti-Israel bias." The universities were instructed to "conduct a keyword search on course descriptions and course syllabi. Any course that contains the following keywords: Israel, Israeli, Palestine, Palestinian, Middle East, Zionism, Zionist, Judaism, Jewish, or Jews will be flagged for review."⁴² The IHRA definition was adopted by law in Florida this past June.⁴³ As the Foundation for Individual Rights and Expression (FIRE)'s Lead Counsel Tyler Coward said, "Singling out certain key words and phrases for targeted review will certainly chill speech on these important issues, and, if institutions take action against professors for including certain materials, that violates long-standing academic freedom guarantees."⁴⁴

³⁷ They also argue that antisemitism changes over time. The core of antisemitism doesn't change much; the manifestations might. This is actually an argument AGAINST codifying a definition into law; it can soon be out of date, exculpate new examples that might otherwise apply, and invite continued debate over what should be included or removed.

³⁸ <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/5cf186b590a5d40001fdccb7/1559332557153/Complaint+against+UMass+Amherst.pdf> and https://twitter.com/Rick_Sobey/status/1124024039079579650

³⁹ <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/5c17d4e3c2241bba3e8c794f/1545065700188/Email+from+IIPAC.png>

⁴⁰ <https://www.columbiaspectator.com/news/2024/02/07/jewish-students-and-faculty-hold-israelism-screening-event-following-initial-cancellation/> Allegedly the professor was initially told not to show the film *Israelism* (profiling a Jewish co-founder of IfNotNow) because the film was mentioned in a Title VI complaint against Harvard.

⁴¹ <https://www.kasowitz.com/media/unxcnvp0/harvard-complaint.pdf>.

⁴² <https://jewishjournal.com/news/united-states/241882/pro-israel-students-file-complaint-department-education-sjp-vigil-berkeley/>

⁴³ <https://www.chronicle.com/article/floridas-public-universities-are-told-to-review-courses-for-antisemitism-or-anti-israeli-bias?emci=76aeb39f-b755-ef11-991a-6045bddbfc4b&emdi=2ae91e13-c755-ef11-991a-6045bddbfc4b&ceid=1659071>

⁴⁴ <https://floridapolitics.com/archives/681211-gov-desantis-oks-adding-definition-of-antisemitism-to-florida-law/>

⁴⁵ <https://www.tallahassee.com/story/news/politics/2024/08/07/florida-orders-review-for-antisemitism-anti-israeli-bias-at-colleges/74701697007/>

I think back to the McCarthy period. People opposed communism for understandable reasons. But look at the harm of loyalty oaths, threats to funding and livelihood and political organizing, that resulted from the use of law to suppress unfavored speech.⁴⁵

Then, last October a US District Court made a ruling in the case of Students for Justice in Palestine v Abbott. The case concerned Texas Governor Abbott's executive order mandating that university policies include the IHRA definition "to guide university personnel and students on what constitutes antisemitic speech." The judge wrote:

The Court finds the incorporation of this specific definition of antisemitism is viewpoint discrimination . . . Here, the characteristic of universities as an environment for vigorous debate is outcome determinative. The revised university policies chill a kind of expression that is a hallmark of university activity, and even under Tinker, the Court finds the Defendants cannot show this expression sufficiently rises to the level of a "substantial disruption" at the university level. To the contrary, this type of passionate political debate is essential at universities, where students are forming their worldview as adults. Defendants emphasize the spring protests, arguing those events are evidence that this speech is a substantial disruption. But the Court disagrees, finding the

⁴⁵ How different is the key word search ordered for courses in Florida from this questioning of Paul Sweezy in Sweezy vs. New Hampshire (<https://supreme.justia.com/cases/federal/us/354/234/>)?:

"What was the subject of your lecture?"

"Didn't you tell the class at the University of New Hampshire on Monday, March 22, 1954, that Socialism was inevitable in this country?"

"Did you advocate Marxism at that time?"

"Did you express the opinion, or did you make the statement at that time that Socialism was inevitable in America?"

"Did you in this last lecture on March 22 or in any of the former lectures espouse the theory of dialectical materialism?"

As Justice Felix Frankfurter (who was also Jewish and a Zionist) wrote in his concurring opinion:

Insights into the mysteries of nature are born of hypothesis and speculation. The more so is this true in the pursuit of understanding in the groping endeavors of what are called the social sciences, the concern of which is man and society. The problems that are the respective preoccupations of anthropology, economics, law, psychology, sociology and related areas of scholarship are merely departmentalized dealing, by way of manageable division of analysis, with interpenetrating aspects of holistic perplexities.

For society's good – if understanding be an essential need of society – inquiries into these problems, speculations about them, stimulation in others of reflection upon them, must be left as unfettered as possible. Political power must abstain from intrusion into this activity of freedom, pursued in the interest of wise government and the people's wellbeing, except for reasons that are exigent and obviously compelling.

prohibition of this expression more akin to “a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.” . . . For example, a student could calmly express she finds Israel's policies similar to that of the Nazis while seated in a classroom with her hands folded in her lap, and it could hardly be said this expression is a per se substantial disruption.⁴⁶ Yet under UT Austin's revised policy, for example, her expression is defined as antisemitism and could be punished as “harassment . . . committed because of antisemitism.” And while some may find her speech disagreeable, offensive, or even inflammatory, it is “bedrock principle underlying the First Amendment . . . that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”⁴⁷

In January, Harvard settled a lawsuit alleging antisemitism, agreeing to use “the IHRA definition for . . . staff involved in reviewing complaints of discrimination.”⁴⁸

That same month the OCR settled a case with George Washington University.⁴⁹ There had been allegations of Title VI violations based on both antisemitism and anti-Palestinian animus, arising largely out of the same course. Pro-Israel groups had demanded that GW adopt the IHRA definition, but OCR did not require it (or even mention it).⁵⁰

This leads to an interesting thought experiment. Imagine if the GW facts had taken place at Harvard instead, and the resolution required the adoption of IHRA AND a definition of anti-Palestinian racism. There is such a definition put forth by a Canadian group - <https://assets.nationbuilder.com/cjpme/pages/8808/attachments/original/1719954027/EN-factsheet-systemic-APR-2024-06-12.pdf?1719954027>. Would a professor who tweeted about Israeli sovereignty over Judea and Samaria be open to a Title VI case if they gave a Palestinian student a bad grade? If they said the Palestinians were an “invented” people? Can each side be affected by calling for exclusive control “from the river to the sea?” If you were using these definitions as a policy in a university, they’d not only chill speech, but would clash, and in many instances would be impossible to enforce one without violating the other.⁵¹

⁴⁶ When I was at AJC and David Duke was running for statewide office in Louisiana, I wrote a backgrounder about him, including his days as a student at LSU. He advocated that Blacks be sent back to Africa and Jews exterminated. He once wore a Nazi uniform on campus. He was condemned and vilified, but not disciplined, and certainly no one threatened LSU’s funding for allowing such hateful speech. Duke would have loved it if, instead, he or his school was actually punished for it, making him a “free speech martyr.”

⁴⁷ *Students for Justice in Palestine v. Abbott*, 1:24-CV-523-RP, United States District Court, W.D. Texas, Austin Division, October 28, 2024, 11-13.

⁴⁸ <https://www.harvard.edu/media-relations/2025/01/21/press-release-settlement-harvard-saa/>

⁴⁹ <https://mediarelations.gwu.edu/university-statement-voluntary-settlement-us-department-educations-office-civil-rights>

⁵⁰ <https://mediarelations.gwu.edu/university-statement-voluntary-settlement-us-department-educations-office-civil-rights>

⁵¹ Here’s another thought experiment. As I said, most Jews are Zionists. But what would happen if you applied IHRA at a place like CUNY law school, where it seems likely most Jews are anti-Zionist? (See for example <https://x.com/cunyilsa?lang=en>) If IHRA is to be employed, should it only be at schools where 80 percent of Jewish students are Zionist? 51 percent?

We don't have a Title VI definition of racism, for good reasons. As I explained in more detail in my prior testimony, the text of the antisemitism definition was developed primarily to aid data collectors in Europe look at the same things, so the temperature of antisemitism could be measured across time and borders.⁵² That's why the definition contained examples – to guide the “bean counters.” It was never to label anyone an antisemite. Because there was a correlation between some anti-Israel expressions and antisemitism, it was important to include those. But imagine if there were enough votes in Congress to enshrine definition of racism that was parallel to the IHRA one – one created by an outside group wanting to take a temperature of racism – that included political examples? What if it included opposition to the removal of Confederate statues or opposition to Black Lives Matters or opposition to affirmative action as data points for taking a temperature of racism? What would we think if there were enough votes in Congress to declare that those sentiments are, by government decree, racist? And bear in mind, as I said before, some Republican members of Congress raised concerns about the IHRA example of deicide,⁵³ and its effect on people who believe the Gospel. Why are the other examples in IHRA about Israel, which are political speech and in some cases religiously held, not also ones that the government shouldn't officially classify as antisemitic?

The adoption of the antisemitism definition, even though it might make some feel that antisemitism is being addressed, will actually do harm. Addressing campus antisemitism is much more involved than invoking a filter to put speech on one side of a line or another, condemning or exculpating, and then moving on, rather than focusing on the things that can actually make a difference, but require work.

One of our country's outstanding Hillel directors, Michael Brooks of Michigan (now retired), long argued against the idea that there should be special rules created for Jews. He didn't mean ignore antisemitism, quite the opposite. He argued that special rules for Jews would backfire – the focus should be on what the campus must be if it is to operate effectively for all students. If the campus works well, he said, Jewish students will be protected.⁵⁴

⁵² It was also intended to help Europeans think more clearly about antisemitic hate crimes – that the motive of the attacker didn't matter (a few years later there was the famous case of a Jew kidnapped for ransom in France because it was believed Jews were wealthy, and there was a debate about whether this was antisemitism because this was a positive stereotype), just the intent to target a Jew because he or she was Jewish. And I advocated use by the State Department, so that when the leader of Iran called for wiping Israel off the map, a text could be pointed to.

⁵³ Deicide means killing of God, and the IHRA example is “Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.”

⁵⁴ When I started my tenure at AJC in 1989 I was asked to examine antisemitism on campus. With the help of many university and college presidents, provosts and deans, I put together a manual on how to combat “Bigotry on Campus,” and trained a few hundred presidents on it. The key points were, as Brooks said, you can't fight antisemitism alone, and that anything that smacks of a hate speech code is not only constitutionally suspect, but bad policy. It's a lot easier to point to words that are disfavored than to do the hard work required, such as surveys, advances in curriculum, etc. See <https://kennethsstern.com/wp-content/uploads/2018/09/BigotryOnCampus.pdf>

In that vein it's a useful exercise to read the reports that have been issued from various university task forces on antisemitism and on Islamophobia⁵⁵ in tandem. They are in many ways mirror images. Each side feels their concerns aren't being taken seriously by the administration, that they aren't being heard. Each side feels the administration favors the other side. Pro-Israel Jewish students ask how come they follow the rule about speech and protest, and too many times pro-Palestinian activists get away with violating them? Pro-Palestinian activists ask why the administration was fine with encampments for other issues – like Occupy Wall Street – but not okay with them when the issue is Gaza?

Each side is talking past the other, when the faculty and administrators on campus should be doing a better job encouraging other routes.

Some campuses have handled the post-October 7 challenges better than others. On some campuses faculty with different points of view on the Israel/Palestine conflict modeled respectful disagreement, sometimes in forums encouraging students to ask whatever questions were on their minds.

On other campuses the challenges may be more difficult. Some on the pro-Palestinian side see engaging with pro-Israel students as “normalizing” the conflict, whereas some on the pro-Israel side see engaging with anti-Zionists, both Jewish and non-Jewish, as beyond the pale.

I've spoken at many campuses post-October 7 about antisemitism, frequently at the invitation of a DEI office, by the way. The universities that worry me the most are ones where the faculty are in their tribal camps. At one they were even blocking each other on social media. I told the administration there they had to find a group of faculty who wanted to talk across the divide, perhaps have them do text study together at a retreat for a weekend, so they can each read what influences the other, and encourage them to prioritize their students over their own politics.

When I teach about antisemitism there are weeks when we delve into Israel and Zionism. I know students can google me and find my views. I tell them the surest way to get a bad grade in my class is to parrot back to me what they think I think. I want to hear what THEY think. They have to support their views with evidence, but they'll do better in my class if they disagree with me. I intentionally open up that space.

One of the Jewish college presidents who helped guide my campus work against bigotry and antisemitism was the late Bob Hess of Brooklyn College. He used to speak of the “myth of the institution,” meaning despite challenging differences of opinion about Israel and other things, at the end of the day, they were all part of the same community.⁵⁶

⁵⁵ While Islamophobia is related to some of the doxing and targeting of pro-Palestinian students, there has also been anti-Arab and anti-Palestinian animus.

⁵⁶ When I speak to Jewish students (especially on urban campuses) and ask what their greatest fear is, many who are visibly Jewish (wearing a kippah or a Jewish star) say of being physically assaulted. When I speak with Arab and Muslim students on urban campuses, they say the same thing, especially women wearing a hijab. This is one thing

And when I speak with students, I stress Hess' message. I encourage them to be passionate about the world around them, but at the same time realize that no one on their campus is likely to solve Israel/Palestine. But they do have control over how they treat each other. And they have an opportunity to learn from each other. Why does that otherwise friendly student in your dance or literature class have views about Israel/Palestine that you find not only wrong, but deplorable? If you are a strong advocate for one side or another, won't you be a better advocate if you have the intellectual capacity and emotional empathy to imagine how you'd see the world if you were in their shoes? I tell them when I was a criminal defense attorney many years ago it would have been malpractice not to spend time thinking about how I would approach the case if I were the prosecutor. I also tell them that if they think there's a simple solution to a complicated problem, alarm bells should be going off, and chances are they are wrong.

One of my deepest disappointments this past summer was that many campuses were, for the most part, only reviewing their time/place/manner rules. It made sense for them to do those reviews in many instances, and some (prompted by OCR or their internal committees) also surveyed students to get a sense of their campus environment, a step I've long advocated. But I kept waiting for each college to put out a list of 20 new courses or other initiatives to get students to talk about this divisive subject in new ways. I know some campuses have put in or enhanced dialogue programs, and that's good, but that doesn't begin to address the need, nor the opportunity to mine the capacity of the campus.

And there is a lot campuses can do to use their most important tool – education.

I ended my 2020 book with a series of recommendations to mine the Israel/Palestine conflict, not so much to reduce tensions on campus (although that would be a desired result), but to educate. I told how I heard an unusual fact 10 years ago – that a Pakistani Muslim woman was elected president of J Street U, the student part of J Street, a pro-Israel pro-peace largely Jewish Zionist group. It turns out that she studied with a friend at the University of Maryland, and I asked him what was the course? He said it was a simulation course about the 1936-37 Peel Commission – when Britain governed Palestine and sent Lord Peel to hear from Jews and Arabs and propose a solution to their competing claims. This approach confronted students with the essence of the conflict – before World War II, the Holocaust, the founding of the state, the Nakba, the 1967 war, etc.). Students had to research a participant – an Arab, a Jew, or a Brit – and faithfully represent them over many weeks in the game. When possible, students were given roles against type. Amna Farooqi, the Pakistani Muslim woman, had to spend weeks in the skin of Israel's first prime minister, David Ben Gurion.

they can agree on. Why aren't campus officials encouraging them to write joint op-eds, because on at least this, they can agree?

When I spoke with Amna she laughed and said, you think that was weird? An Israeli classmate had to spend weeks as the Mufti of Jerusalem. And as much of a pain in the butt as he was in the game, her classmate who portrayed the far-right Israeli Ze'ev Jabotinsky was more difficult.

I tracked down the scholar who had originally come up with the class, and she said no one should think the class was designed to turn Muslims into Zionists. It was to focus on a difficult historical conflict in new and more engaging ways, almost like putting students in a time machine.

She said students would come into the class thinking “now we have a chance to figure out how the Israeli/Palestinian conflict could have been solved.” They came out of it understanding, rather, why it hasn’t been solved, now almost 90 years after the Peel commission.

That’s the power of education.

Another example.

A Bard faculty colleague, involved with the Center for the Study of Hate, realized after October 7 that students were slinging around words like genocide, settler colonialism, Zionism, antisemitism. We’re a college, she thought. Why not have a class on these terms, what they mean, and how people understand them differently? And we did, with many of the sessions (including the one on antisemitism I taught) open to the entire college.

AI can be helpful here too. Last year two academics from Carnegie Mellon launched an AI program, called *Sway*, designed to guide pairs of students through discussions of difficult and contentious topics (like abortion or Israel/Palestine). It’s like John Stuart Mill on AI. No raised voices, no eye rolls, just text back and forth. *Sway*’s AI recognizes when students are engaging in ad hominem attacks, and gives them suggestions of other ways to phrase their points. It asks for examples. And it’s fun. I did a training for interested faculty and others across the Bard network, and I know other academics are planning on incorporating it into their teaching. It’s worth looking at the demo on Israel/Palestine: <https://www.swaybeta.ai/demo>.

Further, one of the challenges on campus is that too many students are afraid to say what they think. This long predated the attacks of October 7, and goes far beyond the issues of Israel and Palestine. But *Sway* actually creates an opportunity for these discussions without any of the fears of sacrificing a friendship or being ostracized by peers. 91 percent of students felt comfortable sharing their “honest opinion” on this platform. Only 4 percent disagreed that it was “valuable to chat with a student who did not share my perspective.”⁵⁷

⁵⁷ See <https://go.swaybeta.ai/overview> and also <https://go.swaybeta.ai/findings> for more data.

CONCLUSION

There is no question that tensions on campus have escalated since the attacks of October 7, 2023 to today. Pro-Israel students on some campuses where Gaza protests have occurred are understandably stressed, because their classmates have loudly expressed political views that pro-Israel Jewish students likely find detestable and deeply disturbing. But let's not forget the doxing of pro-Palestinian students (which include Jews among them) and the escalating effort to use law to suppress and punish their speech, threatening all of ours.

True threats, intimidation, assaults, bullying and such, disruption of classes, obstruction of freedom of movement are things that should not happen, and it's reasonable, in fact necessary, for university leadership to act against them.

My greatest worry is that we're seeing a confluence of four things:

- 1) A desire to silence political speech because of the discomfort of many pro-Israel Jewish students.
- 2) The gutting of the Department of Education and OCR, when complaints about antisemitism are pending.
- 3) A failure to consider that it isn't only pro-Israel Jewish students who are having difficulties on campus. It's also antionist Jewish students, Muslim students, Arab and Palestinian students, immigrant students, and so many more.
- 4) Most significantly, I worry about the failure of due process and the threats against universities, including stripping funding and demanding that departments are put in receivership.

We're not going to improve the campus for Jews, or anyone else, by bullying and threatening⁵⁸. In fact we'll not only harm Jews in this hyper partisan environment, we'll also be mirroring what some pro-Palestinian protestors are doing: demanding that there's only one fair way to see the political moment.

We owe it to ourselves as a society built on free speech and academic freedom to do better.

We cannot burn down the house in order to save it.

⁵⁸ https://www.startribune.com/a-columbia-professors-warning-for-the-university-of-minnesota/601243171?fbclid=IwY2xjawJOu11eHRuA2FibQIxMQABHclqumaAvrIFoUknWcKD9I4aCa0NbSnjCWp5Hk4GdbtSsvDFcfGuKx6Bcw_aem_6FuCtvnx56FUfm_YeiPMdA?utm_source=gift

APPENDIX A

WRITTEN TESTIMONY OF KENNETH S. STERN

Director,
Bard Center for the Study of Hate

Before the

UNITES STATES SENATE JUDICIARY COMMITTEE

A Threat to Justice Everywhere: Stemming the Tide of Hate Crimes in America

September 17, 2024

Dear Chairman Durbin, Ranking Member Graham, and the other honorable members of the Committee:

My name is Kenneth Stern. I am the director of the Bard Center for the Study of Hate¹, which works to increase the serious study of human hatred, and ways to combat it.² Before that I directed the Justus and Karin Rosenberg Foundation, a philanthropy focused on hate,³ and before that I was the director of the American Jewish Committee's division on antisemitism and extremism, where I worked for 25 years. While at AJC I was the lead drafter of the text of what is now known as the IHRA working definition of antisemitism.⁴

Before my narrative, which is detailed, I want to share this summary:

- *Antisemitism, at its most dangerous, has two elements: 1) A claim that Jews conspire to harm humanity, and 2) that that conspiracy explains what goes wrong in the world.*

¹ <https://bcsh.bard.edu/>

² Hate Studies is defined as "Inquiries into the human capacity to define, and then dehumanize or demonize, an 'other,' and the processes which inform and give expression to, or can curtail, control, or combat, that capacity."

³ The Justus and Karin Rosenberg Foundation was founded by the last surviving member of the Emergency Rescue Committee – an operation during World War II lead by American Varian Fry to rescue artists and intellectuals, among them Marc Chagall and Max Ernst, from Vichy France.

⁴ During my AJC tenure I was part of the defense effort of Dr. Deborah Lipstadt (today Ambassador Lipstadt, the Department of State's Special Envoy to Monitor and Combat Antisemitism) in her 2000 London defense of a libel charge brought by a Holocaust denier; I was an invited presenter at the 1997 White House Conference on Hate Crimes, and also an official member of the United States delegation to the Stockholm International Forum on Combating Intolerance in 2001; in 1995 I authored a report on the growing danger of the militia movement, released less than two weeks before the Oklahoma City bombing, with a covering memo warning that there might be some sort of attack on government on April 19, the anniversary of the siege of the Branch Davidian compound in Waco, Texas, a date of great importance to the militias.

- *Antisemitism is more than just about Jews, it's a threat to democracy, it's a miner's canary for the health of societies. But the flip side, frequently ignored, is also true – that hatred of non-Jews can be the engine for antisemitism, something that becomes invisible when we focus only on parsing what is said about Jews, let alone Israel.*
- *The Tree of Life mass murder was clearly antisemitic, but was animated by a drumbeat of dehumanizing anti-immigrant rhetoric by political leaders. No one would say the killing of Mexican-Americans and Mexicans at the Wal-Mart in El Paso a few months later should be classified as an act of antisemitism. But the two shooters had virtually identical ideologies; they just chose different targets. We need to look at antisemitism with a wide lens, not reduce it to who says what, particularly about Israel.*
- *When people hate they crave simplicity and certainty, and binary good/bad thinking. This is a human characteristic rooted in how we divide the world into who is "us" and who is "them." People who combat hate are also human and seek the seductive illusion of simple answers to complicated problems. Now the seductively simple, and illogical, tool is to employ IHRA.*
- *Legally endorsing a binary – whether as the UN did when it adopted the Zionism=racism resolution in 1975, or the current attempt to use IHRA to legislate its mirror image (that anti-Zionism is antisemitism) – harms democracy and Jews and others, and is inappropriate for legislation.*
- *One rule for fighting hate is to change the scenario and see if the same rules apply. Would Congress adopt a legislatively-endorsed definition of racism that included political examples? There is a correlation (as opposed to causation) between some expressions about Israel and antisemitism. One might argue that to take a temperature of racism, a definition might include opposition to affirmative action or opposition to Black Lives Matter or opposition to the removal of Confederate statues as data points. The official labeling of those who hold these views as "racist" would be wrong. Likewise, the tarring of people who have different views about Israel and Zionism.*
- *When the House passed the Antisemitism Awareness Act, some members voted against it, pointing to the IHRA example of Jews killing Jesus as an exemplar of antisemitism. Deicide is indeed an example of how antisemitism has been expressed, but the opponents noted that many Americans have deeply religious beliefs about the death of Jesus that would be classified by the government as antisemitic. Senator Marshall said that he would vote for the legislation in the Senate, but propose an amendment to strike that one example. It is hard to imagine a clearer admission that the legislation targets expression and belief.*
- *Using IHRA in this way also encourages the ubiquitous use of the terms "antisemite" and "antisemitism," when they are words that should be sparingly used, so they don't lose their sting. More often, and particularly about Israel, the problem is binary thinking, not antisemitism.*
- *There is a difficult internal Jewish communal debate about whether one has to be a Zionist to be within the Jewish "tent." I am a Zionist. But I know many young Jews whose Judaism leads them to anti-Zionism. I disagree with them, but it is wrong to call them "unJews," let alone antisemites. This debate, of who is inside or outside the tent, is an*

internal one for the Jewish community to resolve, if it can, but the IHRA proponents are essentially asking Congress to weigh in, raising Church-State implications.

- *It would be helpful if instead of classifying expressions as hateful, Congress underscored the distinction that too many universities are missing. Views seen as hateful should indeed be countered, but not suppressed by law. No student, whether they are in a protected class or not, should be bullied, harassed, intimidated, targeted with true threats, or discriminated against. But students, in order to become critical thinkers, should not be protected from hearing things with which they disagree, whether it be conservative speakers or ones from the far left.*
- *There are many things that a campus can and should do about antisemitism, including training, students surveys, and improved and expanded teaching (and research about) antisemitism, hate, binary thinking, and how to have difficult discussions. There are also intriguing and promising ideas about using AI in this effort.*
- *Congress should support efforts that will actually help in the battle against antisemitism. Removing the IHRA definition from the Countering Antisemitism Act, and funding the action-oriented National Strategy would help. Likewise Congress should support new initiatives to counter hate and hate crime, including those designed to help victims, and also efforts to bring Americans – on and off campus – together despite difficult disagreements. I discuss a couple of these in my full testimony.*

When I started working at AJC in 1989, three issues were of particular concern. One was antisemitism on campus. One was hate crimes, and the need for better data and reporting. And one was the antisemitic impact of the United Nation's 1975 General Assembly Resolution 3379 equating Zionism with racism.

In 1990, with the help of a group of college presidents and deans and faculty, I wrote a manual for handling "bigotry on campus,"⁵ and trained about 200 other college presidents on how to do it. The main takeaways were: 1) it won't work to make separate and special rules for Jews. For the campus to tackle antisemitism well, the focus should be on what the campus must be: a place that cherishes academic freedom and protects expression of ideas, but rejects intimidation, bullying, harassment, true threats and discrimination. 2) Speech codes are not only constitutionally suspect, but bad policy; they provide the blinding illusion that hate is being countered, and give the university an excuse not to do things that could actually make a difference, including surveys, new curriculum, and training of staff.⁶

Regarding hate crimes, I was one of AJC's lawyers on an amicus brief submitted with the NAACP Legal Defense and Education Fund to the U.S. Supreme Court in the landmark Wisconsin v.

⁵ <https://kennethssterne.com/wp-content/uploads/2018/09/BigotryOnCampus.pdf>

⁶ Hate speech codes – like some of the focus these days on "trigger warnings," "safe spaces" and "microaggressions" – tell students that there are things that must not be said, suggesting that group think is a value, and thus undercutting one of the reasons for a college education – creating critical thinkers, people able to examine and re-examine their views, in an environment where mistakes, even vile ones, are answered but not hunted for discipline or worse.

Mitchell case.⁷ I also was the lead drafter⁸ of what was then known as the EUMC Working Definition of Antisemitism, and while its main purpose was to create a guide for data collection on the temperature of antisemitism in Europe,⁹ I hoped that the clear language about antisemitic crimes – drawn from the wisdom of the *Wisconsin v. Mitchell* – would help European officials understand that selecting someone to be a victim of a crime because of who they were (thus intent) was key, rather than parsing if the perpetrator actually hated the victim, thus avoiding debates about things such as whether someone who kidnaps a Jew for ransom is antisemitic because he believed that Jews are wealthy, an arguably positive stereotype.¹⁰

On the Zionism = Racism matter, I was honored to be the AJC staff person helping organize an event at the US Mission to the United Nations in November of 1990, hosted by Ambassador Thomas Pickering, and featuring Senator Daniel Patrick Moynihan. It was a beginning of the successful effort to repeal that pernicious resolution which led to outrages such as a Jewish student group not being allowed in a UK university because of the simple equation that as a Jew you were a Zionist and as a Zionist a racist, and there were rules against racist groups.¹¹

One of the lessons learned from that fight was that external politics can influence how we think about hate. UN General Assembly Resolution 3379 was passed in 1975 for political reasons having to do with the Cold War, and its demise was directly tied to the collapse of the Iron Curtain.

Another lesson was the danger of enshrining binary definitions of complex matters into simple legal equations. That's why I wrote to the Secretary General of the United Nations last year, noting the damage of 3379, and warning that adoption of the IHRA definition, which is being used to promote the mirror-image binary, that anti-Zionism is antisemitism, would also be disastrous. Antizionism is sometimes clearly antisemitic, it is sometimes clearly not antisemitic, and it is sometimes simply unclear.¹²

⁷ <https://kennethssterne.com/wp-content/uploads/2018/09/Wisconsin-V.-Mitchell.CV01.pdf>

⁸ <https://blogs.timesofisrael.com/we-disagree-about-the-working-definition-thats-ok-heres-whats-not/>

⁹ The reason the definition is primarily a list of examples is that its main purpose was to guide data collectors. I also advocated using it for US diplomatic purposes, so that when the leader of Iran, for example, talked about wiping Israel off the map, a text about antisemitism could be pointed to.

¹⁰ I continue to work on hate crimes as director of the Bard Center for the Study of Hate, and although it's too early to tell, I hope that work we're doing with the Boston University Questrom School of Business and the Eradicate Hate Global Summit comes to fruition. We're trying to create an AI-aided online [clearinghouse on hate](#) to help victims get the support they need – from information about how to report a hate crime to emotional and other resources. We've also co-published, with the Montana Human Rights Network and Western States Center, a [Community Guide for Opposing Hate](#), with detailed information for community groups, including various scenarios communities face, and how to oppose hate without sacrificing free speech. We published a landmark study on the [economic costs of hate crimes](#), written by economist Michael Martell. We also believe in the need for better hate crime reporting and data.

¹¹ See Dave Rich, *Zionists and Anti-Zionists: Political Protest and Student Activism in Britain 1968-1986*, PhD Thesis, Birkbeck College, University of London, 2015 (in particular chapter 5) and Dave Rich, *The Left's Jewish Problem: Jeremy Corbyn, Israel and Antisemitism*, London, Biteback Publishing, 2018 (in particular chapter 4).

¹² See <https://www.inss.org.il/publication/anti-zionism-antisemitism-and-the-fallacy-of-bright-lines/>

HATE STUDIES, AND ANTISEMITISM AS A FORM OF HATE

What we saw on campuses from the day of the brutal Hamas attack on Israel last October through the end of the spring 2024 semester was more intense, but not different in origin, from the dysfunctional dynamics I chronicled four years ago in my book *The Conflict over The Conflict: The Israel/Palestine Campus Debate*.¹³ We're seeing some of these dynamics playing out beyond the campus today too, and frankly on other issues.

The first chapter in my book is called "[Thinking about Thinking](#)." It summarizes what the growing field of hate studies – and its component disciplines, including brain science and social psychology – tells us about what happens to human beings when we get into our "us" versus "them" buckets, especially when the matter at hand is one linked to identity and relates to questions of social justice or injustice, and even more so when the "them" is perceived as a threat. In these moments we crave simplicity and certainty, and are allergic to complexity. We default to tribal spaces and binary ways of thinking (good vs bad). As social psychologist Jonathan Haidt has written, when we see things in such moral terms, morality both "blinds" and "binds." Symbols – things such as flags, slogans, or even ideas (like IHRA) – also become of outsized importance.

Those who hate – whether they hate people of different races, religion, countries, gender identities or politics – tend to see the world this way, frequently justifying the dehumanization or demonization of the "other" as noble self-defense. But because it's a human characteristic, people who believe they are fighting hate are not immune from the seduction of simplistic, certain, moralistic, symbol-seeking and binary thinking. IHRA adoption is such a symbol, a shortcut to say who is fighting antisemitism, and who isn't. It's an attractive and simple binary, and people are passionate about it. But in this craving for simplicity we inevitably ignore how antisemitism actually works in our world.

At its most dangerous antisemitism is two things – concepts that all the definitions (IHRA,¹⁴ The Jerusalem Declaration on Antisemitism [JDA]¹⁵ and Nexus¹⁶) have in common, although stated with different words: 1) a belief that Jews are conspiring to harm humanity and, 2) this conspiracy explains what goes wrong with the world.

I agree with those who say antisemitism is more than just about Jews, that it's a threat to democracy, that it's a miner's canary for the health of societies. But the flip side, frequently ignored, is also true – that hatred of non-Jews can be the engine for antisemitism, something that becomes invisible when we focus only on parsing what is said about Jews, let alone Israel.

¹³ <https://utorontopress.com/9781487507367/the-conflict-over-the-conflict/>

¹⁴ <https://holocaustremembrance.com/resources/working-definition-antisemitism>

¹⁵ <https://jerusalemdeclaration.org/>

¹⁶ <https://nexusproject.us/the-nexus-document/>. The Bard Center for the Study of Hate provides an academic home for Nexus, although BCSH does not endorse any definition of antisemitism.

Think about the murder of Jews at the Tree of Life synagogue in Pittsburgh in 2018. The shooter picked the synagogue supposedly because it had participated in a national HIAS program supporting immigrants. The backdrop to that shooting was the fevered frenzy that some politicians created over an “invasion” across our southern border.

The Tree of Life massacre was clearly an incident of antisemitism, regardless of definitions.

A few months later another shooter decided to go after these “invaders” directly at a Walmart in El Paso, murdering Mexicans and Mexican-Americans. No one would classify that hate crime as antisemitic. Yet the two shooters had almost identical ideologies; they just picked different targets on different days.¹⁷

Antisemitism, as I said, is best understood as conspiracy theory about Jews. When we think about antisemitism as a matter of expressions and focus on which side of a bright line (inculcate or exonerate) we put a sentiment on, we miss what actually drives people into the simple and self-satisfying world of antisemitic conspiratorial thinking.

Think back to Charlottesville. The rally was ostensibly about stopping the removal of a Confederate statue. Why the chant “Jews will not replace us?” If you’re a white supremacist and fear that those whom you define as inferior are poised to become a majority of the population this century, how do you understand why you are losing to people who you see as inferior? Someone must be putting their finger on the scales to make this happen. Antisemitism is the tried and untrue, go-to explanation for those seeking conspiratorial and simple explanations for what goes wrong in the world.¹⁸

And that’s one of my deepest concerns about the use of IHRA today as the answer for antisemitism. Beyond the legal and the free speech concerns, and the inevitable backfiring of creating free speech martyrs, using IHRA as the way to approach antisemitism actually restricts our ability to be effective in confronting antisemitism. We need a wider lens, not a narrow one. When I speak to synagogues and people ask me what my main concern about antisemitism is today, I tell them it’s leaders vilifying anyone among us as a dangerous “them,” encouraging people to feel self-righteous as they dehumanize or demonize this “other.” We see this tendency in our politics too – defining the other side as not only wrong, but evil. But at its most dangerous the vilification of people because of who they are, whether they be Muslim or immigrants or transgender, is not only bigoted toward those human beings, it’s also a potential conveyor belt to antisemitism.

THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE WORKING DEFINITION OF ANTISEMITISM (IHRA)

¹⁷ The mass murderer who targeted Black people at the Topps store in Buffalo also had essentially the same ideology – see <https://www.nbcnews.com/think/opinion/buffalo-suspects-hateful-propaganda-connects-black-americans-jews-rcna29390>

¹⁸ Eric Ward has written thoughtfully about how antisemitism animates white supremacy: <https://politicalresearch.org/2017/06/29/skin-in-the-game-how-antisemitism-animates-white-nationalism>

Like we've seen since October 7, back in the early 2000s, after the collapse of the peace process and the beginning of the Second Intifada, there was an uptick in hate crimes against Jews, particularly in Europe. The European Monitoring Centre on Racism and Xenophobia issued a report in 2004 on antisemitism, but noted it didn't have a common definition for data collectors in various European states to know what to include and exclude. It used a temporary template about stereotypes about Jews, which seemed, oddly, to exclude some attacks on Jews when the attacker was upset about Israel. The EUMC's leader, Beate Winkler, was invited to speak at the AJC's annual meeting in May 2004. A few weeks beforehand Israel assassinated a Hamas leader, and a Montreal Jewish Day school was firebombed in response. I took the opportunity to press Winkler about this publicly at the meeting – that the firebombing would strangely not be considered an act of antisemitism under their approach. She agreed to work with us to create a definition that would be crafted around examples, to guide data collectors. My then AJC colleague Rabbi Andrew Baker led the political negotiating. I was the lead drafter, working with others including Professor Yehuda Bauer, to create the language.¹⁹

The working definition had examples related to Israel because there was a correlation between such expressions and the level of antisemitism. But it was never intended to target or chill speech on a college campus.²⁰ Indeed, as I noted above, the idea of speech codes on campus was strongly rejected as part of the AJC project about how to deal with bigotry on campus. But that's the first abuse I saw of the definition.

In 2010 the Department of Education sent a "dear colleague" letter, making it clear that Jews and Sikhs and Muslims, as ethnicities, were entitled to protection from a pervasively hostile campus environment under Title VI of the Civil Rights Act of 1964. I supported that clarification, and was the complainant for Jewish high school students in upstate New York who had been victimized by antisemitic bullying, including with a "Kick a Jew Day."²¹

In 2010 I spoke out at a conference, and again in 2011 in an opinion piece that I co-authored on the AAUP blog, about how the definition was being abused to target academic freedom and political speech, how it was being weaponized. Groups were filing Title VI cases that not only

¹⁹ The American Jewish Committee touted my role as lead drafter at the time. But many years later, as I continued to speak out against the application of the definition on campus, an effort was begun to say that I wasn't lead drafter. I'd have the same analysis about the dangers of applying IHRA in any event, but I debunked the revisionist efforts about my role here: <https://blogs.timesofisrael.com/we-disagree-about-the-working-definition-thats-ok-heres-whats-not/>. (Also the New Yorker has a vigorous fact-checking department, interviewed AJC staff, and described me accurately as the "lead drafter" of the definition – <https://www.newyorker.com/news/persons-of-interest/the-problem-with-defining-antisemitism>.)

²⁰ I am incorporating my 2017 testimony before the House Committee on the Judiciary by reference <https://docs.house.gov/meetings/JU/JU00/20171107/106610/HHRG-115-JU00-Wstate-SternK-20171107.pdf>.

²¹ <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/02111270-a.pdf>. See also June 1, 2012 AJC press release "AJC Praises U.S. Education Department Decision on Anti-Semitic Bullying," <https://ajcarchives.org/Portal/Default/en-US/RecordView/Index/6591>

pointed to acts, like spitting and such, which were appropriate for inclusion, but also pure speech about Israel – speech I might not agree with, but still pure speech.

As I testified in 2017:

These cases complained, among other things, about educational programs about the occupation of the West Bank, films that promoted the Boycott/Divestment and Sanctions movement against Israel, classroom materials challenged as one-sided and anti-Israel, and a program entitled “Arabs and the Holocaust,” which asserted that Israel’s creation was a “tragedy” for Palestinian Arabs.²²

If you look back at the material used to support the Antisemitism Awareness Act (AAA) when it was passed by the Senate in 2016, proponents cited examples about how antisemitism was being treated differently than other forms of perceived campus bigotry. One case cited was the suspension of a Marquette professor for an alleged anti-gay blog post, the other the stopping of the showing of the film *American Sniper*, because it was alleged to be anti-Muslim.²³ Obviously, both instances were ones where free speech and/or academic freedom were violated. The AAA proponents effectively said violate those principles for us too, a message I found and still find deeply troubling. If one is going to have a principle about speech, it has to apply to speech one doesn’t like too. That doesn’t mean ignore the speech (which can be countered, exposed and/or organized against), but rather it means not to use laws or interventions like a heckler’s veto to chill or stop it.

Sadly, the working definition (as of 2016 called the IHRA definition) has been used for precisely this anti-speech purpose in Title VI complaints. And even when the Title VI cases lost, Kenneth Marcus of the Brandeis Center was honest in his 2013 appraisal. He argued that the cases, even when unsuccessful, were making it harder for those whom he called “Israel haters” to organize, and that the cases also put administrators on notice, fearing bad publicity from suits.²⁴

The agenda to suppress political speech is hard to miss. In the United Kingdom the definition was adopted and applied to universities. In 2017 an “Israel Apartheid Week” event was banned as violative of the definition. The US-based Simon Wiesenthal Center issued a statement that not only praised the cancellation, but said:

The University of Central Lancashire’s decision, which is based on the recently adopted Working Definition of Antisemitism of the International Holocaust Remembrance Alliance’s (IHRA), offers firm evidence that this internationally accepted definition can play a vital role in the fight against antisemitism. . . . We strongly urge other countries to

²² For an illustration of the central place complaints about political speech and academic programs deemed “unbalanced” played in these early cases, see June 25, 2009 letter of Tammi Rossman-Benjamin to U.S. Department of Education at <http://www.citywatchla.com/images/stories/misc/cw9-100benjamin-complaint.pdf>

²³ <http://kennethsstern.com/wp-content/uploads/2024/07/Anti-Semitism-Act-Nov-2016-w-supporting-material.pdf>

²⁴ <https://www.jpost.com/opinion/op-ed-contributors/standing-up-for-jewish-students-325648>

follow the lead shown by the United Kingdom in adopting the IHRA definition and applying this valuable tool in the struggle against anti-Semitism.²⁵

And it has been used this way in our country too.

Proponents of AAA argue that you have to define antisemitism in order to tackle it.²⁶ This is nonsense. Organizations like ADL and AJC have worked since the early 1900s without an official definition of antisemitism. I don't recall seeing it cited when Kanye West talked about going "Def Con 3" against Jews, or at Charlottesville or other contexts. It's, however, energetically used to target speech regarding Israel. It has been deployed as a weapon to try and cancel events, both before and after the 2019 Trump Executive Order adopting the definition, including at the University of Massachusetts at Amherst,²⁷ Indiana University,²⁸ Columbia University,²⁹ University of California at Berkeley,³⁰ and elsewhere.

Just a few weeks ago, in early August, the Chancellor of the Board of Governors of the State University System of Florida sent an email requiring review of courses for "Antisemitism or Anti-Israel bias." The universities were instructed to "conduct a keyword search on course descriptions and course syllabi. Any course that contains the following keywords: Israel, Israeli, Palestine, Palestinian, Middle East, Zionism, Zionist, Judaism, Jewish, or Jews will be flagged for review."³¹ The IHRA definition was adopted by law in Florida this past June.³² As the Foundation for Individual Rights and Expression (FIRE)'s Lead Counsel Tyler Coward said, "Singling out certain key words and phrases for targeted review will certainly chill speech on these important issues, and, if institutions take action against professors for including certain materials, that violates long-standing academic freedom guarantees."³³

²⁵ <https://www.wiesenthal.com/about/news/wiesenthal-center-other.html>

²⁶ They also argue that antisemitism changes over time. The core of antisemitism doesn't change much; the manifestations might. This is actually an argument AGAINST codifying a definition into law; it can soon be out of date, exculpate new examples that might otherwise apply, and invite continued debate over what should be included or removed.

²⁷ <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/5cf186b590a5d40001fdccb7/1559332557153/Complaint+against+UMass+Amherst.pdf> and https://twitter.com/Rick_Sobey/status/1124024039079579650

²⁸ <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/5cf17d4e3c2241bba3e8c794f/1545065700188/Email+from+IIPAC.png>

²⁹ <https://www.columbiaspectator.com/news/2024/02/07/jewish-students-and-faculty-hold-israelism-screening-event-following-initial-cancellation/> Allegedly the professor was initially told not to show the film *Israelism* (profiling a Jewish co-founder of IfNotNow) because the film was mentioned in a Title VI complaint against Harvard.

³⁰ <https://www.kasowitz.com/media/unxcnvp/harvard-complaint.pdf>

³¹ <https://jewishjournal.com/news/united-states/241882/pro-israel-students-file-complaint-department-education-sjp-vigil-berkeley/>

³² <https://www.chronicle.com/article/floridas-public-universities-are-told-to-review-courses-for-antisemitism-or-anti-israeli-bias?emci=76aeb39f-b755-ef11-991a-6045bddbfc4b&emdi=2ae91e13-c755-ef11-991a-6045bddbfc4b&ceid=1659071>

³³ <https://floridapolitics.com/archives/681211-gov-desantis-oks-adding-definition-of-antisemitism-to-florida-law/>

³⁴ <https://www.tallahassee.com/story/news/politics/2024/08/07/florida-orders-review-for-antisemitism-anti-israeli-bias-at-colleges/74701697007/>

Around 2020 I became alarmed when I saw IHRA being used to suppress speech beyond the campus too. In the late days of the Trump administration, Secretary of State Pompeo floated the idea of using the definition to declare groups like Amnesty International and Human Rights Watch antisemitic, thus threatening their funding.³⁴ More recently an EU Handbook for the use of the definition appeared on the IHRA website as a resource.³⁵ The intent again was crystal clear. Beyond affecting the campus,³⁶ the goal is that IHRA will be used to “support control and supervision mechanisms and to ensure that funding does not go to entities and projects that promote antisemitism.”³⁷ Likewise a recent letter House Ways and Means Committee Chair Jason Smith (and colleagues) wrote to the director of the Internal Revenue Service asked, *inter alia*, “Does the IRS have a definition of antisemitism in place within the agency that it considers when evaluating the claimed exempt purpose of a tax-exempt organization?”³⁸ And in New Jersey, legislation was introduced to adopt IHRA – including of course the examples – and to use it as a filter for funding DEI programs as well.³⁹

I agree with the proponents of these efforts that I too don’t like some of the speech they are targeting. But it is speech, matters of opinion, and I’m much more concerned about the antidemocratic use of law to chill or suppress disliked speech, as opposed to using speech to answer speech. As Justice Louis Brandeis (the first Jewish justice and a Zionist) wisely wrote almost 100 years ago, “If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence.”⁴⁰

I think back to the McCarthy period. People opposed communism for understandable reasons. But look at the harm of loyalty oaths, threats to funding and livelihood and political organizing, that resulted from the use of law to suppress unfavored speech.⁴¹ Again, there’s a fundamental

³⁴ <https://www.timesofisrael.com/pompeo-plan-to-declare-rights-groups-anti-semitic-over-israel-stance-shelved/>

³⁵ <https://holocaustremembrance.com/news/eu-handbook-ihra-definition-antisemitism>

³⁶ <https://holocaustremembrance.com/news/eu-handbook-ihra-definition-antisemitism> p. 27

³⁷ <https://holocaustremembrance.com/news/eu-handbook-ihra-definition-antisemitism> p. 30

³⁸ <https://gop-waysandmeans.house.gov/wp-content/uploads/2024/04/4-24-2024-Werfel-CCP-Singham-Letter.pdf>

³⁹ https://pub.njleg.state.nj.us/Bills/2024/S3000/2937_S1.PDF.

⁴⁰ https://www.thefire.org/supreme-court/whitney-v-california?gad_source=1&gclid=CjwKCAjwp4m0BhBAEiwAsdc4aCmOay6NOpAwAzkHRUm_n8qNkfzMN0GQvifnNdYNAsV6tfmY80fnRhoC2f8QAvD_BwE. And there is evidence that counterspeech can be effective: <https://dangerousspeech.org/counterspeech-a-literature-review/>

⁴¹ How different is the key word search ordered for courses in Florida from this questioning of Paul Sweezy in *Sweezy vs. New Hampshire* (<https://supreme.justia.com/cases/federal/us/354/234/>)?:

"What was the subject of your lecture?"

"Didn't you tell the class at the University of New Hampshire on Monday, March 22, 1954, that Socialism was inevitable in this country?"

"Did you advocate Marxism at that time?"

difference between targeting conspiracies to commit violence, espionage, or other crimes, on the one hand, and mere belief, teaching and association, on the other.

Yes, we're in a difficult moment (and of course these difficult moments are the ones where free speech notions are both more challenging and more important to apply). I'm aware of the binary of some pro-Palestinian organizing that says you HAVE to have a pro-Palestinian position, or you should be vilified. In this "us" vs "them" morally righteous world, they may insist that an organization like a museum, which may have nothing to do with this conflict, take a pro-Palestinian position. In San Francisco, such dogmatism helped force the director of a museum to leave.⁴² There have been threats against (and vandalism of the homes of) some directors of the Brooklyn Museum.⁴³ Dogmatic insistence on a pro-Palestinian line has also seemingly undercut the important work of PEN America.⁴⁴ I'm reasonably certain that many of the proponents of the view that there is only one morally justifiable way to look at the conflict (that being pro-Palestinian) are sincere in their beliefs. But I also find their demand that everyone else agree with them, or be excluded, a form of McCarthyism too, defining people with different points of view as not only being wrong, but essentially evil and justifiably outside the social contract.

But when I speak to people in the art world in Germany, including Jews, they see suppression – McCarthyism – coming in the other direction. And this is what worries me about the push to enshrine IHRA in law, either as the centerpiece of legislation, such as AAA, or as a component of other legislation, like the Combating Antisemitism Act.

"Did you express the opinion, or did you make the statement at that time that Socialism was inevitable in America?"

"Did you in this last lecture on March 22 or in any of the former lectures espouse the theory of dialectical materialism?"

As Justice Felix Frankfurter (who was also Jewish and a Zionist) wrote in his concurring opinion:

Insights into the mysteries of nature are born of hypothesis and speculation. The more so is this true in the pursuit of understanding in the groping endeavors of what are called the social sciences, the concern of which is man and society. The problems that are the respective preoccupations of anthropology, economics, law, psychology, sociology and related areas of scholarship are merely departmentalized dealing, by way of manageable division of analysis, with interpenetrating aspects of holistic perplexities.

For society's good – if understanding be an essential need of society – inquiries into these problems, speculations about them, stimulation in others of reflection upon them, must be left as unfettered as possible. Political power must abstain from intrusion into this activity of freedom, pursued in the interest of wise government and the people's wellbeing, except for reasons that are exigent and obviously compelling.

⁴² <https://www.jta.org/2024/03/07/culture/jewish-head-of-major-san-francisco-arts-center-resigns-over-anti-israel-artist-protests>

⁴³ <https://forward.com/forward-newsletters/antisemitism-notebook/624541/brooklyn-museum-antisemitic-vandalism-israel-gaza/>

⁴⁴ <https://www.nytimes.com/2024/05/15/arts/pen-free-expression-gaza.html> In full disclosure, I am a member of PEN America.

Once the door is opened to using a tool like IHRA via law to suppress speech, partisans stretch and bend and use it in any way they can to achieve their political goals, knowing even if they don't win a particular case, the threat is enough to chill speech through law. Germany is an object lesson. Yes, Germany has different free speech standards than the United States. But as some proponents advocate here, the definition has been used to cancel programs and threaten funding, shaking the arts world in much the same way it has been shaken here, but instead of Pro-Palestinian advocates insisting on a political line, it is the state insisting on a pro-Israel line.⁴⁵

This mirror image suppression is further evidence that what we're talking about with IHRA is quashing and chilling political speech through law. It reminds me of laws about expressions relating to the Armenian genocide. If you're in Turkey, you are in trouble if you say there was a genocide, and in Armenia you're in trouble if you question it.

Do we really want to go down the road where Congress essentially says you have to have a particular view about Zionism?

One of the lessons I learned from decades working on issues of hatred is that it's a useful exercise to change a scenario and see if the same rules apply. Imagine we created a definition of racism, primarily for use in taking the temperature of racism over time and place. One could argue that opposition to affirmative action, or opposition to Black Lives Matter, or opposition to the removal of Confederate statues might be a good data point to consider. But would you consider codifying those examples into law as defining characteristics of racism, endorsed by the US government, knowing that people would take that tool and hunt speech to declare it racist, even though these are political examples about which reasonable people, despite deep feelings, may disagree?

If you wouldn't do this about race, you shouldn't do it about antisemitism.

To further underscore this point, consider this thought experiment by noted legal scholar Eugene Volokh: a new administration adopts a parallel definition of anti-Palestinian bigotry, and among the examples:

Denying the Palestinian people their right to self-determination, e.g., by claiming that any Palestinian state would lead to terrorist attacks on Israel.

Applying double standards by requiring of Palestinians a behavior not expected or demanded of any other group that is waging an insurrection against an oppressive government.

⁴⁵ <https://www.nytimes.com/2024/04/06/arts/design/berlin-israel-gaza-art-scene.html>

Drawing comparisons of contemporary Palestinian policy and attitudes towards Jews to those of the Nazis.⁴⁶

He then writes:

Say that you are a professor who rejected a student's application to a graduate program. The student claims that the rejection stemmed from his or his parents' having been born in Gaza. . . . You argue that, no, you rejected him because you thought his past scholarly work wasn't strong enough. He responds that, "Denying the Palestinian people their right to self-determination" is an example that "the Department of Education shall take into consideration ... as part of the Department's assessment ... " You had publicly argued against a separate Palestinian state. Therefore, your speech is evidence that you were biased against him based on his national origin.

I think such an argument would be quite wrong, and dangerous to academic freedom. If the argument were accepted, it would sharply chill advocacy of various views on the Israeli-Palestinian conflict, and the government has no business doing that. And of course the same is true of HR6090. . . .

Even in the absence of HR6090, if a professor publicly says "All Jews are scum and I hate working with them" or "all Palestinians are scum and I hate working with them," that could be evidence that a particular action by a professor with respect to a student was deliberate discrimination based on ethnicity. The same would be true if a student is being accused of punching a classmate or vandalizing the classmate's property based on the classmate's being Jewish or Palestinian.⁴⁷

ANTISEMITISM – POLITICS ON THE LEFT AND RIGHT

Another problem is that people, on both the right and the left, tend to downplay antisemitism when it comes from their side of the argument about Israel, and rush to condemn even ambiguous statements from people on the other side of the debate. We shouldn't let politics filter our concerns about antisemitism. Yet we've seen people who have promoted antisemitism in their political campaigns, like Hungary's leader Victor Orban, be praised (including by Israeli Prime Minister Benjamin Netanyahu), and their antisemitism overlooked, because they are perceived to be friends of Israel; and we've seen antisemitic tropes from some on the left excused by people on the left too.

⁴⁶ In my 2017 testimony I warned of a "Pandora's box" opening, including definitions of anti-Palestinian racism (see p. 9). This "equal and opposite reaction" has been recently noted, and lamented:

<https://jewishjournal.com/commentary/opinion/373575/the-causative-relationship-between-ihra-and-anti-palestinian-racism/>

⁴⁷ <https://reason.com/volokh/2024/05/03/antisemitism-awareness-act-of-2023-which-just-passed-the-house-could-suppress-first-amendment-protected-criticism-of-israel/>

Antisemitism should be called out regardless of the view on Israel, or the politics involved. And it should only be a term used in the clearest cases. The incentive to use IHRA as the key antisemitism tool leads to overusing that word. “Antisemitism,” let alone “antisemite,” should be an accusation that stings. When so much becomes “antisemitic,” the word loses its meaning. In my years at AJC I jealously guarded it, employing it only in the clearest cases, such as against neo-Nazi and former KKK leader David Duke and Nation of Islam leader Louis Farrakan.

Another example of how the term has become politicized is the December 5 House hearing into campus antisemitism. Clearly antisemitism on campus is an appropriate issue for Congress to consider. And there were valid reasons to criticize how some campuses responded after October 7.

But I was deeply troubled by the exchange between Representative Elise Stefanik and the three college presidents. Certainly the presidents were tone deaf to the moment, and the need to underscore that calls for the genocide against anyone were to be deplored and condemned. But that wasn’t what they were asked.

Stefanik asked about the chant “From the River to the Sea,” insisting it was a call for genocide against Jews, and isn’t the call for genocide against the various universities codes of conduct?

First, this was a bait and switch. I find the chant “from the river to the sea” to be discomforting, especially since I know how groups like Hamas mean it – precisely as Stefanik alleged. But does this mean that 18 year-olds, who may not know even which river and which sea,⁴⁸ mean it this way? There was a later survey that showed 66 percent of Jewish college students heard it this way, but only 14 percent of Muslim students meant it this way.⁴⁹

To complicate things further, the Likud party platform in 1977 said “between the Sea and the Jordan there will only be Israeli sovereignty.”⁵⁰ I suspect if a Palestinian had been part of that House hearing, they would have pointed out that while one can choose to discuss a chant, their focus would be on the fact of Jewish control over the land between the river and the sea.

Representative Stefanik’s assertion that calls for genocide – pure calls, as opposed to threats, bullying, harassment, intimidation; in other words just expression of an ugly opinion – should get you in trouble with the disciplinary process of a college, made me think back to the antisemite David Duke. When he was an elected state representative in Louisiana and running for statewide office, I prepared a backgrounder about him for AJC. I wrote this about his university days:

⁴⁸ <https://www.youtube.com/shorts/iEQB1GdwWkg>

⁴⁹ https://d3qi0qp55mx5f5.cloudfront.net/cpost/i/docs/CPOST_Understanding_Campus_Fears_-_Report.pdf?mtime=1709832445

⁵⁰ <https://www.jewishvirtuallibrary.org/original-party-platform-of-the-likud-party>

After enrolling at Louisiana State University (LSU) in 1968, Duke was well known as a Nazi on campus. . . . In the fall of 1969, he advocated, on a local radio show, that blacks should be returned to Africa and Jews exterminated. According to the LSU newspaper, *Reveille*, Duke handed out Nazi papers on campus, and said, “I am a National Socialist. You can call me a Nazi if you want.” . . . On July 23, 1970, Duke paraded around the Tulane campus in a Nazi uniform with a swastika armband to protest a speech by William Kunstler.⁵¹

Duke was vilified for his views. I’m not aware of any evidence that he was disciplined, nor should he have been. I suspect he may well have wanted to be disciplined, as this would have allowed him to claim the status of martyr, and changed the subject to his right to speech as opposed to the content of his hate.⁵²

To answer Stephanik’s question, advocating for genocide against anyone of course should be robustly condemned; but the mere expression of such ideas (whether intended as such or heard as such) should be countered, not a matter for discipline. If we start defining what opinions – as opposed to instances of actual harassment and intimidation – are appropriate for discipline, not only is the First Amendment violated, we’ll open the door for other opinions to be circumscribed too, undermining the academic enterprise and sacrificing academic freedom in the process.

CHURCH STATE AND RELIGIOUS FREEDOM CONCERNS

When the Antisemitism Awareness Act passed the House of Representatives, disagreement came from members seen as aligned with pro-Palestinian views as well as some pro-Israel democrats, like Congressman Jerrold Nadler, who were worried about the constitutional and policy implications of enshrining this definition into law. But also opposed was Representative Marjorie Taylor Greene, on religious freedom grounds.⁵³

Proponents and opponents of using the definition agree that the examples are the core of and the reason for the definition. One of the “examples of the ways in which antisemitism manifests itself with regard to the State of Israel taking into account the overall context could include:” lists

.... Using the symbols and images associated with classic antisemitism (e.g. claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.⁵⁴

⁵¹ <https://kennethsstern.com/wp-content/uploads/2018/12/david-duke.pdf>

⁵² Former ACLU president Nadine Strossen and I made a similar argument about the banning of Students for Justice in Palestine post October 7 – see <https://sapijournal.org/war-in-israel/2023/11/sjp-still-deserves-freedom-of-speech/>

⁵³ <https://www.timesofisrael.com/taylor-greene-antisemitism-bill-rejects-gospel-that-jews-handed-jesus-to-executioners/>

⁵⁴ <https://holocaustremembrance.com/resources/working-definition-antisemitism>

Greene posted on X (formerly Twitter)

Antisemitism is wrong, but I will not be voting for the Antisemitism Awareness Act of 2023 (H.R. 6090) today that could convict Christians of antisemitism for believing the Gospel that says Jesus was handed over to Herod to be crucified by the Jews. . . Read the bill text and contemporary examples of antisemitism like #9.⁵⁵

The bill, of course, would not convict Christians of anything, but would enshrine the idea that those who believe the Gospel are in effect declared by Congress to be antisemitic.

Senator Roger Marshall, who also had concerns about this aspect of the definition, indicated that he'd support the legislation but would offer an amendment to strike this one reference.⁵⁶

I can't imagine a clearer admission that the legislation is about speech that one doesn't like.

The legislation doesn't only impact religious beliefs of some Christians, but also those of some Jews. Congress is being asked in effect to weigh in on one side of a religious debate inside the Jewish community.

When President Trump signed the Executive Order saying IHRA should be used in Title VI cases, special advisor Jared Kushner wrote an op-ed in the New York Times, noting that the "definition makes clear what our administration has stated publicly and on the record: Anti-Zionism is anti-Semitism."⁵⁷

As I noted above, not all antizionism is antisemitism, but this isn't only a matter of political disagreement, it's also a religious one, about whether Zionism is an essential part of Jewish identity.

Before modern Israel was born in 1948, there was a significant debate inside the Jewish community about Zionism, with many Jews opposed. Of course, we're now three-quarters of a century into the existence of the state, and many of the reasons why some Jews were anti-Zionist have become, if not moot, literally of another age.

But Satmar Jews are anti-Zionist,⁵⁸ believing there should be no Jewish state until the Messiah comes. Most Jews would see the Satmars as having a theological reason, as opposed to an antisemitic one, for being anti-Zionist. They are "inside the tent."

⁵⁵ <https://www.timesofisrael.com/taylor-greene-antisemitism-bill-rejects-gospel-that-jews-handed-jesus-to-executioners/>

⁵⁶ https://www.yahoo.com/news/ks-sen-roger-marshall-says-213130164.html?fr=sycsrp_catchall

⁵⁷ <https://www.nytimes.com/2019/12/11/opinion/jared-kushner-trump-anti-semitism.html>

⁵⁸ <https://www.timesofisrael.com/head-of-satmar-hasidic-sect-castigates-followers-for-admiring-israel-idf/>

But what about Jews, many of them younger, whose religious beliefs also lead them to anti-Zionism? Many of the Jews involved in groups like Students for Justice in Palestine, IfNotNow and Jewish Voice for Peace are not, as some have referred to them, “unJews.”⁵⁹

I’ve spoken to many such Jews. They are frequently children or grandchildren of people who were active (as laypeople or staff) in mainstream Jewish organizations. Many had strong Jewish educations, some going to Jewish day school. And a story I heard, repeatedly over the last years, goes something like this: *I get to college, and I hear there’s something called The Occupation. I was never told about this growing up; all I learned was the need to love Israel. I feel betrayed. I feel lied to. And the existence of a state that prioritizes Jews over non-Jews can’t be reconciled with what Judaism teaches me about how to repair the world, and how to treat the stranger.*

There’s a huge debate inside the Jewish community to define what it means to be a Jew today. For most Jews, including me, a connection to Israel and to Zionism is an important aspect of our identity. But there’s an increasing number of Jews whose Judaism leads them to anti-Zionism.⁶⁰

Just as it would be inappropriate, as Senator Marshall’s concern reflects, to label deeply held Christian religious beliefs Congressionally-defined antisemitism, so too would it be to declare deeply held Jewish religious ones antisemitic.⁶¹

THE CHALLENGE OF FOCUSING ONLY ON ANTISEMITISM

Over the decades I have called out instances, here and abroad, when condemnations of antisemitism become homogenized, by efforts to hide it behind a generalized racism, or to insist on coupling it with condemnations of anti-Muslim hatred, when that form of bigotry wasn’t relevant to the immediate incident.

But post-October 7, I’m concerned about the focus on antisemitism on campus alone, when we’re also seeing the rise in anti-Muslim, anti-Arab and anti-Palestinian hatred there too.

I don’t believe in hierarchies of hate, but I do believe one should look at multiple hates that are impacting an institution, and the fact that the House has had multiple hearings on antisemitism,

⁵⁹ <https://www.columbiaspectator.com/opinion/2024/04/16/on-the-un-jews-of-columbia/>

⁶⁰ Anti-Zionist Jewish students have also been targets of bullying and harassment – see for example p. 16 of the recently released Columbia Task Force on Antisemitism Report #2 - <https://president.columbia.edu/sites/default/files/content/Announcements/Report-2-Task-Force-on-Antisemitism.pdf>

⁶¹ As mentioned above, the use of the definition in Germany has been problematic in the art world, but also for some Jews there, who are being labeled antisemitic. <https://www.dw.com/en/when-germany-targets-jewish-artists-as-antisemitic/a-70180570>. One person quoted in this story said “Once again, Germany defines who is a Jew, right? . . . The irony that the German state would actually classify who is a Jew, what’s a legitimate Jewish position, and how Jews should react is just beneath contempt.”

but not one on (or even including) anti-Muslim, anti-Arab and anti-Palestinian hatred, only makes the problem of dysfunctional campuses (and increased antisemitism) worse.⁶²

Post October 7 we've seen doxing trucks on some campuses; the banning of some groups, like SJP at Brandeis, not for acts but for disapproved speech⁶³; and the postponement or cancellation of events.⁶⁴ And where some Jews have been called supporters of genocide, some Muslims and Palestinians have been called terrorists.

When I speak to students, some who are identifiably Jewish because they wear religious items such as a kippah or a Jewish star are worried for their physical safety. But when I speak to Muslim and Palestinian students, especially women wearing an hijab, they share the same fear.

Many universities after October 7 set up task forces on antisemitism and on Islamophobia.⁶⁵ If you read the reports, such as those from the two Stanford task forces,⁶⁶ you'll see that in many ways they are mirror images of each other, speaking of perceptions of double standards and disregard. They both document students being afraid to say what they think, or even revealing their identity, for fear of a grade or a job.

This mirrors what I have heard on campuses. Some pro-Israel Jewish students feel there's a double standard – for instance they say they follow campus rules about public events, whereas they allege many times pro-Palestinian groups don't (such as setting up encampments or in some instances booking spaces). Pro-Palestinian students tell me they fear joining political groups for fear of doxing or losing job prospects, as some have.⁶⁷ They also tell me they see a mismatch between the pressure asserted on universities from pro-Israel donors and pro-Palestinian ones.⁶⁸

⁶² BCSH will be publishing a book tentatively entitled *Simply Human: How to Understand and Combat Hate: A Guide for NGOs and Everyone Else*, written by hate studies experts. A philosophy professor ponders whether NGOs in this space should entertain some sort of Hippocratic Oath – first do no harm. Any Congressional action should also be able to articulate reasons why the proposed action will do no harm, for sometimes what feels good does damage.

⁶³ <https://sapirjournal.org/war-in-israel/2023/11/sjp-still-deserves-freedom-of-speech/>

⁶⁴ <https://www.columbiaspectator.com/opinion/2024/02/02/banned-then-backtracked/> and <https://www.statepress.com/article/2023/11/asu-cancels-rashida-tlaib-event>.

⁶⁵ It is important to note that not all Palestinians are Muslims, and it may be more accurate to think of the animus as anti-Arab and anti-Palestinian, which of course is linked to Islamophobia just as anti-Zionism is, in various ways, sometimes linked to antisemitism.

⁶⁶ https://news.stanford.edu/data/assets/pdf_file/0033/156588/ASAIB-final-report.pdf and

https://news.stanford.edu/data/assets/pdf_file/0031/156586/MAP-final-report-2024.pdf

⁶⁷ <https://www.reuters.com/legal/litigation/pro-palestine-lawyer-sues-law-firm-foley-over-rescinded-job-offer-2024-05-30/>

⁶⁸ See, for example, <https://www.nytimes.com/2023/10/26/us/university-of-pennsylvania-donors-israel-hamas.html>

There is no doubt that there has been bullying, even violence, over Israel on campus.⁶⁹ But if we're concerned about how the campus should be handling this difficult situation, the Congressional focus only on Jewish students, and not on Arab, Muslim and Palestinian students, underscores a perceived double standard that is only exacerbating the situation. And this situation is complicated even further when the remedy Congress is considering is not focusing on helping campuses ensure that no one is being bullied and how to use the unique attributes of the campus to understand and counteract the human capacity for hate, but rather on what speech – and speech specifically about Israel used by some pro-Palestinian advocates – is going to be stamped as hateful by the U.S. government.⁷⁰

WHAT TO DO INSTEAD

Instead of passing the AAA, here's what I suggest Congress can do, first regarding the campus, then antisemitism generally.

Congress can help underscore the distinction that has been obscured since October 7, and also before. Universities and colleges have an obligation to do their utmost to make sure students and faculty and staff aren't bullied, harassed, intimidated, threatened, or discriminated against. This should be an obligation that goes beyond Title VI as a matter of good policy; even if a student isn't a member of a protected group, no one should be bullied or harassed or threatened.⁷¹ Bullying or harassing another member of the campus community absolutely should be against the code of conduct, and a proper matter for discipline.

But the challenge is in part that some, both within the campus and outside, encourage students to believe they have to a right to intellectual safety – to avoid hearing things that disturb them. And this comes both from the left and the right. Some on the left encourage the idea of “trigger warnings” and “safe spaces” and what has turned into a hunt for “microaggressions.” Each of these ideas has some merit – you don't, after all, want to gratuitously or maliciously hurt others with words. But each of these concepts has become a filter, a binary, to simplify complicated things and in some cases to declare one's moral virtue and another's immorality. On a college, these mechanisms of creating intellectual “safe spaces” invite group think, exactly NOT the way to turn out critical thinkers who are capable of reevaluating their opinions.

⁶⁹ See, for example <https://www.cbsnews.com/newyork/news/yale-protests-jewish-student-assaulted-pro-palestinian-rally/>. But also see <https://www.cnn.com/2024/05/16/us/ucla-student-protests-counterprotesters-invs/index.html>.

⁷⁰ I suspect that the angst of many Arab, Muslim and Palestinians on campus is exacerbated by the off-campus political environment. They recall the national discussion about a ban on Muslims and the floating of the idea that Muslims in our country should be forced to register. It is difficult to imagine the higher level of concerns Jews would have about contemporary antisemitism if there had been recent calls by politicians for a ban on Jews, let alone the suggestion that Jews should be forced to register.

⁷¹ The Department of Education has underscored the protections for students in protected classes, including through this video released for the new school year: <https://www.youtube.com/watch?v=8lAGTzE3kMM>. The Leadership Conference on Civil and Human Rights [has called for increased funding for OCR](#).

But on the right there's also a push to limit what can be said or taught. Legislation in some states restrict what can be taught about race or gender. I also don't like some of what is being taught, but it concerns me more when politicians decide – frequently with the argument that people are going to be offended by what they hear – that certain broad topics are beyond the pale.

I agree with conservatives who complain that on some campuses conservative speakers are not welcome, and that this is a free speech issue (violating the opportunity for the audience to hear these views). But the same principle must apply for speakers conservatives don't like, such as those who express their view that Palestine should be free from the river to the sea. And that's the challenge of relying on IHRA, in either the AAA or the CAA version. IHRA codification is designed to restrict speech.

On a campus, any “remedy” should be one that ideally is aligned with the purpose of the academy, to increase knowledge. Remedies that ideally promote, or at least don’t sacrifice academic freedom, are the ones likely to be most effective (and get support from faculty).⁷²

So rather than codifying IHRA as the official definition of antisemitism, do the following:

- 1) Increase the capacity of higher educational institutions to ensure that students, whether they are in a protected class or not, are not bullied, harassed, intimidated, or threatened.
- 2) Help higher education institutions stress to students that, rather than being shielded from ideas, they should expect to be deeply disturbed by opinions, and that the university will help students think through why that otherwise friendly student has views you detest – in other words, stress the importance of intellectual curiosity and emotional empathy.
- 3) Encourage units and classes on free speech and academic freedom.
- 4) Encourage the establishment of more hate studies programs (and classes and research) that will help students understand the human capacity to see “us” and “them,” with the idea that having an intellectual understanding of what happens to their own thinking and emotions in these moments will make them less likely to go down these dogmatic self-righteous rabbit holes.⁷³

⁷² The wiser approaches to campus protests and encampments have been ones that are grounded in this notion. See for example PEN's analysis of protests – https://pen.org/in-preparing-for-protests-are-campuses-going-too-far/?utm_source=Communications&utm_campaign=f2f85c1953-EMAIL_PENNews_2024_09_04&utm_medium=email&utm_term=0_-e98639ab83%5BALT_EMAIL_ID%5D&mc_cid=f2f85c1953&mc_eid=5e1eb669b1 as well as Wesleyan president Michael Roth's recent New York Times column: <https://www.nytimes.com/2024/09/02/opinion/college-president-campus-political.html>. See also https://greguklaniv.substack.com/p/five-quick-takeaways-from-fires-2025?r=2gh8e&fbclid=IwY2xajwFMhldwHuR2AFibQlXmQA8HEX254i43P3obvVMHb6v11czmMQ0z3q2j1TfDChcZW7KnVdKlBtKQ_aem_-PKQzh-PKQzh&triedRedirect=true.

⁷³ Two of my Bard colleagues, recognizing that students were flinging around words like “antisemitism,” “settler colonialism” and “genocide” as rhetorical weapons, designed a class to take a deep dive into what these words

- 5) Encourage classes on how to discuss divisive topics,⁷⁴ and encourage more debate groups (so that students have to argue positions with which they fundamentally disagree). There are also some interesting projects using AI in this effort, ones that depersonalize, interrupt ad hominem attacks, and encourage students to focus on concrete examples to prove their point.⁷⁵

Additionally, it worries me that on some campuses the Israel/Palestine debate has divided faculty to the point that some are blocking colleagues on social media and otherwise not communicating. Faculty ought to be modeling how to have difficult discussions, and should prioritize supporting students rather than their own politics. Projects that bring faculty together to study text, and messages from administrators that job one is helping students, might be important ideas to underscore.

Beyond the campus, if Congress passes the Countering Antisemitism Act, it must first strip out any mention of IHRA (either directly or indirectly). The legislation would help implement the U.S. National Strategy to Counter Antisemitism⁷⁶ with needed staffing and resources. As I wrote to the UN Secretary General,

The White House underscored that fighting antisemitism required actual hard work, not a hate speech code. . . .

Despite the insistence on IHRA as a veritable Swiss Army Knife for tackling antisemitism, it was mentioned just once in the strategy. It wasn't even the only definition mentioned.

This part of the White House strategy plan is telling:

Antisemitism is a stereotypical and negative perception of Jews, which may be expressed as hatred of Jews. It is prejudice, bias, hostility, discrimination, or violence against Jews for being Jews or Jewish institutions or property for being Jewish or perceived as Jewish. Antisemitism can manifest as a form of racial, religious, national origin, and/or ethnic discrimination, bias, or hatred; or, a combination thereof. However, antisemitism is not simply a form of prejudice or hate. It is also a pernicious conspiracy theory that often features myths about

mean, and why people understood them differently. <https://www.bard.edu/news/inside-higher-ed-bard-israeli-palestinian-conflict-in-the-classroom-2024-01-08>.

⁷⁴ See, for example, <https://bcsh.bard.edu/files/2019/07/THE-CHALLENGE-OF-DISCUSSING-ISSUES-WRAPPED-IN-IDENTITY-MORALITY-AND-OR-JUSTICE-070519.pdf>

⁷⁵ https://www.insidehighered.com/news/faculty-issues/academic-freedom/2024/07/16/bridging-campus-divide-dangerous-ideas-ai?utm_source=Inside+Higher+Ed&utm_campaign=174772aa77-DNU_2021_COPY_02&utm_medium=email&utm_term=0_1fcb04421-174772aa77-226859421&mc_cid=174772aa77&mc_eid=3f73e10b67

See this demonstration: <https://www.swaybeta.ai/demo>.

⁷⁶ <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>

Jewish power and control. There are several definitions of antisemitism, which serve as valuable tools to raise awareness and increase understanding of antisemitism. The most prominent is the non-legally binding “working definition” of antisemitism adopted in 2016 by the 31-member states of the International Holocaust Remembrance Alliance (IHRA), which the United States has embraced. In addition, the Administration welcomes and appreciates the Nexus Document and notes other such efforts.

The focus of this national strategy is on actions [emphasis in original] to counter antisemitism. The White House described antisemitism in words different from IHRA, didn’t mention the examples which are the heart of IHRA, interestingly used the past tense “has embraced,” when it could have said, explicitly, that it was using it to define the strategy going forward, and mentioned not only the NEXUS definition but “other such efforts,” with the active verbs “welcomes and appreciates.”

So I encourage you to focus, as the National Strategy does, on actual work of a whole of government and whole of society approach, one that doesn’t get derailed by IHRA. Regardless of what people think about Israel/Palestine they should agree on opposing antisemitism. But as we’ve seen, the issue of IHRA is a great divider.

When a section of the ABA was considering adopting IHRA, I spoke to them and said this:

So the question I ask you is which is more important – to build consensus about the need to address antisemitism with a statement that people can support regardless of their views on the Israel/Palestine conflict or the complicated matter of where Israel fits in Jewish identity, or a statement that endorses IHRA, thus picking a side in a contentious political battle, and inevitably undercutting what you are trying to achieve?

Funding the National Strategy – which is focused on actions rather than the definitional wars – would help in the fight. It should be pro-Israel proponents, rather than Congress, that argue for their position on Israel and Zionism.

Finally, there’s one more thing that Congress can do.

When I testified before the House Homeland Security Committee in 2022, I had a suggestion from Hate Studies that I want to repeat. Not only does it rest on scholarship, it also is an approach that focuses on hate as interrelated – and if it proves viable, it’s something all groups that are victimized by hate, together, might support.

There’s an old study in social psychology study called the Robbers Cave experiment,⁷⁷ a study that involved sending two groups of boys from very similar backgrounds to a

⁷⁷ Sherif, M. (1954). *Experimental study of positive and negative intergroup attitudes between experimentally produced groups: robbers cave study*. Norman, OK: University of Oklahoma.

summer camp in Oklahoma. Each group didn't know the other existed, but once each bonded separately as a unit, and then were given evidence of the other group's existence in a competitive environment, they not only had animosity toward each other, but acted on it. At the end, they however, had to cooperate to fix the camp's drinking water supply. That superordinate goal – or perhaps the creation of a larger group identity – helped reduce the hate.

That suggestion – an additional layer of connected identity – is one I observed from colleagues during my years at AJC involved with intergroup relations. The groups that seemed to have the most staying power – say a project bringing together Blacks and Jews – were the ones that had an additional layer of identity (Black and Jewish lawyers or accountants, for example).

Years ago I was inspired by Colin Powell and others who suggested the potential societal and personal benefits of a program of national service for young people. I've long wondered, what if we had a national program that would offer to take teenagers from different backgrounds, say as they were finishing high school, and sent them on a common public service mission? How about a Latinx person from Texas and a Jewish person from New York and a Black person from Los Angeles, and sent them, together, to work for an organization that builds homes for American Indian people in South Dakota, for example? There are lots of ways to mix and match such groups, but the idea of bringing people together from different groups that they might not have met before, have them interact with each other and form a new group identity, have them together help someone else, and create new and negotiated collective memories drawn from their own communal memories might, and I stress might, make them less likely to be drawn into the "us" vs "them" thinking that threatens our democracy, and thus reduce the potential for antisemitic and other types of hate crimes. A pilot project and, if later evaluation documents a reduction of hate over time results, there might be consideration of building such a national service program. It might even pay for itself, if it reduces the cost of hate.⁷⁸

In conclusion, I hope Congress focuses on how we can improve the campus for all students, and combat antisemitism throughout our country not by defining disfavored ideas about Israel, but rather by concrete actions that bring Americans together across divides. IHRA is about choosing a side in a binary political debate, when we should be rebelling against the orthodoxy of binaries. Rather than seek refuge from thinking behind the comfort of simple formulas, we should be working harder to understand the complexities of hate, and further identify the methods that can help people reject it.

I was 15 when the Rev. Martin Luther King, Jr. was assassinated. What impressed me most was that he wasn't talking about special rules or definitions or rights for Black people, he was talking

⁷⁸<https://bcsh.bard.edu/files/2023/01/Written-Testimony-House-Homeland-Security-100322.pdf>. Regarding the cost of hate crimes see https://bcsh.bard.edu/files/2023/03/BCSH-Economic-Cost-of-Hate_3-13-23_Online-.pdf.

about what America should be, and what it owed to every American. I assign his "Letter from a Birmingham Jail"⁷⁹ when I teach. I hope, among other things, that students note this line: "the goal of America is freedom." Essential to our freedom is the right to free speech. King fought for that right, including from jail. Yes, we should, we must, oppose antisemitism and all forms of hate. But we must not sacrifice free speech, especially by a Congressionally-endorsed definition of what political speech is defined as hateful. Once we open that Pandora's box, tomorrow it might be your political speech that is targeted through law.

⁷⁹ https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html

[SUMMARY STATEMENT OF KENNETH S. STERN]

Summary: The university is an essential American institution, built on academic freedom, free speech, and faculty governance. The tensions around Israel/Palestine, and the threats by partisans on each side to silence the other, predated October 7, 2023, but roared forth on some campuses since. In some instances pro-Israel Jewish students were harassed, even assaulted. Anti-Zionist Jewish students, and Palestinian, Muslim students, and other, were also targeted. There are things that universities can and should do—educationally and otherwise—to improve the campus climate for all. The recent threats to funding, faculty governance, and free speech jeopardize not only higher education, but other shared interests, like scientific research. This is not the way to make any student, let alone pro-Israel Jewish ones, any safer.

- Students—including Jewish students—have a right not to be victims of true threats, harassment, intimidation, bullying or discrimination, let alone assault. They, however, should expect to hear ideas that cut them to their core.
- Attempts to affect the campus that aren't grounded in protection of free speech and academic freedom are not likely to work. Anything that smacks of a hate speech code will backfire
- Recent threats against funding without a full investigation and an opportunity to be heard are not only likely illegal, but horrible policy
- Arresting students should be a last resort, not a first impulse, especially for technical violations of rules.
- The Department of Education's Office of Civil Rights should not be gutted, but rather further funded, to address Title VI complaints; there is already an unacceptable backlog of antisemitism complaints.
- Congress should not enact laws to suppress political speech. I don't agree with much of speech that's heard at campus protests, but it is dangerous to use law to suppress it, and doing so will harm Jews.
- The case of *SJP v Abbott* found that the use of the IHRA definition was unconstitutional viewpoint discrimination.
- There's a fundamental Church/State issue in IHRA—a deep divide in the Jewish community about whether being Jewish requires being a Zionist. It is inappropriate for Congress to decide this question, which is fundamentally what's being asked.
- It isn't only pro-Israel Jewish students who are having difficulties on campus. It's also anti-Zionist Jewish students, Muslim students, Arab and Palestinian students, immigrant students, and so many more.
- The campus environment can be improved with programs and courses and even AI. If we bludgeon the campus into submission we risk destroying an institution which has made America the envy of the world.

The CHAIRMAN. Mr. Stern, you and Ms. Gammill did the best at sticking your landing in 5 minutes. Let me just acknowledge that. I will begin my questioning. Since October the 7th, Columbia University has been the epicenter of campus protest posing threats to students' safety.

The Trump administration has taken a strong stance with regard to Columbia, withdrawing Federal funds and contracts due to its "continued inaction in the face of persistent harassment of Jewish students." Ms. Gammill, do you think that the Trump administration's efforts to address these frankly rampant displays of Antisemitism have been more effective than the Biden administration's?

Ms. GAMMILL. I think there is no question that these efforts have been more effective. As was mentioned a moment ago, certainly there was recognition by the Biden administration of the need to address Antisemitism as a national problem. The Trump adminis-

tration's efforts, including at Columbia, have put teeth to that discussion for the first time that we have seen.

The CHAIRMAN. What else should the President and Congress do?

Ms. GAMMILL. As I mentioned before, while yes there is debate I would say, and I am happy to engage in further discussion about the differences of opinion about the International Holocaust Remembrance Alliance's definition of Antisemitism, I think it is important for Congress now that the *Antisemitism Awareness Act* has been before it for quite some time, to finally codify that definition. Again, yes, there are certainly restrictions on how that definition can be used, but the definition itself is not a problem. It is no other definition like any other definition that you would find.

It is a tool for educating, helping people to better understand. Importantly, every time that definition is brought up and challenged, there is a complete ignoring of the text of that definition and the guidance that goes with it. And the reality is that the examples of Antisemitism that people like to fight over, and the controversy is over are introduced with clear indication and instruction that these are examples that could be, depending upon the overall context, examples of Antisemitism. The decision that was just referenced in which there were problematic, and concerns raised about—First Amendment concerns raised about the use of that definition, completely wrong on the facts and the law, including that fact that context is crucial.

Again, passing the *Antisemitism Awareness Act*, I think is No. 1. As well as Senator Cassidy, your bill regarding protecting students on campus. I think it is crucial that students know where to get advocacy and where to get help. But in order to do that, we also have to have robust enforcement, teeth in resolutions of Title VI complaints.

The CHAIRMAN. Rabbi Shemtov, a quick assessment. The Biden administration versus Trump assessment. The Trump administration's efforts to combat the Antisemitism that we have seen.

Mr. SHEMTOV. I will say that the Biden administration did make special efforts which were unprecedented in bringing together a broad array of Jewish communal leaders and had top representation at the meetings, including White House principles, one of whom himself is Jewish.

I said at that meeting, and I say again here today, that even though they had a whole of Government approach, and it was unprecedented, they did allow to seep in, in a way which I felt drilled a little hole in the boat, the views of people who are downright Antisemitic and those who sought to weaken IHRA for the sake of weakening it.

It didn't strengthen the fight against Antisemitism. But we must say that the effort in it of itself was a good step. The second thing is we all fly on planes, and we are told that if oxygen pressurization changes, your mask is going to drop from the ceiling, and you have to put your own mask on first. But you want to save the kids who are with you. Don't do that. Put your own mask on first because if you stop breathing, you can't help anybody. We, the Jewish community, have to help ourselves first, and then we have to help

everyone else as we can, but we can't be helping everybody all at the same time because the dilution itself is dulling the point that our colleague just spoke about.

I think that what the Trump administration has done is said there is not only going to be a ramp up in policy, but there will be a sharp ramp up in enforcement. University administrators—

The CHAIRMAN. Let me stop you there because I have one really quick for Mister—Dr. Small. Dr. Small, you have talked about funding from the Middle East being associated with a sharp increase in Antisemitic activity. Statistically significant? What else can you comment? You have about 30 seconds.

Mr. SMALL. Okay. So it is a very important issue. In one of our reports we show that American universities taking money from the Qatari regime have 300 percent more instances of Antisemitism.

The CHAIRMAN. Is that—

Mr. SMALL. Compared to American universities not taking money from—

The CHAIRMAN. Is that just because of more exchange students or is there something more than that?

Mr. SMALL. I think it is the use of soft power. It is funding certain institutes and professors in the classroom. And connected to the encampment, SJP comes out of a MP, which is part of the Muslim Brotherhood.

I should say that the spiritual leaders of the Muslim Brotherhood—this is not Islam. It is a perversion of the great religion of Islam. The teachings of the Muslim Brotherhood is that the true believer, the true Muslim is obligated to complete the work of Hitler.

This is what is now entering into our universities unchecked. And we are calling for investigations into the funding of these anti-democratic, anti-American, sexist, homophobic, and genocidal antisemites funding our universities.

The CHAIRMAN. Senator Sanders.

Senator SANDERS. Thank you, Mr. Chairman. And my questions are going to be addressed to all five. We have five experts on Antisemitism, and I look forward to taking advantage of their knowledge. This is not the Foreign Relations Committee, so we are not here to debate the wisdom or lack of wisdom of what the Netanyahu government is doing in Gaza right now.

But the reality is that 92 percent of the housing units in Gaza have been destroyed. Most hospitals and primary healthcare facilities have been bombed. Civilian infrastructure has been devastated. 50,000 people, mostly women and children, have been killed. Over 100,000 have been wounded. If I or any other Member of this Committee makes that point, that we think—and again, I don't want to debate the policies right now.

But if we think that the United States should not be supplying more bombs and artillery to the Netanya government, do you think—I don't want the debate on Israel. Do you think that is Antisemitic? Briefly, Ms. Gammill start it and go right down the

line. Am I being Antisemitic if I say that the United States taxpayers should not supply more weapons to Israel?

Ms. GAMMILL. That statement alone is not Antisemitic. It does not attack Jewish identity.

Senator SANDERS. Rabbi?

Mr. SHEMTOV. I must say you are revered on one side of the aisle and respected on the other side of the aisle for the strength of your convictions. You do not say dispassionate statements.

Just like I believe we have to respect the right of everyone to their opinion, I believe the Prime Minister is a democratically elected official and is entitled to his opinion. Do I think it is Antisemitic to criticize him? I don't think so. If you criticize somebody who is Jewish, that is not Antisemitic. If you criticize the fact that they are Jewish—

Senator SANDERS. Right.

Mr. SHEMTOV. Or use that to criticize something, that is Antisemitic.

Senator SANDERS. Dr. Small, briefly. We don't have a lot of time.

Mr. SMALL. Again, I would agree with the rabbi, what you said is not Antisemitic. But what I would say with great respect is that we have to flip the equation. I think instead of blaming the victim or looking to the victim of Hamas, of the Muslim Brotherhood, we have to understand the ideology at work that is confronting—

Senator SANDERS. I don't think there is any debate up here that Hamas is a terrorist organization. What they did on October 2nd—7th is beyond disgusting. Rabbi Saperstein.

Mr. SAPERSTEIN. No, I don't. No, I don't think it is Antisemitic if you say it, or people on college campuses say it. But on college campuses, there are too many instances in which those kinds of political statements are mixed with rank hatred against Jews, and that steps over the line into Antisemitism.

Senator SANDERS. Mr. Stern?

Mr. STERN. Senator Sanders, that—just that statement, that opinion alone is not Antisemitic.

Senator SANDERS. I need your help on something else. I have never met George Soros in my life, to the best of my knowledge. I don't believe I have ever contributed—yet received a nickel in campaign funding from Mr. Soros. But I think, Soros has been a stereotype, a manifestation of Antisemitism all over the world—yes?

When we talk about Antisemitism, one of the tropes that has always been used, Protocols of Zion, is that there is this mysterious underground group of zillionaire Jews who are—the whole world, right? Is that the trope?

Okay. This from the Holocaust Memorial Museum is a—something that appeared in Hungary, a Hungarian Antisemitic publication. Jews puppeteers, right? You are familiar with that trope? This is from a Donald Trump campaign email.

George Soros puppeteer. Biden is the puppet being manipulated. Okay. Don't want to make a big deal about it. Ms. Gammill, does that look to you like an Antisemitic trope?

Ms. GAMMILL. I think that there is no question that there is a relationship when you look at the two images that would cause that question to be raised. Again, I think context is key.

Senator SANDERS. Rabbi.

Mr. SHEMTOV. George—

Senator SANDERS. Briefly. I want to hear from everybody. Yes or no, is that Anti—do you think that has Antisemitic overtones?

Mr. SHEMTOV. I think that George Soros is Jewish, although he doesn't really identify closely with the community. One minute.

Senator SANDERS. No, you don't have 1 minute. I have got 17 seconds.

Mr. SHEMTOV. Okay. 17 seconds—

Senator SANDERS. Is this Antisemitic?

Mr. SHEMTOV. Very simply, he is being criticized. He is Jewish. I don't know that he is being criticized because he is Jewish.

Senator SANDERS. Dr. Small.

Mr. SMALL. I would say very briefly, we are living in a time where the democratic center is under attack from the extreme right, the extreme left, and radical Islam.

Senator SANDERS. I will ask you a question. Does this look like an Antisemitic trope?

Mr. SMALL. Yes.

Senator SANDERS. Rabbi Saperstein?

Mr. SAPERSTEIN. Yes.

Senator SANDERS. Mr. Stern.

Mr. STERN. Antisemitism is two things in it says essence, a conspiracy theory that Jews try to harm humanity and giving you an explanation for what goes wrong in the world. That picture is Antisemitic. Orban was using it recently as well. Clearly Antisemitic.

Senator SANDERS. Okay. Thank you very much.

The CHAIRMAN. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. Mr. Chairman, first let me thank you for holding this important hearing, and also for convening the round table last year where we were able to hear such distressing testimony directly from Jewish students about what they were encountering on college campuses, particularly after the October 7th attacks in Israel.

Mr. Stern, I am going to start my questioning with you. We agree that every student should feel safe on campus, and I am interested to learn about your book, *Conflict Over Conflict*. I agree that colleges and universities are often the best places to have tough conversations and robust debate. But how is it allowable for a faculty member to give extra credit to students to participate in an anti-Israel protest? Do you think that is right?

Mr. STERN. Senator, I think that there are questions of bad teaching that go across the board with all this. In that situation, it may well be. But the point is that on a campus, the idea is that students should be not singled out, not discriminated against, but should hear things differently.

If the professor says, I want everybody to go and report back. I don't care what you say about it, but I want you to because it is happening to tell me what you think. That is something different than saying, I am going to give you extra credit for supporting something.

Senator COLLINS. Do you agree that it is wrong for a student to be given extra credit for attending an anti-Israel debate——

Mr. STERN. It depends——

Senator COLLINS [continuing]. Or anti-Israel protests?

Mr. STERN. If I had a student and that debate was happening on the campus, I might want them to come back and say, tell me the different sides. On the other hand, if they are saying, I want you to go because this is the correct way, that is a wrong thing to do.

Senator COLLINS. This reminds me of a conversation that I had with a college president in Maine, whom I deeply respect, who told me that in his experience, these Antisemitic protests are not being generated by students.

They are being inspired by faculty members, graduate assistants, and outside groups. This isn't spontaneous. And I remember one of those students at the round table telling us that when she went up to a student and said, do you know what you are saying when you say from the river to the sea, Palestine should be free? And they had no idea what that meant. Ms. Gammill, I want to ask you a question.

Last year I questioned the former Secretary of Education, Cardona, at a Senate Appropriations hearing about his enforcement of Title VI of the *Civil Rights Act*, which is intended to protect all students from discrimination. At the time, the Secretary had no one on the ground at colleges and universities where investigations into Antisemitism were occurring.

He could not give me a timeline for resolving these investigations. He acknowledged only that they had a large backlog. He could not answer any of my questions about the penalties for schools that were found to be in violation, if they were found to be in violation.

To me, that was an appalling demonstration of a very lax, even indifferent approach to what had been more than a 300 percent increase in Antisemitic incidents across this country, including and primarily at our college campuses.

I want to follow-up on the question asked to you about the Chairman, are you seeing a difference now in the implementation of Title VI?

Ms. GAMMILL. Thank you, Senator. We are beginning to. We are encouraged by what we are seeing. I believe that you are absolutely correct that there needs to be actual investigators, as there now are, on these campuses.

I also believe though that it is crucial that the institutions themselves be held accountable for being the first line of addressing these problems. This is not an issue that the Federal Government should have to come in and police. And again, I go back to there are often not people who are well qualified and equipped to address these things on the campuses themselves.

It should start there, but yes, I am encouraged by what we are seeing in terms of enforcement. I will say that I was discouraged to see at the end of last year when institutions came out of the woodwork begging OCR to resolve open complaints for obvious reasons and there was capitulation to that. There is too much capitulation going on, not enough enforcement. So I am very encouraged to see what we are seeing now.

Senator COLLINS. That is why we need to make sure that office continues to be adequately resourced. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Murray.

Senator MURRAY. Well, thank you very much, Mr. Chairman. Obviously, every student should feel safe on campus. It doesn't matter who you are or where you come from, what religion you practice, you should feel safe. You should be able to learn and grow without fear of facing harassment or assault or discrimination. You may debate complex issues and hear diverse viewpoints on campus.

That is part of life as much as it is part of a higher education, and it is important. Everyone in this country should be able to use their voice and exercise their First Amendment rights peacefully, without fear of Government retaliation. And at the same time, no one should ever fear for their safety on campus. No one should ever be forced to tolerate bigotry.

That is a very simple principle, and I think it is one that the vast majority of Americans agree with. In fact, here in Congress, we agree with it so much that we have an office at the Department of Education dedicated to upholding that principle, the Office of Civil Rights, that the Senator from Maine just referenced.

That is why I have fought for years to secure more resources and funding for OCR. It does really important work to make sure every student is safe on campus, and it makes sure schools are living up to their obligations under our civil rights laws. When hatred and bigotry are on the march from recent spikes in Antisemitism and Islamophobia, or to the wave of anti-Asian hate during COVID.

When students' safety is at stake, whether that means addressing hate crimes in hostile environments or actually addressing sexual assault on our campuses, OCR is really our frontline. So if you want to fight Antisemitism, you should support OCR. It is as straightforward as it gets. It is like saying, if you want to fight fires, you should support the fire department.

I hate to tell you all, but Trump is axing the fire department. He has fired nearly half of the OCR staff and shuttered more than half of the OCR offices. So I don't know how anyone can actually say they are serious about stopping Antisemitism on campus without also saying that they are concerned by this movement to gut that agency on the front line of stopping Antisemitism. Because you can't upend that entire office, as Trump wants to do, without upending the work.

You can't pause the investigations, which Trump already did, without creating a huge backlog. That means students will not get the justice that they deserve. You can't just cut an agency in half and pretend everything is fine. Closing those offices means throwing 6,000 cases into limbo, leaving students in 28 states without

the critical tools to fight back. Firing those workers means doubling the caseload for the remaining investigators who are already stretched thin.

I think it is clear that if we are serious about fighting Anti-semitism, we need to get serious about fighting this Administration's decimation not only of OCR, but the entire department. So I want to ask our witnesses what those cuts mean to students. And Rabbi Saperstein, let me start with you. Does drastically eliminating OCR'S capacity help protect students, including Jewish students?

Mr. SAPERSTEIN. It harms it in so many ways, Senator. You have already talked about how overloaded they were before any of these cuts. Each one of the investigators, had an average of 46 cases that they had to deal with.

Now it is 86 cases that they are going to have to deal with, with the staff after the cuts were made. They shut 7 of the 12 regional offices. They are talking about moving—this kind of work, integrating it into the Justice Department. The Justice Department is not an administrative enforcement agency.

It doesn't look at it in a holistic kind of manner. This was really something extraordinary. And who is better? ProPublica did a deep dive before the cuts happened in the first few weeks, 20 new cases were open in the beginning of this Administration. In the beginning of the Biden administration, the same period of time, 110 cases.

In the last years of the Biden administration, 240 cases. Now it was down to 20. They are grinding it to a halt, and it is the students of America of all kinds who are facing discriminations that are going to suffer.

Senator MURRAY. Thank you. I only have 20 seconds left. Mr. Stern, you want to comment?

Mr. STERN. Yes. Thank you. I had the experience of working with OCR. There were Jewish students outside of Bingham to New York. There was a kick a Jew day. The school district did nothing. I can tell you, OCR worked magic. It helped the students. It helped the district do something that was educationally important.

Also, there were other students that didn't want to be part of the complaint because they were worried about the retribution to them. This gave an opportunity to go work with them behind the scenes to make sure their voices were heard too. I agree with Rabbi Saperstein.

If this becomes a Department of Justice issue, I think back to that case, I don't know that would have been a complaint, and I don't know that the students would have come forward.

Senator MURRAY. Thank you. Thank you very much, Mr. Chairman.

The CHAIRMAN. Senator Marshall.

Senator MARSHALL. Thank you, Mr. Chairman, and welcome everybody as well. Certainly, there is no doubt that 70 percent of Jewish students feel harassed. They feel threatened.

Unfortunately, I found that in my home state, at the University of Kansas, I went and sat down and visited with the Jewish students there. And when these riots and protests were going on, to send Senator Collins's points, the leaders of the riots were actually teachers there, and graduate students, and outsiders showing them how to do this type of rioting.

The students were being followed into their classrooms. The protestors, the class—maybe it was a class in Jewish history, and the protestors were inside the buildings, outside the class harassing these students.

Certainly this is all very, very unacceptable. And I am glad that we are proceeding with this. I think there is a great opportunity for some type of an Antisemitic commission going forward.

This problem was happening 2,000 years ago. It is going to keep happening and we need to keep this in mind as well. I want to go to Dr. Small first. Dr. Small, what was Qatar's role in the hostage release of Americans?

Mr. SMALL. It is a good question. I am not an expert at that level, but I know that the Qataris certainly were funding Hamas. They have very good relationships.

Senator MARSHALL. That is not my question. Were—I'll answer the question for you. So, the Qataris were vastly responsible for the freeing of American hostages and many others. Dr. Small, what was Qatar's role in the evacuation of Afghanistan—and especially how did it impact America?

Mr. SMALL. The Qatari regime has good relations with the Taliban, with the Iranian revolutionary regime, and—

Senator MARSHALL. It is interesting, just the prejudice that I hear coming out of your mouth here that—Qatar was so important to the 120,000 people evacuated from Afghanistan. In our moment of need, Qatar stood beside us. And of the 120,000 removed, 60,000 of them came through Qatar.

Without Qatar, we would have had thousands more deaths as well. So I am really—I don't know why you won't answer that question. I want to think about it just a little bit more objectively here.

This, I am going to say this century, in the past decade or so, Qatar has given about \$5 billion to the educational institutions of America, and a vast majority of that, probably 80 percent, is setting up universities in Qatar, whether it is Texas A&M Engineering, Cornell Medicine.

A vast amount of that money is research oriented as well. Qatar has been a great ally to America, so I don't know why you are attacking them. And then why don't you compare—so China has given over \$3 billion. The Saudis \$1.5 billion. UK \$1 billion. Germany over \$1 billion.

Why aren't we attacking them as well? And I want you to answer this question. Two universities heavily funded by Qatar were Carnegie Mellon and VCU. Were there any large Antisemitic riots or protests there?

Mr. SMALL. This is a very important issue, and I would say—

Senator MARSHALL. Were there any Antisemitic riots or protest in VCU or Carnegie Mellon? The answer is no. So the answer is no. So they were vastly funded, but yet there was no riots there. So I don't understand why you are picking on the Qataris here when other people are funding. Take Texas and Texas A&M.

Texas A&M has a university presence in Qatar. University of Texas doesn't. So you would make the conclusion that Texas A&M was funded, but UT is where the riots were. UT, it had nothing to do with Qatari funding there.

I don't know how you—causation doesn't—is what I'm saying here that Senator Cassidy says all the time, right.

The CHAIRMAN. What is it—association is not necessarily causation.

Senator MARSHALL. There you go. Association is not causation. So I don't know why we are here fueling the fire. Not all Muslims are Antisemitic. Not all Muslims are anti-American. And here we have a Muslim country that has stood beside America for the most part.

They are not perfect. They are not perfect, but they helped us get back hostages. They saved the day in Afghanistan. In so many ways they have stood beside us. I think you are picking on them. I think you are coming to conclusions that are not well founded. I think that is called discrimination. I think it is prejudiced as well. Thank you, Mr. Chairman.

Mr. SMALL. May I respond please? May I—

The CHAIRMAN. 26 seconds.

Mr. SMALL. Pardon me—I would just say that Qatar is a country of less than 350,000 citizens. They give more money to American universities than any country in the world. The greatest victims of political radical Islam are Muslims.

Senator MARSHALL. But you are not—you are missing the rest of the story though. So here, this just continues the prejudice that you have. You don't mention China. You don't mention Saudi. You don't mention the UK.

They all have significance donations as well. Look, nobody is perfect, and I know that you built your life on this one thing, but no country is perfect. And I am as pro-Israel as any member is up here.

I am—and certainly recognize the Antisemitism that has been around for over 2,000 years. I don't know why you want to make—to use an Antisemitic term, I don't know why you want to make Qatar the scapegoat here.

The CHAIRMAN. Thank you. Thank you, Senator Marshall. Senator Baldwin. I assume—I don't have your list over here. Are you next?

Senator BALDWIN. I was not here at the gavel.

The CHAIRMAN. Then Senator Hassan.

Senator BALDWIN. Hate to admit that.

[Laughter.]

Senator HASSAN. Thank you. Good morning. Thank you all for being here. I want to thank the Chair and the Ranking Member

for this hearing today. Before I turn to my questions, I want to say a few words regarding the alarming and disturbing Antisemitism that we are seeing across the country.

Vigorous debates regarding foreign policy are Constitutionally protected, but too often since October 7th when Hamas attacked Israel, these debates and protests have veered into both implicit and explicit Antisemitism. Across the country, Jewish centers on campus have been protested and vandalized, and Jewish faculty and administrators have been targeted.

At one school, Jewish students had to be escorted by security to escape a mob. And too often during protests, we have heard chance and slogans that justify and even celebrate Hamas' violence, or heard speakers deny Hamas' atrocities, including the atrocity of sexual violence.

There is no legal right to threaten the safety of any student. Even if someone has a legal right to say hateful words, it is still wrong to say them, and the rest of us have the right and responsibility to condemn them. Denouncing Antisemitism should not be a partisan issue.

Whether by torchlight in Charlottesville or on the quads of our universities, Antisemitism is always, always wrong and entirely at odds with what our Country is supposed to be—what people like my dad who served in World War II knew America could be. The fact that we are seeing this kind of Antisemitism today—in today's day and age is shameful and a reminder obviously that we need to do much, much better because extremism, no matter what fringe it comes from, doesn't go away on its own.

Frankly, on this issue and others in our politics today, I do fear that the further we are removed from World War II, the more likely we are to forget the lessons that many paid a terrible price for all of us to learn. I was going to ask the same question that Senator Murray did about the Office of Civil Rights at the Department of Education, an incredibly important office.

I was grateful, rabbi, for your description of how it has been undermined and what the impact of that will be. And Mr. Stern, yours as well. It is an incredibly important tool. It is extremely disappointing—more than disappointing. It is wrong that this Administration has worked to undermine it so quickly and so strongly. And it is at odds with the Administration's rhetoric about wanting to do something about Antisemitism on our campuses.

But I do have a couple of other questions, and Rabbi Saperstein, I want to start with you. In your testimony, you highlight the importance of strengthening resources for security of our religious and communal institutions. We have made progress in recent years by creating the nonprofit security grant program at the Department of Homeland Security, which helps to address the security needs at houses of worship, but there is still more work to do.

Senator Johnson and I have a bill called *The Pray Safe Act*, which would establish a Federal clearinghouse through which faith-based organizations, houses of worship, and other nonprofits could access information on safety and security best practices, available Federal grant programs, and training opportunities.

The Pray Safe Act passed out of the Senate Homeland Security and Governmental Affairs Committee by unanimous consent last Congress. I invite my colleagues to work with me in getting it signed into law this Congress.

Rabbi, can you speak to how a centralized, easy to navigate clearinghouse like this would help you and other faith leaders? And also, if there are other supports you would like to see us work to provide, please comment on those.

Mr. SAPERSTEIN. Well, thank you for your comments at the beginning about the state of where we are with Antisemitism. Agreed with every—where we are hearing things I never thought we would hear. Again, after the Holocaust we are seeing things I never thought I would see in my lifetime.

Thank you so much for that. Here, I spent much of my career working with the National Reform Jewish Movement, the largest movement—I think I can speak for all of the movements, that kind of clearinghouse is valuable to us. We have nearly 900 synagogues around the country.

They desperately need guidance. They desperately need to know what best practices are. This is the safety that they have to worry about every single time they gather, every single time they pray, every single time they teach, every single time they provide social services to the community. So it would be an invaluable contribution.

Senator HASSAN. Well, I appreciate that very much. And I have very little time left, but I do just want to comment that one step I think we can take to counter the hate we are seeing is investing in Holocaust education programs so that our young people understand the evils that drive Antisemitism. So I will, submit a question for the record to you, Rabbi Shemtov, about the role that Holocaust education can play in fighting the spread of Antisemitism. Thank you.

Mr. SHEMTOV. Should I answer?

The CHAIRMAN. For the record, I am—will go to Senator Moody next. For the record, I am assured that OCR currently has the resources necessary in order to investigate these claims.

Senator HASSAN. Mr. Chair, with respect, I think an analysis of their current staffing versus what they had, and the number of backlog cases would refute that, but I appreciate the comment and let's see what we can dig in and find out together. Thank you.

The CHAIRMAN. Thank you, Senator Hassan.

Senator Moody.

Senator MOODY. Thank you, Chairman. Appreciate it. Thank you to everyone that took the time to be here today. Such an important hearing.

I think it is important, after we have heard some of the questions and responses, to point out that immediately upon taking office, I think out of our thousands of colleges and universities, Trump administration immediately sent out letters to some of the more egregious violators of civil rights, especially our Jewish students is on campuses, and said the days of a tepid response or toothless resolu-

tion agreements are over and we will aggressively go after those that are violating the rights of our Jewish students.

Those letters have gone out. Universities have now been put on notice. I don't think there is any question that there has been a change in the tenor on how we will protect the rights of Jewish students on our campus, and I just want to make sure that is clear because some of the questioning has suggested otherwise.

I think it is also important to remember that we are here on a hearing today, and I want to make sure I am going to get the title right, so I am going to specifically read the topic of this hearing, Antisemitic Disruptions On Campus. And we are talking about attacks on campaign flyers of President Trump and defending coordinators of chaos on campus.

I mean, I think it is important when we are addressing an issue that you—people understand who is actually targeting the issue that we are talking about and not talking about something else to distract from the point that our Jewish students have had to transfer, have had to skip graduations, have missed major opportunities in life, have been followed to class, have been threatened, have been kept from campus buildings. I mean, that is why we are here today.

In Florida, we are not immune. We saw a rapid escalation in Antisemitism and criminal acts within our own state, and that was minor compared to the rest of the Nation after October 7th—what we saw in terms of criminal acts. So I think it is important to remember.

I mean, it is the same thing that happened when we were talking about men participating in women's sports, and taking those opportunities, and the danger to women. We were—who was talking about protecting women? Who was not distracting from that? Who stood up for that?

I think we need to remember that in this hearing today. I don't think it is wrong to question foreign funding. I mean, candidates for Federal office can't take foreign donations. I don't think it is wrong to question foreign funding in universities and colleges, and whether foreign nations are trying to persuade, or influence, or brainwash our children.

I mean, do you think that they want us to be more pro-American, more democracy, pro-freedom, pro-capitalism? Is that why they are giving hundreds of millions of dollars to our universities? I mean, I am sure there are instances of good faith there, but we have to pay attention to that.

I filed a bill yesterday to deny new student visas to Chinese students because China has just passed a law that now requires every national to gather intelligence, including Chinese students here studying—gather intelligence and report back. How do we not pass a law that prevents student visas in that respect? In the past few years, we have had an explosion of Chinese students that were caught gathering evidence or gathering information on military bases on college campuses.

How do we as lawmakers, policymakers not do that? And so, I have watched what has happened over—in our campuses over the

last few years and sat in horror. And people—there are tools right now in terms of revoking funding or denying funding if campuses are allowing the violation of civil rights.

I filed a bill today that said we should go one step further because clearly what we have on the books isn't working. I believe that if money has been given or designated for universities and they cannot protect their Jewish students, and there are violations of civil rights, any money that has been dedicated to them should be called back.

Any taxpayer money that has been dedicated to them should be clawed back from the Federal Government. And, Ms. Gammill, I would like to know what you think. No. 1, do you think additional tools are necessary? And No. 2, do you think that is a good policy?

MS. GAMMILL. I certainly think that additional tools are necessary, as I have mentioned several times. I do think that looking at every aspect of what our taxpayer dollars are being used for and ensuring that those dollars are being used in compliance with the law is crucial.

There is just—there is simply no question that the teeth that have been lacking in resolutions under Title VI need to be returned to those resolutions. I want to say this. I have dealt extensively with resolution agreements under Title VI. There is a process that allows universities to seek voluntary resolution. It is typically through that process that resolutions come about.

That is when the university approaches OCR and says, we would like to voluntarily resolve this. Unfortunately, what we see there is talk about compliance concerns. We do not see findings of violation. I think it is critical that when OCR investigates—or whom-ever it is because I have every faith that someone will be investigating and enforcing Title VI, whether it is OCR or another department in the Government.

When they do that, I believe it is crucial that we move beyond just talking about compliance concerns and actually issue findings of violation. And where those findings are found, Federal funds need to be removed.

Senator MOODY. Thank you, Ms. Gammill. We have these new timers that nobody can see where the time is, so I apologize if we went over.

The CHAIRMAN. Believe me, I am—this is our first meeting in this new room. And so now I concede—

Senator MOODY. A lot of new technology.

The CHAIRMAN. I concede my dial to Senator Kim who is next.

Senator KIM. Thank you Chairman. Thank you to all of you. And very powerful testimoneys here.

One place I just wanted to sort of start from is an area hopefully of agreement here. But Mr. Stern, you said something—in your written testimony, you said, students have an absolute right to expect a campus environment where they will not be victims of true threats, real harassment, or intimidation, bullying, or discrimination, let alone assault. And I think that is something hopefully that all of us can agree to, including my colleagues and I.

This question is, how do we determine what then crosses that line? And I think that is something I have tried to grapple with, and I have engaged the people in my state. And it is challenging, and certainly when we look back at what happened at campuses and across this country over the last 2 years or so I personally feel like I have seen things that have crossed that line.

We have seen things that have entered that level of bullying, intimidation, discrimination, assault. But what we also know is that we shouldn't then cast that across the entirety of everything that is happening. So the question is, how do we try to separate that? And the question is also, who decides that? We have talked about the Office of Civil Rights. And Mr. Stern, I guess I will just start with.

You have said that for us to be able to achieve what Ms. Gammill just talked about—I agree with you that we want to make sure there is teeth. We want to make sure that we can get the findings of violation.

Mr. Stern, you have proposed increasing the budget to the Office of Civil Rights. Can you explain that to me in terms of what would that be able to do further in terms of being able to try to identify what the problem was, what the violation was, and then what the appropriate response is.

Mr. STERN. Thank you, Senator. Well, one of the issues is that there is a huge backlog. So on a campus when complaints are not resolved in a timely fashion, I think we probably all agree on that, that sends a message that nobody cares.

More funding would do that. But the other thing I want to stress is that the solution that people are pointing to about speech, about using the IHRA definition, is going to backfire.

It is not just me saying that. It is the Cato Institute, the Federalist. Christopher Ruffo said the second problem with the *Anti-semitism Awareness Act*, especially for conservatives and civil libertarians, is that is operating using the same coercive and corrosive principles as DEI. The legislation codifies an ideologically charged definition of Antisemitism into law, provides special protections based on group identity, and expands anti-discrimination enforcement to include Constitutionally protected speech.

What I worry about is when we tend to think about Antisemitism, is it on this side of the line or that side of the line, we are ignoring how Antisemitism actually works. Senator Sanders talked about the Tree of Life massacre. The background noise of that was anti-immigrant animus.

If you look at how Antisemitism works, Charlottesville, Jews will not replace us, the driving force is when anybody in our society is seen as a danger internally and it is noble to go and attack them. It is in that environment, not whether this is about Israel, on this side of the line or that, that promotes people to a conveyor belt of thinking in Antisemitic terms.

Senator KIM. Ms. Gammill, I wanted to turn to you. Definition aside I think you made your point and that was helpful for me to understand your perspective on that. But certainly we need some entity to be able to decide and make adjudications here.

Do you have an opinion in terms of whether or not the Office of Civil Rights and the Department of Education is the place, or if the Department of Justice is the place, which is what is being proposed by this Administration right now?

Ms. GAMMILL. I'll be honest with you, Senator, I don't particularly care which one it is. I believe that enforcement is what is necessary here. I believe that they need to be well educated on these issues, whomever it is going to be.

I will say what we have seen recently when it is OCR investigators is one, a lack of proper understanding in education and a lack of understanding of the law that requires enforcement. So to the extent that there is some cooperation between the Department of Education and the Department of Justice, I think that may be absolutely the recipe that we need.

Senator KIM. Thank you for your perspective. Let me just say on my front what I worry about because I agree with you. Something you said earlier, Ms. Gammill, was context is important. And I do think that there is very strong need for having that context within the system of education.

Understanding the dynamics there in our education are different than other parts of our society. I agree with you though. We want to make sure that there is teeth to it in terms of being able to engage. And what we want to make sure is there is a process there. And I will be honest, like when I see these efforts that are targeting Yunseo Chung, or Khalil, or others without a process, whether in the Department of Education or the Department of Justice, it worries me.

The last thing I will just say here as I am wrapping up is I know it was mentioned before about Chinese students coming to the United States, espionage issues. I just want to say like look, like my son, 7 years old, when he was seven was at school. Had a kid calling—taunting him, calling him Chinese boy, Chinese boy over and over again. And so, when there was that anti-Asian hate rising, the first people in New Jersey that came to our defense were some of the Jewish American community leaders. We wrote an Op-Ed together.

I think that is important. I understand that there are nuances and differences, and I know that there is a concern about lumping it all together, but it is this understanding that when we protect all students, we are stronger than where we are seeing that kind of division that is out there,

I just wanted to respond and say, look I will stand up to try to address these needs. Try to do it in a way with teeth. Thank you, Chairman, for letting me go a few seconds over here.

The CHAIRMAN. Senator Husted.

Senator HUSTED. Thank you, Mr. Chairman. Appreciate everybody being here today. While Antisemitism is millennia old, the flashpoint was October 7th for the issues that we are currently dealing with. I was on a college campus, at Ohio State, in the days after that occurred.

The students were very scared there. It seemed as though it was a coordinated effort in many cases to—in the days following as if

there was an organization ready to go as soon after October 7th. I do believe that for all the sake of the Palestinian people and peace throughout the Middle East, if Hamas would just simply release the hostages and the bodies of those who are deceased, that we could take a step forward.

I hope we all can condemn them for failing to do that. However, a couple of quick questions when we are talking about the—are our universities protecting students from Antisemitism? I will ask each one of you a quick answer. Yes or no, are all of our college campuses doing enough to protect Jewish students from Antisemitism?

Ms. GAMMILL. No.

Mr. SHEMTOV. Definitely not.

Mr. SMALL. Absolutely not.

Mr. SAPERSTEIN. No.

Mr. STERN. No. But the better answers for the long term are educational as opposed to discipline.

Senator HUSTED. Well, that may be the case, but it seems like the circumstances where we see the most Antisemitism are on some of the most elite campuses in this country. So it is clearly education doesn't do enough.

There seems to be some coordinated agenda. Let me ask about the students on those campuses. If a student is here on a student visa, and it is proven that they are involved in Antisemitic activities and that they are connected to a foreign government or a terrorist organization, should they have that visa, student visa, revoked?

Ms. GAMMILL. It is a violation of their visa terms, absolutely.

Mr. SHEMTOV. A foreign government, I can't say. But terrorist organization, definitely.

Mr. SMALL. Yes. If they are supporting a terrorist organization in the United States, they must have lied on their visa application, which is against the law.

Mr. SAPERSTEIN. I agree with that. If it is a terrorist organization and they are supporting it, the law is quite clear.

Mr. STERN. Senator, I think the law is clear that there is material support, but advocacy is something different. Let me share with you a quote from Justice Brandeis in the Whitney case when there was a conviction of a woman for belonging to the Communist Party because they were advocating political violence.

He said, those who want our independence believed liberty to be the secret of happiness and courage to be the secret of liberty. They believe the freedom to think as you will and to speak as you think are means indispensable to—

Senator HUSTED. I understand that but we are not talking about American citizens here. We are talking about people who have the privilege of being here.

Mr. STERN. But the question is First Amendment rights, how much it applies, especially to a green card holder or to—people like Nadine Strossen say it does. Some—but the question is policy—

Senator HUSTED. There could be a real debate about that, but these are not citizens of the United States. They are here as guests.

Mr. STERN. But do you want students that come to America because of what we offer, including freedom of speech, to decide they don't want to come here?

Senator HUSTED. I would not want them to do it if they were indeed connected to a foreign government who is trying to influence situations here in America or a terrorist organization. That was the question.

Mr. STERN. What if they are misinformed about what river to the sea means, and they are on a campus? And they are 18 years old, and they see what is happening in Gaza—

Senator HUSTED. I am asking you the questions, you are not asking me the questions but—

Mr. STERN. Okay.

[Laughter.]

Senator HUSTED. That is how this works.

Mr. STERN. My apologies.

Senator HUSTED. As we look at this situation—and again, I was on college campuses in the days after. The students were very concerned. I will let—Rabbi Shemtov, you may want to answer this. Ms. Gammill, you may want to answer this.

Do you believe that there are—that there were coordinated efforts in advance of—with American citizens or people who were here that had knowledge of the October 7th attacks and were working to coordinate Antisemitic activity here in America?

Mr. SHEMTOV. Of the October 7th massacre, I have no idea. Of the post-October 7th Antisemitic violence thinly veiled as anti-Zionist or anti-Israel activity, absolutely, yes. And I am sad to say some of that support came from within the Jewish community, including many people say, and there is circumstantial and better evidence, including from Mr. Soro's circle, which is why I was so reticent to answer the Ranking Member's question before.

Ms. GAMMILL. I will just add that likewise, I have no specific information about what knowledge individuals here in the U.S. had. I can say that with absolute certainty that immediately following October 7th, there was clear evidence of a concerted campaign in the form of a toolkit for individuals on campus to follow in order to be in lockstep with Hamas and its ideas.

Senator HUSTED. Thank you, Mr. Chairman. Thank you.

The CHAIRMAN. Senator Baldwin.

Senator BALDWIN. Thank you, Mr. Chairman. And I want to thank our witnesses for being here today. Let me be clear, there is no place for Antisemitism and other forms of discrimination anywhere in this country, including on our college campuses.

As we have heard this morning, the Office of Civil Rights within the Department of Education is responsible for enforcing laws that protect the civil liberties of more than 49 million K through 12 students, and more than 24 million post-secondary students, including 1.2 million students in the State of Wisconsin.

There has been some debate at the dais, on the dais about whether the Office of Civil Rights is adequately resourced for the important charge that it has. The Office of Civil Rights was established by Congress within the Department of Education and is charged with protecting the rights of students.

We know that the office has seen a rise in cases and allegations of Antisemitism and other religious based discrimination on college campuses. And so, I would expect to be talking today more about how we are ensuring that the Office of Civil Rights is properly staffed and resourced.

The Trump administration has taken the opposite approach, intending to gut not only the Office of Civil Rights by firing staff, closing regional offices, and freezing OCR cases, but also by intending to dismantle the entire Department of Education.

During her confirmation process, I pressed Secretary of Education Linda McMahon about whether she would commit to using appropriated funds provided to the Department of Education's Office of Civil Rights for necessary staffing, and she responded that she would ensure that students would have equal access to education through vigorous enforcement of civil rights.

But since then, Secretary McMahon and President Trump have shuttered seven Office of Civil Rights regional offices, including one that serves the State of Wisconsin. You have already been asked about the impact of this and so I am going to move to another topic, and that is, the impact of broad attacks on diversity, equity, and inclusion on the topic that we have before us today.

Rabbi Saperstein, I appreciate your message of unity and observations that hate speech and hate crimes tear at the unity of Americans. As you attest, Antisemitism thrives in environments where civil liberties are curtailed, and that anti-bias training is critical to combating Antisemitism and fostering an inclusive environment for all students to learn and thrive.

I am very interested in your assessment of the potential impact of policy choices being made to attack diversity, equity, and inclusion. Will these broad attacks on diversity, equity, and inclusion sweep up important anti-bias training and other efforts to combat Antisemitism?

Mr. SAPERSTEIN. The question as you phrased it I think answers itself. Yes, it will greatly restrict anti-biased training. It will greatly restrict our commitment to the pluralistic democracy in which Jews have always thrived.

Pluralistic democracies have to be taken away. You think of the Nazis in Germany, they have to be destroyed in order to go about the work of a state sponsored Antisemitism. We don't want to erode our democracy or the pluralistic nature. There was a problem in a number of the DEI programs that they didn't include Jews and Antisemitism, and we pushed very hard to ensure that they would be included and that should be recognized.

But the need to have a diverse, inclusive, pluralistic society, including at our higher institutions of learning, I think is more important today as we are growingly more diverse in America than ever before.

Senator BALDWIN. Thank you.

The CHAIRMAN. Senator Banks.

Senator BANKS. Thank you, Mr. Chairman. Dr. Small, this week the Americans for Public Trust released a report that documented that China has donated over \$175 million this year over the last year alone to U.S. colleges.

Now, I wonder what connections you have found between the influence campaigns of the Chinese Communist Party, that money that is being sent to U.S. colleges, and to groups like Students for Justice in Palestine.

Mr. SMALL. Thank you for your question. It is an important issue. And in our circles we joke that the Chinese government steals IP from the United States and the Qatari buy it, and these are both important issues.

The Chinese Communist Party is connected, for example, to—in our assessment to Code Pink, for example. We have people like Mr. Roy Singham supporting kind of the extreme left in the United States and some of these issues on campus that are confronting in terms of Antisemitism.

Radical Islamist organizations such as the Muslim Brotherhood, Hamas, and the Palestinian Islamic Jihad have long cooperated and trained together with radical Marxist organizations such as the PFLP and the Democratic Front for—Liberation of Palestine. And this sort of exploded in our campus on October the 7th.

U.S. groups echoing these narratives and these type of kind of extremist groups, violent groups on campus——

Senator BANKS. I got a lot to——

Mr. SMALL. We call them the Red——

Senator BANKS. You can't establish a link between the Chinese influence campaigns and Students for Justice in Palestine. That is——

Mr. SMALL. We call it the Red Green Alliance though. So on campus——

Senator BANKS. The Red Green Alliance. I want to get to that because the connections between China and the radical Islamists like Hamas are no coincidence. It is called the Red Green Alliance, as you said.

The socialist left, and radical Islamists are coordinating to undermine the United States and Israel, and Code Pink is a big part of it. It is too bad that our Code Pink guest had to leave because I really wanted to get into that. Dr. Small, Code Pink isn't just a far left anti-war protest group anymore. It has become a direct tool of the Chinese Communist Party, and the CCP influence in the United States funded by CCP intermediaries.

Code Pink is defending the Communist Party's internment of the Uyghurs. It is really crazy, but Code Pink is defending the human rights abuse against Uyghur Muslims. Code Pink says that Taiwan is a part of China and—they even accuse the U.S. of being the invader during the Korean War.

Isn't that correct? They call, Code Pink calls America the arsenal of genocide. And just yesterday, they interrupted a Senate Intel-

ligence Committee hearing shouting anti-Israel slogans. Dr. Small, what links are you aware of between the CCP and Code Pink and other pro-Hamas organizations?

Mr. SMALL. Our colleagues have done some research on this. There definitely are links. There are links to Hamas. There are links to the Iranian revolutionary regime as well. They—Code Pink has visited Gaza and Iran on various occasions. So there is this sort of—they embody the Red Green Alliance. They are anti-American, anti-democratic, anti-Antisemitic.

Senator BANKS. Yes. I am really sorry they left because I wonder, do they even know that? Do they understand that? Do they understand that they are being—do they agree with that or are they taken advantage of by Code Pink organizers and financiers?

Mr. SMALL. I think they take advantage of the free speech that we have here. And I think in a way a lot of this conversation was framed with—as free speech. But I also think in terms of Antisemitism and what is taking place on campus is intimidation, violence, and criminal activity. So I wish there would be somebody from a police force here. We have spoken to NYPD—

Senator BANKS. I want to get to that. Mr. Chairman, I would like to enter a letter into the record that I sent to the Attorney General Pam Bondi yesterday requesting an investigation of Code Pink for violating the *Foreign Agent's Registration Act*.

The CHAIRMAN. Without objection.

[The following information can be found on page 113 in Additional Material:]

Senator BANKS. Dr. Small, do you think Code Pink's leaders may fit the definition of foreign agents and should they be investigated?

Mr. SMALL. I think they should definitely be investigated.

Senator BANKS. Dr. Small, you have mentioned this already, the New York Times reported in August 2023 that Code Pink's founder is now married to Neville Roy Singham, a multimillionaire who lives in Shanghai and funds a whole network of pro-CCP and anti-Israel protest groups. Mr. Chairman, I would like to also enter that record—or that article from the New York Times into the record.

The CHAIRMAN. Without objection.

[The following information can be found on page 115 in Additional Material:]

Senator BANKS. If American backed organizations protested like this in China, they would be locked up and shut down immediately. That is the fact of it. Dr. Small, what should the U.S. Government be doing to stop this flow of subversive money into our Country?

Mr. SMALL. In my recommendation—in my submission we call for various recommendations, including the Department of Education and other Government entities should do thorough investigations into foreign funding and its impact on our higher education.

We believe our higher education is—young people come to universities to learn how to be citizens and they are being miseducated on many important issues that guarantee our freedoms, such as freedom of speech and other democratic freedoms that we have here.

Senator BANKS. Thank you. I yield back.

Mr. SMALL. Thank you.

The CHAIRMAN. Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman. Tragically, Antisemitism is on the rise in the United States. It is outrageous. It is wrong, and we cannot, and we must not tolerate it. We saw it when white supremacists marched in Charlottesville with swastikas yelling blood in soil.

We saw it when a man walked into the Tree of Life synagogue and killed congregants in their house of worship. We see it when synagogues are threatened and vandalized, and we see it when Trump administration officials support far right Holocaust deniers. Antisemitism is a threat to our most basic freedom in the United States, the freedom to pursue faith without fear.

But rather than seriously address Antisemitism and protect Jewish students' safety, this Administration is cutting funding for the Office of Civil Rights, and Trump is cynically using the rise in Antisemitism as a tool to restrict freedom, stroke fear, and silence dissent, and it is as terrifying as it is evil.

Under the guise of combating Antisemitism, this Administration cutoff \$400 million in funding for Columbia University. Funding that amongst other things supports critical Alzheimer's and cancer research. We can't have cutoffs in Alzheimer's and cancer research in America.

This month, ICE officers arrested students in Columbia and Georgetown and elsewhere lawfully here in the United States but haven't charged them with a single crime. We are the United States of America. It is 2025. You need evidence. You need a crime. You have to say what it is. And on Tuesday, masked ICE officers grabbed Rumaysa Ozturk, a Ph.D. student at Tufts University, off the street as she was on her way to break fast for Ramadan. She has not been charged with a single crime.

As far as I understand it, the Trump administration arrested these students because they engaged in the freedom of expression that is explicitly protected under the Constitution of the United States. What these individuals said or believed is beside the point.

What matters is that we have a President arresting people because he disagrees with their Constitutionally protected right to freedom of expression, and that imperils the basic democratic principles upon which all of our freedoms relies.

When the Government of the United States is sending mass police to grab students off the streets and from their homes, holding Federal dollars, or threat of investigation as blackmail to force institutions into silence and routinely violating the Constitution, the laws passed by the United States in order to do what he wishes while using the Jewish people and others as a shield for his transgressions, we have crossed a dangerous, dangerous threshold from which we cannot return unless we call it out for what it is, authoritarianism.

We have a very serious Antisemitism problem in the United States of America. It is a problem that deserves a real and a forceful response. But the answer to Antisemitism will never be

authoritarianism. We cannot guarantee freedom if we let Trump march in and steal freedom while we remain silent.

Rabbi Saperstein, in your testimony you state, "Antisemitism, the hatred of Jews as Jews, thrives in an authoritarian environment where civil liberties are curtailed, not in spaces of robust protected democratic discourse."

Please expand on how Trump administration's authoritarian actions are a threat to the safety of the Jewish community and the role that Congress should play in response to it.

Mr. SAPERSTEIN. I said before that the Jewish community in America has thrived to enjoy more rights, more freedoms, and more opportunities than anywhere else. There are a number of reasons for that.

One is the rule of law which is at the core of our democratic system, our Constitutional system. The second was the separation of Government and religion—that Government would not interfere with the religion. We are keeping Government out of religion.

This was the first country in the history of the world in which we said, your rights as a citizen will not depend upon your religious identity or your religious beliefs, or your religious peaceful practices, which is a standard in my work as U.S. Ambassador for Religious Freedom. I tried to hold every other country accountable to its embodying the international human rights covenants.

We have always thrived better in open, pluralistic countries than we have in dogmatic and authoritarian countries. We are always the other in those authoritarian countries.

The reason we have thrived here has been the opportunities that higher education has given us, that the public schools have brought us up through for some generations in this country here, and the attacks on each one of those that we are seeing on higher education, on cutting back, even restricting funds, the public schools in terms of—in terms of the attacks on the rule of law and judges, the judicial system, ignoring judicial decisions that are being made, all of this undercuts the safety of not just Jews but everyone who is a victim of discrimination in this country.

Senator MARKEY. Antisemitism is the problem. Authoritarianism is not the answer.

Mr. SAPERSTEIN. Indeed.

The CHAIRMAN. Senator Hawley.

Senator HAWLEY. Thank you very much, Mr. Chairman. Thanks for calling this important hearing. Thanks to our witnesses for being here. Mr. Stern, if I could just start with you. I see that five or 6 days ago you gave an interview in which you said that the removal of Mahmud Khalil, the pro-Hamas foreign rioter, is a form of McCarthyism and makes Jewish students less safe.

Now, this is an individual who has been accused of endorsing and espousing terrorist activity. Who has been accused of lying on his application to a green card in the United States. Who is currently being sued for terrorizing and assaulting Jewish students. Do you stand by your view that trying to remove him as a form of McCarthyism?

Mr. STERN. Absolutely, Senator.

Senator HAWLEY. Why in the world would that be the case?

Mr. STERN. Let me answer. He hasn't been charged with a crime. The clear predicate for this, the White House said he was handing out pro-Hamas propaganda. When you start talking about people's views and what they are talking about in the public square as a basis for discrimination—and the effect on Jewish students is not just the fact that Jews may be seen as we are pushing this and that is going to happen. The way that this is going to harm Jewish students is it harms the academy.

Senator HAWLEY. Wait a minute. My time is limited. I am sorry to interrupt you, but just wait a minute. I have got to correct numerous inaccuracies there. No. 1, as you very well know, United States law says that a non-citizen is inadmissible for entry into this country if they, and I quote, "endorse or espouse terrorist activity or persuade others to do the same."

That same law provides you can be removed for the same reasons. That is what Mr. Khalil has been accused of. He has further been accused of by the U.S. Government for lying on his visa application.

That on its own would be sufficient to remove him from this country. He is being sued as you and I sit here in New York Court by the victims of October 7th for terrorizing and assaulting Jewish students, unlawfully taking over and damaging public university property, and physically assaulting Columbia University employees. And you are telling me that it is McCarthyism to remove this individual?

Mr. STERN. Senator, the deportation was started before that lawsuit, before that second question about what he was saying on his forms.

Senator HAWLEY. No, this is what the Government has alleged in open court, Mr. Stern. This is the basis for their removal proceedings. And our law makes clear, if you endorse or espouse terrorist activity, you can be removed from this country. He has done so. He has been accused of doing so from the beginning. He has been accused of lying to get into the country. I just, I am amazed that you are saying that this is McCarthyism.

Mr. STERN. Senator, you weren't here when I quoted part of what Justice Brandeis was talking about back in a case when there was somebody that was convicted for supporting the Communist party because they were talking about violence as a political solution. And Brandeis cautioned us that this type of robust speech—

Senator HAWLEY. This isn't speech. Lying on a visa application is not speech. Seeking to assault Columbia University employees and Jewish students is not speech. You are defending an individual who has espoused the destruction of this country, the destruction of the State of Israel, the destruction of Jews, and has taken actions in furtherance of the same.

You have also said that investigating the 60 colleges and universities that are currently under investigation by the Trump administration for Antisemitism is a form of weaponizing Antisemitism for

political benefit. You are opposed to investigating these institutions for Antisemitism?

Mr. STERN. Senator. I have been very clear that OCR has a very important role. That there are complaints that should go through the process. When you start using the Department of Justice and threatening universities' funding—

Senator HAWLEY. You are opposed—I just want to get this on the record. You are opposed to investigating Columbia University and others for Antisemitism?

Mr. STERN. No, I am not—

Senator HAWLEY. That is what you said 6 days ago.

Mr. STERN. No, I am not opposed to doing it the right way—

Senator HAWLEY. What does that mean, doing it the right way?

Mr. STERN. Not to claw back funds. Not to say we are holding you ransom. We are getting your faculty—

Senator HAWLEY. You were asked about an investigation for failing to protect Jewish students, and you said that is just weaponizing Antisemitism. It makes students less safe.

Mr. STERN. It is when the Department of Justice has a list of places they want to go to. To Senator Markey's question—

Senator HAWLEY. Oh, I heard Senator Markey's questions. I heard his whole speech. I thought it was insane. I just want to say for the record, I thought it was totally insane. And I think your positions are similarly insane.

I think the idea that we would bend over backward to hug and kiss and make nice to a pro-Hamas rioter because that's what Khalil is, and that we would say, heavens we can't remove him, and that makes Jewish students less safe on our campuses. That is nuts—that is nuts.

Mr. STERN. Senator, Rabbi Saperstein's point, if you look at American history, the times where Jews were most vulnerable was during the Palmer raids in World War I when there was political—

Senator HAWLEY. Jews are vulnerable now on our campuses because of people like Khalil. And I want to say for the record, I am glad he is gone, and I hope he never comes back.

[Applause.]

The CHAIRMAN. Senator Hickenlooper.

Senator HICKENLOOPER. Thank you, Mr. Chair. And thank you all for your time here and all your work. I think we have covered sufficiently to say that all of you agree that every student should feel safe on their campus.

Certainly the troubling rise of Antisemitic incidents on campuses over these past 2 years is troubling and should not be accepted. Students barricading in their rooms to protect themselves is unacceptable by any standard. But we have cut the Office of Civil Rights dramatically, and we seem to be pitting two of our fundamental goals against each other.

One is the—our necessity to stop Antisemitism, but also making sure that we uphold the First Amendment rights. And I think

American universities are trying to do that. I went to a little college in Connecticut, Wesleyan, where there has been a lot of effort about going out and trying to have discussion with both sides. And at the same time always keeping students safe.

That is their constant priority. And so I thought—Rabbi Saperstein, do you agree that university leadership should work harder at making sure we have—not just keeping them safe but making sure that dialog can help create that safety?

Mr. SAPERSTEIN. I do. There are a number of things that are going on at universities that would be very helpful now. Exactly, the university encouraging and structuring those kinds of dialogs. Having courses that teach about Zionism and Palestinian nationalism so that people can hear it from an academic point of view.

Having opportunities that there can be an open space and safe space where these dialogs can be held. And the one thing I would say to your statement and to some of the others, it is always, difficult to come up with a perfect answer of when something steps over speech into harassment, or into intimidation, which are clearly not allowed.

What is really important is for the universities to make clear what their standards are and what kind of protests will step over the line. They should be public about it, transparent about it, and consistently enforce it.

Nothing is more important, in terms of actually being able to tone down things, for everyone to know what the rules are, what the limits are, and to see it consistently enforced no matter who the perpetrators may be.

Senator HICKENLOOPER. Great. Any other comments on that? Yes.

Mr. SHEMTOV. Yes, I think that the, I am obviously a supporter of the First Amendment. I am a very deep beneficiary of the First Amendment. I believe that discussion between peoples is always important. One thing I am proud of is the numerous relationships I have with Muslims and Arab leaders who come to this country.

Senator HICKENLOOPER. You got to go a little faster. I am going to——

Mr. SHEMTOV. To understand them. It will be three sentences. On the campus of the George Washington University, I was just told firsthand by a student that they were taught in the first session of a class they needed to take that just to balance things out, there will be no Israeli written materials allowed in this course. I believe——

Senator HICKENLOOPER. I hear that argument, but that is not answering my question.

Dr. Small.

Mr. SMALL. Yes. I just want to start by saying, my family friend's daughter goes to Wesleyan, and she withdrew because she couldn't stand the pressure of being a young Jewish woman in the space. That is my first point——

Senator HICKENLOOPER. No, no, no, I got to get to another question, so—I apologize. I wish I had 6 minutes.

Mr. STERN. Michael Roth, the president there is one of my heroes. What he said when there was an encampment, he said, you want to camp? Camp. You want to harass somebody, you intimidate? That is a different story. We are going to use this as a learning experience. One other thing—

Senator HICKENLOOPER. No, no—I just want to get to this last question, sorry. Ms. Gammill, if you can just get your one sentence.

Ms. GAMMILL. I think we have to stop hiding behind free speech. What we are seeing on campuses is not a matter of speech—

Senator HICKENLOOPER. I have heard that come through. And I don't disagree that, but that balance between free speech and what we are talking about. I want just a quick yes or no right down the line because this is a crux—do you think it is appropriate that the Federal Government threatens or withhold research money that has nothing to do with any of this issue from major universities across the country based on how they are addressing this specific issue?

Ms. GAMMILL. The Federal Government has the authority to condition how it spends its money.

Senator HICKENLOOPER. You think that is Okay?

Ms. GAMMILL. When institutions are violating the law, yes it is Okay.

Senator HICKENLOOPER. Okay.

Mr. SHEMTOV. I believe they can reapportion the funding to institutions that will abide by the law, and will protect Jewish students, and other students, and not have intimidation on their campus.

Senator HICKENLOOPER. Research dollars are very hard to reapportion, but Okay, I hear you.

Mr. SHEMTOV. There should be a way to do that.

Mr. SMALL. It is against the Federal law to fund private or public entities that discriminate against American citizens.

Mr. SAPERSTEIN. The money is there to do what you are talking about, the rabbi here. To take it from here is punitive. It is really just aimed at undermining universities who do things that we can find a better way to get them to achieve.

Mr. STERN. Senator, I see it as an existential threat to universities. They are going to kill cancer research and diabetes research. Some of the researchers are Jewish, and they are doing it without due process. That is not the way to deal with this problem. That is only going to make it worse.

Senator HICKENLOOPER. Thank you all. I appreciate it. I yield back.

The CHAIRMAN. [Technical problems]—that shouldn't be a cover. Chasing kids into a room and pounding on the door when they are there is wrong, let me just say that. And blocking their way to get across the commons to go to their class is wrong. And that shouldn't have to be established in a behavior handbook. That should just be known when the kid shows up.

If you are guilty of perpetrating that, you should suffer consequences. And I think that is—that is not free speech. Now, we are closing. I ask for unanimous consent to enter three letters into

the record. The first record from the American Jewish Medical Association describing and highlighting the danger of Antisemitism in the medical education to the detriment of Jewish students and patients alike.

The second letter from the Union of Orthodox Jewish Congregations of America, providing recommendations to address Antisemitism on college campuses and supporting the passage of the *Antisemitism Awareness Act*, the *Protecting Students on Campus Act*, and *The Deterrent Act*.

The third letter from the Zionist Organization of America, highlighting the long history of Antisemitism on college campuses, including the surge since the attacks on October the 7th, 2023. And I ask unanimous consent, and I so acknowledge.

[The following information can be found on page 120 in Additional Material:]

The CHAIRMAN. The hearing record will remain open for 10 business days. Senators may submit questions for the records within that——

Senator SANDERS. Chairman.

The CHAIRMAN. Senator Sanders.

Senator SANDERS. I have a couple of unanimous consents.

The CHAIRMAN. Oh, I am sorry.

Senator SANDERS. One to enter into the record. A letter from the Jewish Electorate Institute regarding today's hearing. And another one dealing with the impact of Trump's cutting of the Office of Civil Rights.

The CHAIRMAN. Without objection.

[The following information can be found on page 146 in Additional Material:]

The CHAIRMAN. Thank you for being here today. The Committee stands adjourned.

ADDITIONAL MATERIAL

UNITED STATES SENATE,
WASHINGTON, DC,
March 26, 2025

Hon. PAMELA BONDI *Attorney General*,
U.S. Department of Justice,
Washington, DC.

Dear ATTORNEY GENERAL BONDI:

Yesterday morning, Code Pink activists disrupted the Senate Select Committee on Intelligence's "Worldwide Threats" hearing, screaming that, "The greatest threat to global safety is Israel." Code Pink has instigated numerous illegal antisemitic riots at university campuses across the country, including the University of Wisconsin and the University of California, Los Angeles.

I am concerned that Code Pink's actions extend far beyond anti-war protests, and that the group is actively engaging in propaganda efforts to support the Chinese Communist Party's (CCP) foreign policy aims, including by undermining U.S.-Israel relations and fueling antisemitism on college campuses. I write to urge you to investigate Code Pink for potential violations of the *Foreign Agents Registration Act* (FARA), due to growing evidence of Code Pink's deep connections with the CCP.

FARA requires all individuals in the United States acting as agents of foreign principals to regularly disclose their status and activities as a foreign agent to the Department of Justice (DOJ). FARA is meant to prevent U.S. organizations from se-

cretly serving the interests of a foreign power and to provide transparency to reduce hostile governments' abilities to promote propaganda.

Code Pink has a demonstrated track record of operating in the interests of the CCP. Code Pink routinely lobbies for conciliatory U.S. policies on China and aggressively denies reports of CCP atrocities. Including the CCP's genocide against the Uyghur people in Xinjiang. In January 2025, Code Pink acknowledged that it had organized a 10-day "*community trip*" to Xinjiang—presumably on a tightly controlled itinerary staged by the Chinese government to help communist authorities continue denying these crimes. Code Pink's "*report*" on a past China trip argued that "Taiwan is part of China," that U.S. bases in Asia were like Japan's World War II mass abuse of "comfort women," and that the Americans were the "invaders" in the Korean War.

Instead of condemning China's use of Uyghurs as slave labor, Code Pink's founder, Jodie Evans, *considers* Communist China a "defender of the oppressed and a model for economic growth without slavery or war." Code Pink operatives regularly disrupt congressional hearings on subjects which the CCP wants to suppress. In 2023, Code Pink operatives disrupted the inaugural hearing of the House Select Committee on China, shouting "China is not our enemy!" The disruption quickly led to a gloating *headline* in the *Peoples Daily*, the CCP's main newspaper.

Code Pink also receives significant funding and likely receives direction from agents of the CCP. The New York Times *reports* that Code Pink receives almost a quarter of its funding from Roy Neville Singham, a multimillionaire based in China, who shares office space and staff with a Chinese propaganda outlet. In one photo, Singham's office even contained a red banner that read "Always Follow the Party." Code Pink's founder, Evans, has been married to Singham since 2017. Code Pink's position on China has switched from skeptical to unquestioningly supportive since Evans became more involved with Singham and his organization. This suggests that Singham has played a substantial role in shaping Code Pink's rhetoric and priorities.

While once an American anti-war group, Code Pink has clearly become an agent of CCP influence in the United States. Despite activities and funding so blatant that even the New York Times acknowledged the organization's activities "usually require" groups to register under FARA, Code Pink has not registered with the DOJ. This failure to register represents a potential violation of FARA and merits a full investigation.

In his first term, President Trump took long overdue steps to root out malign CCP influence in the United States and counter antisemitism. Under the Biden administration, however, CCP infiltration of American politics and society was allowed to deepen while antisemitism was allowed to rage unchecked on American campuses. I know that President Trump, and you as his Attorney General, will take the lead once again in preventing communist China from undermining our national security, spouting their lies unimpeded, and dividing America from Israel. Requiring CCP mouthpieces like Code Pink to register as the foreign agents they are would be a major first step toward this goal.

I urge you to investigate Code Pink for potential violations of FARA, and respectfully ask that you provide answers to the following questions by no later than April 25, 2025:

- (1) Has Code Pink or any of its employees ever registered with the DOJ as a foreign agent acting on behalf of the Chinese Communist Party or any agency, official, or agent of the government of the People's Republic of China (PRC)?
- (2) Is it the view of the DOJ that Code Pink is legally obligated to disclose its status as a foreign agent under FARA, considering the organization's extensive efforts to lobby Members of Congress and U.S. Federal agencies for conciliatory U.S. policies toward China?
- (3) What actions is the DOJ taking to counter the CCP's efforts to expand its influence in the United States through funding far-left entities that oppose U.S. foreign policy interests and advocate the interests of foreign adversaries?
- (4) What actions is the DOJ taking to address FARA violations committed by U.S.-domiciled entities that lobby against the foreign policy interests of the U.S. while simultaneously receiving funding from foreign adversaries?

Thank you for your attention to this important matter.

Sincerely,

JIM BANKS,
U.S. SENATOR FOR INDIANA.

THE NEW YORK TIMES

A GLOBAL WEB OF CHINESE PROPAGANDA LEADS TO A U.S. TECH MOGUL

By Mara Hvistendahl, David A. Fahrenthold, Lynsey Chutel and Ishaan Jhaveri

Mara Hvistendahl is an investigative reporter focused on China. David A. Fahrenthold investigates nonprofits from Washington. Lynsey Chutel reported from South Africa and Ishaan Jhaveri from New York.

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The Times unraveled a financial network that stretches from Chicago to Shanghai and uses American nonprofits to push Chinese talking points worldwide.

On the surface, No cold war is a loose collective run mostly by American and British activists who say the West's rhetoric against China has distracted from issues like climate change and racial injustice.

In fact, a New York Times investigation found, it is part of a lavishly funded influence campaign that defends China and pushes its propaganda. At the center is a charismatic American millionaire, Neville Roy Singham, who is known as a socialist benefactor of far-left causes. What is less known, and is hidden amid a tangle of nonprofit groups and shell companies, is that Mr. Singham works closely with the Chinese government media machine and is financing its propaganda worldwide.

From a think tank in Massachusetts to an event space in Manhattan, from a political party in South Africa to news organizations in India and Brazil, The Times tracked hundreds of millions of dollars to groups linked to Mr. Singham that mix progressive advocacy with Chinese government talking points.

Some, like No cold war, popped up in recent years. Others, like the American antiwar group Code Pink, have morphed over time. Code Pink once criticized China's rights record but now defends its internment of the predominantly Muslim Uyghurs, which human rights experts have labeled a crime against humanity.

These groups are funded through American nonprofits flush with at least \$275 million in donations.

But Mr. Singham, 69, himself sits in Shanghai, where one outlet in his network is co-producing a YouTube show financed in part by the city's propaganda department. Two others are *working with a Chinese university* to "spread China's voice to the world." And last month, Mr. Singham joined a Communist Party workshop about promoting the party internationally.

Mr. Singham says he does not work at the direction of the Chinese government. But the line between him and the propaganda apparatus is so blurry that he shares office space—and his groups share staff members—with a company whose goal is to educate foreigners about "the miracles that China has created on the world stage."

Years of research have shown how disinformation, both *homegrown* and *foreign-backed*, influences mainstream conservative discourse. Mr. Singham's network shows what that process looks like on the left.

He and his allies are on the front line of what Communist Party officials call a "smokeless war." Under the rule of Xi Jinping, China has expanded state media operations, *teamed up with overseas outlets and cultivated foreign influencers*. The goal is to disguise propaganda as independent content.

Mr. Singham's groups have produced YouTube videos that, together, racked up millions of views. They also seek to influence real-world politics by meeting with congressional aides, training politicians in Africa, running candidates in South African elections and organizing protests like the one in London that erupted into violence.

The result is a seemingly organic bloom of far-left groups that echo Chinese government talking points, echo one another, and are echoed in turn by the Chinese state media. Because the network is built on the back of American nonprofit groups, tax experts said, Mr. Singham may have been eligible for tax deductions for his donations.

The Times untangled the web of charities and shell companies using nonprofit and corporate filings, internal documents and interviews with over two dozen former employees of groups linked to Mr. Singham. Some groups, including No cold War, do not seem to exist as legal entities but are tied to the network through domain registration records and shared organizers.

None of Mr. Singham's nonprofits have registered under the *Foreign Agents Registration Act*, as is required of groups that seek to influence public opinion on behalf of foreign powers. That usually applies to groups taking money or orders from foreign governments. Legal experts said Mr. Singham's network was an unusual case.

Most of the groups in Mr. Singham's network declined to answer questions from The Times.

Three said they had never received money or instructions from a foreign government or political party.

Speculation about Mr. Singham first emerged on Twitter among self-described anti-fascists. Reports followed in the publication *New Lines* and the South African investigative outlet *amaBhungane*. The authorities in India raided a news organization tied to Mr. Singham during a *crackdown on the press*, accusing it of having ties to the Chinese government but offering no proof.

The Times investigation is the first to unravel the funding and document Mr. Singham's ties to Chinese propaganda interests.

Mr. Singham did not offer substantive answers to questions about those ties. He said he abided by the tax laws in countries where he was active.

"I categorically deny and repudiate any suggestion that I am a member of, work for, take orders from, or follow instructions of any political party or government or their representatives," he wrote in an email. "I am solely guided by my beliefs, which are my long-held personal views." Indeed, his associates say Mr. Singham has long admired Maoism, the Communist ideology that gave rise to modern China. He *praised* Venezuela under the leftist president Hugo Chávez as a "phenomenally democratic place." And a decade before moving to China, he said the world could learn from its governing approach.

The son of a leftist academic, *Archibald Singham*, Mr. Singham is a longtime activist who founded the Chicago-based software consultancy Thoughtworks.

There, Mr. Singham came across as a charming showman who prided himself on creating an egalitarian corporate culture. He was unabashed about his politics. A former company technical director, Majdi Haroun, recalled Mr. Singham lecturing him on the Marxist revolutionary Che Guevara. Mr. Haroun said employees sometimes jokingly called each other "comrade." In 2017, Mr. Singham married Jodie Evans, a former Democratic political adviser and the co-founder of Code Pink. The wedding, in Jamaica, was a "Who's Who" of progressivism. Photos from the event show Amy Goodman, host of "Democracy Now!"; Ben Cohen, co-founder of Ben & Jerry's ice cream; and V, the playwright formerly known as Eve Ensler, who wrote "The Vagina Monologues."

It was also a working event. *The invitation* described a panel discussion called "The Future of the Left."

A screen grab of the wedding website—Mr. Singham goes by Roy—with a scheduled panel discussion called "The Future of the Left." *Credit . . . oneloveunionjodieandroy.com*

Mr. Singham had a plan for that future. He had quietly funded left-wing causes while at Thoughtworks. But his activism was about to intensify. Six months after his wedding, he sold Thoughtworks to a private equity firm. A copy of the sale agreement put the price at \$785 million.

"I decided that at my age and extreme privilege, the best thing I could do was to give away most of my money in my lifetime," he said in his statement.

The Network Takes Shape

While other moguls slapped their names on foundations, Mr. Singham sent his money through a system that concealed his giving.

At its center were four new nonprofits with dust-dry names like "United Community Fund" and "Justice and Education Fund." They have almost no real-world footprints, listing their addresses only as UPS store mailboxes in Illinois, Wisconsin and New York.

Because American nonprofit groups do not need to disclose individual donors, these four nonprofits worked like a financial geyser, throwing out a shower of money from an invisible source.

In their public filings, none list Mr. Singham as a board member or donor. “I do not control them,” he said in his statement, “although I have been known to share my opinions.”

In reality, Mr. Singham has close ties to all four.

The largest is run by Ms. Evans. The group’s founding bylaws say that Mr. Singham can fire her and the rest of the board. They also require that the group dissolve after Mr. Singham’s death.

The other three groups were founded by former Thoughtworks employees, according to interviews with other former Thoughtworks staff members and resumes posted online.

In his statement, Mr. Singham acknowledged giving his money to unnamed intermediaries that fit the description of these four UPS store nonprofits. And several groups that received donations from them have identified Mr. Singham as the source.

One of them is the Massachusetts-based think tank Tricontinental. Its executive director, Vijay Prashad, *recounted* Mr. Singham’s financing in 2021. “A Marxist with a massive software company!” he wrote on Twitter.

Tricontinental produces videos and articles on socialist issues. Mr. Prashad did not answer questions about Mr. Singham, but said the organization followed the law. “We do not and have never received funds or instructions from any government or political party,” he said in a statement.

From the UPS store nonprofits, millions of dollars flowed around the world. The Times tracked money to a South African political party, YouTube channels in the United States and nonprofits in Ghana and Zambia. In Brazil, records show, money flowed to a group that produces a publication, *Brasil de Fato*, that intersperses articles about land rights with *praise for Xi Jinping*. In New Delhi, corporate filings show, Mr. Singham’s network financed a news site, NewsClick, that sprinkled its coverage with Chinese government talking points. “China’s history continues to inspire the working classes,” one *video* said. These groups operate in coordination. They have cross-posted articles and shared one another’s content on social media hundreds of times. Many share staff members and office space. They organize events together and interview one another’s representatives without disclosing their ties.

‘Hijacked’ in South Africa

Several times a year, activists and politicians from across Africa fly to South Africa for boot camps at the Nkrumah School, set in a popular safari area.

They come to learn to organize workers and left-wing movements. Once on campus, though, some attendees are surprised to find Chinese topics seeping into the curriculum.

At a recent session, reading packets said that the United States was waging a “hybrid war” against China by distorting information about Hong Kong, Taiwan and the Xinjiang region where Uyghurs were held in camps.

The packets praised Chinese loans, calling them “an opportunity for African states to construct genuine, and sovereign, development projects.” No mention was made of China’s role in a *recent debt crisis in Zambia*.

“They’re being rounded up to be fed Chinese propaganda,” said Cebelihle Mbuyisa, a former employee who helped prepare materials for the workshop. “Whole social movements on the African continent are being hijacked by what looks like a foreign policy instrument of the Chinese Communist Party.”

Those who objected were shouted down or not invited back, four past attendees said. U.S. tax records show that one of the UPS store nonprofits, the People’s Support Foundation, donated at least \$450,000 for training at the school. On Instagram, Ms. Evans described a photo of the grounds as “Roy’s new place.”

The \$450,000 was just part of Mr. Singham’s efforts in South Africa. In all, the foundation has sent \$5.6 million to groups that run the school; a news organization; and the Socialist Revolutionary Workers Party, a fringe party launched ahead of the 2019 election.

Former party members said they were perplexed that, despite severe local unemployment and poverty, the party seemed interested in China. Mr. Singham, for ex-

ample, urged them to attend an online lecture by a Chinese academic, Li Bo of Fudan University, an email shows.

After a party member called China's presence in Africa "a second colonization," leaders responded defensively in a WhatsApp group. "When it came to us questioning certain behaviors from the Chinese state, that was a no-no," said Lindiwe Mkhumbane, a former member. In a statement, the party said its members have attended workshops on progressive issues but that it had never forced anyone to attend.

Mr. Singham also funded an online news startup, New Frame, according to a recording obtained by The Times. One employee, Aragorn Eloff, said Mr. Singham interviewed him for a job. The outlet hired talented reporters and paid them well. Readership was small, but the stated goal was "quality, not clicks."

Its former top editor *has denied* that New Frame had a pro-China slant. But a former reporter, Anna Majavu, said that an editor removed criticism of Chinese labor practices from a story on mining. "The resistance from the editor was purely political," she said.

In June 2022, an editor, Darryl Accone, wrote a resignation letter criticizing New Frame's soft coverage of China and Russia. The "unavoidable conclusion," he wrote, "is that this is an ideological directive emanating from above and outside New Frame."

'Always Follow the Party'

Mr. Singham's office, adorned in red and yellow, sits on the 18th floor of Shanghai's swanky Times Square.

A visit shows that he is not alone.

He shares the office with a Chinese media company called Maku Group, which says *its goal* is to "tell China's story well," a term commonly used for foreign propaganda. In a Chinese-language job *advertisement*, Maku says it produces text, audio and videos for "global networks of popular media and progressive think tanks."

It can be hard to tell where Maku begins and Mr. Singham's groups end.

Nonprofit filings show that nearly \$1.8 million flowed from one of the UPS store nonprofits to Maku Group. And in 2021, according to a *Chinese-language news release*, Maku and Tricontinental agreed to work with a Shanghai university to "tell China's story" in Chinese and English.

Maku's website shows young people gathering in Mr. Singham's office, facing a red banner that reads, in Chinese, "Always Follow the Party." Resting on a shelf is a plate depicting Xi Jinping. Maku Group did not respond to a request to comment. After The Times began asking questions, its website went down for maintenance.

In 2020, Mr. Singham emailed his friends to introduce a newsletter, now called Dongsheng News, that covers China in English, French, Spanish and Portuguese. Drawing stories from the state media, it blends lighthearted news with bureaucratic official prose.

Dongsheng's editors, in China, come from Tricontinental, but its address leads to the People's Forum, a Manhattan event space also funded by Mr. Singham. Dongsheng "provides unique progressive coverage of China that has been sadly missing," Mr. Singham told friends.

His ties to the propaganda machine date back at least to 2019, when, corporate documents show, he started a consulting business with Chinese partners. Those partners are active in the propaganda apparatus, co-owning with the municipal government of Tongren a media company that promotes anti-poverty policies.

The small, southwest city of Tongren might seem a niche topic. But organizations in Mr. Singham's network have published at least a dozen items about peasants there.

Code Pink

Ms. Evans, 68, was once a Democratic insider who managed the 1992 Presidential campaign of the California Governor Jerry Brown.

After the 2001 terrorist attacks, she reinvented herself as an activist. She became known for pink peace-sign earrings and sit-ins that ended with her arrest.

She helped form Code Pink to protest the looming war in Iraq. The group became notorious for disrupting Capitol Hill hearings.

Ms. Evans has organized around progressive causes like climate change, gender and racism. Until a few years ago, she readily criticized China's authoritarian government.

"We demand China stop brutal repression of their women's human rights defenders," she *wrote on Twitter* in 2015. She later posted on Instagram a photo with the Chinese dissident Ai Weiwei.

Since 2017, about a quarter of Code Pink's donations—more than \$1.4 million—have come from two groups linked to Mr. Singham, nonprofit records show. The first was one of the UPS store nonprofits. The second was a charity that Goldman Sachs offers as a conduit for clients' giving, and that Mr. Singham has used in the past.

Ms. Evans now stridently supports China. She casts it as a defender of the oppressed and a model for economic growth without slavery or war. "If the U.S. crushes China," she *said* in 2021, it "would cutoff hope for the human race and life on Earth."

She describes the Uyghurs as terrorists and defends their mass detention. "We have to do something," she *said* in 2021. In a recent YouTube video chat, she was asked if she had anything negative to say about China.

"I can't, for the life of me, think of anything," Ms. Evans *responded*. She ultimately had one complaint: She had trouble using China's phone-based payment apps.

Ms. Evans declined to answer questions about funding from her husband but said Code Pink had never taken money from any government. "I deny your suggestion that I follow the direction of any political party, my husband or any other government or their representatives," she said in a written statement. "I have always followed my values."

Few on the American political left would discuss the couple publicly, fearing lawsuits or harassment. Others said that criticism would undermine progressive causes. But Howie Hawkins, the 2020 Green Party Presidential nominee, said he had soured on Code Pink and others in the Singham network that presented themselves as pro-labor but supported governments that suppressed workers. "To defend that, or excuse that, really pushes them outside what the left ought to be," he said.

Code Pink is not alone among left-wing groups in raising concerns about anti-Asian discrimination and tensions between Beijing and Washington.

But Code Pink goes further, defending the Chinese government's policies. In a 2021 *video*, a staff member compared Hong Kong's pro-democracy demonstrators to the rioters who stormed the Capitol on January 6 that year.

In June, Code Pink activists visited staff members on the House Select Committee on China unannounced. In the office of Representative Seth Moulton, Democrat of Massachusetts, activists denied evidence of forced labor in Xinjiang and said the Congressman should visit and see how happy people were there, according to an aide.

"They are capitalizing on very legitimate concerns in order to push this pro-authoritarian narrative," said Brian Hioe, an editor with New Bloom, a progressive Taiwanese news site. "And their ideas end up circulating in a way that affects mainstream discourse." Chinese state media accounts have retweeted people and organizations in Mr. Singham's network at least 122 times since February 2020, a Times analysis found, mostly accounts connected with No cold war and Code Pink.

This May, Mr. Singham attended the opening of a media institute in Shanghai. Organizers distributed tote bags reading "Communications as solidarity."

Just last month, Mr. Singham attended a Chinese Communist Party propaganda forum. In a photo, taken during a *breakout session* on how to promote the party abroad, Mr. Singham is seen jotting in a notebook adorned with a red hammer and sickle.

Joy Dong, Michael Forsythe, Flávia Milhorange, Liu Yi and Suhasini Raj contributed reporting. Susan C. Beachy and Michelle Lum contributed research.

Audio produced by Jack D'Isidoro.

UNION OF ORTHODOX JEWISH CONGREGATIONS OF AMERICA



March 25, 2025

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President

RABBI MOSHE HAUER
Executive Vice President

RABBI JOSH JOSEPH, ED.D.
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& Chief Operating Officer

NATHAN J. DIAMENT
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ISAAC PRETTER
Chairman, Advocacy

YEHUDA NEUBERGER
Chairman, Board of Directors

Hon. Bill Cassidy, Chairman
Hon. Bernie Sanders, Ranking Member
U.S. Senate Committee on Health, Education, Labor and Pensions
Washington, DC
by electronic mail

Dear Chairman Cassidy, Ranking Member Sanders
and Senators of the Health, Education, Labor and Pensions
Committee,

I write to you on behalf of the Union of Orthodox Jewish
Congregations of America – the nation's largest Orthodox Jewish
umbrella organization – regarding your March 27th hearing: *"Antisemitic
Disruptions on Campus: Ensuring Safe Learning Environments for All
Students"*.

We greatly appreciate that the Committee is holding this hearing and
your prioritizing the need to address the unprecedented surge in
antisemitism in the United States that has occurred since the October
7, 2023 Hamas attack upon Israel. The ensuing dramatic rise in
antisemitism across all parts of our country remains a prevalent threat
to our community.

In 1790, President George Washington wrote to the Jewish community
of Newport, RI and famously said that Jews would enjoy
unprecedented freedom in the United States because the newly
founded nation would "give to bigotry no sanction, to persecution no
assistance."

Since October 7, American Jews have been subjected to physical
assaults on sidewalks, slander and harassment in subways, raucous
protests outside our synagogues and array of attacks – physical and
verbal – on school campuses. This has been going on for too long.
It's made headlines. President Trump has spoken out and taken initial
actions to address the crisis. Last year, the surge of antisemitism in the
U.S. was the subject of multiple hearings by various committees in the
House of Representatives in the previous Congress. We appreciate
that today, the Senate HELP Committee, is demonstrating for the first
time since October 7th, 2023, its commitment to addressing this
ongoing crisis.

There is still much this Committee, and the U.S. Senate, can and must
do to respond to the wave of unprecedented antisemitism in America
and thereby uphold the basic civil rights of American Jews – and

OU Advocacy is the non-partisan public policy arm of the Orthodox Union, the nation's largest Orthodox Jewish umbrella organization founded in 1898.

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recommit to fulfill George Washington's promise to the American Jewish community. In that constructive spirit, we offer the following.

1. Federal authorities should give better guidance to campus administrators and police about First Amendment law. As Senators on this Committee are well aware, "freedom of speech" is not a right without any limitations. Content neutral – time, place and manner restrictions are constitutional as are other limitations when speech can be inciteful and lead to harassment and violence. Yet, we have seen over the past year that antisemites, especially on university campuses, hide behind invocations of "free speech" and too many administrators and campus police seem to know how to respond appropriately. The Department of Education should offer more detailed guidance with illustrative examples to both inform and hold accountable university officials who are responsible for protecting the rights of their Jewish students to be free from harassment.
2. The Senate should pass legislation that will concretely address and combat the crisis of antisemitism. Several bills passed the previous House on a bipartisan basis and have been reintroduced in this Congress. These bills include the following:
 - a. Antisemitism Awareness Act (H.R.1007, S.558)
The AAA will codify the IHRA definition of antisemitism and expand its usage across the Federal government. It is currently utilized by the Dept. of State and the Dept. of Education. The IHRA definition has been endorsed by more than 40 countries and is recognized as the gold standard and a critical tool in combatting antisemitism.¹
 - b. Deterrent Act (H.R.1048)
The Defending Education Transparency and Ending Rogue Regimes Engaging in Nefarious Transactions Act is a bill about transparency. The bill requires an institution of higher education to annually disclose to the Department of Education (ED) or another appropriate enforcing agency, any year in which the IHE: receives a gift from a foreign country of concern (e.g., China or Russia) or foreign entity of concern of any dollar amount; receives a gift or contract from a foreign source (other than a foreign country of concern or foreign entity of concern) that is valued at \$50,000 or more, considered alone or in combination with all other gifts or contracts within a calendar year (current disclosure threshold is \$250,000 or more), or which has an undetermined monetary value; enters into a contract with a foreign country of concern or foreign entity of concern after receiving a waiver for such contract; or is substantially controlled by a foreign source. The bill passed the House on a broad bipartisan vote last year, the House will vote on it again later today.
 - c. Protecting Students on Campus Act (S.163)/Civil Rights Protection Act (tbd)
The Protecting Students on Campus Act and Civil Rights Protection Act are complementary bills introduced in the Senate and House, respectively. While the Civil Rights Protection Act (H.R.8648 in the 118th Congress) has not yet been reintroduced, both bills share the goal of increasing enforcement of Title VI in order to better protect Jewish Students at institutions of higher learning across the country whether through

¹ <https://forward.com/fast-forward/642348/deborah-lipstadt-antisemitism-jerusalem-declaration-nexus-ihra/>

enforcement by OCR at the Education Department, robust efforts based at the Department of Justice or another appropriate platform.

Requiring an awareness campaign to better inform students of their rights under Title VI, monthly congressional briefings from the Assistant Secretary for Civil Rights, an audit of Title VI complaints and OCR process reforms, the Protecting Students on Campus Act will significantly improve the ability of Jewish students to fight back against antisemitic harassment. The Civil Rights Protection Act would require many of these same actions, but would also add a requirement for institutions of higher learnings to appoint a Title VI coordinator similar to the existing requirement under Title IX, would increase responsibility for communicating the outcomes of their investigations and would necessitate their following these requirements or they would become ineligible for federal funding. The Civil Rights Protection Act passed out of the House Education and Workforce Committee in the previous congress on a bipartisan basis.

Since October 7, the American Jewish community has endured a wave of antisemitism that is unprecedented in our history in the U.S. Since the founding of this nation, Jews have experienced freedom and liberty of a kind our ancestors never experienced in any nation outside Israel in which Jews lived. That is because religious liberty and equality was built into the foundational 'DNA' of America.

The terrible events we have experienced these past seventeen months – and the inability of national leaders and institutions to act effectively and reverse this tide of antisemitism – has caused too many Jews to question whether the promise of liberty and equality for Jews in America will continue for future generations. American Jews of 2025 are wondering whether George Washington's words to the Jews of Newport 235 years ago remain true.

Today, we thank this Committee and you, U.S. Senators, for giving this crisis its due attention and taking action in the U.S. Senate to defend the civil rights of American Jews and ensure the continuity of America's promise to its Jewish citizens.

Sincerely,

Nathan J. Diament
Executive Director

STATEMENT FROM THE ZIONIST ORGANIZATION OF AMERICA

SUBMITTED TO THE U.S. SENATE COMMITTEE ON HEALTH, EDUCATION,
LABOR AND PENSIONS

IN CONNECTION WITH ITS HEARING ON

“ANTISEMITIC DISRUPTIONS ON CAMPUS; ENSURING SAFE LEARNING
ENVIRONMENTS FOR ALL STUDENTS”

HELD ON MARCH 27, 2025

Submitted March 26, 2025

Introduction

The Zionist Organization of America (ZOA) appreciates the opportunity to submit this statement to the U.S. Senate Committee on Health, Education, Labor and Pensions as the Committee examines the topic “Antisemitic Disruptions on Campus: Ensuring Safe Learning Environments for All Students.”

This statement will show that (1) campus antisemitism has been a problem in the United States for decades; (2) the problem, including antisemitic disruptions on campus, surged after the Hamas massacre on October 7, 2023, creating an environment for many Jewish students that is hostile and even unsafe; (3) university leaders have fueled antisemitism; (4) the government has failed to take sufficient steps to protect the civil rights of Jewish students; (5) the government’s recent additional steps are important, but more is required to ensure that Jewish students are afforded the safe and welcoming learning and living environment that every student deserves.

About the ZOA

Founded in 1897, the ZOA is the oldest pro-Israel organization in the United States, playing a key role in mobilizing American support for the establishment of the State of Israel. Under the leadership of illustrious presidents including U.S. Supreme Court Justice Louis Brandeis, Rabbi Dr. Abba Hillel Silver, and current National President Morton A. Klein, the ZOA has been on the front lines of Jewish activism, fighting for the rights and interests of the Jewish people and for a safe and secure Israel.

The ZOA carries out its work through its Government Relations Department, its ZOA Campus department, and its Center for Law and Justice. The ZOA’s regional offices engage in education and advocacy in communities across the U.S.

ZOA’s Long History of Fighting Campus Antisemitism

Today, in response to the surge in antisemitism after the Hamas massacre in Israel on October 7, 2023, many individuals and groups are using Title VI of the Civil Rights Act (42 U.S.C. §§ 2000d et seq.) to remedy antisemitic harassment and discrimination on U.S. campuses and in our K-12 schools. It was ZOA’s pioneering work that laid the groundwork for all these legal efforts.

In October 2004, the ZOA filed a groundbreaking complaint with the U.S. Department of Education’s Office for Civil Rights (OCR) on behalf of Jewish students at the University of California, Irvine. The complaint alleged that Jewish students had faced years of antisemitic harassment, intimidation and discrimination at UC Irvine, which the university administration knew about but failed to address, in violation of Title VI of the Civil Rights Act. The ZOA’s complaint was the first case of antisemitic harassment that OCR agreed to investigate under Title VI.

In 2005, the U.S. Commission on Civil Rights – an independent, bipartisan fact-finding federal agency that investigates, reports on, and makes recommendations about civil rights issues – held its first-ever hearing on campus antisemitism. The ZOA’s Susan Tuchman was one of

three witnesses invited to brief the U.S. Commission on Civil Rights on the nature and extent of campus antisemitism and potential remedies to effectively address the problem. The briefing led to landmark findings and recommendations by the Commission, which were included in a detailed report to the President and the U.S. Congress – including that anti-Zionism and anti-Israelism may be manifestations of antisemitism, that Jewish students should be protected from antisemitic harassment under Title VI, and that publicly-funded schools have the legal obligation to protect them. In addition, as a result of the briefing, the Commission undertook a nationwide public education campaign to end campus antisemitism.

Historically, OCR was not enforcing Title VI to protect Jewish students. Title VI prohibits discrimination based on “race, color, or national origin” in federally funded programs and activities. OCR considered Jews to be a religious group only – and not also an ethnic group – and thus outside the protections of the law.

The ZOA led a six-year battle to ensure that Title VI would be enforced to protect Jewish students, in the same way that this law had protected other ethnic and racial groups for close to 50 years. In March 2010, 12 other Jewish organizations joined the ZOA in sending a letter to the Secretary of Education, urging the U.S. Department of Education to enforce Title VI to protect Jewish students from antisemitic harassment and intimidation. On October 26, 2010, OCR issued a “Dear Colleague” letter that finally made it clear that Jewish students would be protected under Title VI. On December 11, 2019, President Donald Trump affirmed these Title VI protections for Jewish students in his Executive Order on Combating Anti-Semitism. See Exec. Order No. 13899, 84 Fed. Reg. 68779 (Dec. 11, 2019), at <https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism>.

In 2018, the ZOA again played a key role in inspiring more effective legal protections for Jewish students. Triggered by the ZOA’s Title VI action against Rutgers University, OCR declared that it would begin using the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism when it assessed antisemitic bias in Title VI cases. (See <https://holocaustremembrance.com/resources/working-definition-antisemitism>.) With this declaration, OCR would have much-needed guidance on how antisemitism is expressed today, so that it could more effectively address the problem.

For decades, ZOA has worked closely with Jewish students on campuses across the country, building their knowledge of and support for Israel, and giving them the tools they need to respond to the anti-Israel misconceptions and outright lies that are promoted by students, student groups, and even faculty on campus. We have advocated for and helped Jewish students facing a hostile antisemitic environment at many schools across the U.S., including but not limited to The City University of New York; New York University; Rutgers University; the University of California; the University of Michigan; Northeastern University; Emerson College; Duke University; the University of North Carolina at Chapel Hill; Case Western University; Florida State University; Pitzer College; Fordham University; and Florida Atlantic University.

Antisemitism Has Long Been A Serious Problem on American Campuses

Jews on U.S. college campuses have faced antisemitic harassment and intimidation for decades. In November 2005, the U.S. Commission on Civil Rights (“Commission”) convened a panel of experts to brief the Commission on incidents of antisemitic harassment on college campuses across the United States. Based on the record, the Commission adopted Findings and Recommendations on April 3, 2006, which were included in a detailed Briefing Report issued by the Commission in July 2006. U.S. Comm’n on Civil Rights Briefing Rep., Campus Anti-Semitism, July 2006, at 72-73, <https://www.usccr.gov/files/pubs/docs/081506campusantibrief07.pdf>.

Almost two decades ago, the Commission recognized that campus antisemitism was already an ongoing and “serious” problem on many college campuses “warrant[ing] further attention.” Jewish students were enduring physical threats and intimidation, as well as “derogatory remarks, vandalism, and use of Swastikas and other symbols of hatred or bigotry.”

The Commission also found that on many campuses, anti-Israel and anti-Zionist propaganda had been disseminated that included “traditional anti-Semitic elements” – for example, “anti-Zionist propaganda that exploits ancient stereotypes of Jews as greedy, aggressive, overly powerful, or conspiratorial.” Recognizing the importance of distinguishing such propaganda from “legitimate discourse regarding foreign policy,” the Commission declared that “[a]nti-Semitic bigotry is no less morally deplorable when camouflaged as anti-Israelism or anti-Zionism.”

Antisemitism was a problem in university classrooms, too, the Commission found: “Substantial evidence suggests that many university departments of Middle East studies provide one-sided, highly polemical academic presentations and some may repress legitimate debate concerning Israel.”

In July 2015, Brandeis University released a study regarding the extent of antisemitism and anti-Israelism on campus in the wake of the Israel-Hamas war in the summer of 2014. Leonard Saxe et al., Brandeis University. Antisemitism and the College Campus: Perceptions and Realities, July 2015, <https://scholarworks.brandeis.edu/esploro/outputs/report/Antisemitism-and-the-college-campus-Perceptions/9924143424201921>. The study drew on a survey of U.S. and Canadian college students and young adults who had applied to participate in a 10-day educational experience in Israel in the summer of 2015.

The study’s key findings included the following:

(1) More than one-quarter of undergraduate respondents described anti-Israel hostility on campus by their peers as a “fairly” or “very big” problem and almost 15% perceived this same level of hostility toward Jews.

(2) Approximately one-third of college undergraduate respondents reported having been verbally harassed during the past year because they were Jewish.

(3) Almost three-quarters of respondents reported having been exposed at one time during the previous year to at least one of six antisemitic statements, including claims that Jews have too much power and that Israelis behave “like Nazis” toward Palestinians.

**Campus Antisemitism Surges After the Hamas Terrorist Attacks
on October 7, 2023**

It would be reasonable to think that the worst mass slaughter of the Jewish people since the Holocaust would engender compassion and support for the Jewish community and zero tolerance for antisemitism, including on campus. Instead, hostility and hatred toward Jews rose sharply after Hamas’ massacre in Israel on October 7, 2023. Jews on campus were blamed for the massacre. Jews have been harassed, threatened, bullied, cursed at, and physically assaulted. They have seen students, professors and administrators not only stay silent in response to campus attacks on Jews and Israel, but also openly support and praise the terrorist group Hamas and its horrifying violence and destruction.

Studies Documenting the Surge

In December 2023, Brandeis University issued another study of campus antisemitism, based on research conducted in the weeks after the Hamas attacks on October 7, 2023. Graham Wright et al., Brandeis University, *In the Shadow of War, Hotspots of Antisemitism on U.S. College Campuses*, Dec. 2023.
<https://scholarworks.brandeis.edu/esploro/outputs/report/9924312184701921#file-0>.

Based on survey data collected from almost 2,000 Jewish undergraduate students at schools with large Jewish student populations, the study’s key findings included that:

- Antisemitic hostility varied “dramatically” from campus to campus.
- At the most hostile schools, about 80% of Jewish students reported encountering hostility toward Israel from other students “sometimes” or “often.” At these schools, 30% also reported encountering hostility toward Israel from faculty.
- Jewish students at campuses with higher levels of antisemitic hostility were much less likely to feel fully safe or comfortable on their campus and much less likely to feel that they “very much” belonged.

Equally troubling data came from Hillel International, which describes itself as “the world’s largest Jewish student organization.” Hillel International has been tracking antisemitic incidents on college campuses since 2019. See Hillel International, *Confronting Antisemitism on Campus*, <https://www.hillel.org/confronting-antisemitism/>.

Since the Hamas terrorist attacks on October 7, 2023, Hillel International tracked a total of 1,854 reported antisemitic incidents in the 2023-2024 school year – a 700% increase from the previous school year. Hillel International, *Antisemitism on College Campuses: Incident Tracking*, <https://www.hillel.org/antisemitism-on-college-campuses-incident->

tracking/#:~:text=If%20you%20or%20a%20student,for%20pro%20hono%20legal%20support. During the 2024-2025 academic year, Hillel International has, as of March 21, 2025, tracked 1,338 antisemitic incidents on campus. *Id.*

These reports are alarming. But they do not capture the pain, suffering and fear that many Jews on campus have been enduring since October 7, 2023. There are too many examples to recount; here are a few.

Antisemitism at Yale University

On April 20, 2024, Sahar Tartak, a Jewish student who was editor-in-chief of the Yale Free Press, went with another Jewish student to an anti-Israel rally on campus to report on it. Both students, by their attire, were observably Jewish. They were accosted by rally organizers, who created a human blockade and prevented them from walking. When the two students got separated, Ms. Tartak was followed and taunted by protesters, who encircled her, waving flashlights and keffiyehs in her face. One of the protesters jabbed her in the eye with his flag, necessitating emergency medical treatment. Ms. Tartak also suffered psychological damage and feared returning to the Yale campus: "All these students know who I am," she said. Michael Starr, Jewish Yale Student Jabbed in Eye with Flag Pole By Anti-Israel Protesters, Jerusalem Post, Apr. 21, 2024, <https://www.jpost.com/diaspora/antisemitism/article-798092>; NewsNation, Yale Student Assaulted by Protesters Links Incidents to Terrorist Influence, Apr. 2024, https://www.youtube.com/watch?v=Hk_rFeSf8s.

Antisemitism at UCLA

A young Jewish woman named Eleanor was accosted by anti-Israel protesters at UCLA on April 30, 2024. When she bent over to pick up an Israeli flag that her sister had dropped, protesters kicked and stepped on the flag, pushed Eleanor back, slamming her head to the ground, and kicked her in the head. Eleanor was knocked unconscious and rushed to the hospital for treatment. NBC-LA, Jewish Student Recounts Injury During UCLA Protest, YouTube, May 1, 2024, <https://www.youtube.com/watch?v=ecD39KFX6oU>; Israel Supporter Assaulted at UCLA in Attack Caught on Video, Fox News, May 3, 2024, <https://www.foxnews.com/video/6352241452112>.

Antisemitism at Cooper Union College

On October 25, 2023, students at Cooper Union College in Manhattan were forced to barricade themselves in the library while anti-Israel, pro-Hamas demonstrators banged on the library's doors and windows, screaming for Israel's elimination (with chants of "Free, free Palestine"). Jewish students "were full of fear, some crying," one student reported. Joshua Rhett Miller, Jewish Students Reveal What Really Happened at Cooper Union Protest, N.Y. Post, Oct. 26, 2023, <https://nypost.com/2023/10/26/metro/jewish-students-reveal-what-happened-at-cooper-union-protest/>; Luke Tress, Jewish Students Locked in NYC's Cooper Union as Protesters Chanted "Free Palestine," The Times of Israel, Oct. 26, 2023, <https://www.timesofisrael.com/jewish-students-barricade-in-nycs-cooper-union-as-protesters-chant-free-palestine/>.

Antisemitism at Rutgers University

In November 2023, members of Rutgers' "Students for Justice in Palestine" group (SJP) stormed the student center and took it over, shouting, "We don't want Zionists here" and other slurs.¹ SJP protesters shouted at and called Jewish students "murderers." Antisemitism at Postsecondary Institutions, Bipartisan Member Roundtable, Comm. on Educ. & the Workforce 118th Cong. (Feb. 29, 2024) (statement of Joe J. Gindi). https://edworkforce.house.gov/uploadedfiles/joe_j._gindi_testimony.pdf. at 2.

Also in November 2023, SJP protesters took over the business school, calling for an intifada – a call for violence and terrorism against Jews – disrupting classes and causing Jewish students to fear entering the building. *Id.* at 3. The administration did not stop the harassment; "[o]ne administrator literally held the door open" for SJP agitators so that they could enter the building.

Some of the anti-Israel rallies were led by Rutgers staff. At one, a program coordinator screamed at Jewish students, "F—k you! F—k you, Colonizer! F—k you, Zionist!"

Hundreds of Jewish students and faculty at Rutgers signed open letters to the administration detailing and denouncing the rampant antisemitism at Rutgers since October 7, 2023. A Letter from Jewish Students of Rutgers University, <https://nypost.com/wp-content/uploads/sites/2/2024/05/A-Letter-from-Jewish-Students-of-Rutgers-University.pdf>; Rutgers Faculty-Staff Letter in Support of Our Jewish Students - May 2024, <https://docs.google.com/document/d/1q1VHnyL2jazxXYt9dQjsI43OnWjeaQRp5gBgniubcDk/edit>.

Antisemitism at Columbia University

Dozens of Jewish students reported feeling unsafe at Columbia University after the Hamas massacre. Protesters yelled "murderer" at a student wearing an Israeli flag, and yelled at other students, "F—k the Jews" and "F—k Israel." Jewish students were spat on and physically assaulted. Protesters told Columbia students to "go back to Poland," and screamed, "Say it loud and say it clear, we don't want no Zionists here." Rebecca Massel, "I am a Target": Dozens of Jewish Students Report Feeling Unsafe on Campus, *Columbia Daily Spectator*, Nov. 2, 2023, <https://www.columbiaspectator.com/news/2023/11/02/i-am-a-target-dozens-of-jewish-students-report-feeling-unsafe-on-campus/>; Bari Weiss, They Were Assaulted on Campus for Being Jews, *The Free Press*, Apr. 21, 2024, <https://www.thefp.com/p/they-were-assaulted-on-campus-for>.

¹ SJP is an anti-Israel group that is the primary perpetrator of antisemitism on campuses across the U.S. After October 7, 2023, SJP groups justified and glorified Hamas' savage attacks. These groups were also principally involved in organizing the anti-Israel encampments at U.S. campuses, creating an environment for many Jews that was hostile and even unsafe. In 2016, Brandeis University issued a study assessing antisemitism and anti-Israel sentiment on U.S. college campuses and identified "hotspots" – i.e., campuses where these problems were particularly acute. One of the study's findings was that "[o]ne of the strongest predictors of perceiving a hostile climate toward Israel and Jews [on campus] is the presence of an active Students for Justice in Palestine (SJP) group." See Leonard Saxe, Graham Wright, Shahar Hecht, Michelle Shain, Theodore Sasson & Fern Chertok, Hotspots of Antisemitism and Anti-Israel Sentiment on U.S. Campuses, Brandeis University, Oct. 2016, <https://www.brandeis.edu/cmjs/noteworthy/ssri/hotspots-antisemitism.html>.

In April 2024, a rabbi at Columbia recommended that Jewish students leave and return home “until the reality in and around campus has dramatically improved.” Expressing his belief that the university and the New York City police could not guarantee the safety of Jewish students “in the face of extreme antisemitism and anarchy,” the rabbi wrote: “It is not our job as Jews to ensure our own safety on campus. No one should have to endure this level of hatred, let alone at school.” Philissa Cramer, Rabbi at Columbia U Urges Jewish Students to Leave as Pro-Palestinian Protests Continue to Roil Campus, Jewish Telegraphic Agency, Apr. 21, 2024, <https://www.jta.org/2024/04/21/united-states/columbia-u-rabbi-urges-jewish-students-to-leave-as-pro-palestinian-protests-continue-to-roil-campus>.

In January 2025, on the first day of classes for the semester, masked anti-Israel protesters entered a Columbia University course titled “History of Modern Israel” by banging on drums, shouting “Free Palestine,” and distributing fliers that showed a boot stomping on a Star of David with the words “Crush Zionism.” Another flier reportedly included the words “Burn Zionism to the ground” with an image of a keffiyeh-wearing individual holding a burning Israeli flag. Barnard expelled two protesters who were Barnard students. Rebecca Massel & Isha Banerjee, Columbia Suspends Affiliate For Participation in Disruption of History of Modern Israel Class, Columbia Daily Spectator, Jan. 23, 2025, <https://www.columbiaspectator.com/news/2025/01/23/columbia-suspends-affiliate-involved-in-disruption-of-history-of-modern-israel-class/>.

After the expulsion, a student coalition called Columbia University Apartheid Divest posted on Instagram: “We disrupted a Zionist class, and you should too.” Philissa Cramer, Barnard College Expels 2 Students Who Disrupted Israel History Class With Pro-Palestinian Protest, Jewish Telegraphic Agency, Feb. 24, 2025, https://www.jta.org/2025/02/24/united-states/barnard-college-expels-2-students-who-disrupted-israel-history-class-with-pro-palestinian-protest?utm_source=JTA_iterable&utm_campaign=JTA_DB&utm_medium=email.

In response to the expulsion, anti-Israel protesters occupied a campus building; assaulted a staff member, sending him to the hospital; disrupted and forced professors to cancel classes; and blocked students’ entry to the building so that they could not get to their classes. The protesters trapped a dean in her office and degraded her when she was forced to ask if she could use the restroom. They chanted “shame” as she walked past them and then posted on social media: “Dean Leslie Grinage of @BarnardCollege just asked for our permission to use the bathroom. Guess who has the upper hand now?” Instead of finally cracking down on these thugs, Barnard officials reportedly appeased them, agreeing to meet with them and assuring them that anyone who left the building would not be disciplined. Steven McGuire, Minding the Campus, Mar. 3, 2025, <https://www.mindingthecampus.org/2025/03/03/barnards-leaders-have-let-anti-semitic-mobs-take-control/>.

Antisemitism at Harvard University

Thirty-four student groups at Harvard, representing hundreds of students, wasted no time after the Hamas massacre in blaming Israel for it. Even before Israel took any steps in defense of its people, these student groups issued a “joint statement” demonizing Israel with falsehoods and

holding “the Israeli regime entirely responsible for all unfolding violence.” Harvard Palestine Solidarity Groups, Joint Statement by Harvard Palestine Solidarity Groups on the Situation in Palestine, Oct. 10, 2023, <https://www.palestine-studies.org/en/node/1654370>.

In January 2024, dozens of Harvard students posted on social media that Jews are baby killers and pedophiles, that Jews play an outsize role in media and politics, and that “too many damn Jews” live in this country. Antisemitism on College Campuses: Hearing Before the House Judiciary Subcommittee on the Constitution & Limited Government, 118th Cong. (May 15, 2024) (statement of Shabbos Kestenbaum), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/Kestenbaum%20Testimony.pdf> at 2.

Posters in Harvard Yard depicting hostages held captive by Hamas were vandalized by antisemitism. Hostages were compared to convicted sex offender Jeffrey Epstein and Jews were accused of orchestrating the September 11 terrorist attacks on the U.S. Kestenbaum Statement at 2.

In February 2024, almost one hundred Harvard faculty and staff reposted an image of a hand branded with the Star of David with a dollar sign at the center of the star. The hand held a noose circling the neck of a Black man and an Arab man. Kestenbaum Statement at 3; Melissa Koenig, Harvard Facing Fresh Antisemitism Scandal as Faculty Group Shares Cartoon Full of “Offensive Tropes,” N.Y. Post, Feb. 20, 2024, <https://nypost.com/2024/02/20/us-news/harvard-facing-new-antisemitism-scandal-over-cartoon/>.

On the first day of Passover 2024, hundreds of Harvard students set up an encampment on the campus which lasted for weeks and which, according to a Harvard graduate student, “espoused near daily antisemitism, harassed and followed Jews, called for the violent destruction of the Jewish state, and violated school policy.” Antisemitism on College Campuses: Hearing Before the House Judiciary Subcommittee on the Constitution & Limited Government 118th Cong. (May 15, 2024) (statement of Shabbos Kestenbaum), at 5.

The encampment’s organizers displayed (and later removed) a poster of interim Harvard President Alan M. Garber – who is Jewish – with horns and a tail, sitting on a toilet, with the caption, “Alan Garbage funds genocide.” Emma H. Haidar & Cam E. Kettles, Encampment Protesters Remove Drawing of Harvard President as Devil After Backlash, The Harvard Crimson, May 12, 2024, <https://www.thecrimson.com/article/2024/5/12/garber-devil-poster-removed-hoop-encampment/>.

Faculty Have Openly Supported Hamas and Its Massacre of Jews

Just days after Hamas’ barbarism, a Cornell University professor spoke at an anti-Israel rally in Ithaca and said that he was “exhilarated” and “energized” by Hamas’ actions. Sofia Rubinson, Cornell Professor “Exhilarated” by Hamas’s Attack Defends Remark, The Cornell Daily Sun, Oct. 18, 2023, <https://cornellsun.com/2023/10/16/cornell-professor-exhilarated-by-hamass-attack-defends-remark/>. The professor took a voluntary leave for the rest of the 2023-2024 academic year. But Cornell permitted him to resume teaching in the fall of 2024, because

his “comments were made as a private citizen in his free time.” Ryan Quinn, Cornell Professor “Exhilarated” by Hamas Attack is Back Teaching. Inside Higher Ed, Sept. 17, 2024, <https://www.insidehighered.com/news/quick-takes/2024/09/17/cornell-prof-exhilarated-hamas-attack-back-teaching>.

Less than a day after the Hamas massacre, a Columbia University professor published an article praising the massacre. Joseph Massad, Just Another Battle or the Palestinian War of Liberation? The Electronic Intifada, Oct. 8, 2023, <https://electronicintifada.net/content/just-another-battle-or-palestinian-war-liberation/38661>. Massad lauded the terrorist group’s horrific actions as “astonishing,” “astounding,” “awesome,” and “incredible.” *Id.*

Despite understandable outcry, Columbia University is permitting Massad to teach a course on Zionism and the history of Israel this semester. Columbia University, Statement on Professor Massad’s Spring 2025 Course, Dec. 17, 2024, <https://communications.news.columbia.edu/news/statement-professor-massads-spring-2025-course>. As a Columbia professor wrote in a letter announcing his resignation from the university faculty in response to this decision, having Massad teach a course on Zionism is “akin to having a White nationalist teach about the US Civil Rights movement and the struggle for Black equality.” Haley Cohen, Columbia Professor Resigns After University Allows Anti-Israel Academic to Continue Teaching Course on Zionism, Jewish Insider, Dec. 17, 2024, <https://jewishinsider.com/2024/12/columbia-university-joseph-massad-lawrence-muzzy-rosenblatt-israel/>.

At Stanford University, just days after the Hamas massacre, an instructor in a first-year class defended the Hamas terrorists as “freedom fighters” and blamed “Zionists” for the war between Hamas and Israel. According to students in the class, the instructor asked Jewish students to raise their hands, separated them from their belongings, and ordered them to stand in the corner, explaining that this is what Jews were allegedly doing to Palestinians. Snezana Farberov, Stanford Teacher Suspended for Allegedly Separating Out Jewish Students in Class as “Colonizers,” N.Y. Post, Oct. 13, 2023, <https://nypost.com/2023/10/13/stanford-teacher-suspended-for-singling-out-jewish-students/>.

The instructor asked his students how many Jews were killed in the Holocaust and when one student answered, “six million,” the instructor downplayed the Holocaust, saying, “Yes, only six million.” He then claimed that more people were killed by colonizers and that “Israel is a colonizer.” The instructor also asked each student to say where their ancestors were from and labeled each a “colonizer” or “colonized” based on their ancestry. When one student self-identified as Israeli, the instructor responded, “Oh, definitely a colonizer.” Jewish students were afraid, traumatized and felt dehumanized; one said, “It’s like I’m reliving the justification of Nazis 80 years ago on today’s college campus.”

Antisemitism is Also A Serious Problem in America’s K-12 Schools

Jewish students are facing antisemitism in our K-12 schools, too. And just like on U.S. college campuses, the harassment and intimidation of Jewish students predate the Hamas massacre on October 7, 2023. Here are two examples.

In January 2022, the ZOA filed a Title VI complaint against Fairfax County Public Schools (FCPS) in Virginia, one of the largest public school districts in the United States. Before filing the complaint, ZOA tried to resolve the problems informally with the district, which proved fruitless.

The ZOA's complaint documented year of antisemitism in FCPS's schools, which district officials knew about but failed to respond to effectively, including but not limited to the following:

- Jewish students were repeatedly subjected to ethnic slurs, "Heil Hitler" salutes, and Jewish "jokes" from their peers. One Jewish student received hundreds of antisemitic texts from two other students, which referred to the Jewish student as a "f**king Jew ass whore," "f**king Jew," "dirty Jew," "Jew F**ktard," and "dollar dealer";
- Swastikas repeatedly defaced school property, without condemnation by FCPS officials or even any notice to the FCPS community that these incidents of antisemitic vandalism had occurred and would not be tolerated;
- For years, the religious observance of Jewish students and staff was not accommodated, with back-to-school nights, quizzes and other significant events being scheduled on Rosh Hashanah and Yom Kippur, and teachers singling out Jewish students in class to question their religious observance.

In November 2022, OCR notified the ZOA that it was opening an investigation into whether FCPS violated its obligation to protect Jewish students under Title VI. That investigation is still pending.

In the meantime, more than two years after OCR opened its investigation, FCPS is still falling short and tolerating antisemitism. ZOA recently furnished OCR with additional evidence of FCPS's abysmal response after a middle school student approached a teacher who was openly and observably Jewish and said, "I'm Hitler. I'm here," and gave the teacher the Nazi salute. FCPS failed even to immediately condemn the antisemitism, in violation of its own policies and contrary to the way in which the district responds to other forms of bigotry. Neither the student nor the student's class received antisemitism education; the offending student simply received "an unsocial lunch in the office hall." Indeed, the teacher who endured the antisemitism may have been targeted and retaliated against for reporting the incident.

FCPS is even seemingly rewarding antisemitism. The district recently chose the Muslim Student Association (MSA) at FCPS's Justice High School to receive the Student Peace Award of Fairfax County. <https://fairfax.studentpeaceawards.org/how-it-works/>; <https://fairfax.studentpeaceawards.org/muslim-student-association/>. This award is supposed to "recognize young people who work as peacemakers." <https://fairfax.studentpeaceawards.org/>. But FCPS chose the MSA, of all student groups, to receive this award, though knowing that after the Hamas massacre, the MSA encouraged divisiveness and fear and fueled antisemitism among students, by calling for and sponsoring anti-Israel walkouts from the district's high schools

during the school day, disrupting classes and other activities; posting antisemitic flyers that made false and hateful accusations of apartheid, oppression and colonization against Israel; and posting flyers that obliterated Israel altogether, replacing it with “Palestine.”

In April 2024, the ZOA filed a Title VI complaint against Montgomery County Public Schools (MCPS) in Maryland. The complaint detailed years antisemitic harassment and intimidation endured by Jewish students and staff, including the following:

- Ethnic slurs, such as “Jewish f—k,” “Jew-boy” and Hey, Jew”; “Heil Hitler” salutes; and Jewish “jokes” from peers that recommend that Jewish students should be put in a concentration camp. One Jewish student was told that Hitler had not done enough and that he should go back to Israel.
- The defacement of school property with swastikas throughout the district.
- In December 2022, the entrance sign at one MCPS high school was vandalized with the words, “Jews Not Welcome.” The day before, several staff members at the high school received antisemitic email messages.
- School staff who publicly denied the Hamas massacre on October 7, 2023, and who publicly called for Israel’s elimination were tolerated and remain in teaching positions in the district. MCPS retained a staff member who promoted the anti-Israel lie that “Palestinians are being killed and their organs are being sold.” MCPS had hired this staff member as a “diversity, equity and inclusion” teacher.
- Student “pro-Palestinian” walkouts at MCPS high schools after the Hamas massacre disrupted school operations and caused many Jewish students to stay away from school out of fear for their safety. School officials tolerated the walkouts and remained silent even after student protesters at these walkouts legitimized and encouraged violence and terrorism against Jews and Israelis and called for Israel’s destruction.
- At one MCPS high school, the organizers of the “pro-Palestinian” walkout posted on social media that “There is no country called Israel” and “‘Israel’ is a group of Zionist Jewish people from all over the world & dont [sic] have a state.” The organizers also openly called for Israel’s elimination, posting, “We want liberation, we want our lands back. All of PALESTINE. From the river to the sea.” School officials not only failed to condemn the conduct: they also allowed the walkout to proceed and disrupt classes and later commended the protesters for “demonstrating peacefully.”
- At another high school walkout in MCPS, a faculty member overheard one student say, “We should bring Hitler back,” and another student say, “Kill the Jews.” After being alerted to the antisemitic comments and threat, the principal failed even to alert the community or condemn the comments. Instead, the principal praised the protesters for their “fantastic job.” Moreover, MCPS retaliated against the faculty member who

reported the antisemitic comments and threat, by knowingly making false accusations against her and baselessly sanctioning her.

- MCPS retaliated against other staff members after they raised concerns about antisemitism in the district's schools.

Jewish Students Need and Deserve Stronger Protections from Antisemitism

Under Title VI, Jewish students are protected from antisemitic harassment and intimidation. But for years, the law has not been promptly and vigorously enforced, at the expense of Jewish students' physical and emotional safety.

In our experience, long delays at OCR have been the rule, not the exception. The agency's handling of ZOA's Title VI complaint against Rutgers is probably the most extreme example of the problem.

In 2011, ZOA filed a student-supported Title VI complaint against Rutgers, detailing antisemitic harassment and discrimination that university officials failed to address. The complaint was filed after ZOA's informal efforts to resolve the problems were unsuccessful.

It is not easy for students who have endured antisemitic harassment and discrimination to come forward and complain to the government. But many Rutgers students courageously did come forward when OCR investigated ZOA's complaint, expecting that OCR would protect their legal rights and hold Rutgers accountable for its indifference to the discrimination they endured.

Thirteen years after the complaint was filed, OCR finally issued a decision and dismissed the ZOA's complaint. By then, the students who supported the complaint were long out of Rutgers, married and had children of their own. Had OCR promptly resolved ZOA's Title VI complaint and held Rutgers accountable for failing to address campus antisemitism, university officials may well have responded more effectively to the threats and intimidation that Jewish students endured at Rutgers after October 7, 2023.

In 2020, ZOA filed a Title VI complaint against Duke University, alleging a violation of a 2019 resolution agreement that Duke entered into with OCR, in response to a prior Title VI complaint filed by ZOA. After numerous requests by ZOA, OCR finally agreed to interview Jewish students who had faced such severe harassment and intimidation at Duke that they feared for their physical safety. The university itself understood the danger that these students faced; one Duke official told Jewish students to "watch your backs" and seek police protection. Yet almost two years since the interviews took place, the case is still sitting, unresolved, at OCR. Like the students at Irvine, the Duke students who bravely came forward have long since graduated from the university and were denied the justice they needed and deserved.

During the previous administration, OCR attributed the long delays at the agency to insufficient funding from Congress. Marc Rod, Department of Education Official Explains Why Colleges Haven't Lost Federal Funding Over Antisemitic Activity. Jewish Insider, Sept. 23, 2024. <https://jewishinsider.com/2024/09/catherine-lhamon-department-of-education-schools->

funding-antisemitism/. We recognize that OCR may have been dealing with a record number of antisemitism complaints since October 7, 2023. But inexcusable delays have plagued OCR since it first began investigating campus antisemitism.

Twenty years ago, ZOA filed the first case of campus antisemitism under Title VI that OCR agreed to investigate. Jewish students at UC Irvine endured severe and persistent antisemitism that limited their educational opportunities. But they never got the justice they deserved, because it took OCR eight years to finally decide the case.

During the Irvine investigation, an OCR investigator told us that Title VI cases are typically resolved in 180 days, but that because ZOA's case was "precedential," it would take longer. While that may have been true, a wait of five, or eight, or thirteen years is simply indefensible.

Important Steps Taken by the New Administration

The Trump administration made it clear from the outset that it intended to crack down on antisemitism in schools and on college campuses and has already been living up to that commitment. On January 29, 2025, President Trump issued another Executive Order setting forth "Additional Measures to Combat Anti-Semitism." <https://www.whitehouse.gov/presidential-actions/2025/01/additional-measures-to-combat-anti-semitism/>. The Executive Order demanded more accountability from executive departments and agencies, and committed to "vigorously use all available and appropriate legal tools" to hold antisemitic perpetrators accountable for their actions.

On February 3, 2025, pursuant to the Executive Order, the U.S. Department of Justice announced the creation of a multi-agency Task Force to Combat Anti-Semitism, "to root out" antisemitism in schools and on college campuses. <https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism>. On February 28, 2025, the Task Force announced that it would be investigating ten universities for failing to protect Jewish students and faculty from antisemitic harassment and discrimination. U.S. Department of Justice Press Release, Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism, Feb. 28, 2025, <https://www.justice.gov/opa/pr/federal-task-force-combat-antisemitism-announces-visits-10-college-campuses-experienced>.

The Trump administration has already made headway at Columbia University, one of the ten schools identified by the Task Force. Earlier this month, the administration arrested and is seeking to deport Mahmoud Khalil, a Columbia graduate and green card holder who was centrally involved in the anti-Israel, pro-Hamas protests and encampment on the campus last spring, creating a hostile environment for Jewish students and faculty.

In response to the administration's cancellation of over \$400 million in federal grants to the university for its failure to respond effectively to campus antisemitism, Columbia has already agreed to meaningful changes: It agreed to hire a new provost to oversee the Middle East, South Asian and African Studies department, and several others, including the Institute for Israel and

Jewish Studies, that teach about the Middle East. It agreed to ban face masks by protesters (except for religious and medical reasons) and is hiring additional police officers who will have the right to arrest students on campus. Columbia also agreed to review its admissions practices, citing “a recent downturn in both Jewish and African American enrollment.” Questions exist about whether Columbia’s leadership will actually adhere to the commitments it made.² Philissa Cramer, Columbia Bans Face Masks in Protests and Acquiesces to Other Trump Administration Demands, Jewish Telegraphic Agency, Mar. 21, 2025, https://www.jta.org/2025/03/21/united-states/columbia-bans-face-masks-in-protests-and-acquiesces-to-other-trump-administration-demands?utm_source=JTA_Iterable&utm_campaign=JTA_DB&utm_medium=email.

Continuing Concerns

The Trump administration recently decided to dismantle the U.S. Department of Education. Reportedly, half of the twelve regional OCR offices are being eliminated and only “a skeleton crew” remains in major offices in New York City, Boston and San Francisco. Philissa Cramer, Trump Guts Department of Education, Slashing Office Handling Antisemitism Complaints, Jewish Telegraphic Agency, Mar. 12, 2025, https://www.jta.org/2025/03/12/united-states/trump-guts-department-of-education-slashing-office-handling-antisemitism-complaints?utm_source=JTA_Iterable&utm_campaign=JTA_DB&utm_medium=email.

These actions create concern and uncertainty about the Title VI cases that are still pending at OCR, some – like ZOA’s Title VI cases against Duke University and FCPS – for years. Congress should demand information about these cases from OCR, including the status of each case, the date by which OCR expects to resolve each case, and the anticipated relief in each case that OCR believes will have a genuine impact on the campus climate for Jewish students.

To this point, OCR’s resolution agreements have required relatively little from universities. For example, OCR recently concluded that Rutgers “likely operated a hostile environment” in violation of Title VI. Aaron Bandler, Education Dept., Rutgers Reach Agreement Over Antisemitism, Islamophobia Complaints, Jewish Journal, Jan. 2, 2025, <https://jewishjournal.com/news/united-states/378176/education-dept-rutgers-reach-agreement-over-antisemitism-islamophobia-complaints/>. Yet OCR negotiated a resolution agreement that requires Rutgers only to take such steps as reviewing its policies, conducting “listening sessions,” and administering a campus climate assessment. While the agreement does require Rutgers to provide discrimination training to employees, it fails to mandate that the training include anti-Israelism and anti-Zionism as manifestations of antisemitism – the kind of antisemitism that most Jewish students are facing on their campuses today. Remember: Rutgers students were physically threatened because they were Jews, Jewish property was vandalized,

²

Contrary to its commitment to the Trump administration, Columbia’s interim president, Katrina Armstrong, has reportedly denied to faculty that Columbia is banning masks. See Douglas Belkin, Columbia’s President Faces Angry Faculty in Closed-Door Meetings, Wall Street Journal, Mar. 24, 2025, <https://www.wsj.com/us-news/education/columbia-trump-faculty-meetings-38a65ff7>. Armstrong also denied that there would be changes to Columbia’s admissions procedures; that the Middle Eastern, South Asian, and African Studies department would be put under “academic receivership” for at least five years; and that its disciplinary processes would be modified. Maya Sulkin, Columbia President Says One Thing to Trump Admin – And Another in Private, The Free Press, Mar. 25, 2025, <https://www.thefp.com/p/columbia-president-says-one-thing>.

and Jewish students endured chants that threatened their sense of physical safety. It would have been far more impactful if OCR's resolution agreement required Rutgers to acknowledge its bad behavior and make systemic changes to improve the campus climate.

OCR has a powerful tool to effectively combat campus antisemitism: It can seek to defund a university if it fails to effectively address antisemitism in violation of Title VI. Congress can see that the Trump administration's use of this tool has already compelled Columbia University to take meaningful steps to remedy the antisemitism on its campus.

But OCR has never used that tool, except recently in a case alleging disability discrimination, not antisemitism. In a meeting with lawmakers last September, then-OCR head Catherine Lhamon explained that seeking to withdraw a school's federal funding would take years of litigation. Marc Rod, Department of Education Official Explains Why Colleges Haven't Lost Federal Funding Over Antisemitic Activity, *Jewish Insider*, Sept. 23, 2024, <https://jewishinsider.com/2024/09/catherine-lhamon-department-of-education-schools-funding-antisemitism/>.

OCR should be demanding that universities and schools take steps that will directly affect the learning and living environment for Jewish students, or risk losing their federal funding. Such relief could include: (1) issuing a public statement condemning the antisemitism on campus and its perpetrators, acknowledging the university's failure to protect Jewish students, and outlining concrete steps the university will be taking to remedy these problems; (2) adopting the widely accepted International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism; (3) instituting mandatory antisemitism training for staff, faculty and students that uses the IHRA definition as a guide; (4) banning antisemitic groups like Students for Justice Palestine when they violate university policies and/or the law; and (5) instituting disciplinary proceedings against staff, students, and faculty who violate university policies – including by harassing and intimidating Jewish students inside and outside the classroom – and punishing them if the evidence warrants it.

Finally, Congress should seek answers from OCR and from the Trump administration as to where students and others can and should go – if OCR is no longer a realistic option – to enforce their rights under Title VI. Even before the Trump administration took steps to dismantle the Department of Education, students had little if any incentive to come forward and report harassment and discrimination to OCR, because they could see that their cases were likely to sit at the agency for years with an eventual weak resolution. Furthermore, colleges and universities could see that they had little to worry about when they faced Title VI complaints, because the cases typically dragged on for years; when they were resolved, schools would be let off the hook by inconsequential resolution agreements.

Given the reductions at the Department of Education and OCR, students must know where they can and should go if they need the government's help in enforcing their civil rights under Title VI promptly and effectively.

Conclusion

Thank you again for holding this important hearing and examining the serious and alarming problem of antisemitism in America. It is a moral imperative and fundamental to our values as Americans that Jews feel safe and welcome in the United States, including in our schools and on our college campuses. We respectfully urge this Committee to take all the steps in its power and authority to achieve that goal. We at the ZOA are ready and willing to help in any way.

**American Jewish Medical Association (AJMA) Report to the
U.S. Senate Health, Education, Labor, and Pensions (HELP)
Committee**

**The Uniquely Harmful Impact of Antisemitism in Healthcare -
March 26, 2025**

Introduction

The savage massacres in Israel on October 7, 2023 murdered infants, destroyed families, and unleashed a latent, simmering antisemitism across the globe. American Jews have acutely felt the impacts of this scourge. The ADL recorded a 388% increase in antisemitism after October 7th. According to a report issued by the American Jewish Committee (AJC) in February of 2025, 77% of American Jews feel less safe since October 7, 2023. Over 80% of young American Jews have experienced antisemitism since October 7, 2023.

Campus antisemitism has been a heavy focus in the news. Encampments, antisemitic faculty, and threats to students sully the academic experiences of Jewish students and faculty alike. However, antisemitism is not relegated to college campuses. Antisemitism in healthcare is a unique problem that deserves separate attention and action.

Antisemitism in Healthcare: A Disturbing Trend

1. **Discrimination Against Jewish Healthcare Professionals:** Title VI of the Civil Rights Act of 1964 prevents discrimination against people based on race, national origin, and color. Jews are considered a protected class based on national origin. Disparate treatment towards Jews requires hospital and university administration to respond. Jewish doctors, nurses, and healthcare staff continue to report harassment, exclusion, and bias from colleagues, patients, and administration executives.

A 2024 survey by the American Jewish Medical Association found that 75% of Jewish healthcare professionals experienced antisemitic behavior in their workplace, including derogatory comments and exclusion from professional opportunities.² Many of these threats sadly come veiled under the banner of

¹ For this report, antisemitism is defined according to the definitions, in part, of the International Holocaust Remembrance Alliance (IHRA) antisemitism guidelines, adopted by the US National Strategy to Counter Antisemitism, the US State Department, the IHRA member countries, including the USA and much of the

European Union, and the Global Imams Council consisting of over 1,500 imams from 80 different countries. In brief, all behavior and/or regalia, including symbols, calling for aiding or justifying the killing or harming Jews in the name of a radical ideology or extremist view of religion, or denying the Jewish people their right to self-determination, or declarations that the existence of the State of Israel is a racist endeavor (i.e. an apartheid state) were considered antisemitic.**

² <https://link.springer.com/article/10.1007/s11606-024-09159-x>

Diversity, Equity, and Inclusion (DEI). Consistently, DEI groups and departments have turned on Jewish medical professionals and patients. Of particular note is the disparate treatment given to antisemitic incidents, as compared with discrimination and complaints against faculty, staff, and students from other protected races and nationalities.

2. **Impact on Jewish Patients:** Antisemitic bias in healthcare settings leads to miscommunication, neglect, or even denial of care. On February 11, 2025 two Australian nurses were taped saying that they would let Jewish patients die rather than treat them and that they had already sent Israelis to "hell." Reports in the U.S. have surfaced of Jewish patients being treated with less empathy or being subjected to hostile questioning about their political or religious views. Patients face different treatment because they are Jews. It is likely that antisemitic healthcare professionals already treat Jewish patients differently, with less care, compassion, and diligence than other patients. This can, obviously, be a matter of life and death when dealing with serious medical conditions.
3. **Institutional Challenges:** Medical institutions have failed to address antisemitism effectively. While many have robust policies against racism and other forms of discrimination, antisemitism is often inadequately addressed or deprioritized.

Why Antisemitism in Healthcare Is Uniquely Dangerous

- **Patient Safety:** Bias in medical decision-making can lead to misdiagnosis, inappropriate treatment, or neglect, particularly if a healthcare provider harbors conscious or unconscious antisemitic views.
- **Moral and Ethical Concerns:** Antisemitism violates the ethical principles of medicine, including beneficence, nonmaleficence, and respect for autonomy.
- **Erosion of Trust:** Jewish communities may become reluctant to seek medical care if they fear bias or discrimination, leading to worse health outcomes and a deterioration of public health.
- **Talent Pipeline:** Jews make up 26% of all Nobel Laureates in Medicine. Jewish doctors discovered the polio vaccine (Albert Sabin and Jonas Salk), the Hepatitis virus (Baruch Blumberg), and Nerve Growth Factor (Rita

Levi-Montalcini). Paul Zoll, a Jewish Cardiologist, was instrumental in discovering pacemakers and defibrillators, Sidney Farber discovered a chemotherapy drug that treats leukemia in children, and Henry Brem and Robert Langer (both Jewish) discovered the first modern effective treatment for Glioblastomas (fatal brain cancer). Jews have played a critical role in medical progress and innovation for the betterment of humanity. But young Jews are decreasingly interested in entering medical professions because of the uphill battles they face against their history, nationality, and religion. They are choosing or forced to choose other paths.

Congress should seize the opportunity to work with hospital and university leadership to curtail this dangerous trend of antisemitism in healthcare to restore safety, order, and a critical talent pipeline.

Role of American Jewish Medical Association (AJMA):

AJMA is ready to work with Congress to provide firsthand accounts, medical experts, and insight into the antisemitism facing medical professionals and patients at American healthcare institutions and hospitals. AJMA's staff, board, and members uniquely understand the impact of antisemitism in healthcare. AJMA wants to work alongside healthcare leaders at institutions and hospitals to help them find solutions to the troubling problems facing the Jewish community in healthcare while maintaining each institution's ability to innovate, treat patients, and save lives.

Specific Incidents:

Antisemitism in healthcare is pervasive. UCSF, Columbia, and UCLA have been among the most egregious examples of administrative ignorance of rampant antisemitism. Many students and faculty report fear of retaliation and, therefore, do not come forward with complaints. Thus, antisemitism is likely underreported. AJMA predicts that there are far more antisemitic incidents than we know about today. The following 39 medical institutions and organizations across the U.S. have documented antisemitic incidents. Responses to these incidents have been varied.³ Students and faculty at these institutions have reported their own antisemitic experiences to the American Jewish Medical Association. If the Senate HELP Committee is interested in learning more specifics about any of these, or other, medical institutions, the American Jewish Medical Association can provide more details.

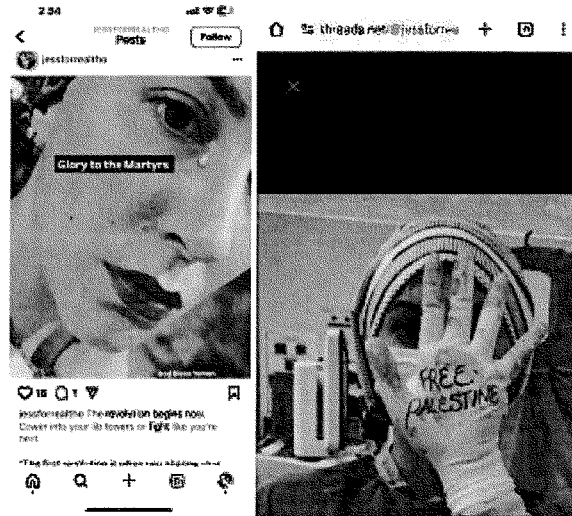
They include:

1. Baylor College of Medicine
2. Brown University Medical School
3. Columbia University Irving Medical Center
4. Cornell
5. Drexel
6. Duke

³ More information and citations are available for many of the anecdotal incidents detailed in Exhibit A. That information has not been included in this document to protect the privacy and safety of individuals reporting the information.

7. Emory
8. Georgetown University
9. George Washington
10. Harvard University
11. Johns Hopkins University
12. New York University
13. Northwestern University
14. Mt. Sinai Hospital System
15. Oregon Health and Science University
16. University of Pennsylvania
17. Rowan- Virtua School of Osteopathic Medicine
18. Rutgers University
19. Stanford University
20. SUNY Downstate
21. SUNY Upstate
22. SUNY Stony Brook
23. Temple University
24. Touro
25. Tufts University
26. University of California - Los Angeles
27. University of California - Irvine
28. University of California - San Diego
29. University of California - San Francisco
30. University of Chicago
31. University of Illinois, Chicago
32. University of Michigan
33. University of North Carolina
34. University of Pittsburgh
35. Yale University
36. Medical Students for Choice
37. American Medical Student Association
38. White Coats for Black Lives
39. Latin Medical Student Association

Many of these incidents violate Title VI and Title VII. For example, a scrub tech at the University of Pennsylvania posts pictures of herself in the operating room with "Free Palestine" written on her bloody gloves alongside an image of her crying with the caption "Glory to the Martyrs."



At Harvard a keynote speaker for a Continuing Medical Education (CME) course was supposed to speak about women's health but changed her topic to focus exclusively on the "Genocide in Gaza" without warning. Harvard did nothing to stop her nor did administration leaders issue any statement or apology. At Brown University *Brown Med4 Palestine* disrupted Match Day festivities - the largest event at Brown Medical School aside from graduation - by unfurling six 12-foot political banners with the names of healthcare workers killed in Gaza and antisemitic phrases, including but not limited to "Ceasefire Now!" and "Free Palestine!" As of March 4, 2025 no one involved in these activities had been disciplined or held accountable.

Combating Antisemitism in Medicine Can Be Done

While many institutions have failed to address antisemitism, some serve as models for protecting Jewish and Israeli students. The University of Nevada, Las Vegas, University of Florida, and Vanderbilt University have successfully curtailed antisemitic tendencies among faculty and students so that everyone understands that leaders in the healthcare systems take antisemitism seriously and that propagators of antisemitism will be swiftly and appropriately punished. Their policies and practices should serve as examples for others as AJMA works with Congress and other healthcare systems to call out and find solutions for antisemitism in medicine. The American Jewish Medical Association supports the following two general approaches to antisemitism in medicine:

1. Depoliticization of Medicine and Science: Medicine and science are the domain of experts in certain scientific specialties. Scientists, doctors, nurses, and students are, of course, entitled to their political opinions and beliefs. However,

the pervasive penetration of politics into academic journals, grand rounds, NIH grants, patient care, and hospital settings - along with an unfortunate culture around diversity, equity, and inclusion (DEI) movements, has distracted from science, hampered patient care, and stymied innovation. It is time to self-regulate so that healthcare professionals use their time and resources to find new cures to vexing diseases, uncover scientific and medical mysteries, and save lives. AJMA supports using this new wave of antisemitism to significantly curtail, or eliminate, the intermingling of politics and science.

2. Targeted Accountability: It is time to work with healthcare leaders, deans, provosts, and other leaders to ensure that individuals within a healthcare institution who perpetrate antisemitism, or any other type of hateful, inappropriate conduct against any person or group, are swiftly held accountable and are measured by the same standard as similar conduct directed towards other groups. It is unfair to punish entire swaths of productive and prolific scientists and healthcare professionals because of the unhinged behavior of certain bad actors and evil groups. It is time for healthcare leaders to take more timely, targeted and serious action against individuals and specific groups perpetrating antisemitism.

Conclusion

Antisemitism in healthcare is not merely a workplace issue but a public health concern demanding immediate attention. AJMA works with healthcare professionals across specialties, ages, religions, and training to understand the problem of antisemitism in healthcare and to address antisemitism in healthcare. Taking this proactive, decent, and thoughtful approach will not only protect Jewish professionals and patients but will also uphold the ethical integrity of the entire medical community.

United States Senate
HEALTH, EDUCATION, LABOR AND PENSIONS COMMITTEE

Bernie Sanders, Ranking Member
 Minority Staff Report
 March 27th, 2025

**President Trump's Decision to Gut the Office for Civil Rights has Left Over
 46 Million Students Without Protection from Discrimination**

President Trump and Elon Musk, the wealthiest person on Earth who runs an online platform that promotes hate, white supremacy, and antisemitism, have gutted protections for students at America's public schools.

In an attempt to dismantle educational opportunities for children across this nation, President Trump signed an outrageous executive order¹ to abolish the Department of Education, fired half of the workers at the Department, and recklessly fired at least 43 percent of the Office for Civil Rights (OCR) staff, including the entire staff at seven out of 12 of OCR's regional offices.

Because of Trump's firings, 46.413 million students in 27 States and territories have been left without dedicated civil rights investigators to protect their rights and investigate their complaints.

The OCR receives thousands of complaints every year alleging civil rights violations. In fiscal year 2024 alone, OCR received 22,687 complaints—an all-time high. These complaints include students who face antisemitism and Islamophobia, students with disabilities who are harassed and discriminated against at school, girls whose sports teams are treated differently from boys' teams, students who are sexually harassed or face violence in their schools, and LGBTQ+ students who are bullied. The Department investigates these complaints and works with schools to make sure they resolve them to provide a safe environment for all kids.

The Trump administration has reportedly directed OCR staff to prioritize cases of antisemitism above all else², but the deep staff cuts will only make it *harder* to resolve those cases. **Fired staff in the seven OCR regional offices that were closed were working on 6,896 cases, including 1,870 cases of discrimination based on race and national origin discrimination, were abruptly fired**, leaving thousands of students in potentially unsafe learning environments—or out of school entirely—and without any clear plan for resolution. So far, the Department of Education has not provided any public communications to students or families about these layoffs, any plan for resolving open cases, or any information to schools, colleges, or administrators that regularly work with OCR about how it will ensure continued civil rights enforcement and support.

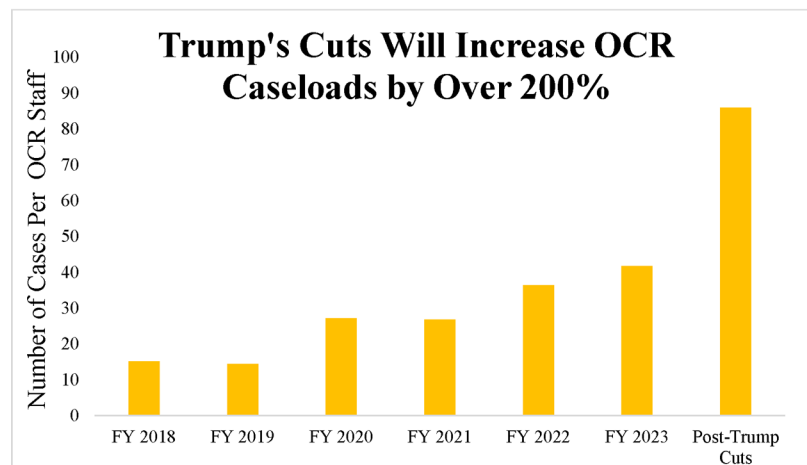
¹ <https://www.whitehouse.gov/presidential-actions/2025/03/improving-education-outcomes-by-empowering-parents-states-and-communities/>

² <https://apnews.com/article/education-department-civil-rights-special-education-antisemitism-764c1298a4ba856ce793249cdb57e6d6>

Even before the staff cuts, caseloads for civil rights staff were far too high—42 cases per investigator. **Now, due to these drastic cuts, caseloads are expected to explode to an estimated 86 cases per investigator—an increase of 206 percent.** Fewer staff at OCR means fewer investigations conducted and completed and more students who have to deal with ongoing harassment, abuse, and discrimination.

The Department of Education provides enormously important resources to students and schools across this country, especially to 26 million children living in high-poverty school districts, 7 million students receiving Pell Grants to get a higher education, and 9.5 million students with disabilities. It also enforces and protects students' civil rights to ensure that all students, no matter their race, ethnicity, income, zip code, or disability status, receive a high-quality public education, through the Office for Civil Rights (OCR).

Key Findings:



- As a result of massive staff cuts at OCR, 46.413 million students in 27 States and territories no longer have dedicated civil rights investigators in regional offices who protect their rights and investigate their complaints.
 - 30.7 million K-12 students—over 60 percent of America's K-12 students—will be less safe in schools.
 - 15.675 million college students' civil rights will now be less protected on campus.
- In fiscal year 2023, OCR's average caseload was 42 open cases per investigator. As a result of these drastic cuts, the average caseload is estimated to increase to 86 cases per investigator—an increase of 206 percent.
- The Trump Administration fired the OCR law enforcement officers investigating an estimated 6,896 cases of potential students' civil rights violations, including:
 - 3,305 cases of potential disability discrimination

- 1,870 cases of potential Title VI violations, including 105 cases regarding national origin discrimination involving religion, 252 cases regarding school discipline, 599 cases of racial harassment, and 10 cases of equitable access to academic coursework.
- 1,654 cases of potential Title IX violations, including 106 cases of athletics, 184 cases of sexual violence, and 483 cases of sexual harassment.

Without the Office for Civil Rights at the Department of Education, there is no guarantee that states, colleges, universities, and local communities will uphold students' civil and educational rights. In America today, it should not be controversial to say: antisemitism, racism, sexism, ableism homophobia and all forms of bigotry, hate and discrimination are terrible and cannot be tolerated in our society and the Federal government has a responsibility to act to protect students from all forms of hate and bigotry. President Trump's decision to gut the Department of Education and the Office for Civil Rights means students and parents whose educational rights are violated will be less safe.

Table A: Number of States, Territories, and Students Harmed by the Elimination of the Department of Education's Office for Civil Rights' Regional Offices, Disaggregated by State

States or Territories Losing OCR Regional Offices	Number of Open OCR Cases	Number of K-12 Public School Students	Number of College Students
California	774	5,930,473	3,464,004
Connecticut	129	513,513	254,217
Delaware	48	141,465	71,545
Illinois	330	1,852,242	970,675
Indiana	266	1,036,108	607,483
Iowa	73	511,297	255,877
Kentucky	116	660,029	333,425
Louisiana	200	718,145	307,249
Maine	31	173,853	96,898
Maryland	271	889,960	446,171

Massachusetts	307	923,349	587,206
Michigan	782	1,433,914	595,544
Minnesota	130	870,019	508,931
Mississippi	125	440,285	197,725
New Hampshire	51	158,909	321,771
New Jersey	330	1,383,830	513,266
New York	627	2,532,888	1,424,479
North Dakota	28	118,513	63,734
Ohio	521	1,680,639	811,513
Pennsylvania	330	1,693,347	790,897
Puerto Rico	28	250,668	211,448
Rhode Island	42	137,449	94,034
Texas	1,180	5,519,599	2,083,426
U.S. Virgin Islands	16	10,166	1,982
Vermont	36	83,654	54,726
West Virginia	46	251,224	200,145
Wisconsin	79	823,040	406,726
Total Cases Filed and Students Protected in States or Territories Losing OCR Regional Offices	6,896	30,738,578	15,675,097
Total Cases and Students Nationwide	12,079	49,618,464	25,161,830

Table B: Number of States and Students Harmed by the Elimination of the Department of Education's Office for Civil Rights' Regional Offices, Disaggregated by Regional Office

OCR Regional Office	States or Territories Served	College Students Covered by Each Regional Office	Public K-12 Students Covered by Each Regional Office	Number of Open OCR Cases
Boston	MA, ME, VT, NH, RI, CT	1,408,852	1,990,727	596
Chicago	IL, IN, IA, WI, MN, ND	2,813,426	5,211,219	906
Cleveland	OH, MI	1,407,057	3,114,553	1,303
Dallas	TX, LA, MS	2,588,400	6,678,029	1,505
New York	NJ, NY, VI, PR	2,151,175	4,177,552	1,001
Philadelphia	PA, DE, MD, WV, KY	1,842,183	3,636,025	811
San Francisco	CA	3,464,004	5,930,473	774
Total		15,675,097	30,738,578	6,896

Table C: Examples of the Cases of Discrimination that OCR's Eliminated Regional Offices Were Investigating

Examples of Cases	Number of Cases
Age Discrimination	42
Boys Scouts Discrimination	1
Disability Discrimination	3,305
Race and National Origin Discrimination	1,870
<i>Title VI - National Origin Discrimination Involving Religion</i>	105

<i>Title VI - Discipline</i>	252
<i>Title VI - Racial Harassment</i>	599
<i>Title VI - Academic Access</i>	10
Sex Discrimination	1,654
<i>Title IX - Athletics</i>	106
<i>Title IX - Sexual Violence</i>	184
<i>Title IX - Sexual Harassment</i>	483

Table: D Caseloads of OCR Staff Based on Presidents' Budget Requests

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Post- Trump Cuts (<i>Estimated</i>)
Number of Enforcement Staff	461	474	360	334	318	327	141
Number of Open Cases Under Investigation	6,971	6,792	9,752	8,938	11,559	13,628	12,079
Number of Cases per OCR Full-Time Equivalent Staff	15	14	27	27	36	42	86

Methodology:

Using publicly available K-12 student enrollment data from Fall 2022³, college student enrollment data from the Integrated Postsecondary Education Data System⁴, the caseload per investigative staff from OCR's Fiscal Year 2025 Budget Request⁵, and the number of pending cases under investigation by OCR (last updated on January 14,

³ https://nces.ed.gov/programs/digest/d23/tables/dt23_203.40.asp

⁴ <https://nces.ed.gov/ipeds>

⁵ <https://www.ed.gov/sites/ed/files/about/overview/budget/budget25/justifications/dd-ocr.pdf>

2025)⁶, the HELP Committee minority staff estimated the impact of Trump's decision to eliminate seven regional offices (Boston, Chicago, Cleveland, Dallas, New York, Philadelphia, and San Francisco) at OCR.

⁶ https://ocrcas.ed.gov/open-investigations?field_ois_state=All&field_ois_discrimination_statute=All&field_ois_type_of_discrimination=All&items_per_page=1000&field_ois_institution=&field_ois_institution_type=All&field_open_investigation_date_1=&field_open_investigation_date_2=&field_open_investigation_date=&field_open_investigation_date_3=

UNION OF ORTHODOX JEWISH CONGREGATIONS OF AMERICA



March 25, 2025

MITCHEL R. AEDER
President

RABBI MOSHE HAUER
Executive Vice President

RABBI JOSH JOSEPH, ED.D.
Executive Vice President
& Chief Operating Officer

NATHAN J. DIAMENT
Executive Director

ISAAC PRETTER
Chairman, Advocacy

YEHUDA NEUBERGER
Chairman, Board of Directors

Hon. Bill Cassidy, Chairman
Hon. Bernie Sanders, Ranking Member
U.S. Senate Committee on Health, Education, Labor and Pensions
Washington, DC
by electronic mail

Dear Chairman Cassidy, Ranking Member Sanders
and Senators of the Health, Education, Labor and Pensions
Committee,

I write to you on behalf of the Union of Orthodox Jewish
Congregations of America – the nation's largest Orthodox Jewish
umbrella organization – regarding your March 27th hearing: *"Antisemitic
Disruptions on Campus: Ensuring Safe Learning Environments for All
Students"*.

We greatly appreciate that the Committee is holding this hearing and
your prioritizing the need to address the unprecedented surge in
antisemitism in the United States that has occurred since the October
7, 2023 Hamas attack upon Israel. The ensuing dramatic rise in
antisemitism across all parts of our country remains a prevalent threat
to our community.

In 1790, President George Washington wrote to the Jewish community
of Newport, RI and famously said that Jews would enjoy
unprecedented freedom in the United States because the newly
founded nation would "give to bigotry no sanction, to persecution no
assistance."

Since October 7, American Jews have been subjected to physical
assaults on sidewalks, slander and harassment in subways, raucous
protests outside our synagogues and array of attacks – physical and
verbal – on school campuses. This has been going on for too long.
It's made headlines. President Trump has spoken out and taken initial
actions to address the crisis. Last year, the surge of antisemitism in the
U.S. was the subject of multiple hearings by various committees in the
House of Representatives in the previous Congress. We appreciate
that today, the Senate HELP Committee, is demonstrating for the first
time since October 7th, 2023, it's commitment to addressing this
ongoing crisis.

There is still much this Committee, and the U.S. Senate, can and must
do to respond to the wave of unprecedented antisemitism in America
and thereby uphold the basic civil rights of American Jews – and

recommit to fulfill George Washington's promise to the American Jewish community. In that constructive spirit, we offer the following.

1. Federal authorities should give better guidance to campus administrators and police about First Amendment law. As Senators on this Committee are well aware, "freedom of speech" is not a right without any limitations. Content neutral – time, place and manner restrictions are constitutional as are other limitations when speech can be inciteful and lead to harassment and violence. Yet, we have seen over the past year that antisemites, especially on university campuses, hide behind invocations of "free speech" and too many administrators and campus police seem to know how to respond appropriately. The Department of Education should offer more detailed guidance with illustrative examples to both inform and hold accountable university officials who are responsible for protecting the rights of their Jewish students to be free from harassment.
2. The Senate should pass legislation that will concretely address and combat the crisis of antisemitism. Several bills passed the previous House on a bipartisan basis and have been reintroduced in this Congress. These bills include the following:
 - a. Antisemitism Awareness Act (H.R.1007, S.558)
The AAA will codify the IHRA definition of antisemitism and expand its usage across the Federal government. It is currently utilized by the Dept. of State and the Dept. of Education. The IHRA definition has been endorsed by more than 40 countries and is recognized as the gold standard and a critical tool in combatting antisemitism.¹
 - b. Deterrent Act (H.R.1048)
The Defending Education Transparency and Ending Rogue Regimes Engaging in Nefarious Transactions Act is a bill about transparency. The bill requires an institution of higher education to annually disclose to the Department of Education (ED) or another appropriate enforcing agency, any year in which the IHE: receives a gift from a foreign country of concern (e.g., China or Russia) or foreign entity of concern of any dollar amount; receives a gift or contract from a foreign source (other than a foreign country of concern or foreign entity of concern) that is valued at \$50,000 or more, considered alone or in combination with all other gifts or contracts within a calendar year (current disclosure threshold is \$250,000 or more), or which has an undetermined monetary value; enters into a contract with a foreign country of concern or foreign entity of concern after receiving a waiver for such contract; or is substantially controlled by a foreign source. The bill passed the House on a broad bipartisan vote last year, the House will vote on it again later today.
 - c. Protecting Students on Campus Act (S.163)/Civil Rights Protection Act (tbd)
The Protecting Students on Campus Act and Civil Rights Protection Act are complementary bills introduced in the Senate and House, respectively. While the Civil Rights Protection Act (H.R.8648 in the 118th Congress) has not yet been reintroduced, both bills share the goal of increasing enforcement of Title VI in order to better protect Jewish Students at institutions of higher learning across the country whether through

¹ <https://forward.com/fast-forward/642348/deborah-lipstadt-antisemitism-jerusalem-declaration-nexus-ihra/>

enforcement by OCR at the Education Department, robust efforts based at the Department of Justice or another appropriate platform. Requiring an awareness campaign to better inform students of their rights under Title VI, monthly congressional briefings from the Assistant Secretary for Civil Rights, an audit of Title VI complaints and OCR process reforms, the Protecting Students on Campus Act will significantly improve the ability of Jewish students to fight back against antisemitic harassment. The Civil Rights Protection Act would require many of these same actions, but would also add a requirement for institutions of higher learning to appoint a Title VI coordinator similar to the existing requirement under Title IX, would increase responsibility for communicating the outcomes of their investigations and would necessitate their following these requirements or they would become ineligible for federal funding. The Civil Rights Protection Act passed out of the House Education and Workforce Committee in the previous congress on a bipartisan basis.

Since October 7, the American Jewish community has endured a wave of antisemitism that is unprecedented in our history in the U.S. Since the founding of this nation, Jews have experienced freedom and liberty of a kind our ancestors never experienced in any nation outside Israel in which Jews lived. That is because religious liberty and equality was built into the foundational 'DNA' of America.

The terrible events we have experienced these past seventeen months – and the inability of national leaders and institutions to act effectively and reverse this tide of antisemitism – has caused too many Jews to question whether the promise of liberty and equality for Jews in America will continue for future generations. American Jews of 2025 are wondering whether George Washington's words to the Jews of Newport 235 years ago remain true.

Today, we thank this Committee and you, U.S. Senators, for giving this crisis its due attention and taking action in the U.S. Senate to defend the civil rights of American Jews and ensure the continuity of America's promise to its Jewish citizens.

Sincerely,

Nathan J. Diament
Executive Director



Jewish Electorate

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March 27, 2025

Senate Committee on Health, Education, Labor & Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

The Jewish Electorate Institute (JEI) is honored to submit the following Comments for the Record to the U.S. Senate Committee on Health, Education, Labor & Pensions in support of the *Antisemitic Disruptions on Campus: Ensuring Safe Learning Environments for All Students* hearing being held on Thursday March 27, 2025.

JEI is an independent, non-partisan, nonprofit 501(c)(3) organization that conducts surveys, and interprets, reports, and educates the public and legislators alike about the perspectives, voting behaviors, and motivations of the American Jewish electorate. JEI undertakes all its work and reports its findings without bias or favor with respect to any political group or ideology. Through its polling, studies, seminars, focus groups, and educational programming JEI is the leading non-partisan voice explaining the positions and voting behaviors of the American Jewish electorate.

This is why we are so grateful to the Committee for holding this important hearing. As you know, the spike in antisemitic incidents nationwide is cause for deep alarm in both the American Jewish community and broader American society. The drivers of antisemitism are diverse, yet their impact severe. According to the Federal Bureau of Investigation's (FBI) most recent report tracking anti-Jewish hate crimes, published in September 2024, in 2023 "... single-bias anti-Jewish hate crime incidents rose to 1,832 incidents, a sharp increase of 63 percent from 2022, and the highest number ever recorded by the FBI since it began collecting data in 1991." In addition, "... although Jews only make up around two percent of the U.S. population, reported single-bias anti-Jewish hate crimes comprised 15 percent of all hate crimes and 68 percent of all reported religion-based hate crimes in 2023."

It's clear from these statistics that antisemitism in the U.S. is not only on the rise, but that without strong action taken to defeat it, will be here with us to stay.

JEWISH ELECTORATE INSTITUTE
IS A 501(C)(3) ORGANIZATION
PO BOX 2062 ROCKVILLE, MD

jewishelectorateinstitute.org • info@jewishelectorateinstitute.org • (202) XXX-XXXX



Because of this unacceptable situation, JEI commissioned a researcher shortly after the November 2024 presidential election to conduct a national post-election survey via online interviews of over 1000 American Jews who voted in the 2024 election (margin of error: $\pm 3.3\%$). See www.JewishElectorateInstitute.org.

Among its many findings, the survey revealed interesting statistics on American Jewish voters' concerns about antisemitism in America, post-October 7th. For example, 70% of those polled who voted for the Democratic presidential candidate felt extreme concern about antisemitism, whereas just 27% of those who voted for the Republican presidential candidate were extremely concerned about antisemitism in America. However, some 45%, a plurality, of both Republican and Democratic voters equally saw antisemitism as a serious threat. On the question of 'how much antisemitism do you think there is in America?', voters for both the Republican and Democratic candidates showed that 64% of those polled believed that there was "a lot" and 30% believed there was "some."

The November 2024 survey also revealed that large majorities of both Republican and Democratic voters believed that antisemitism in America had increased, and nearly a third had experienced it personally in the year prior. In fact, 80% of those polled acknowledged that, compared with five years earlier, there was considerably more antisemitism in the U.S. at present. In addition, concerns about campus antisemitism were much more intense, with 71% of those polled either "extremely" or "very" concerned about antisemitism on college campuses.

Given how these numbers reveal antisemitism to be a serious and growing problem in America today, JEI is very pleased that this hearing is being held and will gladly work alongside this Committee to help alleviate this major disruptive issue for all our Nation's citizens.

Sincerely,

Jewish Electorate Institute

QUESTIONS FOR THE RECORD

RESPONSES BY RABBI SHEMTOV TO QUESTIONS OF SENATOR HASSAN

SENATOR HASSAN

Question 1. Hate directed toward Jewish Americans is un-American, unacceptable, and must end.

One step we must take to counter such hate is by investing in Holocaust education programs so that our young people understand the evils that drive anti-semitism.

In December, Congress passed the Never Again Education Reauthorization Act with overwhelming bipartisan support. This law provides critical funding for Holocaust education at schools.

Rabbi Shemtov, what role does Holocaust education have in fighting the spread of antisemitism and developing a more informed citizenry?

Answer 1. No written response was submitted.

RESPONSES BY CARLY GAMMILL TO QUESTIONS OF SENATOR SCOTT

SENATOR SCOTT

In 2017, Mr. Paul Clement wrote a letter to Members of Congress regarding the constitutionality of the *Antisemitism Awareness Act*. Mr. Clement served as the 43rd Solicitor General of the United States under President George W. Bush. Omitting footnotes and citations, Mr. Clement wrote the following about the *Antisemitism Awareness Act*:

Dear Senator/Representative:

I write on behalf of the ADL, the Simon Wiesenthal Center, AIPAC, and the Jewish Federations of North America. These four organizations have differing perspectives on many issues, but they speak with one voice in their support of the *Anti-Semitism Awareness Act*. That bill would supplement existing law prohibiting anti-Semitic harassment on college campuses by providing a much-needed and workable definition of anti-Semitism, one that is already employed by the Federal Government in other contexts. This proposal passed the Senate unanimously last year, but it stalled in the House of Representatives based in part on suggestions that the Act would violate the First Amendment.

While efforts by public universities to directly regulate student speech do raise serious First Amendment issues, the Act is fundamentally different and concerns about its constitutionality are misplaced for multiple reasons. First, the Act includes a savings clause that ensures the Act will be implemented consistently with the First Amendment. Second, the Act adds a definition to an existing law that addresses conduct, not speech. Title VI already has been interpreted to charge universities with prohibiting harassment on a number of forbidden bases, including anti-Semitism. That charge is compatible with the commands of the Supreme Court's First Amendment jurisprudence because it does not license universities to prohibit any speech, but only to reach certain conduct that rises to a level of harassment when it is undertaken on a forbidden basis such as racism or anti-Semitism. Supreme Court precedent allows the government to police such conduct and to consider speech as evidence of a forbidden intent, and it distinguishes the evidentiary use of speech from direct prohibitions on the speech itself. The Act builds on those existing laws and distinctions. Third, the Act simply adds a definition of anti-Semitism to existing law. Existing law prohibits harassment motivated by anti-Semitism without providing Education Department officials or university officials with a workable definition of anti-Semitism. It is hard to see how providing those officials with such a definition will create a First Amendment problem. To the contrary, defining this critical term by statute advances First Amendment values by providing clarity and ensuring that the definition of this term does not vary from official to official or from administration to administration.

The ADL, the Simon Wiesenthal Center, AIPAC, and the Jewish Federation of North America all support the *Anti-Semitism Awareness Act* as sound policy. Indeed, if policy objections to the Act are raised, these organizations stand ready to join issue. But the debate over the Act should take place as a policy matter, not based on misplaced constitutional concerns. The Act conforms with Supreme Court precedent and adds a savings clause for good measure. Indeed, all the Act adds to exist-

ing law is a definition which provides clarity and serves, rather than defeats, First Amendment values.

Background

Anti-Semitism on college campuses is a serious and growing problem. According to a recent report, there were 941 anti-Semitic incidents in the United States in 2015, including 56 assaults. The FBI has found that over half of the religiously motivated hate-crimes in 2015 were motivated by anti-Jewish bias. And the number of anti-Semitic incidents on college campuses doubled in 2015—accounting for 10 percent of all domestic anti-Semitic incidents. These 90 incidents, across 60 college campuses, include: spray-painting and drawing swastikas on residency halls and predominantly Jewish fraternities; taping the word “JEW” and a swastika next to a student’s Israeli flag in his room; and writing that “Zionists should be sent to the gas chamber” in a campus bathroom.

Existing Federal law already charges universities with protecting students from such harassment on campus. Under Title VI, “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” As the U.S. Supreme Court has explained, that law obligates universities receiving Federal funds to prevent peer-to-peer harassment when the harassment “is so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an educational opportunity or benefit.” A university may not tolerate such extreme forms of harassment, and a failure to take action to redress known incidents of such conduct can lead to Federal remedial action.

That protection extends to Jewish students under existing law. As the Departments of Education and Justice have both concluded, schools must protect Jewish students (as well as Muslims, Sikhs, and any other religious groups perceived to share ethnic characteristics) from “discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics.” Given those findings, universities are obligated under current law to protect their Jewish students from severe, pervasive, and objectively offensive harassment that is motivated by anti-Semitism.

As with any kind of discrimination, it can sometimes be hard to tell whether a specific incident was actually motivated by anti-Semitism. And officials charged with implementing Title VI face a unique challenge when it comes to addressing anti-Semitic conduct, namely that anti-Semitism can be disguised as criticism of Israel or Zionism. Despite that difficulty, to date, the Education Department has not set forth any definition of anti-Semitism to guide universities or officials charged with implementing Title VI. The impact of this omission on enforcement has been dramatic. Even though the Education Department interprets Title VI to reach anti-Semitism and even though the Department has promised, since 2004, to combat anti-Semitism on campuses, the Department’s Office of Civil Rights has not brought a single action relating to anti-Semitic harassment on college campuses. (At the same time, OCR has pursued a range of actions relating to harassment of non-Jewish students on college campuses based on racial or ethnic bias.) Without a clear definition of anti-Semitism, the Department evidently does not have the confidence and clarity to act.

The *Anti-Semitism Awareness Act* is designed to fill that definitional gap. For the first time, the Act offers a clear definition of anti-Semitism for the Department to “take into consideration” when deciding if an incident “was motivated by anti-Semitic intent.” Specifically, the Act, which draws its definition from the State Department’s established approach, clarifies that anti-Semitism “is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.” And in an effort to provide further clarity—including on whether and when extreme anti-Zionist acts indicate anti-Semitic intent—the Act offers a series of concrete examples of anti-Semitism. The Act directs the Department to consider both the definition and examples when deciding whether Jewish students are being denied the discrimination-free education that everyone deserves and is guaranteed under law.

The Act Is Consistent With The First Amendment

The Senate unanimously passed the *Anti-Semitism Awareness Act* on December 1, 2016, but the bill stalled in the House of Representatives based at least in part on suggestions that the Act is unconstitutional. Opponents of the bill have suggested

that the Act is unconstitutional because it improperly regulates campus speech against Israel and because its definition of anti-Semitism is too vague. These constitutional objections to the Act are misplaced for three principal reasons.

First, any suggestion that the Act is unconstitutional immediately runs into the clear text of the Act's savings clause. That clause in the bill passed by the Senate last year provides that: "Nothing in this Act, or an amendment made by this Act, shall be construed to diminish or infringe upon any right protected under the First Amendment." At one level, the savings clause states a truism, as no statute can diminish a constitutional right, and a statute that in fact infringes upon a right protected under the First Amendment would be unconstitutional to that extent. But at a more fundamental level, the savings clause underscores that the Act can be implemented consistent with the First Amendment and, more important, directs that the Act be implemented in that manner. As the balance of this letter indicates, the implementation of Title VI undeniably implicates First Amendment issues, since speech may be relevant in judging whether harassment is motivated by the specific forms of animus addressed by Title VI. But Title VI can be implemented consistent with First Amendment values and precedent as long as Education Department officials honor the speech/conduct and prohibition/evidence distinctions (discussed below) that underlie the Supreme Court's First Amendment jurisprudence. The savings clause underscores Congress' intent that Education Department officials do just that—i.e., that they implement both Title VI and the Act in a manner that is fully consistent with the First Amendment.

Second, opponents are wrong to suggest that the *Anti-Semitism Awareness Act* regulates anti-Israel speech and therefore violates the First Amendment. Congress cannot pass a law preventing individuals from speaking out against Israel any more than Congress can prohibit criticism of the United States (or any other country). The Act, however, does nothing of the sort. Not only does the Act feature a savings clause, but the definition that the Act adopts expressly underscores that any "criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic." Put simply, the bill does not punish political speech against Israel; it says that such political criticism is fair game.

More fundamentally, the Act does not regulate campus speech against Israel because it does not regulate speech at all. The Act does not prohibit individuals from claiming that "Jewish citizens [are] more loyal to Israel," that Jewish people "invent[ed] or exaggerate[d] the Holocaust," or anything else on the State Department's list. That kind of speech, no matter how offensive and despicable, receives full protection under the First Amendment—and the Act does not purport to punish it. In fact, the Act does not impose any new obligations, but simply provides a clarifying definition to help Education Department officials identify what is already prohibited under existing law. All of the relevant obligations already exist and are imposed by Title VI, not by the Act itself. Current law already requires universities to prevent severe, pervasive, and objectively offensive peer-to-peer harassment motivated by several forms of prohibited animus, including anti-Semitism. The Act does not alter what qualifies as sufficient harassment under that statute or the relevant precedents that distinguish between prohibited harassment and protected speech. All the Act does is help Education Department and university officials figure out which severe, pervasive, and objectively offensive harassing conduct actually reflects anti-Semitic intent. In that way, this bill offers a rule of evidence, not a restriction on speech. The fact that certain speech is protected does not mean that officials have to close their eyes to that speech entirely when determining the impetus behind a particularly severe act of harassment.

In fact, this distinction is critical to ensuring that all the prohibitions in Title VI (and other statutes) conform with the First Amendment. To take one example, the Supreme Court has held that hateful, racist speech gets full First Amendment protection. For that reason, Congress cannot pass a law simply barring all individuals from employing that kind of language, no matter how odious, on college campuses. That is why direct efforts by public universities to regulate student speech through speech codes raise serious First Amendment difficulties. But at the same time, the Education Department is permitted to consider such hateful speech when deciding if severe, pervasive, and objectively offensive harassment aimed at African American students is motivated by racism. The same is true under current law when it comes to severe, pervasive, and objectively offensive harassment motivated by anti-Semitism. Current Title VI law already reaches such improperly motivated conduct, and current Supreme Court doctrine makes clear that as long as the government addresses improperly motivated conduct and not speech itself, the First Amendment is not violated. As the Court explained in an opinion authored by Justice Scalia, some speech "can be swept up incidentally within the reach of a statute directed

at conduct rather than speech.” And as former Chief Justice Rehnquist explained for a unanimous Court: “The First Amendment . . . does not prohibit the evidentiary use of speech to establish the elements of a crime or to prove motive or intent.” All the Act adds to this existing framework is a definition for anti-Semitism, which is currently undefined in Title VI and its implementing regulations. Thus, the suggestions that the Act violates the First Amendment is really an attack on the constitutionality of Title VI as a whole.

The principle that protected speech can permissibly serve as evidence of improper motive is hardly unique to Title VI. Just as Title VI protects individuals from discrimination by federally funded organizations, Title VII prohibits workplace discrimination. In this context, the Supreme Court has made clear that speech, though protected under the First Amendment, can serve as evidence that workplace harassment was motivated by discriminatory intent. The distinction between a direct prohibition on speech and the use of protected speech as evidence is critical. Congress plainly could not enact a law putting individuals in jail for using sexist language without violating the First Amendment. But that same constitutionally protected speech can be offered as evidence of illegal sex-based discrimination in hiring, promotions, and the like. As Justice Scalia wrote for the Court, while certain sexist speech may not be directly banned based on its content, that same speech “may produce a violation of Title VII’s general prohibition against sexual discrimination in employment practices.” And so the Supreme Court has repeatedly—in opinions written by justices across the ideological spectrum—allowed for claims that relied, at least in part, on coworker and manager statements as evidence. The distinction is straightforward and critical: The speech is protected, but it can reveal that workplace harassment or other mistreatment was, in fact, motivated by sexism. The Act is fully consistent with that constitutionally vital distinction: it in no way directly prohibits any speech, but it helps the Education Department understand which incidents were motivated by anti-Semitic intent.

Third, by providing a definition for a critical term, the Act provides clarity and avoids the prospect of the definition of this critical term changing from official to official and from administration to administration. Far from creating any vagueness problem, adding a stable statutory definition advances and protects First Amendment interests. The Constitution, of course, prohibits Congress from enacting statutes so unclear that someone would struggle to distinguish between what the law makes lawful and unlawful. But even leaving aside that the *Anti-Semitism Awareness Act* does not regulate the primary conduct of ordinary citizens (and instead imposes obligations on recipients of Federal funds who maintain the power to decline funding or at least to seek clarity from regulatory officials), the Act can hardly be the source of any vagueness problem because it actually makes the law in this area more clear, not less.

As explained above, Title VI already requires universities that receive Federal funds to prevent anti-Semitic harassment against their students. Presently, there is no guidance given to the Department, universities, or individuals regarding what constitutes anti-Semitic intent, and no guidance regarding when, if ever, anti-Zionist acts can reveal such intent. It is up to individual Education Department officials to decide on an ad hoc basis. Such “ad hocery,” to borrow a phrase, 19 is generally an anathema to First Amendment values. The Act answers those open questions by providing a non-exhaustive, clarifying definition and examples, and in doing so helps the Department and universities understand what is (and is not) anti-Semitism. Nothing in current doctrine supports the counterintuitive notion that a law that clarifies what evidence indicates anti-Semitic motive could fail for vagueness, when the current interpretation of Title VI, which reaches anti-Semitism without defining the term, does not. As Justice Thomas wrote for the Court in another context earlier this month, “if a system of unfettered discretion is not unconstitutionally vague, then it is difficult to see how the [proposed] system of guided discretion could be.”

That is especially true where, as here, the alternative would be to leave the issue up to the unfettered discretion of Education Department officials. Letting the agency charged with enforcing Title VI decide all questions about whether conduct does or does not reflect anti-Semitism—rather than having Congress lay out a definition—is hardly the better approach under the First Amendment. The Supreme Court has been profoundly skeptical of the idea that First Amendment problems can be avoided by counting on the agency or a prosecutor to adopt a narrow reading of the law. Instead, from the standpoint of First Amendment values, it is far better for Congress to clarify the law for everyone, including for the agency charged with implementation. That is particularly true when it comes to Title VI and peer-to-peer harassment on college campuses. Title VI directs Federal funding recipients not only

to refrain from direct discrimination, but to avoid tolerating peer-to-peer harassment that is so pervasive as to deny students access to programs. But it is only appropriate to hold fund recipients responsible for peer-to-peer harassment when the fund recipients themselves fail to take adequate steps to prevent and redress such conduct. To implement the prohibition against anti-Semitism in that context makes it critical that university officials, as well as Education Department officials, have a common conception of what constitutes anti-Semitism. The Act does just that, while the status quo provides a vacuum that coincides with and may well explain the complete absence of any enforcement actions against anti-Semitism on college campuses.

The *Anti-Semitism Awareness Act* enjoyed not just bipartisan, but unanimous, support in the Senate last year. When the bill arrived in the House of Representatives, what emerged were not policy objections, but suggestions that the Act was incompatible with the First Amendment. Those concerns are misplaced. Not only does the Act include a savings clause, but it reflects the same distinctions that underlie Title VI and Title VII and make the statutes fully compatible with First Amendment doctrine. Congress cannot prohibit anti-Semitic or racist speech on campus or the workplace, but Congress can prohibit harassment motivated by race or anti-Semitism and government officials can look at protected speech in judging whether such an impermissible motive is present. Indeed, that is precisely what the Education Department is doing with respect to Title VI and anti-Semitism right now, but it is undertaking that task without the benefit of any definition. The Act fills that gap, and in doing so serves First Amendment values rather than creates vagueness problems. None of this is to deny that there are serious First Amendment issues raised by efforts to directly regulate campus speech. But that is not what the Act does, and passage of the Act should not be delayed based on misplaced constitutional concerns.

Very truly yours,
Paul D. Clement.

Later that year, Mr. Clement prepared a statement before the U.S. House of Representatives Committee on the Judiciary where he also discussed the constitutionality of the *Antisemitism Awareness Act*. Omitting footnotes and citations, Mr. Clement's statement reads:

Chairman Goodlatte, Congressman Conyers, and other distinguished Members of the Committee, thank you for the opportunity to speak with you today about the serious problem addressed in today's hearing and the constitutionality of proposed legislation designed to redress that problem.

As a Partner at Kirkland & Ellis, it is my privilege to represent the ADL, the Simon Wiesenthal Center, AIPAC, and the Jewish Federations of North America in conjunction with the proposed *Anti-Semitism Awareness Act*. These four organizations have differing perspectives on many issues, but they speak with one voice in their support of the *Anti-Semitism Awareness Act*. That bill would supplement existing law prohibiting anti-Semitic harassment on college campuses by providing a much-needed and workable definition of anti-Semitism, one that has already been used by the Federal Government in other contexts. This proposal passed the Senate unanimously last year, but it stalled in the House of Representatives based in part on suggestions that the Act would violate the First Amendment.

While efforts by public universities to directly regulate student speech do raise serious First Amendment issues, the Act is fundamentally different and concerns about its constitutionality are misplaced for multiple reasons. First, the Act includes a savings clause that ensures the Act will be implemented consistently with the First Amendment. Second, the Act adds a definition to an existing law that addresses conduct, not speech. Title VI already has been interpreted to charge universities with prohibiting harassment on a number of forbidden bases, including anti-Semitism. That charge is compatible with the commands of the Supreme Court's First Amendment jurisprudence because it does not license universities to prohibit any speech, but only to reach certain conduct that rises to a level of harassment when it is undertaken on a forbidden basis such as racism or anti-Semitism. Supreme Court precedent allows the government to police such conduct and to consider speech as evidence of a forbidden intent, and it distinguishes the evidentiary use of speech from direct prohibitions on the speech itself. The Act builds on those existing laws and distinctions.

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tism. It is hard to see how providing those officials with such a definition will create a First Amendment problem. To the contrary, defining this critical term by statute advances First Amendment values by providing clarity and ensuring that the definition of this term does not vary from official to official or from administration to administration.

The ADL, the Simon Wiesenthal Center, AIPAC, and the Jewish Federation of North America all support the *Anti-Semitism Awareness Act* as sound policy. Indeed, if policy objections to the Act are raised, these organizations stand ready to join issue. But the debate over the Act should take place as a policy matter, not based on misplaced constitutional concerns. The Act conforms with Supreme Court precedent and adds a savings clause for good measure. Indeed, all the Act adds to existing law is a definition which provides clarity and serves, rather than defeats, First Amendment values.

Background

Anti-Semitism on college campuses is a serious and growing problem. According to a recent report, there were 1,299 anti-Semitic incidents in the United States from January to September of this year. That number has been rising in each of the past few years. Indeed, the FBI found that over half of the religiously motivated hate-crimes in 2015 (the most recent hate-crimes statistics available) were motivated by anti-Jewish bias. And the number of anti-Semitic incidents on college campuses rose sharply this year—a total of 118 anti-Semitic incidents were reported in the first three quarters of 2017, compared to 74 in the same period of 2016—an increase of 59 percent.” Anti-Semitic incidents on college campuses have included: spray-painting and drawing swastikas on residency halls and predominantly Jewish fraternities; taping the word “JEW” and a swastika next to a student’s Israeli flag in his room; and writing that “Zionists should be sent to the gas chamber” in a campus bathroom.

Existing Federal law already charges universities with protecting students from such harassment on campus. Under Title VI, “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” As the U.S. Supreme Court has explained, that law obligates universities receiving Federal funds to prevent peer-to-peer harassment when the harassment “is so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an educational opportunity or benefit.” A university may not tolerate such extreme forms of harassment, and a failure to take action to redress known incidents of such conduct can lead to Federal remedial action. That protection extends to Jewish students under existing law. As the Departments of Education and Justice have both concluded, schools must protect Jewish students (as well as Muslims, Sikhs, and any other religious groups perceived to share ethnic characteristics) from “discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics.” Given those findings, universities are obligated under current law to protect their Jewish students from severe, pervasive, and objectively offensive harassment that is motivated by anti-Semitism.

As with any kind of discrimination, it can sometimes be hard to tell whether a specific incident was actually motivated by anti-Semitism. And officials charged with implementing Title VI face a unique challenge when it comes to addressing anti-Semitic conduct, namely that anti-Semitism can be disguised as criticism of Israel or Zionism. Despite that difficulty, to date, the Education Department has not set forth any definition of anti-Semitism to guide universities or officials charged with implementing Title VI. The impact of this omission on enforcement has been dramatic. Even though the Education Department interprets Title VI to reach anti-Semitism and even though the Department has promised, since 2004, to combat anti-Semitism on campuses, the Department’s Office of Civil Rights has not brought a single action relating to anti-Semitic harassment on college campuses. (At the same time, OCR has pursued a range of actions relating to harassment of non-Jewish students on college campuses based on racial or ethnic bias.) Without a clear definition of anti-Semitism, the Department evidently does not have the confidence and clarity to act.

The *Anti-Semitism Awareness Act* is designed to fill that definitional gap. For the first time, the Act offers a clear definition of anti-Semitism for the Department to “take into consideration” when deciding if an incident “was motivated by anti-Semitic intent.” Specifically, the Act, which draws its definition from the State Department’s established approach, clarifies that anti-Semitism “is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical

manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.” And in an effort to provide further clarity—including on whether and when extreme anti-Zionist acts indicate anti-Semitic intent—the Act offers a series of concrete examples of anti-Semitism. The Act directs the Department to consider both the definition and examples when deciding whether Jewish students are being denied the discrimination-free education that everyone deserves and is guaranteed under law.

The Act Is Consistent With The First Amendment

The Senate unanimously passed the *Anti-Semitism Awareness Act* on December 1, 2016, but the bill stalled in the House of Representatives based at least in part on suggestions that the Act is unconstitutional. Opponents of the bill have suggested that the Act is unconstitutional because it improperly regulates campus speech against Israel and because its definition of anti-Semitism is too vague. These constitutional objections to the Act are misplaced for three principal reasons.

First, any suggestion that the Act is unconstitutional immediately runs into the clear text of the Act’s savings clause. That clause in the bill passed by the Senate last year provides that: “Nothing in this Act, or an amendment made by this Act, shall be construed to diminish or infringe upon any right protected under the First Amendment.” At one level, the savings clause states a truism, as no statute can diminish a constitutional right, and a statute that in fact infringes upon a right protected under the First Amendment would be unconstitutional to that extent. But at a more fundamental level, the savings clause underscores that the Act can be implemented consistent with the First Amendment and, more important, directs that the Act be implemented in that manner. As the balance of this letter indicates, the implementation of Title VI undeniably implicates First Amendment issues, since speech may be relevant in judging whether harassment is motivated by the specific forms of animus addressed by Title VI. But Title VI can be implemented consistent with First Amendment values and precedent as long as Education Department officials honor the speech/conduct and prohibition/evidence distinctions (discussed below) that underlie the Supreme Court’s First Amendment jurisprudence. The savings clause underscores Congress’ intent that Education Department officials do just that—implement both Title VI and the Act in a manner that is fully consistent with the First Amendment.

Second, opponents are wrong to suggest that the *Anti-Semitism Awareness Act* regulates anti-Israel speech and therefore violates the First Amendment. Congress cannot pass a law preventing individuals from speaking out against Israel any more than Congress can prohibit criticism of the United States (or any other country). The Act, however, does nothing of the sort. Not only does the Act feature a savings clause, but the definition that the Act adopts expressly underscores that any “criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic.” Put simply, the bill does not punish political speech against Israel; it says that such political criticism is fair game.

More fundamentally, the Act does not regulate campus speech against Israel because it does not regulate speech at all. The Act does not prohibit individuals from claiming that “Jewish citizens [are] more loyal to Israel,” that Jewish people “invent[ed] or exaggerate[d] the Holocaust,” or anything else on the State Department’s list. That kind of speech, no matter how offensive and despicable, receives full protection under the First Amendment—and the Act does not purport to punish it. In fact, the Act does not impose any new obligations, but simply provides a clarifying definition to help Education Department officials identify what is already prohibited under existing law. All of the relevant obligations already exist and are imposed by Title VI, not by the Act itself. Current law already requires universities to prevent severe, pervasive, and objectively offensive peer-to-peer harassment motivated by several forms of prohibited animus, including anti-Semitism. The Act does not alter what qualifies as sufficient harassment under that statute or the relevant precedents that distinguish between prohibited harassment and protected speech. All the Act does is help Education Department and university officials figure out which severe, pervasive, and objectively offensive harassing conduct actually reflects anti-Semitic intent. In that way, this bill offers a rule of evidence, not a restriction on speech. The fact that certain speech is protected does not mean that officials have to close their eyes to that speech entirely when determining the impetus behind a particularly severe act of harassment.

In fact, this distinction is critical to ensuring that all the prohibitions in Title VI (and other statutes) conform with the First Amendment. To take one example, the

Supreme Court has held that hateful, racist speech gets full First Amendment protection. For that reason, Congress cannot pass a law simply barring all individuals from employing that kind of language, no matter how odious, on college campuses. That is why direct efforts by public universities to regulate student speech through speech codes raise serious First Amendment difficulties. But at the same time, the Education Department is permitted to consider such hateful speech when deciding if severe, pervasive, and objectively offensive harassment aimed at African American students is motivated by racism. The same is true under current law when it comes to severe, pervasive, and objectively offensive harassment motivated by anti-Semitism. Current Title VI law already reaches such improperly motivated conduct, and current Supreme Court doctrine makes clear that as long as the government addresses improperly motivated conduct and not speech itself, the First Amendment is not violated. As the Court explained in an opinion authored by Justice Scalia, some speech “can be swept up incidentally within the reach of a statute directed at conduct rather than speech.” And as former Chief Justice Rehnquist explained for a unanimous Court: “The First Amendment . . . does not prohibit the evidentiary use of speech to establish the elements of a crime or to prove motive or intent.” All the Act adds to this existing framework is a definition for anti-Semitism, which is currently undefined in Title VI and its implementing regulations. Thus, the suggestions that the Act violates the First Amendment is really an attack on the constitutionality of Title VI as a whole.

The principle that protected speech can permissibly serve as evidence of improper motive is hardly unique to Title VI. Just as Title VI protects individuals from discrimination by federally funded organizations, Title VII prohibits workplace discrimination. In this context, the Supreme Court has made clear that speech, though protected under the First Amendment, can serve as evidence that workplace harassment was motivated by discriminatory intent. The distinction between a direct prohibition on speech and the use of protected speech as evidence is critical. Congress plainly could not enact a law putting individuals in jail for using sexist language without violating the First Amendment. But that same constitutionally protected speech can be offered as evidence of illegal sex-based discrimination in hiring, promotions, and the like. As Justice Scalia wrote for the Court, while certain sexist speech may not be directly banned based on its content, that same speech “may produce a violation of Title VII’s general prohibition against sexual discrimination in employment practices.” And so the Supreme Court has repeatedly—in opinions written by justices across the ideological spectrum—allowed for claims that relied, at least in part, on coworker and manager statements as evidence. The distinction is straightforward and critical: The speech is protected, but it can reveal that workplace harassment or other mistreatment was, in fact, motivated by sexism. The Act is fully consistent with that constitutionally vital distinction: it in no way directly prohibits any speech, but it helps the Education Department understand which incidents were motivated by anti-Semitic intent.

Third, by providing a definition for a critical term, the Act provides clarity and avoids the prospect of the definition of this critical term changing from official to official and from administration to administration. Far from creating any vagueness problem, adding a stable statutory definition advances and protects First Amendment interests. The Constitution, of course, prohibits Congress from enacting statutes so unclear that someone would struggle to distinguish between what the law makes lawful and unlawful. But even leaving aside that the Anti-Semitism Awareness Act does not regulate the primary conduct of ordinary citizens (and instead imposes obligations on recipients of Federal funds who maintain the power to decline funding or at least to seek clarity from regulatory officials), the Act can hardly be the source of any vagueness problem because it actually makes the law in this area more clear, not less.

As explained above, Title VI already requires universities that receive Federal funds to prevent anti-Semitic harassment against their students. Presently, there is no guidance given to the Department, universities, or individuals regarding what constitutes anti-Semitic intent, and no guidance regarding when, if ever, anti-Zionist acts can reveal such intent. It is up to individual Education Department officials to decide on an ad hoc basis. Such “ad hocery,” to borrow a phrase, is generally an anathema to First Amendment values. The Act answers those open questions by providing a non-exhaustive, clarifying definition and examples, and in doing so helps the Department and universities understand what is (and is not) anti-Semitism. Nothing in current doctrine supports the counterintuitive notion that a law that clarifies what evidence indicates anti-Semitic motive could fail for vagueness, when the current interpretation of Title VI, which reaches anti-Semitism without defining the term, does not. As Justice Thomas wrote for the Court in another con-

text earlier this year, “[i]f a system of unfettered discretion is not unconstitutionally vague, then it is difficult to see how the [proposed] system of guided discretion could be.”

That is especially true where, as here, the alternative would be to leave the issue up to the unfettered discretion of Education Department officials. Letting the agency charged with enforcing Title VI decide all questions about whether conduct does or does not reflect anti-Semitism—rather than having Congress lay out a definition—is hardly the better approach under the First Amendment. The Supreme Court has been profoundly skeptical of the idea that First Amendment problems can be avoided by counting on the agency or a prosecutor to adopt a narrow reading of the law, explaining that “the First Amendment protects against the Government; it does not leave us at the mercy of noblesse oblige.” Instead, from the standpoint of First Amendment values, it is far better for Congress to clarify the law for everyone, including for the agency charged with implementation. That is particularly true when it comes to Title VI and peer-to-peer harassment on college campuses. Title VI directs Federal funding recipients not only to refrain from direct discrimination, but to avoid tolerating peer-to-peer harassment that is so pervasive as to deny students access to programs. But it is only appropriate to hold fund recipients responsible for peer-to-peer harassment when the fund recipients themselves fail to take adequate steps to prevent and redress such conduct. To implement the prohibition against anti-Semitism in that context makes it critical that university officials, as well as Education Department officials, have a common conception of what constitutes anti-Semitism. The Act does just that, while the status quo provides a vacuum that coincides with and may well explain the complete absence of any enforcement actions against anti-Semitism on college campuses.

The *Anti-Semitism Awareness Act* enjoyed not just bipartisan, but unanimous, support in the Senate last year. When the bill arrived in the House of Representatives, what emerged were not policy objections, but suggestions that the Act was incompatible with the First Amendment. Those concerns are misplaced. Not only does the Act include a savings clause, but it reflects the same distinctions that underlie Title VI and Title VII and make the statutes fully compatible with First Amendment doctrine. Congress cannot prohibit anti-Semitic or racist speech on campus or the workplace, but Congress can prohibit harassment motivated by race or anti-Semitism and government officials can look at protected speech in judging whether such an impermissible motive is present. Indeed, that is precisely what the Education Department is doing with respect to Title VI and anti-Semitism right now, but it is undertaking that task without the benefit of any definition. The Act fills that gap, and in doing so serves First Amendment values rather than creates vagueness problems. None of this is to deny that there are serious First Amendment issues raised by efforts to directly regulate campus speech. But that is not what the Act does, and passage of the Act should not be delayed based on misplaced constitutional concerns.

In 2018, Ms. Kathryn Ruemmler similarly wrote a letter to Members of Congress regarding the constitutionality of the *Antisemitism Awareness Act*. Ms. Ruemmler served as White House Counsel to President Barack Obama. Omitting footnotes, Ms. Ruemmler wrote the following about the *Antisemitism Awareness Act*:

Dear Senator/Representative:

I write on behalf of my client, the Elie Wiesel Foundation for Humanity, in support of the *Anti-Semitism Awareness Act* of 2018 (the Act). We understand that concerns have been raised regarding the Act’s constitutionality, particularly its constitutionality under the First Amendment. We have had the opportunity to review Paul Clement’s well-reasoned letter dated March 20, 2017 on behalf of ADL, the Simon Wiesenthal Center, AIPAC, and the Jewish Federations of North America and we are in agreement with the support for the Act offered therein. Nevertheless, we wanted to offer a different point of emphasis in favor of the Act, which we believe is both constitutional and would help to combat Anti-Semitism.

As you know, the First Amendment’s protection of the right to free speech extends to the most offensive speech. Simply put, the government may not prohibit even hateful speech.

At the same time, it is equally well established that the First Amendment’s protections do not extend to conduct, including for example conduct in the form of workplace sexual harassment, ethnic discrimination, or hate crimes. And the Supreme Court has repeatedly made clear that speech can be used as evidence of prohibited conduct. That is, speech can be used to show the intent or motive or state of mind of the speaker, toward establishing that the speaker committed a legally wrongful act, even though the speaker’s speech, itself, could not be regulated. For

example, repeated comments about a woman's appearance may provide evidence of workplace sexual harassment, and likewise the use of a racial slur may tend to prove an element of a hate crime.

Title VI of the *Civil Rights Act* of 1964 prohibits discrimination-i.e., conduct-based on a person's race, color, or national origin by any institution receiving Federal financial assistance, including universities and colleges receiving Federal funds. The Department of Education and the Department of Justice have both determined that Title VI's prohibition extends to Jews, Muslims, Sikhs, and any other religion groups that share or are perceived to share ethnic characteristics. According to long-standing policy by administrations of both political parties, this means universities and colleges must take steps to prevent anti-Semitism that rises to the level of a hostile education environment.

The *Anti-Semitism Awareness Act* of 2018 would provide potential assistance to the Department of Education in its implementation of Title VI. Specifically, the Act provides instructive examples of what constitutes anti-Semitism, and directs the Department of Education to "take into consideration" those definitions of anti-Semitism "as part of the Department's assessment" of whether actions may constitute a hostile educational environment (Section 4) (emphases added). The Act does not direct, or indeed allow, the Department of Education to regulate speech as such in any respect. To remove any doubt of such a misinterpretation, the Act specifically provides that nothing in it:

"shall be construed—(1) to expand the authority of the Secretary of Education; (2) to alter the standards pursuant to which the Department of Education makes a determination that harassing conduct amounts to actionable discrimination; or (3) to diminish or infringe upon the rights protected under any other provision of law. . . ."

Section 6(a). In other words, the Act does not increase the Department of Education's authority under Title VI (or in any other respect), nor does it dilute any rights provided by any other law, including of course the First Amendment. On the point, the Act contains another provision explicitly stating that nothing in the Act "shall be construed to diminish or infringe upon any right protected under the First Amendment." (Section 6(b)). Of course, that the Act says it does not violate the First Amendment does not make it so. But this provision, like the provision quoted just above, does make very clear how the Act must be interpreted.

The simple reason the Act does not violate the First Amendment is because it in no way regulates, much less prohibits, any speech. Instead, it directs the Department of Education to take notice of examples of forms of anti-Semitism that the U.S. State Department developed in 2010. Those examples include, among others, calling for the harming of Jews, making dehumanizing statements, accusing Jews as a people of inventing the Holocaust, and using symbols and images associated with classic anti-Semitism to characterize Israel or Israelis.' While such expressions themselves are protected by the First Amendment, they can be considered as evidence to understand the motive underlying conduct that is in no way protected by the First Amendment (or any other legal right).

That is the central point here. The Act explicitly directs the Department of Education to consider these definitions only in the course of determining whether a "practice was motivated by anti-Semitic intent" (Section 4), recognizing, again explicitly, that Title VI forbids only "harassing conduct [that] amounts to actionable discrimination" (Section 6(a)(2)) (emphases added). The *Anti-Semitism Awareness Act* thus does not purport to regulate speech, and cannot reasonably be interpreted to do so. Instead, it merely directs the Department of Education to consider previously established illustrations of anti-Semitism in making its own determination whether conduct rises to the level of harassment prohibited by Title VI, and to do so in away that does not "diminish or infringe upon" free-speech rights. For these reasons, the Act does not violate the First Amendment.

Best regards,

Kathryn Ruemmler,
of LATHAM & WATKINS LLP.

Last year, Pastor John Hagee of Christians United for Israel and Ralph Reed of the Faith and Freedom Coalition wrote a letter regarding the *Antisemitism Awareness Act* where they specifically addressed the claims that the bill was "anti-Christian." They wrote:

We, and our members, welcomed President Trump's 2019 Executive Order Combating Antisemitism, and we are grateful the Biden administration sustained that

order. Finally, after 8 years of debate, the *Antisemitism Awareness Act* of 2023, which largely codifies President Trump's 2019 Executive Order, was passed by the House on May 1, 2024.

To the Biblically literate, claims that the *Antisemitism Awareness Act* is anti-Christian are as insulting as they are injurious. Speaking about the Jewish people, Jesus said, "Whatever you did for one of the least of these brothers and sisters of mine, you did for me." (Matthew 25:40) And just as Biblical literacy is a necessary precondition to defending Christianity, so too is literacy of this law.

The House's debate over this bill exemplifies the need for this legislation. As is clear, the world's oldest hatred is alive and well on both fringes of the partisan divide. Likewise, as American colleges are taken over by hordes of pro-Hamas demonstrators claiming their genocidal ambitions are merely anti-Israel, this legislation is timelier than ever.

What the opposition to this legislation is choosing to ignore is that this law is about preventing unlawful action—not speech. For the law to apply, a student would have to have an unlawful act committed against them first, and only thereafter would the definition of antisemitism be considered in order to determine whether or not the underlying unlawful act was motivated by antisemitism. This definition and its examples are only used for guidance, because as we have recently seen across American college campuses, you cannot defeat what you are unwilling to define.

This law no more stifles free speech than the presence of a thermometer would change the temperature. This law is sound. The Biblical and moral mandate is clear. We thank Speaker Johnson for moving this measure forward and urge the Senate to advance this legislation without delay.

Sincerely,
 Pastor John Hagee,
 National Chairman,
 Christians United for Israel.
 Ralph E. Reed,
 Chairman,
 Faith and Freedom Coalition.

Mr. Clement and Ms. Ruemmler both agree that the *Antisemitism Awareness Act* is constitutional. Pastor Hagee and Mr. Reed similarly recognize that the bill "is about preventing unlawful action—not speech," and they refute the "anti-Christian" arguments, calling those claims "as insulting as they are injurious."

Question 1. Ms. Gammill, can you explain why the *Antisemitism Awareness Act* is constitutional? Can you explain how the *Antisemitism Awareness Act* would help address antisemitism on college campuses?

Answer 1. Chairman Cassidy, Ranking Member Sanders, Senator Scott, and Members of the H.E.L.P. Committee,

Thank you for the opportunity to respond to the question regarding the constitutionality of the *Antisemitism Awareness Act* and how this legislation can help address the continued problem of pervasive antisemitism on college campuses.

I have had the opportunity to review the positions in support of the constitutionality of the *Antisemitism Awareness Act* by Mr. Paul Clement and Ms. Kathryn Ruemmler, as provided in Senator Scott's question, and I concur with their analyses and conclusions. I would therefore like to take this opportunity not to reiterate what they have said but to elaborate slightly and focus more on the real target of those who take issue with the Act's constitutionality, namely, its incorporation of the International Holocaust Remembrance Alliance Working Definition of Antisemitism ("IHRA Definition").

As both Mr. Clement and Ms. Ruemmler correctly highlight, by its express terms the *Antisemitism Awareness Act* shall not be construed in any way to (1) extend any new or additional authority to the Secretary of Education; (2) alter the standards by which the Department of Education determines whether harassing conduct constitutes actionable discrimination; or (3) diminish or infringe upon the rights protected under any other law in effect, including specifically the First Amendment to the United States Constitution.

As such, the Act has one and only one effect: it directs the Department of Education, in undertaking its existing responsibilities of determining whether there has been a violation of Title VI of the *Civil Rights Act* "based on an individual's actual or perceived shared Jewish ancestry or Jewish ethnic characteristics," to "take into

consideration” a specific definition of antisemitism. That definition, as identified within the Act, is the IHRA Definition, adopted by the IHRA on May 26, 2016, including the “[c]ontemporary examples of antisemitism identified in the IHRA Definition.” (Importantly, this is the international consensus definition of antisemitism and has not only wide bipartisan support but also the support of the majority of the mainstream Jewish community, as Mr. Clement’s letter and testimony attest.)

In other words, the *Antisemitism Awareness Act* simply says to Department of Education officials, “When faced with allegations of discrimination based on shared Jewish ancestry or Jewish ethnicity (i.e., antisemitism) under Title VI, in determining whether such allegations present actionable discrimination (i.e., unlawful antisemitism), among the things you are to consider is the IHRA Definition of Antisemitism.” Thus, with the *Antisemitism Awareness Act* in effect, as Department officials are undertaking their existing Title VI duties, they will continue to review allegations about antisemitism (as well as other forms of discrimination based on race, color, or national origin) utilizing pre-existing legal standards as to what constitutes actionable discrimination under Title VI (which has never included pure, protected speech standing alone but has always been limited to conduct, including harassing conduct).¹ In making this determination, they will simply be required under Federal statute (as they currently are pursuant to Executive Order 13899) to be guided in part by the world’s most widely accepted and utilized definition of the term “antisemitism.”

The only way this simple requirement—of taking into consideration a specific definition of antisemitism—could conceivably be unconstitutional, then, would be if the definition itself ran afoul of First Amendment principles, which the IHRA Definition does not. By its express terms, the IHRA Definition, like any other definition, provides nothing more than information that helps one to better understand what may, or may not (“taking into account the overall context”), constitute antisemitism. It tells no one what they can or cannot say (or do), should or should not say (or do), must or must not say (or do). The IHRA Definition carries no legal authority or binding effect. Indeed, it neither includes nor suggests any rule, enforcement mechanism, or threat of punishment or sanction of any kind. Absent such features, it is incapable of running afoul of freedom of speech principles, as it does not punish, restrict, chill,² or otherwise infringe upon any person’s right to engage in, speech

¹ See, e.g., <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>, U.S. Dep’t of Education, Office for Civil Rights, *Dear Colleague Letter*, Nov. 7, 2023 (last visited Apr. 23, 2025) (“OCR interprets Title VI to mean that the following type of harassment creates a hostile environment: unwelcome **conduct** based on shared ancestry or ethnic characteristics that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity.”) (emphasis added); see also <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf>, U.S. Dep’t of Education, Office for Civil Rights, *Dear Colleague Letter*, Mar. 7, 2024 (last visited Apr. 23, 2025) (“The fact that harassment may involve **conduct that includes speech** in a public setting or speech that is also motivated by political or religious beliefs, however, does not relieve a school of its obligation to respond under Title VI as described below, if the harassment creates a hostile environment in school for a student or students. Schools have a number of tools for responding to a hostile environment—including tools that do not restrict any rights protected by the First Amendment. To meet its obligation, a university can, among other steps, communicate its opposition to stereotypical, derogatory opinions; provide counseling and support for students affected by harassment; or take steps to establish a welcoming and respectful school campus, which could include making clear that the school values, and is determined to fully include in the campus community, students of all races, colors, and national origins. **OCR does not interpret Title VI to require any recipient to abridge any rights protected under the First Amendment. For instance, if students at a public university engage in offensive speech about members of a particular ethnic group and that speech contributes to a hostile environment within an education program about which the university knows or should know, the university has a legal obligation to address that hostile environment for students in school. The university may, however, be constrained or limited in how it responds if speech is involved.**”) (emphases added).

² Laws and regulations that produce an impermissible “chilling effect” under the First Amendment are those that would deter individuals from exercising a protected right due to some threat of legal punishment or sanction. See, e.g., *Wieman v. Updegraff*, 344 U.S. 183 (1952); *Baggett v. Bullitt*, 377 U.S. 360 (1964); *Dombrowski v. Pfister*, 380 U.S. 479 (1965); *Reno v. ACLU*, 521 U.S. 844 (1997). Because the IHRA Definition is not a law or regulation, and, as previously stated, includes no rule or enforcement mechanism of any kind (or even the suggestion of any rule or enforcement mechanism), it is simply incapable of chilling speech. And because the only effect of the Antisemitism Awareness Act is to require consideration of the information in the IHRA Definition by the Department of Education, in undertaking its existing

(or expressive conduct) of any kind. As Mr. Clement has rightly observed, providing a consistent, standard definition to guide the Department of Education in its understanding of the manifestations of cotemporary antisemitism provides greater clarity, not less, which serves not to undermine First Amendment principles but rather to bolster them.

The Department of Education, including its Office for Civil Rights (OCR), performs an essential role in ensuring that students are able to participate equally in campus programs and activities, free from discrimination based on their real or perceived shared ancestry or ethnic characteristics. Through its administration of Title VI, OCR helps to safeguard taxpayer dollars so that they are not used to support institutions that permit such discrimination. Too often, however, contemporary forms of antisemitism are misunderstood³ and therefore go unchecked. This has been a particularly significant problem on our Nation's campuses in recent years, intensifying exponentially following the Hamas attack against Israel on October 7, 2023.

The Department of Education's consideration of the IHRA Definition, including its examples of what contemporary antisemitism can look like, as required by the *Antisemitism Awareness Act*, helps those tasked with investigating allegations of antisemitism under Title VI to better understand the nuances of the various forms of attack against Jewish identity, including the forms most prevalent on campuses, which focus heavily on demonizing, undermining, and even erasing shared Jewish ancestry in the Jewish ancestral homeland of Israel. In order to properly identify and address anti-Jewish bigotry in all its forms—which results in safer campuses where all students, including Jewish students, can live and learn free from discriminatory hostility and harassment—this type of understanding is imperative. It is a commonsense proposition that one cannot identify (and thus properly address) bigotry unless he can first define (and thus better understand) it. The *Antisemitism Awareness Act*, through its requirement of consideration of the international consensus definition of “antisemitism,” enables the Department of Education to do just that.

[Whereupon, at 12:07 p.m., the hearing was adjourned.]



duties under Title VI (pursuant to existing legal standards that appropriately distinguish between the treatment of protected speech and unprotected conduct), the Act itself likewise satisfies First Amendment standards regarding the “chilling” of speech.

³ I refer to my written testimony for this hearing for a more thorough discussion of the intentional campaign to politicize (and then demonize, distort, and deny) the identity-level connection between the Jewish people and the Jewish ancestral homeland of Israel (i.e., Zionism).