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BRIEFING REPORT

JULY 2006

U.S. COMMISSION ON CIVIL RIGHTS

Campus Anti-Semitism

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A Briefing Before
The United States Commission on Civil Rights
Held in Washington, D.C., November 18, 2005

Briefing Report

U.S. Commission on Civil Rights

The U.S. Commission on Civil Rights is an independent, bipartisan agency established by Congress in 1957. It is directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices.
- Study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.
- Appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin.
- Submit reports, findings, and recommendations to the President and Congress.
- Issue public service announcements to discourage discrimination or denial of equal protection of the laws.

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Arlan D. Melendez
Ashley L. Taylor, Jr.
Michael Yaki

Kenneth L. Marcus, *Staff Director*

U.S. Commission on Civil Rights
624 Ninth Street, NW
Washington, DC 20425

(202) 376-8128 voice
(202) 376-8116 TTY

www.usccr.gov

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Executive Summary

On Friday, November 18, 2005, a panel of experts briefed members of the U.S. Commission on Civil Rights regarding anti-Semitic incidents on college campuses.

American college campuses are generally considered welcoming places for Jewish students. Life on campus is often enhanced through a number of opportunities for Jewish students. Despite this positive environment, many experts agree that anti-Semitism persists on college campuses and is often cloaked as criticism of Israel.

According to various allegations, Jewish students on a number of campuses, Columbia, San Francisco State University, and the University of California at Irvine, have recently experienced an increase in hostility and intimidation both inside and outside the classroom. In some cases, posters, rallies and speakers on campus have promoted hatred of Jews and Israel. There is evidence that some of these anti-Semitic incidents are fueled by ideologically biased campus programs that receive operating funds from the federal government under Title VI of the Higher Education Act. Some of these anti-Semitic incidents have interfered with students' ability to participate in campus activities.

The panel convened to shed light on the nature and extent of the problem and discussed what can be done to resolve these allegations. Members of the panel were:

- Gary A. Tobin, President, Institute for Jewish and Community Research
- Susan B. Tuchman, Director, Center for Law and Justice, The Zionist Organization of America
- Sarah Stern, then Director of Governmental and Public Affairs, American Jewish Congress

Representatives of Columbia University, the University of California at Irvine, and the Foundation for Individual Rights in Education declined the Commission's invitation to participate the briefing. However, subsequent comments from members of the faculties and administrations of Columbia and University of California at Irvine have been summarized below.

The panel considered whether and to what extent banning or limiting allegedly anti-Semitic activities threatens the students' freedom of speech as protected by the First Amendment or the professors' academic freedom and to what extent anti-Zionism or political disagreement with Israeli policy is distinguishable from anti-Semitism.

Dr. Tobin argued that anti-Semitism and anti-Israelism are systemic ideologies found in varying degrees in colleges and universities throughout the United States. According to Dr. Tobin, death threats, threats of violence against Jewish students or students who are supporters of Israel and banners and posters containing anti-Semitic rhetoric and images are among the manifestations of these ideologies which create an environment of intimidation and harassment in contrast to the norms and values of the university. Manifestations are also found in biased scholarship demonizing Israel, which are shielded by a wrongly defined concept of academic freedom. Dr.

Tobin argued that the use of federal money to support anti-Semitic scholarship and classroom propaganda constitutes an abuse of the public trust. He concluded by recommending greater internal review of Middle Eastern studies departments, vigilant enforcement of rules of civil discourse, increased Congressional oversight of federal monies funding academic programs where anti-Semitism and anti-Israelism is found. Finally, Dr. Tobin called upon all university stakeholders to condemn such rhetoric.

Ms. Tuchman argued that, although criticism of the state of Israel and its policies is a legitimate part of civil discourse, criticism that demonizes Israel, for example by incorporating traditional anti-Semitic stereotypes or by comparing Israel's leaders to Nazis, crosses the line into anti-Semitism. Moreover, Ms. Tuchman argued that vandalism, intimidation, and harassment cannot be defended as part of a spirited debate on Middle East policy. She cited the destruction of a Holocaust memorial constructed by Jewish students on the campus of University of California at Irvine as one well-publicized example of anti-Semitic harassment and intimidation. Ms. Tuchman concluded by recommending that the Commission: (a) issue a report on campus anti-Semitism; (b) solicit input from experts on developing ways to prevent and combat anti-Semitism on campus; and (c) urge OCR to conduct a thorough investigation of the Irvine incident.

Ms. Stern expressed the fear that college campuses had become "islands of anti-Semitism", and cited several instances of harassment and intimidation of Jewish students. Among these was a pro-Palestinian student rally at San Francisco State University, in which Jewish students were surrounded by demonstrators and subjected to anti-Semitic statements. She added that, while anti-Semitism often takes the classic ideological form, it has also taken the form of political criticism of Israel that demonizes the state and holds it up to disproportionate scrutiny. One notable expression of this form of anti-Semitism was documented in the David Project's film *Columbia Unbecoming*. This documentary interviewed students who had taken classes in Columbia University's Middle East and Asian Languages Department. She concluded her testimony with concerns that this and other federally funded programs at colleges and universities have become hotbeds of both anti-Israel and anti-American radicalism.

Finally, the panelists fielded questions from the Commissioners, dealing with several issues:

- The need and feasibility of administrative oversight of ideologically biased educational programs, in light of concern for academic freedom and freedom of speech;
- Proposed legislation such as the College Access and Opportunity Act that would promote diversity of perspectives in higher education programs funded by the federal government;
- Best practices for university administrators' responses to anti-Semitic incidents;
- The extent to which anti-Israelism serves as a guise for anti-Semitism;
- Monitoring of anti-Semitic campus incidents consistent with federal hate crimes legislation;
- The extent to which students subjected to anti-Semitic harassment or intimidation are aware of their rights and what the Commission can do to educate students.

Based on the record, the Commission adopted findings and recommendations on April 3, 2006. The Commission found that:

- Many college campuses throughout the United States continue to experience incidents of anti-Semitism, a serious problem warranting further attention
- When severe, persistent or pervasive, this behavior may constitute a hostile environment for students in violation of Title VI of the Civil Rights Act of 1964
- Anti-Israeli or anti-Zionist propaganda has been disseminated on many campuses that include traditional anti-Semitic elements, including age-old anti-Jewish stereotypes and defamation.
- Anti-Semitic bigotry is no less morally deplorable when camouflaged as anti-Israelism or anti-Zionism
- 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.
- Many college students do not know what rights and protections they have against anti-Semitic behavior.
- More data are required to determine the full extent of this problem. While the Department of Education's Office of Postsecondary Education ("OPE") requires recipient institutions to report hate crimes involving bodily injury, these institutions are not currently required to report many crimes that do not involve bodily injury.

Based on these findings, the Commission recommended that:

- OCR should protect college students from anti-Semitic and other discriminatory harassment by vigorously enforcing Title VI against recipients that deny equal educational opportunities to all students.
- University leadership should ensure that all academic departments, including departments of Middle East studies, maintain academic standards, respect intellectual diversity, and ensure that the rights of all students are fully protected
- Federal grant-making institutions should exercise appropriate oversight to ensure that federal funds are not used in a manner that supports discriminatory conduct.
- OCR should conduct a public education campaign to inform college students of the rights and protections afforded to them under federal civil rights laws, including the right of Jewish students to be free from anti-Semitic harassment
- Congress should direct OPE to collect and report data on a broader range of anti-Semitic and other hate crimes that take place at postsecondary institutions consistent with the hate crime categories reported by the Federal Bureau of Investigation under the Hate Crimes Statistics Act.
- OPE should collect and report data by category of prejudice as well as category of crime
- Congress should amend Title VI to make clear that discrimination on the basis of Jewish heritage constitutes prohibited national origin discrimination.

Finally, the Commission agreed to undertake a public education campaign to inform students of the protections available to them against anti-Semitic harassment or intimidation.

A transcript of the briefing is available on the Commission's website, www.usccr.gov, and by request from the Publications Office, U.S. Commission of Civil Rights, 624 Ninth Street, NW, Room 600, Washington, D.C. 20425, (202) 376-8128, publications@usccr.gov.

Summary of the Proceedings

Gary A. Tobin

Dr. Tobin presented findings his new book *The Uncivil University: Politics and Propaganda in American Education* (Institute for Jewish and Community Research, 2005), coauthored with Aryeh K. Weinberg and Jenna Ferer, which documents that he described as anti-Semitism and bias against Israel on college campuses. The book is based on more than 50 interviews with students on a variety of campuses and more than 40 interviews with leaders of Jewish organizations from 2002 through 2005. Campus media, pamphlets, and flyers were also examined.

Dr. Tobin posited that anti-Semitism and anti-Israelism are systemic ideologies of higher education that can be found on campuses throughout the U.S. Although they are national campus phenomena, they are not equally distributed. Also, incidents may vary on a particular campus over time. Anti-Semitism and anti-Israelism produces an environment of intimidation and harassment for Jewish students. Sadly, much of anti-Semitic rhetoric and behavior goes undetected since it falls under the debate about the Middle East. This form of anti-Semitism is different from past discrimination that plagued college campuses; it goes against the norms and values of campuses that allegedly promote racial and ethnic and religious diversity and understanding. Some of these activities fall under the protection of freedom of speech, which is being abused in the name of open discussion, according to Dr. Tobin.

Moreover, Dr. Tobin stated that some universities have openly taken a stand against anti-Semitism on campuses, but in 2002 only 300 college and university presidents signed a statement that pronounced that recent examples of classroom and on-campus debate have crossed the line into intimidation and hatred. In the past few months, students who are Jewish or supporters of Israel's right to exist have received death threats and threats of violence. Property connected to Jewish organizations has been defaced or destroyed. Posters and websites displaying libelous information or images have been widely circulated creating an atmosphere of intimidation. He commented that it was unfortunate that more college and university leaders did not sign this statement against anti-Semitism.

Some of the anti-Semitic images and language include the most terrible charges that have been used against Jews (e.g., posters on campuses that include pictures of Palestinian babies as canned meat used by Jews for their ritual purposes). These posters and images are placed on student union facilities, or in dorms; they become part of the fabric of the university community. Other examples include distortions of history, such as people denying the Holocaust, and claims that the real Holocaust is being perpetrated against the Palestinians. These distortions are designed to quash unbiased scholarship, quality scholarship, and presentations that encourage open discussions. But, these are all protected forms of speech.

Students who raise differing views have been asked to leave the classroom. Even course descriptions discouraged students from signing up for a class if they do not agree with the

professor's point of view. But these activities are shielded by a wrongly defined academic freedom and free speech. Academic freedom is a way to excuse this activity.

Dr. Tobin argues that colleges and universities are part of the public trust owned or financed by the American people. The deep reliance on public funds makes the universities adhere to the concept of free speech. Higher education is highly dependent on federal, state, and municipal governments for financial assistance. Federal assistance to universities extends to all kinds of universities, public and private, and it comes in the form of various grants and allocations. The total amount of state and federal government assistance adds up to over $160 billion a year. So, there is no such thing as truly private university. Universities help create moral citizens; provide a moral good; and help to increase the knowledge of society. To utilize public monies and endorse through omission or commission the violation of Jewish students' rights seems to be an abuse of the public trust. Teaching and research should be free of politics and propaganda, according to Dr. Tobin.

With academic freedom comes the academic responsibility to establish a peer review, pursue honest scholarship, and teach in a way that does not intimidate students. He recommends: (1) conducting more research to document systemic anti-Semitism and anti-Israelism in higher education; (2) conducting more internal review of Middle East Studies departments and institutes; (3) encouraging colleges to establish and enforce appropriate rules about civil discourse; (4) establishing congressional oversight committees for the monies that are coming from the Congress in support of various academic programs; (5) encouraging more accountability for the monies received (lawmakers should consider withholding funds for violation of the civil rights of a student); and finally, (6) promoting that all university stakeholders assert their moral leadership and condemn anti-Israelism and anti-Semitism on college campuses.

Susan B. Tuchman

Ms. Tuchman said that anti-Semitism, a hatred toward Jews, has been increasing in frequency and severity, according to the Department of State's "Report on Global Anti-Semitism" issued in January 2005. Anti-Semitism can be in the form of intimidation and attacks against Jews (e.g., the use of degrading and demeaning slurs, threats and physical assaults) and attacks on Jewish property (e.g., vandalism of synagogues, the desecration of Jewish cemeteries, and anti-Semitic graffiti on walls and buildings).

As The State Department report recognized, certain forms of anti-Israel sentiment are also an expression of anti-Semitism. It is wrong to say that all criticism of Israel and the Israeli government is anti-Semitic. Israel's policies and practices should be open to legitimate criticism. But, when Israel is demonized, when its leaders are vilified by comparing them to Nazi leaders, such as by using Nazi symbols to caricature them ─ this crosses the line. According to Ms. Tuchman, when Israel is singled out and condemned, when the criticism uses anti-Jewish images and caricature to attack Israel, and when the criticism is factually inaccurate or lacks any semblance of balance, then this is another form of anti-Semitism. There is no question that all these forms of expressing hatred towards Jews cause pain, discomfort, and fear.

Ms. Tuchman highlighted a few examples of the kinds of harassment and intimidation that Jewish students have been subjected to. For example, at the University of California at Irvine, Jewish students constructed a Holocaust memorial on the campus. One night the memorial was destroyed. At a candlelight vigil held to commemorate the Holocaust, a swastika was carved into one of the tables nearby. These anti-Semitic incidents (which can arguably be characterized as hate crimes) were reported to the UCI administration and the campus police, but the University never publicly acknowledged that the incidents occurred. Here, the University lost an opportunity to send a strong message to the campus community that bias and hate would not be tolerated, thereby sending a message to the perpetrators that they could get away with it. Jewish students perceive the university as taking sides by not taking action, according to Ms. Tuchman.

The effects of anti-Semitism are serious. Many who are exposed to it feel marginalized, unwelcome, intimidated, and afraid. Some students may feel uncomfortable to wear anything on campus that identifies them as Jewish. Or, it may mean not affiliating with Jewish programs or causes on campus for fear of being targeted. Others may focus on their discomfort or even on their fear for their physical safety on campus.

In October 2004, the Zionist Organization of America filed a complaint with the U.S. Department of Education's Office of Civil Rights (OCR) under Title VI of the Civil Rights Act of 1964 n behalf of Jewish students at UCI, contending that the University had long been aware of a hostile and intimidating environment for Jewish students, but that UCI had not taken adequate steps to address the problems. OCR determined that an investigation was warranted and the investigation is underway. The UCI case is not about the suppression or restriction of offensive and bigoted speech. Although there are protections afforded to speech and expressive conduct under the First Amendment, colleges and universities have an obligation under Title VI to provide an educational environment that is comfortable and conducive to learning; they have a legal obligation to ensure that Jewish students are not subjected to harassment, intimidation, or discrimination. They also have an ethical and moral obligation to act as leaders, and promote the values of respect, tolerance, and inclusiveness on campus. That is, they must educate students that with freedom of speech comes responsibility.

Ms. Tuchman suggested several steps for the Commission to consider taking to combat hate and prejudice against Jews on our college campuses. First, the Commission could issue its own report acknowledging that anti-Semitism is a serious problem on campuses. Like the State Department's report, a report from the Commission that recognizes the many facets of anti-Semitism would help in educating the public that anti-Semitism can sometimes be expressed in more subtle but no less damaging ways. It would also be beneficial if the Commission would urge colleges and universities to speak out and condemn hateful speech and conduct as one tool for fighting campus anti-Semitism.

Second, the Commission should obtain input from experts who develop remedies for preventing and combating anti-Semitism on college campuses. Colleges and universities need specific tools for preventing and responding to bigotry, and strategies for building respect, tolerance, and an appreciation of our individual differences.

Finally, the Commission should voice its concern about campus anti-Semitism to OCR and urge OCR to conduct a thorough investigation of the complaint against UCI, with consideration of all of the available evidence. Although it is a complaint against one university, the problem is not unique. Whatever the outcome, the case will hopefully send a message to colleges and universities across the country: while our government stands behind the principles of free speech, it is also committed to ensuring that students are not subjected to hostility, harassment, and intimidation on the basis of their race or ethnicity.

Sarah Stern

Ms. Stern started by quoting Natan Sharansky, former Minister of Diaspora Affairs for the Israeli government, who has referred to the American college campuses as "islands of Anti-Semitism" and expressed the fear that "the next generation of Americans are becoming the new Jews of silence" because of the atmosphere of fear, hatred and intimidation on the American college campus.

The excessive fascination with Israel and the tendency to hold it up to disproportionate scrutiny has turned over into attitudes and acts of hatred and anti-Semitism on many of the nation's college campuses. There have been a number of examples. For instance, in 2002, at San Francisco State University, Jewish students held an Israeli-Palestinian sit-in hoping to engage the pro-Palestinian students on campus in a dialogue. What ensued as the rally was closing was a hate-fest in which pro-Palestinian students surrounded the 30 remaining Jewish students, screaming "Hitler didn't finish the job" and "Die racist pigs." In April, a flyer advertising a pro-Palestinian rally featured a picture of a dead baby with the words, "Canned Palestinian Children Meat – Slaughtered According to Jewish Rites under American License," thereby reinvigorating the 900-year-old blood libel that Jews eat Gentile children.

During Passover of that year, a brick cinderblock was thrown through the glass doors of the University of California at Berkeley's Hillel Building. A week after that, two Orthodox Jews were attacked and severely beaten one block from Berkeley's campus, with anti-Zionist graffiti on blocks and buildings near the school. During a vigil for Holocaust Day, Jewish students who were saying the mourner's kaddish, the prayer for the dead, were shouted down by protesting students saying a prayer in memory of the suicide bombers. Northwestern University's Norris University Center was marked with a three-foot swastika in 2003, accompanied by the words "Die Jews."

Although some anti-Semitism takes the classic ideological form, on most campuses anti-Semitism has taken a new form. It is the tendency to exaggerate Israel's weaknesses and mistakes. A healthy debate about Israeli policy is acceptable. However, when Israel is demonized and made into all that is evil, when the actions that Israel takes to protect its citizens are held up to a double standard, and when Jewish students are intimidated and denied the right of political expression, then the line has been crossed from legitimate policy into anti-Semitism. According to Sharansky, the new anti-Semitism hides behind the cloak of "political criticism of Israel" There is one question to consider. That is, would an activity, which would make campus life very uncomfortable for Jewish students constitute protected speech under the constitution? Freedom

of expression is an integral part of university life. What is not protected is the suppression of intellectual diversity and open debate on the part of the professor, or the professor using his desk as a bully-pulpit for political ideology, according to Ms. Stern.

Perhaps the most, well-documented of these cases is that of Columbia University. The film, *Columbia Unbecoming*, which came out last year, interviewed students who had taken classes in Columbia's Middle East and Asian Languages Department (MEALAC). Columbia's MEALAC department is funded, along with 17 other Middle Eastern studies departments in American colleges throughout the United States, which costs $120 million dollars of taxpayers' dollars each year.

There was specific intent behind this congressional allocation to the university. That intent was to raise students to be well grounded in the knowledge of foreign languages and cultures so that they can best serve the national security interests of our nation. But, Ms. Stern believes that the original intent has been turned on its head and many of these regional studies programs have become hotbeds of both anti-Israel and anti-American radicalism.

Discussion

Vice Chair Thernstrom presided over the discussion. She commented that in her experience as a Master's candidate in a Middle Eastern studies program at Harvard University, she found that the program was anti-Israel, pro-Palestinian and ideologically biased. Assuming this is true, she is concerned about administrative oversight on university campuses. Administrators should not be walking into classrooms and deciding what is acceptable or not. As for the pain and discomfort issue, it seems to her that pain and discomfort should be separate from physical fear. Universities should not be comfortable places for students; they should be exposed to the discomfort of dissonant ideas.

Ms. Tuchman agreed that there should be a certain level of discomfort. Discomfort, however, may cause students to avoid areas of the campus because they are going to hear statements and see conduct that is inciting hatred of Jews. There are students afraid to wear a kippah, or tee shirts that indicate that indicate that they are Jewish or they are supporters of Israel. Ms. Tuchman stated that students should not be afraid to be who they are or to say what they believe and what they support for fear of consequences.

Commissioner Braceras commented that this environment can awaken a political and ethnic consciousness and snap people out of political apathy. She, too, is uncomfortable about asking the federal government or administrators to impose any sort of speech codes or restrictions. Universities, however, should not give anti-Semitism a cloak of authenticity or credibility by allowing it to come from the professors.

Dr. Tobin indicated that there should be more internal review of Middle East Studies departments. Perhaps committees of scholars should be established to review the level of scholarship, quality of teaching, and objectivity of the area on an ongoing basis. Also, anti-Semitism disguised as legitimate criticism of Israel should be exposed. Seminars, workshops,

and other campus activities are needed to educate the campus community. As for the pain and discomfort issue, colleges and universities should encourage discussion about the difficult issues. Commissioner Braceras questioned the line between discomfort and abuse. She acknowledged that these posters are offensive, but that they can inspire a productive dialogue on campuses about racism and anti-Semitism. She also stated that students have a right to express their views no matter how hateful and bigoted they may be.

Ms. Stern commented that it is wonderful to have the free expression of ideas and the college classroom in which this is provided should become a liberating and exhilarating experience for both student and professor. Then she referred to several excerpts from the film *Columbia Unbecoming*. In one scene, there was a student who raised her hand when there was a class about Israeli atrocities. Joseph Mossad was teaching the class about the Jenin incidents, and a girl raised her hand and tried to bring up an alternative point of view, and before she could get her point across, he shouted, "I will not have anyone sit through this class and deny Israeli atrocities." Commissioner Braceras commented that a distinction can be made between these classroom incidents and hateful posters. Commissioner Braceras suggested one way to counter these posters is through more speech – put up another poster saying that they are racist.

Commissioner Kirsanow asked Dr. Tobin why there were a number of presidents who did not sign the statement. Dr. Tobin indicated that only one Ivy League president signed it and believes that it is an act of moral cowardice in refusing to sign. So, the issue goes to moral leadership by administrators, faculty, and alumni. Commissioner Kirsanow also asked the panel why there are blatant untruths that are being spoken in the classroom. Dr. Tobin remarked that administrators and trustees are too afraid to interfere with free speech and academic freedom.

Ms. Tuchman revisited the poster discussion. She acknowledged that we cannot tear down those signs since they are protected speech, but colleges and universities have an obligation to exercise their own free speech rights. They should say that we recognized that students have a right to post these offensive and bigoted posters, but that they do not support the message and that the message is not consistent with the values of a university. There was a recent illustration of that at Rutgers University. There was a cartoon in a student newspaper at Rutgers University that mocked the Holocaust. It was a picture of a man sitting on an oven, and another man was throwing money at him and it said words to the effect of "Three throws for a dollar, knock the Jew in the oven." According to Ms. Tuchman, the president of Rutgers reacted appropriately, issuing a public statement. The statement recognized the right to publish the cartoon, but called the cartoon offensive and outrageous in its cruelty. The statement decried the cartoon as inconsistent with Rutgers' values as a university. In the statement, the president expressed the hope that students would recognize that with freedom comes responsibility and called for an apology. The Rutgers Senate also issued a statement distancing itself from what was done and the perpetrators apologized. Later in the discussion Ms. Stern indicated that it is not a question of forcing an apology, but to raise issues and point out to people the implications of what they are saying. Forcing an apology will only foster resentment. According to Ms. Stern, it would be more valuable to hold forums and conduct teaching sessions about the consequences of bigotry, hatred, and anti-Semitism.

Ms. Stern addressed the issue of politically incorrect ideas in the classroom. She was particularly concerned about a body of scholarship that is all predicated upon the same initial biases and then it takes on the guise of legitimate scholarship, but it is basically political propaganda wrapped around footnotes and indexes, so it looks legitimate. (e.g., Middle Eastern studies programs). She further added that under the National Defense Education Act, these programs are funded on the basis of this legislation – at the taxpayers' expense.[1]

Critics have indicated that many Title VI centers adopt a politicized approach to education, exclude scholars with other perspectives, and discourage students from entering public service upon graduation.

Ms. Stern indicated that the Commission should support the College Access and Opportunity Act of 2005 (the "Re-authorization," H.R. 609) which amends the Higher Education Act of 1965, and re-authorizes it as amended. The Re-authorization includes provisions that seek to reform the Title VI program, by promoting diversity of perspectives in the centers and activities that Title VI funds, and by establishing an advisory board to review the Title VI program and make recommendations for improving it and enabling it to fulfill its purposes.

There was a brief discussion concerning the espousing of ideas and protected speech under the First Amendment – that is, the distinction between what is an idea and what is hate. Ms. Stern made a comment as to hate speech: if hate speech is intertwined with intellectual ideas, it is nonetheless hate speech, which can be determined by an independent advisory board.

Dr. Tobin identified two separate but related issues. The first is how we deal effectively with discrimination, harassment, and the expression of anti-Israelism and anti-Semitism. The remedies for this should include exposure, additional research, legal remedies (e.g., complaints being filed in the appropriate places). The second concerns the quality and atmosphere of higher education that free speech issues are a part of. Dr. Tobin suggested that donors and alumni can hold these institutions accountable. That is, they should be asserting guidance, moral authority, and rules for behavior about what is acceptable and not acceptable. Allowing this open display of hostility and ugliness about Jews in Israel helps facilitate and encourage discrimination and harassment.

Commissioner Taylor raised the question of why universities remain silent instead of condemning the speech. Ms. Tuchman indicated that most colleges and universities claim they remain silent because of the First Amendment in order to encourage the free exchange of ideas and rigorous debate. Sometimes university presidents and chancellors have spoken up. Also, the

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1 [As background, the U.S. government, through Title VI of the National Defense Education Act (NDEA), established foreign language and area studies programs at American universities such as Harvard, Columbia and Berkeley. The regional studies centers of NDEA aimed to guarantee experts of sufficient quality and quantity to meet U.S. national security needs. Title VI of Higher Education Act (the successor to the NDEA of 1958) provides federal funds to selected international studies and foreign language centers at universities across the country. The Title VI program is intended to train experts for national security and other government service, and to educate the public on international affairs. Unfortunately, the program has largely failed to meet its national security or other objectives, and few Title VI graduates enter government service.]

American Association of University Professors, while against speech codes and restricting speech, encourages college administrations to speak up. The ACLU takes the same position.

Commissioner Taylor stated that he does not understand why universities are not speaking up since silence may betoken assent to the views expressed. In support of this argument, Ms. Stern remarked that she does not know why it is politically correct to be anti-Semitic and that it takes courage to speak up.

Dr. Tobin described how anti-Israelism serves as an appropriate guise for anti-Semitism. What we have seen is the language of anti-Semitism used in the debate about Middle East politics. In this discussion, traditional anti-Semitic images are used (e.g., Israel is a Jewish real estate venture; Jews control the Congress of the United States; substitute that for Israel controls the Congress of the United States; Jews are greedy; Israelis and Israel are greedy; they want to own all the oil resources of the Middle East.). Using this type of language goes under the radar and most administrators are reluctant to deal with it because they do not want to interfere with a debate about politics. Second, this topic is not covered by the media since the Commission is the first to actively explore this issue. Occasionally you will hear about isolated outrageous incidents. But the overall seriousness of these issues is not well publicized. And, government at all levels, which provide money to colleges and universities at all levels, has not only the right but an obligation for oversight (e.g., if one receives a grant from the National Science Foundation or National Institutes of Health, there are appropriate review and oversight requirements that come with those funds). As a final point, Israel is seen as a country of privileged whites. The book entitled *In Every Tongue: The Racial and Ethnic Diversity of the Jewish People* discusses how the anti-Israel debate is framed in the politics of race. Jews are white colonial oppressors. Palestinians are brown indigenous colonized victims. So, if you support Israel you are labeled racist. There is a cartoon to illustrate. It shows Israelis after Palestinians, and the caption reads, *Are brown lives worth less than white lives?*

Staff Director Marcus indicated that the Commission received a statement from the Anti-Defamation League. It argued in part that there is insufficient monitoring of campus anti-Semitic incidents (e.g., there is a discrepancy in the manner in which the Department of Education collects hate crime statistics, and the manner in which it is collected by the FBI). He asked the panel if there is a lack of data about incidents. Ms. Tuchman commented that even before the government level, there is a problem in students' reluctance to report incidents of anti-Semitism. Even if reported she is not sure that it gets documented. There should be some user-friendly grievance procedure where students could come forward without having to confront the professor directly. Mr. Marcus asked the panel if there has been adequate public education or technical assistance regarding students. If not, should federal agencies do more to ensure that educational institutions know their obligations? Dr. Tobin responded that students do not know their rights and that all agencies should publicize what their rights are. Ms. Tuchman added that it is particularly important in the context of Title VI of the federal Civil Rights Act since there has been a recent change in the way that the statute has been interpreted.[2] Up until the fall of 2004, OCR had interpreted the law as providing no protection against anti-Semitism. The statute

2 Title VI of the Civil Rights Act of 1964 provides: "No 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." 42 U.S.C. § 2000d.

identifies race, color, and national origin as impermissible bases for discrimination. OCR's interpretation was that anti-Semitism is religious discrimination and does not fall under the statute. But, there has been a change in OCR's interpretation. Vice Chair Abigail Thernstrom asked if there was any information contained in the freshman handbook as to these changes. Dr. Tobin suspects that the handbook would say something generally about pluralism and embracing diversity, but does not address the issue directly. He also commented that the university handbooks are not going to be publicizing that the students have legal rights for the failure of the university to protect their racial and ethnic identity.

Commissioner Braceras proposed that the Commission to put out a brochure or pamphlet that would provide available resources for students about the changes in the law. It would indicate who is protected and what types of things are protected and provide addresses and phone number of who to contact at the Department of Education.

Vice Chair Thernstrom moved to include in the record the statement of the Anti-Defamation League to which Mr. Marcus referred and a letter from Provost Alan Brinkley of Columbia University declining our invitation to participate in the panel discussion. The motion was passed unanimously.

Statement Submitted to the U.S. Commission on Civil Rights Briefing on Campus Anti-Semitism

Susan B. Tuchman

Anti-Semitism – hatred toward Jews – has been increasing in frequency and severity since the start of the 21st century, and the roots of the problem run deep. So says our own government in a Report on Global Anti-Semitism that was issued by the U.S Department of State and released in January 2005. The State Department has recognized that anti-Semitism has several sources. It can take the form of intimidation and attacks against Jews (e.g., the use of degrading and demeaning slurs, threats, and physical assaults) and Jewish property (e.g., vandalism of synagogues, the desecration of Jewish cemeteries, and anti-Semitic graffiti on walls and buildings). Anti-Semitism may also be expressed as traditional anti-Jewish prejudice, including assertions that the Jewish community controls governments, the media, international business, and the financial world.

The State Department report also recognizes that certain forms of anti-Israel sentiment are an expression of anti-Semitism, rather than legitimate criticism of the State of Israel and its policies and practices. When Israel is demonized and its leaders are vilified – by comparing them to Nazi leaders or by using Nazi symbols to caricature them – that, according to the State Department's report, is not valid criticism on controversial issues, but rather indicates a bias toward anti-Semitism.

Though some have described anti-Zionism as the "new" anti-Semitism, it is not new. The understanding of anti-Zionism as a strain of anti-Semitism was recognized and publicly pronounced almost 40 years ago by Dr. Martin Luther King, Jr., when he said that "[w]hen people criticize Zionists, they mean Jews, you are talking anti-Semitism." More recently, in July 2004, the Catholic Church issued a similar statement, condemning anti-Zionism as "a manifestation of anti-Semitism."

It would be wrong and unfair to say that all criticism of Israel and the Israeli government is anti-Semitic. The policies and practices of the State of Israel –like any other country--can and should be open to rigorous scrutiny and legitimate criticism. But when Israel alone is singled out for condemnation, when the criticism uses anti-Jewish images and caricatures to attack Israel and its policies, and when the criticism is factually inaccurate or lacks any semblance of balance, then the criticism should be seen as an insidious expression of anti-Semitism.

However broadly anti-Semitism is defined, there is no question that hatred expressed toward Jews threatens the safety and well-being of the Jewish community. However anti-Semitism is expressed ─ through words or actions ─ it causes pain, discomfort, and fear. This is true on our college campuses where, unfortunately, anti-Semitism is a growing problem. Jewish students are facing anti-Jewish speech and conduct on campuses throughout the United States. For example, in 2003, swastikas were spray-painted on the Hillel building at Rutgers University in New Jersey, and on the porch and front door of Alpha Epsilon Pi, a historically Jewish fraternity. In 2004, the Rutgers student newspaper published a cartoon showing a man throwing a ball at another man sitting on an oven. The text for the cartoon included the following: "Knock a Jew in the oven! Three throws for one dollar!" In June of 2004, arsonists attacked the Hillel House

at the University of California at Santa Cruz. There have been numerous anti-Semitic incidents reported at the University of Indiana, Bloomington, in 2004 and 2005, including the drawing of swastikas on campus, anti-Semitic comments, harassment, physical intimidation, physical assault, and vandalism. One recent example of campus anti-Semitism that has received publicity in the media is the hostility and intimidation that Jewish students have faced at Columbia University in New York. A professor told one Jewish student at Columbia that she had no claim to the Land of Israel or a right to express her opinion about Israeli-Palestinian Arab issues because she had green eyes and therefore could not be a Semite.

The effects of anti-Semitism on Jewish college students are serious. Many who are exposed to it feel marginalized, unwelcome, intimidated, and afraid. For some students, this may result in their being uncomfortable to wear anything on campus that identifies them as Jewish. Or, it may mean not affiliating with Jewish programs or causes on campus, for fear of being targeted. For some students, it can be difficult for them to concentrate on their academic responsibilities because their thoughts are so focused on their discomfort or even on their fear for their physical safety on campus.

The effects of anti-Semitism extend beyond the campus. For Jewish students who are exposed to it, they surely take with them into the world after college whatever feelings were engendered by the hatred and degradation to which they were subjected. For those who perpetrated the anti-Semitism, it is difficult to conceive that the hatred and bias they expressed will suddenly disappear once they leave the confines of a college campus.

I am most familiar with the problem of anti-Semitism as it has affected the Jewish community at the University of California at Irvine (UCI). UCI is located in Orange County in southern California. There are about 24,000 students there, approximately 1000 of whom are Jewish. Since at least 2002, if not earlier, Jewish students have faced a pattern of anti-Semitism on the UCI campus that, in 2003 and 2004, escalated into destruction of property, physical threats, and violence.

In 2002, an article appeared in a UCI student publication that repeatedly emphasized the Nazi-like notion that Jews are genetically different and separate from non-Jews. Starting at about that time, signs began being posted on campus, picturing the Star of David dripping with blood, and equating the Star of David with the swastika.

In 2003, Jewish students constructed a Holocaust memorial on the UCI campus, which was supposed to be set up for an entire week. One night, the memorial was destroyed. At a candlelight vigil held at about the same time to commemorate the Holocaust, a swastika was carved into one of the tables nearby.

These anti-Semitic incidents--which could properly be characterized as hate crimes—were reported to the UCI administration and the campus police, but the University never even acknowledged to the UCI community that the incidents had occurred. The official response, or lack thereof, was a problem for several reasons. First, the University's failure to inform the community about the attacks lessened the likelihood that the perpetrators of the attacks would be apprehended and punished. In fact, the perpetrators were never caught. Second, the University

lost an important opportunity to send a strong message to the campus community that bias and hate would not be tolerated on campus. Finally, and perhaps most destructively, UCI's failure to comment publicly sent the message to some students that it was insensitive to hate crimes directed toward Jews.

Anti-Semitic speakers have repeatedly been invited to speak on the UCI campus. In early 2004, one speaker told the audience that "there are good Jews and bad Jews," and he told them about his "Jewish Cracker theory": that Jews are plagued with arrogance that comes from a combination of white supremacy and the notion that Jews are the chosen people. The speaker spoke from a lectern with the UCI emblem on it, thereby suggesting that his conduct bore the imprimatur of the University.

Every year at UCI, a registered student group on campus sponsors a weeklong event that, over the years, has been given a variety of titles. At one point, the event was called "Anti-Zionist Week." Then, the title was change to "Zionist Awareness Week." Most recently, in 2005, the title of the event was "Israel Awareness Week." But whatever the title, the event has been about attacking Jews, Zionists, and those who believe that the State of Israel has the right to exist.

Here are some examples of what was said about Jews at this event in 2004. There were repeated references to the Jewish lobby and how it controls the U.S. government. Students were told that Jews use the media to "brainwash" others. They were told that Jews need to be "rehabilitated." They were told that there is a "psychosis" in the Jewish community.

The effects of the anti-Semitism at UCI have been serious. Since at least 2002, many Jewish students have felt marginalized and afraid. Some have been afraid to identify themselves as Jewish, or to wear anything that might identify them as Jewish, such as yarmulkes and Stars of David. Other students have been reluctant to affiliate with Jewish groups or programs. Some have altered their usual routes on campus, or have avoided certain areas of the campus entirely, so that they will not have to see and hear attacks on Jews and on Israel. Some students have actually feared for their physical safety.

As early as 2002, Jewish students were expressing their fears and concerns to the University. Here is an excerpt from a letter that a Jewish graduate student sent to the UCI Chancellor and several administrators in April 2002:

> Not only do I feel scared to walk around proudly as a Jewish person on the UC Irvine campus, I am terrified for anyone to find out. Today I felt threatened that if students knew that I am Jewish and that I support a Jewish state, I would be attacked physically. It is my right to walk around this campus and not fear other students and hear condemnation from them. It is my right for my government to protect me from harm from others. It is my right as a citizen who pays tuition and taxes to be protected from such harm. . . . YOU may claim the first amendment. I claim the right to be safe and secure. You cannot use the first amendment as an argument against my safety. MY SAFETY SUPERCEDES FIRST AMENDMENT RIGHTS [emphasis in original].

The Chancellor never responded to this student's letter. One of the administrators who did respond reacted in a telling way: He suggested that the student visit the Counseling Center on campus to help her work through her feelings. The response to this student's call for help epitomizes the problem at UCI and may well be a sign of what is happening elsewhere: The administration has not viewed the harassment and intimidation of Jewish students as a problem that it has the responsibility to address. It is the Jewish students who have a problem, and they had just better learn to deal with it.

In 2005, Jewish students at UCI were subjected to more anti-Semitic speech – speech that was intended to incite hatred of Jews. In February 2005, a speaker on campus had this to say about Jews: "You know the kind of stuff that they're doing, the type of spying network that they have, in this country. Stand up to them." In May, this same speaker talked about the "den of spies that the Jewish lobby has, people in the Jewish lobby spying on behalf of" Israel. The speaker said that five Israelis were filming the bombing of the World Trade Center and they were celebrating, as part of a spy ring in the U.S. He talked about how arrogant the Jews are. And he said that their "days are numbered." This was precisely the kind of speech that the State Department recently recognized in its report as anti-Semitic.

Anti-Semitic speech, unless it immediately incites to violence, is protected speech under the First Amendment and cannot be suppressed. But that does not mean that it cannot, and should not, be addressed and responded to as anti-Semitic bigotry, plain and simple. One legal commentator who has focused on how racist speech affects its victims has paid particular attention to hate speech and harassment at universities. Calling universities "special places" with duties "to a constituency with special vulnerabilities," this commentator has emphasized the enormous damage that results from a university's tolerance of hateful speech:

> Many of the new adults who come to live and study at the major universities are away from home for the first time, and at a vulnerable stage of psychological development. Students are particularly dependent on the university for community, for intellectual development, and for self-definition. Official tolerance of racist speech in this setting is more harmful than generalized tolerance in the community-at-large.

Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320, 2370-71 (1989).

As this commentator recognized, official tolerance of racist speech "is harmful to student perpetrators in that it is a lesson in getting-away-with-it that will have lifelong repercussions." *Id.* at 2371. A university's tolerance of racist speech is also harmful to the targets of the speech, "who perceive the university as taking sides through inaction, and who are left to their own resources in coping with the damage wrought." *Id.* Finally, "it is a harm to the goals of inclusion, education, development of knowledge and ethics that universities exist and stand for. Lessons of cynicism and hate replace lessons in critical thought and inquiry." *Id.*

There is another reason why hateful speech toward Jews must be confronted head on. When it is not immediately and directly acknowledged and condemned, and when comprehensive programs and systems are not in place to adequately address it, slurs and gestures may escalate into

violence. According to the Center for the Prevention of Hate Violence at the University of Southern Maine, in virtually every one of the investigations of serious violence or threats in high schools or colleges conducted by the Maine Attorney General's Office over the past eight years, the same pattern exists: The act of violence was not the beginning but rather the end of a stream of escalating harassment which at some point began with the use of degrading language.

That is what happened at UCI. By 2003, there were physical attacks on property, when the Holocaust memorial was destroyed and the candlelight vigil in memory of Holocaust victims was desecrated by the carving of a swastika into a table at the vigil. In 2004, the problem of anti-Semitism escalated into several instances of outright physical threats and violence against Jewish students at UCI.

In January 2004, a Jewish student who was wearing a tee shirt that said, "Everybody loves a Jewish boy," was walking by a table on the campus where members of a student group were distributing flyers. Rocks covered the flyers to keep them from blowing away. As the Jewish student passed the table, a rock flew in front of his face, barely missing him. The student turned and saw a student holding a young child and saying to the child, in a very sarcastic voice, "Don't do that, that's not right! – as though the child had thrown the rock. The Jewish student said nothing and just kept walking. But the experience made him afraid to wear anything that identified him as a Jew ever again on campus.

In February 2004, a Jewish student, who is of Sephardic descent and speaks and understands Arabic, was walking toward the Dean of Students' office with a box of office supplies. He was wearing a pin on his sweatshirt that said, "United We Stand," with an imprint of the American and Israeli flags. He passed two students who stared at his pin and said, "Ee Bakh al Yahud,' which means "Slaughter the Jews" in Arabic. The Jewish student ignored the comment and kept walking. A heated dialogue ensued, and the Jewish student was surrounded and threatened.

On or about March 2004, this same Jewish student was wearing a yarmulke and carrying a prayer book while walking toward UCI's science library. He walked by a familiar-looking student and said, "What's up?" The student made an obscene gesture toward the Jewish student and his prayer book. They began to argue and the Jewish student was subjected to threatening language and hurtful ethnic slurs, including being called a "dirty Jew." This student could no longer take what he felt was a hostile environment for Jewish students at UCI, and he left to study elsewhere. He is not the only one; at least one other Jewish student left UCI because of the hostile environment he experienced there and transferred to another university.

Title VI of the federal Civil Rights Act of 1964 requires that recipients of federal funding ensure that their programs and activities are free from harassment, intimidation and discrimination on the basis of race, color and national origin. Colleges and universities that receive federal funding from the U.S. Department of Education must comply with Title VI, and the Office for Civil Rights (OCR) in the Department of Education is charged with the responsibility of ensuring that colleges and universities are in compliance.

Historically, OCR interpreted Title VI as not protecting against anti-Semitism, on the ground that the law did not cover religious discrimination. In the fall of 2004, OCR changed its policy and

confirmed that Jewish students are a protected class under Title VI. We at the ZOA view this policy change as an important development. It is consistent with United States Supreme Court decisions that recognize that being "Jewish" is not simply a religious characteristic; it is also a racial and ethnic characteristic, describing a people who share not only a religion, but also a common ancestry, history, language, heritage and culture.

In October 2004, the ZOA filed a complaint with OCR under Title VI on behalf of Jewish students at UCI, contending that the University had long been aware of a hostile and intimidating environment for Jewish students, but that UCI had not taken adequate steps to address the problem. After reviewing the allegations of the complaint, OCR determined that an investigation was warranted, and the investigation is underway.

It cannot be stressed enough that the UCI case is not about the suppression or restriction of offensive and bigoted speech. The ZOA, and the students on whose behalf the complaint was filed, recognize and fully support the protections afforded to speech and expressive conduct under the First Amendment. But colleges and universities like UCI have a clear obligation under Title VI to provide an educational environment that is comfortable and conducive to learning. Colleges and universities like UCI have a legal obligation to ensure that Jewish students are not subjected to harassment, intimidation or discrimination.

One important way that colleges and universities can address the problem is to recognize anti-Semitism when it occurs, and to speak out and condemn it, clearly and unequivocally. Colleges and universities have First Amendment rights, too. Their failure to speak out against hatred expressed toward Jews sends the message, however unintentional, that such hatred is tolerable and will be accepted by the campus community. Those who perpetrate the hate are given the message that they can get away with their anti-Semitic speech and conduct. For the victims of anti-Semitism, the message is that by saying and doing nothing, the University has in effect taken the side of those who are perpetrating the hate. The end result is that, unwittingly or not, the University has contributed to Jewish students feeling isolated, marginalized, unwelcome and afraid.

The Rutgers University community appropriately responded to the anti-Semitic cartoon in the student publication I mentioned earlier, which mocked the Holocaust. The president of Rutgers issued a strong statement describing the cartoon as "outrageous in its cruelty." He noted that though the publication was protected by the First Amendment, it was "vicious, provocative and hurtful," and "completely at odds with" the values of the university. The president of Rutgers publicly "urged the students involved in the publication to reflect on what they have done, take responsibility for their actions and apologize for the hurt they have caused to our community." In addition to the president's statement, the Rutgers University Senate passed a resolution disassociating the Senate from the anti-Semitic message of the cartoon. The students involved in the publication issued an apology, which, as the president of Rutgers said, was hopefully a sign of progress toward students exercising First Amendment rights in a more responsible way.

Condemning hateful and bigoted speech and conduct by college and university administrators is endorsed by the American Association of University Professors (AAUP). This is an organization founded in 1915, comprised of faculty librarians and academic professionals at two- and four-

year accredited public and private colleges and universities. Its mission is "developing the standards and procedures that maintain quality in education and academic freedom in this country's colleges and universities."

The American Civil Liberties Union (ACLU) has also endorsed colleges and universities condemning anti-Semitism and all forms of bigotry. Though it has a long history of guarding our civil liberties and our right to free speech under the First Amendment, the ACLU has emphasized that "campus administrators on the highest level should . . . speak out loudly and clearly against expressions of racist, sexist, homophobic and other bias, and react promptly and firmly to acts of discriminatory harassment."

Speaking out, clearly and unequivocally, against all facets of anti-Jewish bigotry is only part of the obligation of our colleges and universities in order to deal with the problem of campus anti-Semitism. Colleges and universities must also ensure that they have systems and programs in place in order to work, on an ongoing basis, on monitoring the climate on campus, and then instituting the necessary changes so that the university community is encouraging vigorous debate and academic freedom, while also promoting the values of respect, tolerance, diversity and inclusiveness. There should be a structure and a process for gathering information about the campus climate, and for generating change and improvements. There should be an office or team whose specific mission is to shape the climate on campus.

There should also be ongoing campus-wide courses, workshops and other programs that address the values of respect, tolerance, diversity and inclusiveness. Administrators, staff, faculty and students need the tools to understand the meaning of anti-Semitism in all its facets, and the impact of anti-Semitic bias and prejudice. They also need the practical skills for intervening in low-key ways when students and others use degrading or demeaning language – before the anti-Semitism escalates to physical threats or actual violence.

The problem of anti-Semitism can only be effectively addressed if it is responded to in a sustained and continuous way. Ad hoc and sporadic efforts are not enough.

In the course of my work on the UCI case, I have reached out to many experts who work full-time on combating hate and intolerance on college campuses. One of the significant points I have learned from them is that if there is anti-Semitism on a campus, it is likely that other minorities are also being targeted. Accordingly, effectively addressing hatred toward Jews on college campuses should have a positive impact on the way in which other minority groups are treated on their campuses. We at the ZOA are hopeful that the UCI case will set an important precedent for colleges and universities across the country. The case should reinforce the understanding of colleges and universities that anti-Semitism is a serious problem, that it takes an enormous toll on the Jewish community on campus, and that as educators and leaders, they have an obligation under the law to correct the problem. No student should feel afraid or intimidated on his or her campus, or reluctant to be who they are for fear of being harassed, threatened or even physically attacked.

Last year, when this Commission commended the State Department for its report on anti-Semitism, Commission Chairman Reynolds noted that "[t]he trend toward increasing violence

and hate disrupt freedom for many individuals and can only be reversed with leadership." We at the ZOA could not agree more. That is why the ZOA filed its complaint on behalf of Jewish students at UCI. The Commission has already demonstrated its leadership role in the fight against campus anti-Semitism by taking on the problem and holding this briefing. Respectfully, I would like to suggest other steps for the Commission to consider taking to combat hate and prejudice against Jews on our college campuses.

First, I would suggest that the Commission issue its own report acknowledging that anti-Semitism is a serious problem on our campuses. This would send a powerful message to colleges and universities. In the report, it would be valuable for the Commission to recognize, as did the State Department, that anti-Semitism is not simply comprised of slurs, physical threats and assaults, and the destruction or defacement of property. The American public should be educated to understand that anti-Semitism embraces more than that, and can sometimes be expressed in more subtle and insidious ways. Speech and conduct that single out and demonize Israel – without regard for the facts and with no sense of balance or sensitivity to the nuances of a complicated political situation – may be an expression of anti-Semitism, and this is a phenomenon to which we should all be sensitive.

It would also be beneficial if the Commission would urge colleges and universities to speak out and condemn hateful speech and conduct, loudly and clearly, as one tool for fighting campus anti-Semitism. We must all stand up for free speech and vigorous debate – and certainly that is true when it comes to an academic environment where the free exchange of ideas should be encouraged. But hateful, degrading and demeaning speech and conduct is just that – hateful, degrading and demeaning, no matter where it occurs, including if it is expressed on a college campus.

The effects on the students subjected to the hate should not be minimized. Our colleges and universities need to be leaders, too, in combating anti-Semitism. They must educate and inform their communities that anti-Semitic speech and conduct is not consistent with the values of their universities, and that with freedom – including the freedom of expression – comes responsibility. A message to this effect from the Commission would encourage colleges and universities to assume a leadership role. If they continue to ignore anti-Semitism on their campuses, or pay lip service to these issues, then they become complicit in perpetuating the problem and, intentionally or not, make Jewish students feel even more marginalized and unwelcome.

Second, I would suggest that the Commission obtain input from experts who develop remedies for preventing and combating anti-Semitism on college campuses. Colleges and universities need specific and effective tools for preventing and responding to bigotry, and strategies for building respect, tolerance, and inclusiveness among students. Administrators, staff and educators need training to recognize anti-Semitism when it occurs, and to respond to it appropriately.

Third, I would suggest that the Commission voice its concern about campus anti-Semitism, in all its facets, to OCR, and urge OCR to conduct a thorough investigation of the complaint against UCI, with consideration of all of the available evidence. It is my understanding that the complaint against UCI is the first case of anti-Semitism that OCR has agreed to investigate.

Although it is a complaint about anti-Semitism at only one university, the problem is not unique to UCI. Whatever the outcome of OCR's investigation, the case will hopefully send a message to colleges and universities across the country: While our government stands behind the principles of free speech and open debate, it is also committed to ensuring that students are not subjected to hostility, harassment and intimidation on the basis of their race or ethnicity. A message from this Commission to OCR, urging a complete and thorough investigation, has implications not only for the UCI case, but for other colleges and universities where anti-Semitism is a problem.

Campus Anti-Semitism

Sarah Stern

Natan Sharansky, former prisoner of conscience of the Soviet Union and Minister of Diaspora Affairs for the Israeli government, has referred to the American college campuses as "islands of Anti-Semitism", and expressed the fear that "the next generation of Americans are becoming the new Jews of silence" because of the atmosphere of fear, hatred and intimidation on the American college campus. Sharansky has also said, "On the college campus, Israel is epitomized as the epicenter of everything that is hateful in the universe."

From San Francisco State, UC Irvine, Santa Cruz and Berkeley in the West to Columbia and Harvard on the East, and virtually hundreds of examples in between, this excessive fascination with Israel and the tendency to hold it up to disproportionate scrutiny has spilled over into attitudes and acts of hatred and anti-Semitism on the college campus towards individual Jewish students.

The sad state of affairs is revealed while doing research on the Internet of the instances of campus anti-Semitism. Here are just some of the most egregious:

- May 7, 2002: San Francisco State University. Four hundred Jewish students held an Israeli-Palestinian "Sit-in for Peace in the Middle East", hoping to engage the pro-Palestinian students on campus in "dialogue". A Russian immigrant spoke affectionately of his new home in the United States as a haven from anti-Semitism. Others spoke of their support for Israel, and a hopeful peaceful settlement with the Palestinians. What ensued as the rally was closing, was a hate-fest in which pro-Palestinian students surrounded the 30 remaining Jewish students, while cleaning up after the rally, screaming, "Hitler didn't finish the job," "F…the Jews," and "Die racist pigs." University and city police formed a barrier, sealing off the Jewish students for more than twenty minutes, until they finally funneled them out into the plaza. "I felt very threatened," recalls Yitzhak Santis, director of Middle East Affairs for the Jewish Community Relations Council in San Francisco. "I'm convinced that if the police had not been present there would have been violence." (Karen Alexander, SAN FRANCISCO DISPATCH, June 14, 2002). In April, a flyer advertising a pro-Palestinian rally at San Francisco State featured a picture of a dead baby, with the words, "Canned Palestinian Children Meat—Slaughtered According to Jewish Rites Under American License," thereby reinvigorating the 900 year old blood libel that Jews eat gentile children. (Ibid).

- Passover of that year, a brick cinderblock was thrown through the glass doors of the University of California at Berkeley's Hillel Building. A week after that, two Orthodox Jews were attacked and severely beaten one block from Berkeley's campus, with anti-Zionist graffiti appearing scrawled on blocks and buildings near the school. During a vigil for Holocaust Day, Jewish students who were saying the mourner's kaddish, the prayer for the dead, were shouted down by protesting students saying a prayer in memory of the suicide bombers.

- Northwestern University's Norris University Center became the home of a three foot swastika in November of 2003, accompanied by the words, "Die Jews."

- St. Cloud State University in Minnesota has recently had to pay out over a million dollars in a class action law suit because of anti-Semitic practices. Professor Ari Zmora had been a tenure-track professor of history from 1998 until 2000, when he was suddenly fired. One of the many incidents he points to is when he was about to deliver a talk featuring his mother, talking about her experiences during the Holocaust, which she survived, when, as he reported, "the ex-chair of the department approached me and said that I could not talk about the Holocaust. When I told her about my mother's survival and the fact that most of my family were destroyed by the Nazis, she said to me, 'You know, the SS were wonderful people; they did not participate in the Holocaust.' As he was preparing to leave the university, the issue of fumigating his office was brought up in a meeting of the history department faculty, because he was "dirty" and "a practicing Jew."

While in the case of St. Cloud, the anti-Semitism took the classic ideological form of denial of the Holocaust and support for the Nazi; however, in most campuses throughout the county, as we have seen, and I will continue to illustrate, anti-Semitism has taken a new form. It is the tendency to exaggerate Israel's weaknesses and mistakes. Israel is a healthy democracy, and like all democracies, it is composed of humans, and is prone to human frailty. A healthy debate about Israeli policy, therefore, is not anti-Semitism. Israeli Jews, themselves, are constantly debating about Israeli policy, and they certainly can't be accused of anti-Semitism. However, when Israel alone is demonized and made into the sine quo non of all that is evil in the world, when the actions that Israel takes to protect its citizens are held up to an egregious double standard, when other countries in that situation might be forced to take those same measures, and when Jewish students are intimidated and denied the right of political expression or participation in class, that is crossing over the boundary from legitimate policy debate into the domain of anti-Semitism.

Returning to the words of Natan Sharansky, "One of the major difficulties in grappling with the New anti-Semitism, is the ease with which it can be denied. Unlike in the past, post-modern anti-Semitism no longer exclusively involves such phenomena as violence against the Jews, sporting swastikas and burning synagogues. While these phenomena do indeed exist and are even increasing, especially in Europe today they form only part of the problem."

Mr. Sharansky continues, "The New anti-Semitism with which we have been dealing in recent years hides behind the cloak of 'political criticism of Israel', in which the State is Israel is discriminated against, held to a double standard, and has doubts cast as on its right to existence and security." As absurd as it may be, anti-Semitism even appears under the banner of "human rights" and "humanism." According to Sharansky, "Equating Zionism with imperialism; comparing Zionism with Nazism, doubting the right of the Jewish people, unlike other peoples, to a national state, cannot be considered 'political criticism' or 'opposition to the occupation.' They must be called by their proper name: anti-Semitism. Anti-Semitism, which in the past had been the province of the radical right, is gaining more and more ground among organizations and societies which had, in the past, symbolized the forces of enlightenment, progress and democracy: the left wing political parties, human rights organizations, academic communities

and anti-globalization movements. Those that had been the leaders of the struggle against racism in its various forms now lead the boycotting of Israel, its ostracism from the family of nations and accusations against crimes of humanity. The absurdity shouts to the skies." (Sharansky, Natan, The New Anti-Semitism, January 1, 2002).

One such example occurred October 20, 2004, when Duke University was home to the fourth National Student Conference of the Palestine Solidarity Movement. This is a very typical campus activity on the Israeli-Palestinian front. Participants portrayed Israel as simply a "racist" and "apartheid" state. Among them were Mazin Qumsiyeh, an associate professor from Yale University, who is founder of the radical anti-Israel group Al-Awda, who called Zionism "a disease," and Nassar Abufarha, a doctoral candidate from the University of Wisconsin, who reportedly said he supported Palestinian terrorist groups such as Hamas and the Al Aksa Martyrs Brigade, as well as a host of others. A revisionist book, "Zionist Collaboration with the Nazis" by Lenni Brenner, claiming the early Zionists forged an alliance with the Nazis, was sold at the conference.

There is a question, however, as to whether or not this sort of activity, although making campus life very uncomfortable for Jewish students, constitutes protected speech under the constitution. Freedom of expression is an integral part of university life. However, one might well ask if we would have as much tolerance for seeing the appearance of the large white crosses of the KKK on campus as we apparently do for that of swastikas. What is not protected, however, is the suppression of intellectual diversity and open debate on the part of the classroom professor; or of the professor using his desk as a bully-pulpit for political ideology.

Perhaps the well-documented of these cases is that of Columbia University. I want to stress that what happened at Columbia is not unique, but there exists in Columbia a critical mass of Jewish students who have enough group support and knowledge of Jewish history and Jewish identity to be able to respond to the charges. This, in no way, implies that this problem is unique to Columbia, and that these sort of biases are not being transmitted on a daily basis to hundred of anonymous college students throughout the country.

The film, Columbia Unbecoming, which came out last year, interviewed students who had taken classes in Columbia's Middle East and Asian Languages Department (MEALAC). Columbia's MEALAC department is funded, along with 17 other Middle Eastern studies departments in American colleges throughout the United States, to the tune of 120 million dollars of taxpayer's dollars each year through the Title VI program. What follows are some brief excerpts from the film.

> (One female student): "I took a class with George Saliba, the introduction to Islamic civilization. Towards the end of the semester, Professor Saliba showed what I felt was an anti-Israel film, showing the contemporary conflict between Palestinians and Israelis with a very one-sided view. The film and Saliba presented a view that Arabs have a prior claim to the land of Israel. And I felt very differently about that. And I was sure to express my opinion. For a few minutes, we discussed it inside the classroom and then George Saliba sort of drew me outside the classroom, and told me to walk with him this way out. And on our way out we actually stood on College Walk right outside for 45

> minutes, where I debated with him the fact that the Jewish people had been in Israel for thousands of years. He said, 'You have no voice in this debate.' So I said, 'Of course, I'm allowed to express my opinion.' He came really close to me. He moved down his glasses, and looked right into my eyes, and he said, 'See, you have green eyes.' He said, 'You're not a Semite.' He said, 'I'm a Semite. I have brown eyes. You have no claim to the land of Israel..' As if my ancestors were not there, as if I'm not really a Jew because I have green eyes."

The Chairman of Columbia's MEALAC Department Hamid Dabashi has written in the Egyptian newspaper, *Al Ahram*, on September 23, 2004, "Half a century of systematic maiming and murdering of another people has left…Its deep marks on the faces of Israeli Jews, the way they talk, walk and the way they greet each other….There is a vulgarity of character that is bone-deep and structural to the skeletal vertebrae of its culture."

> (One student, identified as AH): "Another incident that occurred that made me very somewhat uncomfortable occurred during Professor Anijar's class. It was the day of the Palestinian sit-in. He did not cancel class. He had us come to class. And then he proceeded to give a 50 minute speech about how there is an important text happening on College Walk, he thinks we should all go and read it. Essentially, telling us to go to the pro- Palestinian sit-in, and then he cancelled class. We said, 'Wait a second, you called us here in the first place. You did not send us an email saying not to come to class because I am going to a sit-in, because this is my personal feeling. Let us discuss what you're doing. Let us discuss the issue.' He said, 'No discussion', and then he left. So I felt this totally inappropriate for a college environment."
>
> (Another student, identified as NL) : "Joseph Mossad was teaching the class about the Jenin incidents, and a girl raised her hand and tried to bring up an alternative point of view, and before she could get her point across, he quickly demanded, and shouted at her, 'I will not have anyone sit through this class and deny Israeli atrocities.'"
>
> (Another student, identified as TS): "I was basically new to New York, and my English wasn't very good, then. And I was very impressed by this professor. He has very good English. He gave a very good lecture. I realized that he missed a lot of points. Certain aspects of the Israeli-Palestinian history just were not there. Others were emphasized. I would not call them lies, but they were half-truths. I raised my hand, I said, 'Hello. My name is TS. I'm Israeli. And I would like to ask you some questions.' And before I could continue, he stopped me, and said, 'You're Israeli. You served in the IDF?' I said, "Yes". So his next question was, 'How many Palestinians have you killed?' I was shocked because I didn't come here with any antagonism or any bias towards him. I asked him, 'What? What? How come it's relevant to the discussion?' And he said, 'No, it's relevant to this discussion and I demand an answer. How many Palestinians have you killed?' And I said, 'I'm not going to answer, but I am going to ask you a question. How many members of your family celebrated on September 11th, if we're starting with stereotypes?' And then he blew up and started yelling, and the entire room was just like, everybody yelling at everybody, and basically the discussion was over at that point."

In response to this film, the administration at Columbia has recently established a system of grievances. However, I have contacted several Jewish students who are at Columbia now, and they have told me that they are totally unaware that such a grievance system exists. Noah Liben, who graduated Columbia last year, and is Campus Coordinator for the David Project, which produced the film, said that there are several systems, one from each college, and that they have been very poorly advertised by the administration, and are not at all "user-friendly." "The fear factor still looms very large", said Noah. "You cannot come forward anonymously, and the procedure does involve disclosure of your name to the professor. The fear of intimidation by or retribution on the part of the professor to the student looms very large. The balance of power is very lop-sided."

This is exactly the antithesis of what one considers to be a healthy intellectual climate. No one can prevent a professor from having his or her own point of view on a contemporary issue. However, academic freedom is a two-way street. It is not only the freedom of the professor to express his point of view, but also the freedom of the student to express hers, without fear of retribution or of intimidation. The college experience is the ideal arena to learn to respect intellectual diversity and debate, and to learn the rules of civil discourse. The professor, irrespective of his point of view, is at the helm of the classroom, and has a unique responsibility to foster an atmosphere of respect for individual differences and to create a healthy climate for that heady experience of a true intellectual debate. That means it should be free of ad hominem attacks, and free of fear of intimidation.

In summation, I would not give today's American College Campus a good report card in terms of anti-Semitism. What exists today spans the gamut from the old classic anti-Semitism to what Natan Sharansky refers to as "the new anti-Semitism." We should have a zero-tolerance policy for anti-Semitism, in any of its forms. Remembering the words of the late Dr. Martin Luther King, Jr., "You declare, my friend, that you do not hate Jews, you are merely anti-Zionist. And I say, let the truth ring forth from the high mountain top, let it echo through the valleys of God's green earth when people criticize Zionism, they mean Jews. This is God's own truth."

Uncivil University: Anti-Semitism and Anti-Israelism in Higher Education

Gary A. Tobin

Academic Freedom and the Public Trust

At the University of California, Berkeley, renowned both for its academic rigor as well as for its progressive, if not radical, political history, there is a six-foot seal embedded in the pavement of the main walkway, Sproul Plaza, the staging ground of legendary student protests in the 1960s and 1970s. At the center of the seal is a six-inch ring of dirt, around which lies the inscription, "This soil and the air space extending above it shall not be a part of any nation and shall not be subject to any entity's jurisdiction." While many wanted the seal to be a monument to the Free Speech Movement, which began on the Berkeley campus in 1964, the university disavowed that connection. Nonetheless, campus folklore alleges that this spot is uniquely protected and that anyone standing on the seal may claim immunity from arrest or prosecution.

Despite the myth surrounding the seal and its ring of soil, it is not—it cannot be—an absolute sanctuary for those who wish to abuse the right of free speech, because no such place exists, not even on the grounds of the University of California, Berkeley. Both the rules of the larger society and the social norms of the campus require reasonable boundaries on what can be said. Perhaps the campus has fewer constraints, but safety and civility necessitate that some limits are imposed. While universities encourage expansive speech, they tend to draw the line on what they consider hate speech, even at Berkeley.

Assigning extralegal status to the seal in Sproul Plaza is as misguided as the oft-cited notion that college campuses themselves are untouchable spaces that must remain separate from the communities in which they exist in order to protect their own rights of free speech. Despite whatever desires students and faculty may have to live within an imaginary seal of immunity from which they may disregard the rules of the outside world, college campuses operate—or at least they should—by a well-defined code that allows for a greater level of freedom than in the non-academic world and simultaneously requires a higher level of accountability in exchange for that freedom. When students and faculty invoke the First Amendment to protect their right to express unpopular ideas, they are mistakenly conflating free speech with academic freedom. Free speech and academic freedom are not the same. Free speech is essential for academic freedom, but it is only one component. Overemphasis on free speech hints at a trivial aspiration: the desire to protest for the sake of protest, to remain on the outside purely for the status such a position confers.

Academic freedom is part of a system unique to the university. It allows for the unfettered exploration of unpopular ideas, but only within the context of meaningful scholarship. Academic freedom, even more than free speech alone, means that teachers and researchers can pose—without fear of repercussion and without their own biases clouding their inquiry—every reasonable and honest hypothesis. Such a privilege exists only when scholars subscribe to the

system of safeguards set up to ensure both their own immunity from politics (tenure, for example) and the integrity and worthiness of their work (peer review in academic journals, among others).

From their early days in the United States, universities were intended to be civil institutions in all senses of the word. Initially they were places where young men could learn the skills and knowledge necessary to teach and preach Christian values and scripture, then considered the mark of a civilized person. As universities became secular institutions (with noted exceptions), their classrooms and lecture halls evolved into models of civil discourse, where professors and their students could engage in respectful if heated discussion and debate about the most contentious topics.

Free speech on campus has its origins in such unfettered discourse. In the last half-century or so, universities, both public and private, have grown in size and influence and, as a result, have become even more firmly woven into the civic fabric through their contributions to the greater society. Every member of the populace, even those who never set foot on a campus, benefits from the knowledge, research, innovation, and education that flow from the halls of academia out to the community at large. Colleges are contributors to the commonweal; they are institutional citizens.

Higher education is an approximately $250 billion-a-year enterprise, including a hefty sum coming from public funds. Research contracts, student loans, and tax subsidies provide the university with significant resources. Total federal spending for university research and development is around $20 billion, which amounts to over 50% of total higher education spending on research and development nationally.

Grant money comes from a wide variety of federal departments such as Health and Human Services, Defense, Agriculture, and Energy, as well as the National Science Foundation, among others. Federal financial support for higher education can be found in the most unlikely places. For example, the Transportation Equity Act of 2005, for $286.4 billion, included more than $500 million going to 142 colleges and universities. Some went for "National University Transportation Centers" and other funds for road improvement and parking garages.

Federal student aid is similarly generous. General available aid includes Pell Grants, Work-Study, Perkins Loans, and Supplemental Educational Opportunity Grants. Designated aid includes Stafford Student Loans, Parents Loans for Undergraduate Students, Veterans Loans, and others. Total 2003-04 federal student aid amounted to over $80 billion, with Pell grants and Stafford loans constituting about 75% of the total. Federal student aid provides over 40% of all undergraduate students with assistance.

State appropriations for public higher education across the nation totaled more than $63 billion for the 2002-03 academic year, according to the Chronicle of Higher Education. This amounts to just below 40% of total expenditures by public universities. Some state systems are more and

some less reliant upon state funding. California, for example, allocates almost $10 billion, 60% of total expenditures. Public universities in Vermont, on the other hand, receive 21% of total expenditures from the state. In addition to state appropriations, state student aid totaled over $6 billion for the nation in 2003-04. Nationally, approximately 16% of undergraduate students receive some form of state financial aid. Although state research grants are less common than federal support, 7% of total spending on research and development comes from state governments.

The combination of public university operating budgets, state and federal research grants, student aid, and other government subsidies demonstrates that universities and colleges, whether public or private, are at least partially government-sponsored.

Un-Civility: Campus Anti-Semitism and Anti-Israelism

The public provides financial support for higher education because, in its ideal state, the university provides the public with new ideas, vital research, and productive citizens. However, something is amiss in higher education.

What was once an ethical arena in which young people came to exercise their minds, to practice thinking in a safe and invigorating environment, instead has become more of a stifling museum devoted to preserving itself. The core values that make the ideal university a singular place have been subverted. Moreover, the roles that university stakeholders are supposed to play in how they execute their various responsibilities have become murky. The civil university, despite its good intentions, has lost its civility, and the academy has become vulnerable to the very ills that the deliberately rarefied university system was meant to prevent.

The uncivil university is an abrogation of the partnership agreement between American society and colleges and universities. The net result is a loss of the search for truth, a violation of the purpose of the university and ultimately of the public trust. In our analysis, we detail a set of values and cultural norms that no longer reflect their noble origins nor achieve their stated purpose. In many cases, a "butterfly effect" has taken place, so that, with a small shift here and there, what were once well-intentioned and vital components of the university system, such as an emphasis on academic freedom, the willingness to question the established order, a love of rigorous scholarship, and an embracing of multiculturalism, have become twisted and sometimes barely recognizable versions of their former selves. It is in this unfortunate state that ideologies and practices antithetical to the civil university have flourished on some campuses, an indication of just how far they have diverged from their purpose.

The UnCivil University examines one particularly egregious and uncivil violation of the public trust—the ideology and expression of anti-Semitism and anti-Israelism in higher education. We chose to examine these two closely related prejudices on college campuses, because the presence of anti-Semitism in a community has always been a reliable marker of its ill health.

Our analysis does not purport to say whether anti-Semitism and anti-Israelism are rising or declining, to count how many campuses in the United States experience anti-Semitism and anti-Israelism and to what extent, or to be a compendium of all of the incidents of anti-Semitism and anti-Israelism to have occurred in the last few years. Nor does our analysis claim to be a survey of anti-Semitic and anti-Israel attitudes on campus. Rather, this volume focuses on the ideology of anti-Semitism and anti-Israelism on campus and the ways that this ideology is expressed.

Our analysis has three parts. We define anti-Semitism and anti-Israelism as an ideology. Second, we provide evidence about the expression of anti-Semitism and anti-Israelism to understand how this ideology presents itself as behaviors as well as ideas. And, third, we examine how the presence of anti-Semitism and anti-Israelism on campus reveals where reform is needed in higher education.

Our definition of anti-Israelism and anti-Semitism as part of a combined ideology is critical to understanding the growth of intolerance on campus. Criticism of Israel's government policies, along with all nation-states, is legitimate and has a place on campus. One can disagree with anything from Israel's environmental policies to its strategies for national defense. However, such forms of critique differ drastically from what has become acceptable discourse on campus, both in terms of content and how much attention is devoted to the subject.

Israel dominates not only discussions of the Middle East, but also unrelated subjects. It is common to hear that Israel is the worst offender of human rights issues all over the world. Israel is compared to Nazi Germany and apartheid South Africa. Israelis are called brutal, racist murderers committing genocide against the Palestinians. These accusations are not only prejudicial against a specific nationality, but often rely upon the use of traditional anti-Semitic stereotypes to demonize those who support or represent the Jewish state. Instead of Jews controlling the United States government, economy and media, it is Israel and the Israeli lobby. Just as Jews have historically been portrayed as caring more about money than people, Israelis are greedy for resources and land hungry. They are brutal and conspiratorial, charges levied against Jews throughout history.

While anti-Israelism, in itself, encourages anti-Semitic sentiment, it also invites participation by traditional anti-Semites who tailor their bigotry to focus on Israel in order to be acceptable on campus. The use of offensive imagery, such as the swastika to portray Jews, the rejection of opinion based on ethnicity, and demonization to the point where physical threats seem justified, is not part of civil discourse and legitimate critique. They are attempts to intimidate, to alienate and to silence Jews and others who support Israel.

This loss of civility should alarm all members of society, not just the Jewish people, because the existence of bigotry and hatred is an indication of a deep gash in the fabric of the public trust. The ideology and expression of anti-Semitism and anti-Israelism in higher education is not a Jewish problem; it is an American problem.

Anti-Semitism and anti-Israelism are allowed to flourish because the loudest voices, which embrace this bigotry, dominate the campus culture. It is symptomatic of what is happening in American society as a whole, where, as Morris Fiorina said, "the extremes are overrepresented in the political arena and the center underrepresented." The campus, like American society, is less polarized than popular image might have one believe. Those with the most extreme views often dominate the ranks and decision-making processes of many institutions and seem—falsely—to represent the majority.

Indeed, anti-Semitism and anti-Israelism flourish on college campuses because of the energetic focus of a determined minority and their willingness to dedicate themselves to this cause. Anti-Israelists spend time and energy to promote their cause, while most everyone else is not all that engaged. Most faculty do not endorse anti-Israelism as an ideology. Many simply tune it out on their campus or on other campuses around the country. Advertisers have long known that readers tend to ignore ads for washing machines unless they are looking to buy one. Most faculty are involved in their own disciplines and their own social and intellectual circles. Occasionally, what they consider to be the "sideshow" of the Palestinian-Israeli debate may attract their attention, but fleetingly, and with no real impact.

The irony of the campus endorsement (through action or by default) of anti-Israelism is that for the most part, campuses are not very active about most critical international issues. In spite of all the hype about social activism, embracing liberal causes, and fighting for the underdog, the campus community is disappointingly complacent about genocide, slavery, abuse of women and children, horrific criminal justice systems, and other social and political tragedies around the world. Taking up the anti-Israel cause is all the more curious in the context of the blasé response to the world's tragedies.

Exposing anti-Semitism and anti-Israelism includes the willingness to judge ideas: not all ideas are good or of equal worth. Universities should celebrate cultural differences with the ability to discern right and wrong across cultural boundaries. Not all cultural practices are good, and not all are equal in their contributions to the benefit of the human family. Moral strength means celebrating good teaching that helps students think, analyze, and distinguish sound ideas from suspect ones. It means teaching, not preaching; exploration and rigorous examination, not propaganda. This includes anti-Israel propaganda, which cannot be framed as merely a clash of cultural ideas.

This volume is a call for reform in higher education. The university has all the structure, mechanisms, and values to address anti-Semitism and anti-Israelism on campus. Formal systems include peer review, evaluation of scholarship and teaching, committees for hearing student complaints, and disciplinary measures for inappropriate faculty or student behavior. These mechanisms are not fully deployed in the case of anti-Semitism and anti-Israelism.

They should be, however, because those who support higher education expect colleges to use the formal tools in place to keep their own house in order. When it comes to prejudice, propaganda

in the guise of scholarship, or the failure to execute teaching responsibilities adequately, the full force of university controls should be exercised. This includes creating a normative environment that banishes anti-Semitism and anti-Israelism from the accepted values of the campus and disciplining those who violate those norms.

Campuses also have informal guidelines that prohibit campus sexism, racism, and other forms of prejudice. Anti-Semitism and anti-Israelism have not been adequately constrained by these norms. University presidents, deans, faculty, trustees, and all other stakeholders have not done their job in applying these norms to anti-Semitism and anti-Israelism.

Anti-Semitism and anti-Israelism on campus are symptoms of a much larger malaise. Reform is necessary to protect Jewish students, to be sure. Even more importantly, the failure to ensure the intellectual safety of Jewish students marks a corruption of the university as a civil institution. Colleges and universities should address anti-Semitism and anti-Israelism, not for the sake of the Jews, but for their own sake. The uncivil university must reclaim its civility.

Why Anti-Semitism and Anti-Israelism Are at Home on Campus

Higher education is a fertile home for anti-Semitism and anti-Israelism for a variety of reasons. First, campuses have been targeted by anti-Israel groups as an arena for the anti-Israel agenda. Those who are committed to anti-Israelism hope to capture the hearts and minds of young people in America's educational systems. Arab World and Islamic Resources (AWAIR), an Arab-American advocacy group that promotes anti-Israel propaganda, makes clear in its mission statement, "AWAIR's goal is to increase awareness and understanding of this world region [Middle East] and this world faith [Islam] through educational outreach." The Arab World Studies Notebook also says, "We hold that preparing our young people for their roles as thoughtful, informed citizens of the next century is our most important work."

Second, universities are complex bureaucracies. There are a multitude of decision-makers, which include presidents, trustees, faculty, provosts, deans, associate deans, vice presidents, and associate vice presidents. Like New Orleans and the rest of the Gulf Coast following the devastation of Hurricane Katrina, the victims of that horrible tragedy were less beleaguered by conspiracy than they were by incompetence. Governments at all levels failed, most of all in their ability or willingness to communicate with one another to ensure appropriate action. Anti-Semitism and anti-Israelism flourish on college campuses partially because of the paralysis of bureaucracy in dealing with student complaints, monitoring conferences and events, and so on. Everyone is in charge, so no one is in charge. Anyone who has been inside higher education knows that many colleges and universities are wrapped more in red tape then green ivy.

Third, higher education is conducive to anti-Semitism and anti-Israelism because many of the stakeholders abdicate responsibility. Trustees do not want to interfere for fear of violating

academic freedom. Faculty do not want to appear overzealous criticizing other faculty. Most university presidents, provosts, and deans look for stasis and avoid issues that rock the boat.

Fourth, universities are a fertile environment for anti-Semitism and anti-Israelism because activists with the most energy and loudest voices often capture organizational mechanisms. People in the middle tend to be disenfranchised by the activists who are most committed to a particular agenda. Research performed by the Institute for Jewish & Community Research revealed that, in fact, most professors do not hold negative views regarding Israel. Anti-Semites and anti-Israelists triumph on campus not because of their large numbers, but because of the willingness of the few to pursue their agenda. Those who may disagree with them tend to be silent, busy, or indifferent. The same phenomenon is seen in contemporary American politics in both the Republican and Democratic parties, and a number of NGOs, including the Presbyterian Church. The vast majority of Presbyterians are neither anti-Semitic nor anti-Israel. Yet, a few activists were able to capture the institutional decision-making processes to pass anti-Israel resolutions supporting divestment from Israel. This phenomenon is widespread on campuses as well.

Fifth, the ideology of anti-Semitism and anti-Israelism fits within the larger campus themes that include anti-war (violence is never justified, war is bad, there is no just cause), anti-West, anti-American (Europe and America are powerful and bad, Brazil and Algeria are good), white people are bad, all other people are good, power is bad, weakness is honorable. These themes appear over and over again in the anti-Semitic, anti-Israel framework.

It is not surprising, therefore, that anti-Semitism and anti-Israelism have found their way into America's educational systems, partly from forces outside the university and partly from within. Like the United Nations, the campus has developed into a comfortable home for anti-Israelists. Moreover, it is a platform from which one can reach a large audience, not only of students, but also of the many millions of Americans, and people around the world, who regard the American university as the incubator of change and the leader in intellectual thought.

Some observers argue that levels of anti-Semitism and anti-Israelism can be measured primarily by the number of events, the shrillness of the rhetoric, or the most egregious expressions of either to take place in colleges and universities. Because both anti-Semitism and anti-Israelism are myths and ideologies, and have become blended in both rhetoric and activity, they exist beyond mere measurement of incidences and the most visible expressions. These belief systems, as they have in the past, take root in particular groups and institutions and express themselves in different ways over time, but they are there, more or less dormant, more or less active.
The "Israel debate" is not a true intellectual debate at all, but rather a failure of the university community at all levels to properly protect its highest ideals. No institution of higher learning should allow Jewish students to be intimidated or attacked, or pro-Israel speakers to be so physically threatened that they cannot safely visit a campus. Such an environment is antithetical to the mission of America's universities. While we have, unfortunately, come to expect this kind

of atmosphere from Wahhabi extremists from Saudi Arabia or in the official dogma of Iran's dictatorial mullahs, this propaganda has no place on campuses.

On campus, anti-Semitism and anti-Israelism ideology has four primary components. First, Jewish nationalism is characterized as racism. Because "Zionism=Racism," Jews do not deserve to have a nation-state in Israel. Second, the Holocaust is not a Jewish historical experience, but rather a Palestinian one. Third, violence against Israelis is justified, even terrorism, and Americans cannot judge such actions by Western moral standards. Fourth, Jews and Israel control America, the American government, and United States foreign policy.

Reclaiming the Civil University

Social norms in society are as important as the rule of law. Civilizations exist through a combination of restraint by public authority, self-restraint, and restraint through social approval and disapproval. The politics of multiculturalism on campus abhor prejudice based on culture, sexual identity, ethnicity, gender, race, religion, and nationality, except in the case of anti-Semitism and anti-Israelism.

Changing campus norms can help reclaim a civil institution. Students or faculty who interrupt debates and lectures should be suspended or put on leave. Those who use violent messages or advocate violence should be expelled. Faculty who publish shoddy research should not be promoted. A faculty member who intimidates students or evaluates them on the basis of belief (the professor's or the student's) should be censured—and fired if they persist. Departments that discriminate on the basis of ideology either in terms of hiring or promotion should be put in receivership or shut down.

Societal support for higher education is grounded in the belief that democracy is reinforced by a good liberal arts education. Stanley N. Katz, director of Princeton University's Center for Arts and Cultural Policy Studies, warned of the need to reform higher education: "A great deal is at stake for undergraduate education, and for the country. If we believe, as so many of the founders of liberal education did, that the vitality of American democracy depends upon the kind of liberal education undergraduates receive, we need to put the reimagination of liberal education near the top of our agenda for education in our research universities."

Americans cherish their institutions of higher education and are rightfully proud of their quality and world leadership. Students from around the United States and the rest of the globe make great sacrifices to study at American universities, and they generally graduate well-positioned for successful careers and poised to make important contributions to society. The "something amiss in higher education" is not education itself, but rather the inappropriate politics that colors too much of campus life. The solution is not to balance one biased ideology with another but rather to eliminate politics altogether, except as a tool to teach students (and many faculty) to think for themselves.

Without essential reforms, the academy risks further and further separation from the public that nurtures it and whom it serves. “What is at stake is our future,” according to Brigitte Gabriel, a Lebanese-born Arab reformer, “the students of today who will become tomorrow’s leaders. If their minds are poisoned with irrational hatred and the hate is not combated and eliminated, then academic freedom and free speech in an open marketplace of competitive ideas is dead.”

The stream of goodwill directed towards the university is not endless. It must be renewed through the visible efforts of the stakeholders to take more responsibility for ensuring the safety and well-being of all members of the university community. The campus must reform not simply because the specific ideologies of anti-Semitism and anti-Israelism exist, but rather because any public institution that fosters expressions of hate is in need of drastic change. Anti-Semitism and anti-Israelism have found a harbor on campus, but they need not remain welcome there. It took four decades for the uncivil university to reach this point. It should not take another forty years in this desert for the civil university to find its way home once more.

Major Findings

1. Anti-Semitism and anti-Israelism are systemic in higher education and can be found on campuses all over the United States.

The ideology and expression of anti-Semitism and anti-Israelism have taken root throughout much of the higher education system, even if embraced by relatively small segments of the faculty or student body.

Although anti-Semitism and anti-Israelism are national campus phenomena, they are not equally distributed among colleges and universities. Some universities may be relatively free of the ideology or its expression, while others may be more problematic. The incidence of anti-Semitism and anti-Israelism may also vary on a particular campus over time.

Our research covered hundreds of campuses. In spite of the claims of some observers who assert that anti-Semitism and anti-Israelism affect only a few select campuses, our research disproves this assertion. Moreover, anti-Semitism and anti-Israelism can be found in both public and private universities throughout all regions of the country and in both elite “Ivies” and community colleges.

Anti-Semitism and anti-Israelism find expression inside and outside the classroom, in course syllabi, student newspapers, campus posters, rallies, lecture halls, and a host of other ways within the university. Middle East Studies departments and centers are particularly egregious in their promotion of anti-Semitism and anti-Israelism.

2. Anti-Semitic behavior often cloaks itself as "legitimate" criticism of Israel. Pervasive anti-Israelism sets the stage for campus anti-Semitism. The distinctions between Israel and Jews become increasingly blurred as the rhetoric becomes more uncivil.

Analyzing or criticizing a policy of the Israeli government is not de facto anti-Semitic, but much of anti-Israel rhetoric is subtly or blatantly anti-Semitic. Anti-Semitism and anti-Israelism on campus have become entwined, so that anti-Israel rhetoric draws from traditional anti-Semitic stereotypes. The ideology of anti-Israelism transfers these stereotypes of traditional anti-Semitism onto discussions about Israel. Israel is often substituted for Jews as the primary source of the world's woes.

Anti-Semitism is a belief system, a prejudice against Jews as a mythical enemy. Jews are the origin or cause of the inexplicable problems of life and community—poverty, war, or even natural disasters. Jews are also enviable. They are cast as rich, unusually clever, and powerful. Jews are "other"—people who are not like me, some group that is external to my group. Jews are stereotyped as having beliefs, values, and behaviors that are foreign, mysterious, and destructive.

Anti-Israelism on campus labels Israel as Nazi Germany, claims the Holocaust never occurred, that Israel is systematically committing genocide, that Israel and the Jews control the United States government, and other ugly charges.

3. The assault on Jewish nationalism is embedded in the ideology of the left.

The university has become a home to rhetoric from the left. As mystifying as it may be, the left sees no contradiction between its espousal of racial and ethnic equality and its prejudice against Jewish national identity. This hypocrisy has been successfully transplanted to higher education. While anti-Semitism and anti-Israelism also can be found on the extreme right, this connection is largely irrelevant in higher education where the right has little legitimacy.

This hatred of Israel does not exclusively stem from anti-Semitism, but also includes the demonization of America and the West as well. In this way, anti-Israelism from the left can be closely related to anti-Americanism. Over time, coming full circle, anti-Americanism endorses and devolves into anti-Semitism. And in cases where America is framed as a proxy for Israel and Jews, anti-Americanism and anti-Semitism become one in the same.

4. The failure to appropriately address anti-Semitic and anti-Israel bigotry is an indicator of a frightening breakdown in a number of university processes involving many stakeholders within higher education.

Donors are not paying enough attention (including Jewish donors who give billions of dollars to higher education). They are not holding universities as accountable as they do in other realms of

their philanthropy. Trustees, often successful business leaders who are much more attentive in their entrepreneurial spheres, fail to appropriately execute their fiduciary duties both in the operations of the institution and the mission. For example, they tend to rubber-stamp tenure decisions. Most of all, faculty and administrators exhibit unawareness, indifference, and sometimes even cowardice in their failure to exert moral leadership in condemning anti-Semitism and anti-Israelism.

5. Anti-Semitism and anti-Israelism are shielded by a wrongly defined academic freedom and free speech.

University stakeholders often accept misuse of academic freedom as a way to excuse anti-Semitism and anti-Israelism. Some characterize the "Israel debate" as merely part of the free exchange of ideas.

The discussion of Israel's faults and wrong actions can be part of campus discussion, as should be discussions of all nations, cultures, and societies. However, the red herring of censorship is not at issue. Israel-bashing, demonization, double standards, hateful language, anti-Semitic images, and obsession with Israel more than any other country are signs, indicators, and alarms that something other than debate and honest criticism are at work. Universities cannot pretend that calling for the destruction of Israel with the use of Nazi images is part of normal academic discourse. If they do, they are being untruthful with themselves.

Clearly, those who support Israel can be found on college campuses all over America. Students rally on behalf of Israel, books are published that support Israel, and so on. Anti-Israelism does not signal the absence of pro-Israelism. Indeed, this is often the rationale, or excuse, for anti-Semitism and anti-Israelism in higher education. Advocates of free speech may say that clearly opposing forces can speak on campus and do. The presence of pro-Israel speakers, classes, faculty, or materials on campus, however, does not address the core issue.

Having a pro-Israel speaker does not erase an anti-Semitic diatribe from some other speaker. Good Israel talk does not balance bad Israel talk. Indeed, the balanced approach is a denial of the problem. Universities do not balance racism and sexism with "positive images" of blacks and women. They make it clear that racism and sexism do not belong on campus. Period. The same needs to be said and done about anti-Semitism and anti-Israelism—they have no place on campus. Period. Otherwise, universities should abolish their policies of zero tolerance for intimidation of students or hate speech. Why have them, when they are not applied uniformly? If hate speech against Jews is allowed as part of the balance of ideas on campus, then hate speech against all others should be afforded the same protected status in the name of freedom. Tolerate all racism or prohibit it. The truly civil university does not offer a cafeteria of selective protections.

Higher education is so concerned about the preservation of academic freedom that academic responsibility is ignored. Anti-Israelism can flourish because the academy is afraid to confront this ideology and those who preach it for fear of going down some slippery slope that will infringe upon academic freedom. But other slippery slopes are just as profoundly damaging to the ideals of the university, including the failure to ensure both high quality and honest scholarship, adhere to principles of truth, preserve civil discourse and provide freedom from intellectual intimidation. All of these affect academic freedom, and define academic responsibility.

6. Universities, both public and private, are part of a public trust owned or financed by the American people.

The deep reliance on public funds makes the universities' almost religious adherence to the concept of free speech in opposition to encroachment of the public and the government seem particularly misplaced. The university is the public; it is a part of the government. It is a civil institution.

Higher education is highly dependent on federal, state, and municipal governments for financial assistance in numerous forms. Federal assistance to universities extends to all kinds of universities, public and private, and it comes in the form of various grants and allocations. The total amount of state and federal dollars that are being injected into the higher education system is over $140 billion annually. Furthermore, universities are designated as non-profit organizations and, as such, are exempt from taxation on a number of levels, further bolstering the public's contribution to higher education.

7. Because Americans, both individually and through public financing, invest heavily in higher education, colleges and universities have a contractual understanding with the public that teaching and research are to be free of politics and propaganda.

Academic freedom requires, not opposition to the larger society, as so often happens when free speech is invoked on campus, but rather a contract with society for honest and unbiased teaching and research. This distinction seems mainly forgotten, and under the banner of free speech, universities increasingly define themselves by their independence from, and often adversarial relationship with, authorities of all sorts, including the government, the private sector, and even the communities that support them and in which they flourish. If they see their primary purpose as bastions of free speech, they must feel particularly beleaguered when the outside world requests accountability. In their self-conceived role as havens for otherwise persecuted or unpopular points of view, universities see themselves as counterweights, watchdogs, and dissenters from established norms, rather than as primary contributors to and shapers of those norms. Ideology is characterized as the goal of the university, and objectivity is deemed unnecessary or unachievable. While these contrarian roles are sometimes appropriate, they are

only part of the picture, a fact largely forgotten on campus. As a result, universities have become, in many ways, obstructionist rather than facilitating entities, promoting political ideologies and propaganda.

8. Jewish students report being intimidated, both inside and outside the classroom, and being intellectually and socially threatened for what they believe.

In a civil university, no group is singled out for slander, no democratic nation is declared illegitimate, no political ideology warps the pursuit of truth: The process of learning supersedes personal biases. In such a university, bigotry is unacceptable, because the protection of pluralism and civil rights is part of the campus ideal, reflecting the laws and norms of the general society. The campus should serve as a model, both in what it teaches in the classroom and through everyday campus life, for embracing pluralism and the protection of civil rights. In a civil university, everyone protects each other against bias and hatred. In many universities that otherwise consider themselves to be models of civility, anti-Semitism and anti-Israelism are not only tolerated but allowed to flourish.

9. The university has the necessary structural mechanisms and procedures that unfortunately are not fully deployed in the case of anti-Semitism and anti-Israelism.

Formal systems include peer review, evaluation of scholarship and teaching, committees for hearing student complaints, and disciplinary measures for inappropriate faculty or student behavior. Self-regulation is part of the agreement that universities have with the public sector.

10. Both federal and state governments have the legal and moral authority and necessary means to address anti-Semitism and anti-Israelism on campus.

This includes protecting the civil rights of Jewish students through appropriate complaint procedures and legislation that sets guidelines for colleges and universities that accept federal and state funds.

Policy Recommendations

1. More research is necessary to document systemic anti-Semitism and anti-Israelism in higher education.

Additional research, documentation, and exposure are necessary to show how anti-Semitism and anti-Israelism affect students, how many students experience discrimination and how university

stakeholders have responded or failed to take appropriate action. Research about faculty, trustees, and donors is also essential.

2. Expose anti-Semitism disguised as legitimate criticism of Israel.

Seminars, workshops, symposia, lectures, and other campus activities are needed to educate the campus community about anti-Semitism and anti-Israelism. This subject also should be integrated into appropriate curricula, courses, and syllabi.

3. Political beliefs should not be considered in the hiring and promotion of faculty.

Colleges and universities should ensure that political beliefs are not subtly reinforcing an ideological orthodoxy. The ideological make-up of faculty should not be self-perpetuating as a result of an operative bias in higher education employment practices.

4. University stakeholders need to reclaim their rightful roles and responsibilities to ensure checks and balances in university processes.

University trustees should be become more involved on a number of levels. First, they need to take more responsibility when granting tenure. Trustees, in deference to academic freedom, do not exercise their fiduciary obligations when they rubber-stamp tenure decisions made by the faculty and administration. Lifetime contracts should not be awarded without more trustee consideration.

Corporate and NGO boards are being challenged to be more responsible in their oversight duties. College trustees should not be excused from this national trend. They also need to be more informed and attentive to what is being taught on campus. Trustees should not be intimidated into believing that they are interfering with academic freedom if they behave like a real board and less like the adjunct fundraising department (their only purpose being to give and solicit donations).

Donors and alumni need to demand more accountability when they make gifts to higher education, both to help make them be more efficiently managed organizations, and to help guide the educational mission. Donor intent is a key element in the American philanthropic system. Part of the contract between philanthropists and recipient institutions is that donors have something to say about how their money is used. Donations also give philanthropists the right to have a say in the operation of the organizations, especially for those who give large gifts. Higher education is perhaps the only NGO system where donors are told that their giving offers them no right to fundamentally influence the institution: write the check and keep quiet. Hands-off (in the name of academic freedom) is the general guideline. Naming chairs or designating dollars for a

particular program provide the illusion of donor control, but most monies are fungible. In a system built around "budget relief," resources are moved around as needed: more resources in one area frees up money for some other purpose. Collectively, donors should hold both faculty and administrators accountable for dealing with the issue of anti-Semitism and anti-Israelism on campus.

5. Academic freedom and free speech should be responsibly defined within the boundaries of civil discourse.

The cultural norms of the campus need to change over time, so that anti-Semitism and anti-Israelism are as unacceptable as other forms of prejudice on campus. This requires moral leadership, especially from university presidents, chancellors, and others in positions of moral authority. They need to speak out firmly, consistently, and passionately about this bigotry. Few have followed the lead of President Lawrence Summers of Harvard University or President Robert Corrigan of San Francisco State University in doing so.

University funds should not be used to sponsor racist speakers or events through student organizations, events, newspapers, or any activity subsidized with university dollars. Appropriate administrative and faculty oversight of student organizations is required, and, if necessary, administrative oversight of faculty who, for example, restrict their class enrollment to like-minded students. If student organizations sponsor inappropriate speakers or events, they should be put on probation, have their funds restricted, or be disbanded if they persist.

6. The public sector should continue to press for accountability in higher education.

Federal and state lawmakers should consider enacting legislation withholding funding to any university that violates the civil rights of any student, including those of Jewish students based on their religion or ethnic identity, until the violation has been corrected.

The Solomon Amendment is an excellent example. Congress was correct to pass the Solomon Amendment to halt all federal funding to colleges and universities that prohibit military recruiters from coming to their campuses. It is absurd for the grantee (higher education) to tell the grantor (the federal government) what policies must be followed by the armed services in order for universities to take the money that they are given. Whether one agrees or not with the "don't ask, don't tell" policy of the military is irrelevant. Congress has the right to set conditions on dollars it allocates to higher education. Universities have the right to refuse the funds if they do not agree with the conditions. They cannot take the funds and simultaneously set the conditions for taking them.

7. More internal review of Middle East Studies departments, centers, and institutes is critical.

Committees of scholars should be established to review the level of scholarship, quality of teaching, and objectivity of this discipline. This process should be ongoing until it is clear that these departments and institutes conform to norms of quality and honest scholarship and teaching. All tenure decisions for this field should be made outside the departments. At the same time, appropriate public sector oversight of these federally funded programs should be instituted in the same ways that the National Science Foundation, the National Institutes of Health, and other public grant-making institutions operate.

8. Colleges and universities, as part of the public trust, have a special obligation to fight discrimination and provide equal protection for all groups including those defined by race, color, religion, sex, age, disability or national origin.

Faculty who harass, intimidate, or discriminate against students because they are Jewish, Israeli, or supporters of Israel should be disciplined. Reprimand, censure, removal from teaching duties, and terminating employment are all appropriate, depending on the seriousness of the breach of academic conduct, and the frequency of its re-occurrence from any particular faculty member. Because bigotry should have zero tolerance, repeat breaches of this basic pillar of academic integrity are grounds for firing both un-tenured and tenured faculty members. Indeed, such discrimination should be identified in faculty handbooks as legal cause for removing a tenured faculty member. In the meantime, Jewish students who are subject to harassment and discrimination should file complaints with the Office for Civil Rights, U.S. Department of Education, as students at the University of California, Irvine, have already done.

9. Colleges should establish and enforce appropriate rules about civil discourse, including the protection of Jewish students and other supporters of Israel.

Civil discourse excludes advocating physical harm or even murder because of someone's racial, ethnic, or national background. These codes of conduct should be well publicized and included in student and faculty handbooks. Breach of conduct should require reprimand, suspension, expulsion and termination for students and faculty. We are not suggesting that students do not have the right to advocate for support of Palestinian causes, or to protest Israeli government policies. But they must do so within the established norms of racial and ethnic discourse on campus.

Or, conversely, if campuses want to abandon speech codes, and stop regulating hate speech and promoting consciousness and sensitivity about race, gender, ethnicity, and nationality, then let a thousand diatribes, insults, and demeaning interactions bloom. If free speech is so valued, then let it be free. But universities cannot regulate speech through both formal structures and informal norms while selectively ignoring anti-Semitism and anti-Israelism.

10. If higher education does not adequately address anti-Semitism and anti-Israelism on campus, then federal and state governments should bring the full power of their financial, legal, and moral authority to bear on colleges and universities.

If university faculty and administrators do not curb anti-Semitism and anti-Israelism (or any form of prejudice), then governments at all levels should take corrective measures.

Government should not have to intervene to insure the moral behavior of colleges and universities. On the other hand, the public sector would be abdicating its fiduciary and moral responsibility to allow anti-Semitism and anti-Israelism to continue unchecked.

Anti-Semitism and anti-Israelism in higher education fall squarely within the purview of the U.S. Commission on Civil Rights and the Office for Civil Rights, U.S. Department of Education. Given the pervasiveness of these ideologies on college campuses, government agencies should not only be actively fielding complaints of civil rights violations against Jewish students and supporters of Israel but should consider a system-wide investigation.

Examples of Anti-Semitism and Anti-Israelism on Campus

- *Kent State University, Campus Newspaper, April 15, 2002*

  At Kent State University, associate professor of history Julio Cesar Pino wrote a poem in the *Kent Stater* on April 15, 2002, titled, "Singing out prayer for a youth martyr," in which he praised a female suicide bomber.

  > You are not a terrorist, Ayat. The real terrorists are those who some 100 years ago hijacked a beautiful religion and transformed it into a real estate venture. Glancing around the world, they saw in Palestine "a land without a people, for a people without a land," as their spokesmen and women chant ad nauseam. The Zion of the concertina wire, F-16 bomber death planes and tank crews collecting skulls and shedding martyrs' blood. The birthplace of your ancestor, and mine, the Palestinian pacifist Joshua ben Josef, is now a battle zone-with Christians, Muslims and peace-loving Jews trapped inside Bethlehem. [...]
  >
  > Your last cry, by gesture rather than the spoken word, was "Stop, thief! This is not your land and we are a people." I can assure you, Ayat, that the whole world stopped to listen. Even the numbskull who parades as president of the United States heard you, and, following the text written for him by his handlers,

> expressed astonishment at how a teenager could perpetrate such an act. Simply, it is pronounced "justice" and spelled C-O-U-R-A-G-E.[3]

- *University of Massachusetts, Campus Newspaper, Spring 1995*

  In the University of Massachusetts student newspaper the *Daily Collegian*, a letter was published by emeritus professor of mathematics Helen Cullen, who wrote, "Judaism and the Jewish identity are offensive to most human beings and will always cause trouble between the Jews and the rest of the human race."[4]

- *University of Illinois, Campus Newspaper, January 22, 2002*

  The University of Illinois student paper, the *Daily Illini*, printed an opinion piece by Washington resident Ariel Sinovsky titled, "Jews Manipulate America." Sinovsky wrote:

  > The Jews, master salesmen that they are, have been able to persuade Americans that it is in American interests to support Israeli oppression of Palestinians. [...] Too often defective foreign policy has been promoted as something in the interest of American people while in reality it was done to satisfy the desires of Jewish oligarchs. [...] The President should act immediately to deal with this threat. First, separate Jews from all government advisory positions and give them one year fully paid sabbatical. [...] Jewish ability to promote their desires, disguised, as being in the interest of the American people, one day will evaporate. Then the Jews might face another Holocaust.[5]

  The outrage of this article lies not only in the content but also in the headline, which was created by the editor.

- *Columbia University, Student Interview 2004*

  Columbia student "LS" reported, "I took a class with [Professor] George Saliba [as we discussed the Palestinian-Israeli conflict, he] sort of drew me outside the classroom and told me to walk with him on his way out.[...] He said, 'You have no voice in this

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3 Julio Cesar Pino, *Singing Out Prayer for a Youth Martyr*, DAILY KENT STATER, April 15, 2002, available http://www.stateronline.com/ (last visited May 18, 2006).

4 Ronnie Friedland, "Interview with Robert Costrell," *Swastika on the Lawn: A Year of Anti-Semitism in Massachusetts*, July 1995, available at http://www.hebrewcollege.edu/sol/ ch06.html (last visited May 18, 2006).

5 Ariel Sinovsky, *Letter to the Editor*, DAILY ILLINI, Jan. 22, 2002, *available at* http://web.archive.org/web/ 20030410211115/www.dailyillini.com/jan03/jan22/ opinions/stories/letter03.shtml (last visited May 18, 2006).

debate.[...] See, you have green eyes,' he said, 'You're not a Semite.[...] You have no claim to the land of Israel.'"[6] (Saliba has denied ever making the statement.)

- *Columbia University, Protest/Rally Statements, April 2002*

  Professor of Latino Studies at Columbia University Nicholas De Genova proclaimed at a rally that "the heritage of the Holocaust belongs to the Palestinian people. The State of Israel has no claim to the heritage of the Holocaust."[7]

- *Georgetown University, Faculty Publications and Statements, November 2002*

  Georgetown Professor Hisham Sharabi was quoted in the Lebanese *Daily Star* saying to Balamand University students and faculty that "Jews are getting ready to take control of us and the Americans have entered the region to possess the oil resources and redraw the geopolitical map of the Arab world."[8]

- *Various Universities, Vandalism, 2002-2005*

  In 2002, at the University of Colorado, swastikas were drawn on a religious structure utilized by Jewish student groups.[9] At the University of Wisconsin, Madison, someone scrawled the messages, "Kill the Jews" and "Make it snow Jewish ash" in a classroom.[10]

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6 *Columbia Unbecoming*, directed by Avi Goldwasser, DVD (Boston: David Project, 2004).

7 Xan Nowakowski, *Students Organize Sit-In to Support Palestinians*, COLUMBIA SPECTATOR, April 18, 2002, http://www.columbiaspectator.com/vnews/ display.v/ART/2002/04/18/3cbe8e3d6a634?in _archive=1 (last visited May 18, 2006).

8 "AJC Condemns Anti-Semitic Remarks of Prominent Georgetown Professor," *American Jewish Committee*, November 21, 2002, http://www.ajc.org/ site/apps/nl/ content2.asp?c=ijITI2PHKoG&b =849241&ct=868083 (last visited May 18, 2006).

9 Bronson Hilliard, *Vandals Strike Jewish Symbol in Colorado*, COLORADO DAILY, September 21, 2002, *available at* http://www.coloradodaily.com/articles/2002/09/22/ export6521.txt (last visited May 18, 2006).

10 Marc Ballon, *Jewish Students and Activists Call UC Irvine a Hotbed of Anti-Semitic Harassment*, JEWISH JOURNAL, March 11, 2005, *available at* http://www .jewishjournal.com/home/preview.php?id=13779 (last visited May 18, 2006).

- *University of California, Los Angeles, Conferences, 2001*

  In 2001, at a Muslim Student Association conference at the University of California, Los Angeles, cleric Muhammad-al-Asi stated, "Israel is as racist as apartheid could ever be ... you can take a Jew out of the ghetto, but you can't take the ghetto out of the Jew."[11]

- *University of Georgia, Campus Newspaper, October 1, 2001*

  University of Georgia student Adam Gobin wrote in the *Red and Black* about Jewish influence in America, "Not only does the Israeli lobby control legislation [...] but it also controls the media giants."[12]

- *Northeastern University, Faculty Publications and Statements, December 12-18, 2004*

  Professor M. Shahid Alam wrote in the Egyptian weekly, *Al-Ahram*, that Israel, "could only emerge as the bastard child of imperialist powers, and it could only come into existence by displacing the greater part of the Palestinian population, by incorporating them into an apartheid state, or through some combination of the two. In addition, once created, Israel could only survive as a militarist, expansionist, and hegemonic state, constantly at war with its neighbors." He then explained that, "Jews, as junior partners of the imperialist powers, would seek to deepen the Orientalist project in the service of Western power." The current landscape of Middle East Studies is now divided, Alam explained, into "one camp, consisting mostly of Christians and Muslims, [which] has laboured to bring greater objectivity to their study of Islam and Islamic societies. [...] The second camp, now led mostly by Jews, has reverted to Orientalism's original mission of subordinating knowledge to Western power, now filtered through the prism of Zionist interests." These Jews "work to incite a civilisational war between Islam and the West."[13]

- *Santa Rosa Junior College, Campus Newspaper, March 18, 2003*

  In 2003, Santa Rosa Junior College's student newspaper, *The Oak Leaf*, published an opinion article by civil engineering student Kevin McGuire titled, "Is Anti-Semitism Ever the Result of Jewish Behavior?" McGuire wrote:

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11 *See* Ballon, *supra* note 9.

12 Adam Gobin, *Israeli Influence Impedes Objectivity*, RED AND BLACK, October 1, 2002, *available at* http://www.redandblack.com/vnews/display.v/ART/ 2002/10/01/3d999d385c3a6?in_archive=1 (last visited May 18, 2006).

13 M Shahid Alam, "What Went Wrong?," *Al-Ahram Weekly Online*, December 12-18, 2002, available at http://weekly.ahram.org.eg/2002/616/op13.htm (last visited May 18, 2006).

> Israel is the largest and most dangerous terrorist organization in the world. [...] The Zionist Jews believe they are the "chosen people" of god and that the world was given to them and is their possession. The Zionist Jews want to establish a Jewish holy land with no non-Jews present. [...] This attitude of racial hatred and genocide is also reflected in the Torah. [...] In closing, A [sic] 1998 quote from Osama Bin Laden: "So we tell the Americans as people, and we tell the mothers of soldiers and American mothers in general that if they value their lives and the lives of their children, to find a nationalist government that will look after their interests and not the interests of the Jews."[14]

This piece asserts what anti-Semites have always contended—Jews bring it on themselves. This charge is typical of bigots and racists—the victimized group is somehow responsible for those who hate them. Such clear anti-Semitism immediately set off a rancorous debate about how and why such an article was printed. The ensuing turmoil led to some campus and community anger directed at the newspaper editor who was culpable, and even more so the faculty advisor who failed to inform the editor of her right to refuse opinion articles that contained hateful language. The faculty advisor refused to publicly discuss the incident. However, this is not the first problem for *The Oak Leaf*. The college paid a $45,000 settlement over claims of sexual harassment that arose when male students posted anatomically explicit and derogatory remarks about two women on campus on a men-only bulletin board created by the journalism department.[15]

- *New York University, University List-serve Propaganda, December 1997*

While serving as President of Arab Students United, New York University student Nadeen Aljijakli distributed, via email, an article by former Ku Klux Klan member David Duke claiming that the primary reason we are suffering from terrorism in the U.S. is because our government policy is completely subordinated to a foreign power: "Israel and the efforts of worldwide Jewish Supremacism." Aljijakli, when informed of the author's racist history, suggested that she would not have chosen the article had she known, but nevertheless agreed with the arguments put forth.[16]

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14 . Kevin McGuire, *Is Anti-Semitism Ever the Result of Jewish Behavior?,* OAK LEAF, March 18, 2003, as quoted at http://aryan-nations.org/headlinenews/is _antisemitism_ever_the_result_of_jewish_behavior .htm (last visited May 18, 2006).

15 Carol Benfell, *Strife No Stranger to SRJC Newspaper*, PRESS DEMOCRAT, May 10, 2003, *available at* http://www1.pressdemocrat.com/apps/pbcs.dll/ frontpage (last visited May 18, 2006).

16 Erin Clements, *Religious Groups Unify to Trash Terrorism*, WASHINGTON SQUARE NEWS, Jan. 1, 1997, *available at* http://www.nyunews.com/vnews/display.v/ART/1997/01/01/ARCHIVE2590?in_archive=1 (last visited May 18, 2006).

- *San Francisco State University, Mob Protest/Threats, May 2002*

  Professor Laurie Zoloth of San Francisco State University, after having witnessed a mob protest against a Jewish student peace rally, was appalled by the absence of faculty speaking out against such bigotry. She wrote, "Counter demonstrators poured into the plaza, screaming at the Jews to 'Get out or we will kill you' and 'Hitler did not finish the job.' I turned to the police and to every administrator I could find and asked them to remove the counter demonstrators from the plaza, to maintain the separation of 100 feet that we had been promised. The police told me that they had been told not to arrest anyone." She lamented the fact that "the police could do nothing more than surround the Jewish students and community members who were now trapped in a corner of the plaza, grouped under the flags of Israel, while an angry, out of control mob, literally chanting for our deaths, surrounded us. [...] There was no safe way out of the Plaza. We had to be marched back to the Hillel House under armed San Francisco police guard, and we had to have a police guard remain outside Hillel."[17] After attempting to shed light on what she regarded as a hostile environment for Jews at San Francisco State University, she moved to Northwestern University.[18] San Francisco State University President Robert Corrigan has condemned anti-Semitism on his campus.

- *San Francisco State University, Flyers/Handouts, 2002*

  At San Francisco State University, the Muslim Student Union circulated flyers depicting a can labeled "Palestinian Baby Meat." (See following section) Written across the can was the phrase, "Manufactured in Israel under U.S. license." This is a restatement of the ancient blood libel that first arose in Europe. Like so much of European anti-Semitism, it is now proliferating in the Middle East. The root lies in an accusation that Jews bake bread with the blood of gentile children, a lie created to justify the persecution and murder of Jews. Surprising to some, it has now arrived at North American universities.

- *University of California, Berkeley, Violence, 2001-2003*

  A spate of harassment and violence erupted at the University of California, Berkeley, in 2001. In December of that year, a member of Chabad, a Jewish religious group, was

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17 Laurie Zoloth, "Fear and Loathing at San Franciso State: Activists at a Jewish Peace Rally Are Confronted by a Terrifying, Threatening Mob," *Aish,* May 9, 2002, *at* http://www.aish.com/jewishissues/jewishsociety/Fear_and_Loathing_at_San_Francisco_State.asp (last visited May 19, 2006).

18 "Faculty," Northwestern University Center for Genetic Medicine, at http://www.cgm.northwestern .edu/faculty_bios/zoloth.htm (last visited May 18, 2006).

assaulted on campus on the way to the Chabad house.[19] Then during spring break of 2002, the Hillel window was smashed and graffiti stating, "F**k the Jews," was painted on the building.[20] Later, during a Simchat Torah celebration, a Jewish participant was assaulted close to campus.[21] These incidents all happened on one campus, over the course of a short period of time, highlighting how quickly campuses transform from verbal to physical hostility.

In the Brown University Daily Herald, the student artist who created this satire of American ignorance of the "other" invoked the classic anti-Semitic blood libel, perhaps unaware that the anti-Israel campaign uses the same charges to de-legitimate both the Jewish people and the state of Israel.

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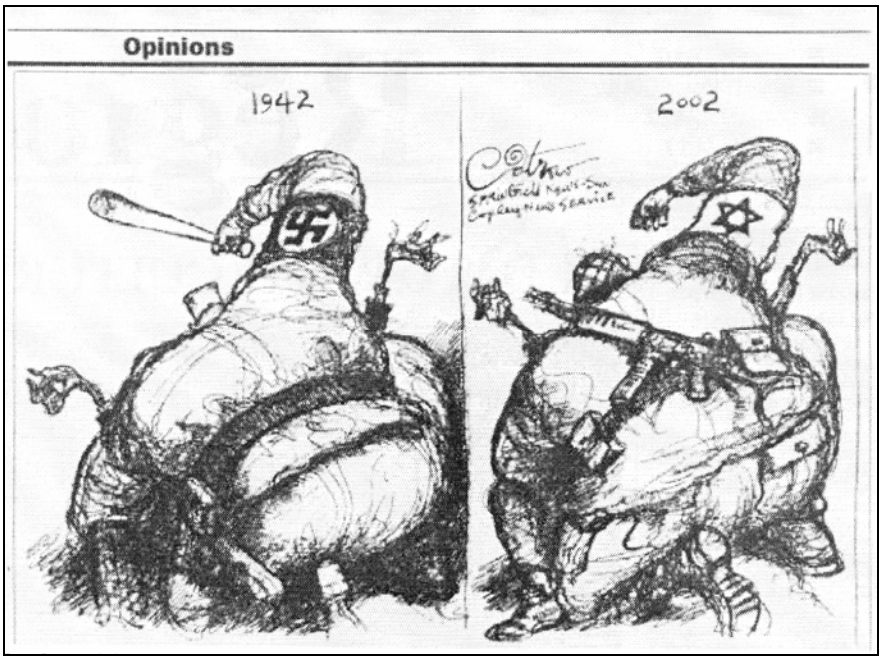
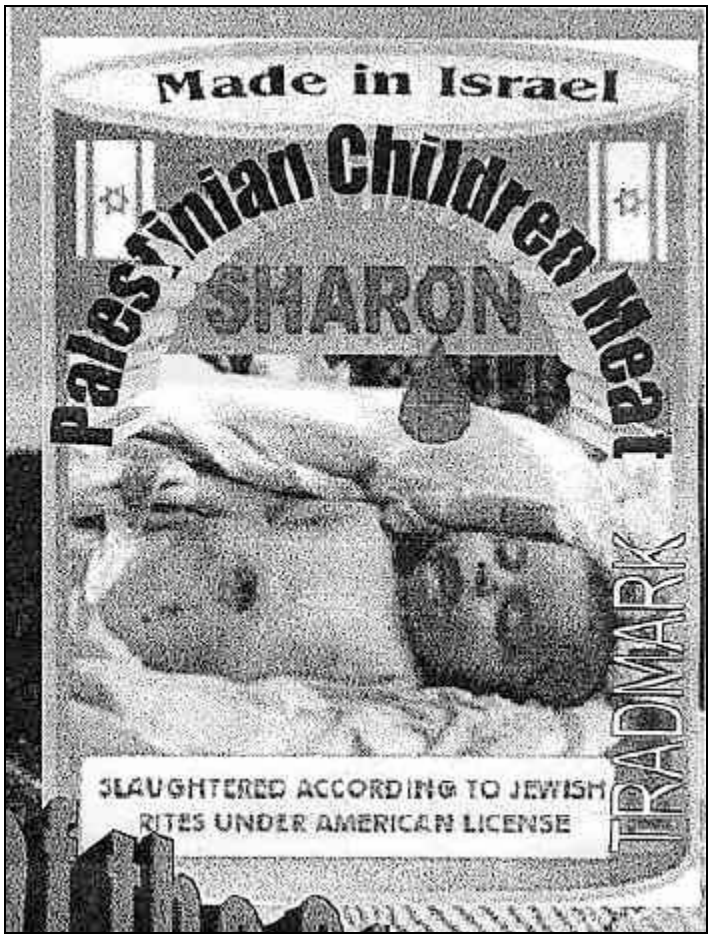
19 Joe Eskenazi, *Berkeley Chabadnik Attacked in Alleged Hate Incident*, J, THE JEWISH NEWS WEEKLY OF NORTHERN CALIFORNIA, December 21, 2001, *available at* http://www.jewishsf.com/content/2-0-/module/displaystory/story_id/17429/edition_id/345/format/ html/displaystory.html (last visited May 18, 2006).

20 Wendy Lee, *Incidents of Violence, Prejudice Followed Last Year's Attacks*, DAILY CALIFORNIAN, September 11, 2002, *available at* http://www.dailycal.org/ article.php?id=9390 (last visited May 18, 2006).

21 Randy Barnes, *Students Must Not Tolerate Anti-Semitism*, DAILY CALIFORNIAN, October 11, 2001, *available at* http://www.dailycal.org/sharticle.php?id=6607 (last visited May 18, 2006).



Anti-Israel propaganda often likens Jews to Nazis, as in this cartoon from Texas A&M University, which juxtaposes a Nazi officer with an Israeli soldier by replacing the swastika with the Star of David.



A flyer created by Muslim student groups and funded by the Associated Students of San Francisco State University dredges up the medieval anti-Semitic blood libel of Jews slaughtering children—this time Palestinian children—for ritual purposes.

Methodology

Time frame

The Institute for Jewish & Community Research conducted research on anti-Semitism and anti-Israelism in American educational systems from 2002 through 2005. We used a number of methods and sources, which are discussed below.

Student interviews

The Institute conducted over 50 personal interviews with students from a variety of campuses. Interviewees included anti-Israel protesters, Jewish students, student leaders, and student "observers," those who were not part of the Israel debate. Our interviews focused on anti-Israel protest, anti-Semitism, intellectual freedom, the conflict in the Middle East, Middle East Studies, and student safety, among other subjects.

Key informant interviews

The Institute conducted over 40 key informant interviews with Jewish organizational leaders to assess the Jewish communal response to anti-Semitism and anti-Israelism on campus. Some of these organizations are listed below:

- Aish Ha-Torah (student leadership training program)
- American Israel Public Affairs Committee
- American Jewish Committee
- American Jewish Congress
- Anti-Defamation League
- Caravan for Democracy (the campus division of the Jewish National Fund)
- Chicago Jewish Community Relations Council
- Connecticut Jewish Community Relations Council
- Hadassah Curriculum Watch
- Hamagshimim (helps foster Jewish student groups)
- Hillel (national office and campus divisions)
- San Francisco Federation Israel Center
- San Francisco Jewish Community Relations Council

Campus literature

The Institute completed a content analysis of hundreds of anti-Israel materials distributed on college campuses or designed for student protest. These include divestment literature, divestment petitions, flyers, pamphlets, posters, rally announcements, and other materials. We collected these materials by visiting campuses and gathering them from the tables of anti-Israel student groups, anti-Israel protesters, posted materials, and so on. We also used the Internet, examining activist websites such as electronicintifada.net, internationalanswer.org, and palestinecampaign.org, and we downloaded materials for students such as checkpoint flyers, divestment strategies, and ways to fend off accusations of anti-Semitism. In addition, we conducted extensive content analysis of banners, posters, signs, and sloganeering of anti-Israel protesters by attending rallies and examining photos taken at rallies. We paid special attention to

anti-Semitic stereotypes, Holocaust imagery, historical inaccuracies, incitement, misrepresentations, negative slogans, and provocative language.

Newspapers, magazines, internet newswires and websites

We monitored twenty-five major news outlets on a daily basis, collecting news and opinion articles pertaining to anti-Semitism and anti-Israelism. Most prominent among them were *The Chronicle of Higher Education*, *The Christian Science Monitor*, *Haaretz* (Israel), *The Jerusalem Post* (Israel), *National Review Online*, *New York Post*, *The New York Times*, *San Francisco Chronicle*, *The Wall Street Journal*, and *The Washington Post*. The Institute also monitored weekly news outlets such as *Al-Ahram Weekly* (Egypt), *Education Week*, *Newsweek*, *Time*, and others. We analyzed articles on anti-Semitism and anti-Israelism for newsworthy incidents, relevant quotes from experts, and for the emergence of general trends.

We systematically read Jewish community periodicals and news services including *The Forward*, the *J*., and the *Jewish Week*. When an incident of anti-Semitism and/or anti-Israelism arose on a campus, the local community newspaper also was consulted.

Websites

The Institute regularly analyzed the content found on over 30 websites. The types of websites varied and included anti-divestment drives, divestment petitions, faculty organizations, pro-Israel advocacy, pro-Palestinian/anti-Israel student and other groups, socialist movement groups, university information, university organizations/departments/centers, and others.

Anti-Israel groups' websites provided information on anti-Israel campaign goals, links to other anti-Israel organizations, literature and propaganda, and past and upcoming events. Divestment petition websites, as well as anti-divestment websites, were examined as they were created. We searched university websites for administrative responses to anti-Semitism and anti-Israelism on campus. University department websites were examined when they were involved in sponsoring a Middle East forum or teach-in on campus. We reviewed faculty organization websites if their field was related to the Middle East, or if they issued a statement regarding the Middle East in their capacity as professors.

E-mail newsletters

The Institute regularly received, reviewed, and analyzed five relevant e-mail newsletters from Jewish organizations, including the American Israel Public Affairs Committee and the Jerusalem Center for Public Affairs, as well as grassroots pro-Israel organizations such as Stand With Us. We analyzed these newsletters for recent events and incidents on campus.

College and university student newspapers

The Institute systematically investigated fifteen campus newspapers (and other campus sources) selected by geography, campus size, public or private, and other factors. We examined over 1,500 articles, advertisements, and other materials. These universities include:

California
- University of California, Berkeley (*The Daily Californian*)
- University of California, Irvine (*The New University*)
- University of California, Los Angeles (*The Daily Bruin*)
- University of California, San Diego (*The Guardian*)

Michigan
- University of Michigan, Ann Arbor (*The Michigan Daily*)
- Wayne State University (*The South End*)

Texas
- University of Houston (*The Daily Cougar*)
- University of Texas, Austin (*The Daily Texan*)

Colorado
- University of Colorado, Boulder (*The Colorado Daily*)
- University of Colorado, Denver (*The UCD Advocate*)

New York
- New York University (*Washington Square News*)

Illinois
- University of Chicago (*The Chicago Maroon*)

Georgia
- Emory University (*The Emory Wheel*)
- University of Georgia (*The Red & Black*)

New Hampshire
- Dartmouth University (*The Dartmouth*)

In addition to these fifteen campuses, the Institute used campus media at colleges and universities throughout the country. We analyzed the media content for several themes, including:

- Anti-Israel voices (e.g., opinion articles, speakers, and statements)

- Anti-Israel events (e.g., rallies, street theater, conferences, lectures, and courses)
- Anti-Semitism (e.g., graffiti, vandalism, vocal threats, libelous accusations, discrimination, and physical attacks)
- Divestment/apartheid accusations (e.g., examples of campus rhetoric and introductions of divestment campaign)

We also evaluated news content for bias and accuracy when it pertained to the Middle East or related events on campus. We analyzed editorial boards' writings as well as their decisions as to what submissions to feature on the opinion page. The Institute collected opinion articles and evaluated them for egregious anti-Semitic and anti-Israel content. We also identified, collected, and monitored contributions to student media from outside the university environment.

Participant observation

Institute staff members attended Jewish community meetings with campus administrators and were included in discussion groups for campus task forces about these issues. Researchers observed pro-Israel and anti-Israel demonstrations on college campuses, and attended teach-ins, lectures, and conferences addressing the Middle East conflict.

Public Comments

In addition to the written and oral testimony presented at the briefing, some organizations and individuals contributed statements to the Commission for inclusion in the public record. Additionally, Commission staff provided those entities and individuals named in allegations made in the record with an opportunity to respond to the allegations. These responses were also included in the public record. Below is a summary of highlights of the public record outside of the testimony of the panelists. The underlying documents are available for review in the Commission's library.

The Israel on Campus Coalition

The Israel on Campus Coalition ("ICC"), a network of 28 national organizations committed to working collaboratively to assist students in fostering support for Israel on college campuses, submitted a statement to Commissioners on November 17, 2005.

The ICC statement asserted that, despite a positive environment for Jewish students and supporters of Israel on college campuses, the campus remains an arena for extremist behavior. ICC pointed to university chaplaincy services, Hillel, kosher food service, places for religious observance, and unique cultural programming and accommodation for religious holiday observance as examples of the ways in which many universities have made college campuses welcome places for Jewish students. At the same time, ICC stated that "despite that overwhelmingly positive environment, problem areas do remain."

The ICC cited extremist speakers, the divestment campaign and poor scholarship at Middle East Studies departments around the country as examples of the challenges that both Jewish students and supporters of Israel face on college campuses. Specifically, the ICC reported that "[i]n some instances, extremist speakers have been brought to campus at the behest of students, academic departments, and/or the university to spew venomous attacks on Jews, Israel, and other supporters of Israel." The ICC characterized the divestment movement as a "thinly veiled and politically motivated" attempt to "delegitimize Israel and marginalize Jewish students…"

The ICC also argued that anti-Semitism can also be motivated by disdain for the state of Israel in certain circumstances. Specifically, the ICC argued that attempts to delegitimize the existence of the Jewish state are "tantamount to anti-Semitism" and are "nothing more than an effort to deny the Jewish people the right to self-determination." According to the ICC, these events have forced college administrators to grapple with inadequate and antiquated grievance procedures and tensions between the right of the professor to teach and the right of the student to learn in a tolerant environment.

The ICC statement was submitted by the ICC steering committee, which consists of representatives of Aish Hatorah, the American Israel Public Affairs Committee, the Anti-Defamation League, the Charles and Lynn Schusterman Family Foundation, the Conference of Presidents of Major American Jewish Organizations, Hillel: The Foundation for Jewish Campus

Life, the Jewish Council for Public Affairs/United Jewish Communities, and students at the University of Michigan at Ann Arbor and the University of Central Florida. The ICC supplemented the letter with its *2005 Israel on Campus Yearbook*, which provides detail on the issues raised in the letter as well as information on alleged incidents of anti-Semitism on college campuses.

The American Jewish Committee

The American Jewish Committee ("AJC"), which calls itself "America's oldest human relations organization, with over 150,000 members and supporters," submitted a letter to Commissioners on November 18, 2005. AJC states that its mission extends to safeguarding the welfare and security of Jews in the United States, in Israel, and throughout the world; strengthening the basic principles of pluralism around the world, as the best defense against anti-Semitism and other forms of bigotry; and enhancing the quality of American Jewish life by helping to ensure Jewish continuity and deepen ties between American and Israeli Jews.

The AJC letter stated that, despite the fact that Jewish campus life is thriving, "[t]here is no question that anti-Semitism exists on some college campuses." The AJC reports, however, that this anti-Semitism is different from the anti-Semitism that existed decades ago, during the time of anti-Jewish quotas. Specifically, the AJC states that "[w]here anti-Semitism does exist, it is predominantly expressed as the political anti-Semitism known as anti-Zionism." The AJC cited an increase in anti-Semitic incidents on college campuses in the aftermath of the collapse of the peace process in 2000 and during the rise of the divestment campaign. The AJC also argues that Israel has been demonized and subjected to double standards in a manner that resembles the former stigmatization and dehumanization of Jewish individuals.

The AJC also expressed concern that some students experience harassment or intimidation for speaking out in favor of Israel, both inside and outside the classroom. To address that concern, the Committee circulated a statement among some 300 current and former university presidents noting these problems which was eventually published in various newspapers throughout the Nation.

Finally, the AJC also noted that many Middle East Studies departments on college campuses have become "dogmatic" and "propagandistic" in demonstrating an anti-Israel bent. According to the AJC, while there are many legitimate reasons to criticize the state, the line is crossed when Israel is consistently painted as evil. To address this concern, the Committee works with some universities to enhance the scholarly study and academic teaching of modern Israel.

The Committee supplemented the letter with its additional publications—"Why Campus Anti-Israel Activity Flunks Bigotry 101" and "Anti-Semitism Matters."

The Anti-Defamation League

The Anti-Defamation League (the "ADL"), founded in 1913 to advance goodwill and mutual understanding among Americans of all creeds and races and to combat racial and religious prejudice in the United States and abroad, submitted a statement to Commissioners on November 18, 2005. The ADL commended the U.S. Commission on Civil Rights for its "proud tradition of excellent work in raising awareness of national problems" and stated that they "welcome the Commission's examination of the issue of anti-Semitism on campus and believe the USCCR can play a productive role in raising awareness of the impact of anti-Semitism and other forms of bigotry on campus."

The ADL stated that they had documented 1,821 reported crimes and incidents against people perceived to be Jewish in the United States for 2004. According to the letter, the League identified and responded to over 70 official and identifiable incidents of anti-Semitism on college and university campuses during that period. The ADL argued that these numbers are deceptive, since hate crimes and incidents may be underreported. By way of example, the ADL described ten incidents reported on college campuses between March 2004 and June 2005; six additional examples of anti-Zionist activity that they argued have crossed the line into anti-Semitism; and a more detailed discussion of incidents at Columbia University and the University of California at Irvine.

According to the ADL, Jews have generally found college campuses to be a positive environment in recent years, because "[i]institutional anti-Semitism, discrimination, and quotas against Jewish students and faculty is largely a thing of the past." For this reason, the ADL indicated that it is "paradoxical" that the American college campus has "emerged as a flashpoint for anti-Jewish animus and a site for the expression and dissemination of anti-Semitism." The letter also described incidents in which anti-Israel activism on campus had crossed the line into anti-Semitic intimidation and harassment. The League distinguished between legitimate criticism of the state of Israel and anti-Semitism based on three distinguishing characteristics of anti-Semitic speech previously identified by Natan Sharansky: demonization of Israel, double standards in criticizing Israel, and attempts to delegitimize the Jewish state. The letter also described the League's responses to bias, prejudice, and anti-Semitism on campus and urged the Commission to support improvements in the government's collection of data on hate crimes at colleges and universities.

Columbia University

On November 15, 2005, Columbia University Provost Alan Brinkley wrote to the Commission on behalf of Columbia President Lee Bollinger to decline the Commission's invitation to participate in the briefing and to address allegations previously made against Columbia. Brinkley stressed that "we at Columbia abhor anti-Semitism or any other form of invidious discrimination." He also confirmed the University's commitment to Jewish studies and its support for Jewish life on campus. This letter also addressed allegations of anti-Semitic harassment at Columbia, noting that that Columbia instituted formal processes to specific grievances related to concerns raised in the context of teaching and discussion about Israel and

Palestine and the conduct of certain faculty members. Brinkley acknowledged that Columbia had identified "inconsistencies and weaknesses in the avenues available for students to raise concerns about faculty conduct and other important matters were exposed." The letter insisted that Columbia took the appropriate measures and addressed the adjudicated student grievances through the framework of the University's principles and code of conduct. Brinkley stated that Columbia had strengthened its procedures for adjudicating grievances and established additional venues for students to discuss issues with university administrators.

On January 20, 2006, Columbia University Professor Hamid Dabashi submitted a sworn statement to the Commission in response to testimony presented by Sarah Stern at the briefing. Specifically, Professor Dabashi wrote: "I hereby declare that the sentences and sentiments of anti-Semitism that Ms. Stern has attributed to me are categorically false and slanderous, and defamatory." In his statement, Dabashi alleged that the sentiments attributed to him by Ms. Stern misconstrue an essay he published in the Egyptian periodical *al-Ahram* in September 2004. He emphasized that the phrase "Israeli Jews" does not appear in this essay. He averred in conclusion that he has not expressed, nor ever harbored, any anti-Semitic sentiments. He concluded by claiming a "complete and unconditional solidarity with the inalienable freedom, human rights, public safety, and categorical dignity of all the citizens of [the Middle East] region." The Commission provided Sarah Stern with an opportunity to respond to Professor Dabashi's statements, and her response is summarized below.

On January 16, 2006, Columbia University Assistant Professor Nicholas DeGenova submitted a letter to the Commission denying that he is Anti-Semitic or has made Anti-Semitic remarks. In particular, Professor DeGenova claims to have been defamed by allegations that his remarks at an April 17, 2002, Columbia University protest rally were anti-Semitic. Rather, he stated that his remarks denouncing the state of Israel were directed only to the "state of Israel, the Zionist national project, and its colonialist subjugation of the Palestinian people." Specifically, Professor DeGenova noted that the reference to him in the Commission's transcript appears to be based on a report published in *Columbia Spectator*, a Columbia University student newspaper. According to DeGenova, his statement should have been quoted as follows: "The heritage of the victims of the Holocaust belongs to the Palestinian people. The state of Israel has no legitimate claim to the heritage of the Holocaust. The heritage of the oppressed belongs to the oppressed – not the oppressor." DeGenova claimed that the paper failed to include his full remarks, although it published his subsequent letter to the editor. He also claimed to be a "sincere and devout enemy of anti-Semitism" and of other forms of "racial oppression." DeGenova argued that it is "cynical," "repulsive," and "obscene" to abuse the term "anti-Semitism" to "silence" those who, like DeGenova, denounce the state of Israel. He stated that he has "saluted the Jewish people who truly honor the legacy of the victims of the Holocaust – the anti-Zionist Jews who have shown the moral integrity and political courage to denounce Israel's oppression of the Palestinian people and to work actively for the material defeat of the occupation." DeGenova concluded that "[t]he heritage of the Holocaust is rightfully theirs, just as it belongs to the Palestinians and all oppressed people, just as I claim it as my own heritage."

On February 6, 2006, Elizabeth J. Keefer, General Counsel for Columbia University, submitted a notarized letter to the Commission to supplement the letter submitted by Provost Brinkley prior to the Commission's briefing. General Counsel Keefer began by emphasizing Columbia's

commitment to nondiscrimination, diversity, inclusion, and the fostering of a "culturally and intellectually vibrant community of scholars."

Ms. Keefer then responded to third-party testimony concerning student complaints and public allegations of faculty misconduct in Columbia University classrooms. She recounted the nine-month work of an ad hoc Columbia faculty committee to address such allegations. According to Ms. Keefer, this committee met with 62 students, alumni, faculty and administrators and considered more than 60 written submissions. The ad hoc committee released a report on March 28, 2005, which "addressed particular incidences of faculty misconduct and recommended fortifying student grievance procedures to improve the University's ability to mediate future complaints of this nature." Keefer explained that the procedures provide both formal and informal mechanisms for students with complaints about faculty conduct, including mechanisms for review at the level of the appropriate deans or vice presidents and a final appeal to the Provost.

Ms. Keefer also described outreach efforts that Columbia University President Lee Bollinger, Provost Alan Binkley, and other university administrators undertook to "engage the community in an open dialogue on a range of issues that formed the heart of the student concerns that surfaced last year." Ms. Keefer reported that Columbia instituted the President's Council on Student Affairs, the President's Student Advisory Committee on Diversity, and a series of "fireside chats" for students at President Bollinger's home to give students new venues to interact directly with senior university administrators on matters of student concern. Keefer added that the new Kraft Family Fund for Intercultural and Interfaith Awareness sponsors discussions among students and faculty on issues of faith and culture.

Finally, Ms. Keefer addressed President Bollinger's decision not to sign the statement entitled "Statement of College and University Presidents on Intimidation-Free Campuses," a petition signed by many university presidents and published as an advertisement in *The New York Times* in October 2002. Ms. Keefer stated that "President Bollinger, like many other university presidents, chose not to sign the petition, believing that it was too narrow in its scope." She also listed several statements made by President Bollinger in 2004 and 2005 stating that acts of intimidation and discrimination will not be tolerated at the university. For example, on December 8, 2004, President Bollinger announced that "[a]cts of intimidation or discrimination against students or any other members of our community on the basis of ethnicity, gender, political beliefs, race, religion, or for any other reason are antithetical to University policies and principles and are an affront to our community." Similarly, the University Policy on Academic Integrity and Freedom of Expression, dated October 22, 2004, states that "the principle of academic freedom …does not … extend to protecting behavior in the classroom that threatens or intimidates students for expressing their viewpoints or that uses the classroom as a means of political indoctrination."

San Francisco State University

On January 16, 2006, San Francisco State University President Robert A. Corrigan submitted a sworn statement responding to allegations made in oral testimony. Mr. Corrigan stated that a

May 7, 2002, San Francisco State student event led to a "noisy, but non-violent" confrontation between Hillel students and pro-Palestinian students. He also stated that the behavior of "some pro-Palestinian students represented a serious breach of campus values, as well as policies." He offered, however, that the University's response to the incident was "comprehensive, thoughtful and ultimately very positive."

President Corrigan submitted a summary of his response to this event, including pertinent documentation, which is also presented in full on the San Francisco State University web site at this URL: http://www.sfsu.edu/~news/sfsuresp.htm. According to these materials, the university's response included creation of the President's Task Force on Inter-Group Relations: Initial Focus on the Effect of Middle East Issues on Campus Life; development of academic programs and special events for a semester devoted to civil discourse; a retreat for student leaders; workshops presented jointly by the Center for the Enhancement of Teaching and Counseling & Psychological Services; meetings between President Corrigan and leaders of the Arab American, Muslim American and Jewish American communities; and sanctions against the General Union of Palestine Students for actions at the May 7 rally, including loss of funding and its web site for one year.

In particular, President Corrigan stated that his university's response to the "blood libel" flyers described by Ms. Stern was immediate and strong: all posters were removed by University staff and students from the group responsible for the posting were "made to recognize its absolute unacceptability." Mr. Corrigan stated that he wrote "strong letters of reproof" to each student group whose name is listed on the flyer, although several claimed not to have seen it prior to publication. Those letters included the following rebuke:

> I write in disappointment and dismay after seeing the flier promoting the April 8 campus rally…The flier contains a particularly repellant example of anti-Semitism. I am referring, of course, to the "Made in Israel" inset. Its obvious unreality makes it the more inflammatory. This is no political statement. It is hate speech in words and image. In particular, the phrase "Jewish rites" echoes a type of ugly myth that has been used through the centuries specifically to generate hatred…
>
> The flier was much more than an offense to the Jewish community; it was an offense to the entire University community and all that we stand for – most especially our ability to see the humanity in those with whom we disagree. With communications such as this flier, your group defiles itself, dampens its voice, and distracts attention from the very cause you want to espouse.
> …In speaking as strongly as I have in this letter, I am doing no more than you asked – working to eliminate discrimination and combat racism. And this is just as much a protection for Muslims, Arabs, and Palestinians as it is for Jews and Israelis....

President Corrigan also submitted two "Dear Campus Colleague" letters that he had previously circulated. President Corrigan's April 12, 2002, letter included the following statement:

> Earlier this week, major campus rallies dealing with the Israeli-Palestinian conflict drew audiences as large as 1000 to Malcolm X Plaza. We had on and off-campus speakers, strong and often hostile words, and a march. In marked contrast to events on other campuses, these were non-violent – a tribute to many people of differing views who united to make sure this was so.
>
> There was, however, one absolutely unacceptable action. Some of you have heard of it, and I am writing to let you know what happened and how we have responded. A flier put out by several student groups promoting one of the rallies contained an ugly, anti-Semitic section. I do not want to give its words or images further visibility by describing them in detail; suffice it to say that they referred to the ritual slaughter of babies. I have written individual letters to each of the groups and [the] University Dean of Human Relations … is meeting with them as well. We are repeating a familiar message: Hate speech is not free speech. Anti-Semitism is as ugly and unallowable as racism or scapegoating of Muslims, Arabs, or any other group. None are protected unless all are protected. We remain wholly committed to maintaining this campus as a place were all feel safe and supported.

President Corrigan followed this communication with another public letter, dated May 13, 2002, also addressed to colleagues on the San Francisco State campus. In that letter, Mr. Corrigan stated the following:

> In my 14 years as president of this university, I have never been as deeply distressed and angered by something that happened on this campus as I am by the events of last week. On Tuesday, a pro-Israel peace rally, thoughtfully organized and carefully carried out by SFSU Hillel members, drawing some 400 participants from both campus and community, evoked strong opinions and strong speech – some from the free speech platform, much from the nearby pro-Palestinian counter-demonstration. But strong, even provocative speech is not the problem, nor are strongly held opinions on highly-charged topics. Rather, it was the lack of civility and decency on the part of a very few demonstrators at points during the rally, and much more markedly after it, when rhetoric and behavior escalated beyond what this campus will tolerate.
>
> For the most part, the most objectionable behavior occurred after the rally's organizers brought it to a formal close and a group of pro-Palestinian demonstrators who, in keeping with our student event policy, had been held back by barricades and campus police, moved on to the event site, where a few dozen organizers remained. There, some of the demonstrators behaved in a manner that completely violated the values of this institution and of most of you who are reading this message. Thankfully, I am not speaking about physical violence. The monitoring by University staff throughout the event and the significant police presence we had arranged to have on hand ensured the safety of all involved. Unfortunately, we were not equally able to ensure civil discourse and maintain the sense of security to which every member of this campus is entitled. A small but

terribly destructive number of pro-Palestinian demonstrators, many of whom were not SFSU students, abandoned themselves to intimidating behavior and statements too hate-filled to repeat. This group became so threatening in gesture and hostile in language that we interposed a police line between the groups and eventually escorted the Hillel students, and the faculty with them, from the plaza. No one was physically assaulted, but that encounter puts at risk all that we value and represent as a university community.

The demonstrators' behavior is not passing unchallenged. The University's code of student discipline and event policy allow for individual and group sanctions ranging from warning to suspension to expulsion for certain violations, and some of what took place on Tuesday may well fall within that area…. In one instance, that of a protestor who seized and stamped on an Israeli flag, the case has already gone forward. I fully expect to see other cases presented. If we identify violations of public law, we will refer cases to the District Attorney, with our strong recommendation for full prosecution. We have requested that the District Attorney assign a member of the hate crime unit to work with us….

I hope that you will agree that no love of homeland, no fear or grief for loved ones in the actual area of Middle East conflict, excuses the behavior that has been reported. This is not a war zone. It is a campus, a place where all must feel physically protected even as we engage in the disputation that is part of a teaching and learning environment. But when disputation degenerates into bigotry and hate, we must – and do – act…

We have reviewed, and will continue to review, the policies and procedures that guided our responses during the May 7 event. We may well adjust them. Certainly, we will take steps to ensure that encounters like those I have described will not recur. Nothing justifies such acts of overt hostility, or even the implied threat of physical assault. Such behavior is not an expression of free speech.

The vast majority of this campus community would condemn the hateful speech and threatening behavior we saw last Tuesday. It is a very few individuals who are fomenting this discord. Yet, as we see, their impact can be profound – if we allow it to be. Despite the claims of some, this is not an anti-Semitic campus. But as history shows us, silence and passivity can at times of crisis be very different from complicity. All of us – and I would say especially members of the faculty, who have the greatest opportunity to educate and influence our students – have a responsibility to help maintain this as a safe and sustaining environment for the expression and exploration of opposing views…

Show in actions as well as words that you believe not only that "Love is Stronger than Hate" but that hateful actions, threats of violence, outrageous slurs and bigoted statements are rejected and contemned by our entire campus community.

President Corrigan also noted that the Muslim Student Association wrote a letter of apology, and that a subsequent investigation launched to determine whether university funds were used to print the flyers determined that they were not. In closing, Mr. Corrigan stressed the efforts of the University to make the campus safe, and sustain an environment with zero tolerance for anti-Semitism, anti-Muslim prejudice, hatred, speech or intimidation.

St. Cloud University

On January 20, 2006, Gail Olson, General Counsel for Minnesota State Colleges and Universities, submitted a notarized letter responding to testimony alleging anti-Semitic incidents at Saint Cloud University. Ms. Olson noted the commitment of Minnesota State Colleges and University System to "addressing anti-Semitic behavior, where it may occur, and for taking steps to prevent such behavior in the first place." With respect to the specific allegations raised at the briefing, Ms. Olson wrote that:

> Claims of discrimination based on anti-Semitism and retaliation were brought in 2001 against St. Cloud State University, the System, the faculty union, and several individuals. In addition to the claims by the named plaintiffs, the lawsuit was brought as a class action. Individuals with no direct involvement in the litigation also voiced concerns.
>
> Ultimately, none of the claims in the lawsuit were either adjudicated or proven….The [U]niversity entered into a settlement agreement because it concluded that a trial in this case would be divisive and alienating for the university community.

General Counsel Olson also provided the following correction to the Commission's record: "Arie Zmora served two years as an instructor in a non-tenure track (fixed term) position at St. Cloud State University. He raised allegations of discrimination after an unsuccessful bid for a tenure-track position." In closing, she stated that the Executive Director of the Jewish Community Relations Council Minnesota and The Dakotas had praised the university's actions in this context.

University of California at Berkeley

On February 6, 2006, Robert J. Birgeneau, Chancellor of the University of California at Berkeley, submitted a notarized response to testimony delivered at the briefing. Chancellor Birgenau stated that the University of California at Berkeley does not condone anti-Semitism or any other form of intolerance. Mr. Birgenau observed that "society looks to us for leadership, analysis and understanding."

Chancellor Birgenau noted that, following the throwing of a piece of a concrete through the door window of the campus Hillel organization, the Associate Chancellor and Dean of Student Life assured students gathered in a Hillel meeting that campus police would assist local police in investigating the incident, that police patrols near Hillel would be increased, and that campus police would respond immediately should any other incident occur. He also noted that two

Orthodox Jews were indeed attacked near campus, but stated that there was no indication that the assailants were affiliated with Berkeley and the crime was not classified as a hate crime because it was deemed that the motive was robbery. He maintained that the University has no information about allegations that Jewish students praying the *kaddish* (prayer for the dead) were shouted down by protesting students saying a prayer for the suicide bombers. Finally, he stated that the University issued a statement condemning the Hillel vandalism which offered that "[o]ur greatest contribution to the resolution of this conflict is reasoned thoughtful interaction based on compassion for one another."

After noting these incidents, Chancellor Birgeneau described Berkeley's response to these incidents. He noted that the Associate Chancellor, the Dean of Student Life, the Director, staff and students at Hillel have had ongoing communications to address such incidents related to the Israeli-Palestinian debate. He noted that there is an Operations Committee that deals with protests on the campus and that the Events Management Committee meets weekly during the academic year to review controversial events. In addition, he noted that the UCPD Chief of Police is a member of both Committees. In concluding, Chancellor Birgeneau stressed that the University of California at Berkeley does not condone hate speech, anti-Semitism, or any other form of intolerance.

University of California at Irvine

On February 3, 2006, Diane Fields Geocaris, Counsel for the University of California at Irvine, submitted a letter responding to several references to the University in the briefing record. Ms. Geocaris described a series of lectures, panel discussions and workshops that UC-Irvine has recently held to address hate incidents, including a presentation on "Muslim-Jewish Understanding" featuring the father of slain journalist Daniel Pearl. As an example of the success of this dialogue, Ms. Geocaris says that at least one UC Irvine Jewish student has recently declared that the campus community largely ignores the "inflammatory Muslim speakers" who visit the campus. Nevertheless, Ms. Geocaris claimed that "some outside organizations" including the Zionist Organization of America ("ZOA"), have "demanded that UC Irvine silence this important dialogue." Specifically, Ms. Geocaris claims that ZOA demands "that UC Irvine silence just one side of the dialogue: the Muslim side." Ms. Geocaris states that silencing the dialogue would prevent UC Irvine from performing its primary mission of education.

Ms. Geocaris mentioned that Irvine took several actions in 2002 to assess its policies and procedures governing communications and materials on the campus climate and free speech and demonstration protocols, including reviewing all reported acts that violated the policy to assess potential concerns; reviewing all policies and procedures on the use of University property and speech and advocacy; providing refresher training to facility managers and campus scheduling personnel on these policies; meeting with student leaders to promote communication and understanding among student groups; mandating that fall orientation of student group leaders include promotion of civil discourse; issuing statements promoting civility, tolerance, and understanding in various campus media; and developing a "hate crime" website that provides information on how to identify and file a report with campus police.

Ms. Geocaris then addressed a number of specific factual allegations raised during the Commission's briefing. Geocaris argued that UC Irvine appropriately treated vandalism on the Irvine campus. Officials contacted the UC Irvine Police Department to report one incident in which a Holocaust memorial was disturbed. On another occasion, the university investigated swastikas found near a candlelight vigil but was unable to find any witnesses or suspects. Geocaris claimed that the Anti-Defamation League has praised UC Irvine's handling of at least one of these incidents. UC Irvine's former Chancellor Cicerone expressed his concern to the Executive Director of UC Irvine Hillel and gave assurances that appropriate action would be taken if the culprits were found.

Responding to allegations that anti-Semitic speakers routinely speak at UC Irvine, Ms. Geocaris noted that student groups, rather than University employees, invite such speakers to campus. She also argued that UC Irvine cannot prevent the speakers from speaking, nor may it regulate the content of their speech. She also claims that students are "learning to distinguish for themselves between factually verifiable statements and hate speech because at least one UC Irvine student leader has recently and publicly declared that the campus community largely ignores inflammatory Muslim speakers." Ms. Geocaris attributes this to UC Irvine's "extensive actions" toward the goals of inclusion, education, knowledge and ethics.

With respect to the letter written by a Jewish student to university officials voicing fears for the safety of Jews on Irvine's campus, Ms. Geocaris noted that the letter did not identify a single threat or act of violence. Rather, she stated, the letter addressed the offensive nature of the speech presented in a march by Muslim students protesting Israel. Ms. Geocaris stated that the Associate Vice Chancellor responded to the letter. The response noted the police attention to the safety and crowd control and invited the student to visit the Counseling Center.

With respect to testimony regarding the publication in a student newspaper of an article that emphasized the "Nazi-like notion that Jews are genetically different and separate from non-Jews," Ms. Geocaris first stated that the University does not exercise control over the content of such publications. She added that the University: (1) worked with the students responsible for the publication to make them aware of the presentation's offensiveness; (2) worked with and encouraged Jewish students to present their views of the issues; and (3) attempted to bring the two groups together in informal meetings for better mutual understanding.

With respect to the testimony regarding "Anti-Zionist" week at Irvine, Ms. Geocaris responded that the University may not prevent speakers from speaking at a student-sponsored event on campus, nor may it regulate the content of their speech.

Addressing the testimony regarding the rock-throwing incident, Ms. Geocaris responded that the aggrieved student did not report the incident until January 2004, several weeks after it took place. She continued that, when the student reported the incident to University personnel in the Dean of Students' Office, the student could not identify the names of Muslim Student Union members at the table, did not think he was in any danger when the rock was thrown, and could not distinguish whether the child was just playing with the rock or threw it intentionally. According to Ms. Geocaris, the student decided not to pursue the matter by identifying the

woman he thought responsible for the child. Furthermore, Ms. Geocaris states that in May 2004, the student sent Dean Peterson an email describing the incident. This description stated that the "rock flew right in front" of the student's face and that the student was scared to wear a Jewish or pro-Israel t-shirt since that day. Ms. Geocaris stated that Dean Peterson left the student a voicemail to call her back about the incident, and that the student never returned the call.

In response to the testimony regarding alleged harassment and threats of one student, Ms. Geocaris stated that a Jewish student had filed a police report with campus police describing an incident in which between two and five apparently Muslim males confronted him, surrounded him, and threatened to beat him. According to Ms. Geocaris, campus police contacted the student several times to follow up, and the student failed to respond to these inquires and did not show up for an appointment with the campus police.

According to Ms. Geocaris, the University believes that this is the same incident report by a student to personnel in the Dean of Students' office. The student could not identify the alleged harassers by name, but knew that one of them was an MSU member. The Dean of Students' office personnel advised the student to come back if he could spot that particular student, and he returned twenty minutes later so reporting. The representative from the Dean of Students' Office followed the aggrieved student, who began shouting at the Muslim Student Union member he identified as one of the harassers. The representative separated the two. The Muslim student reported that the Jewish student always seemed to engage in behavior that appeared intended to provoke Muslim students. The Jewish student did not pursue the matter further. Ms. Geocaris stated that the university did not have a record of any request from this student that his transcript be forwarded, suggesting that Ms. Tuchman's testimony concerning his transfer might be inaccurate.

In response to Ms. Tuchman's mention of her organization's Title VI complaint against Irvine, Ms. Geocaris argues that Title VI does not apply to allegations of anti-Semitism because religion is not a protected class for purposes of Title VI. Specifically, she argues that (a) the concept of race as understood at the time of the enactment of Title VI did not extend to Jews and (b) where the Civil Rights Act of 1964 had intended to include religion as a protected category, it only did so explicitly.

Ms. Geocaris also referred to the value the University places on civil discourse and the free exchange of ideas consistent with the federal and state constitutions under which it operates. According to Ms. Geocaris, under both these authorities, state actors may not regulate speech in public forums unless the regulation is neutral with respect to viewpoint and subject matter and is a time, place, or manner restriction that serves an important government interest and leaves open for communication adequate alternative places.

Finally, Ms. Geocaris stated that the Zionist Organization of America terminated mediation discussions regarding the complaint it had filed with the Department of Education's Office for Civil Rights without explanation.

Ms. Geocaris appended an email response from the University's Assistant Vice Chancellor of Counseling and Health Services to an email from a graduate student addressing a march by

Muslim students protesting Israel. In the email, the Associate Vice Chancellor recounted his personal observations of the march, most notably the marchers' boisterous and vociferous chants. While he agreed that some of the content was offensive, he did not agree that the climate of the march was unsafe. The graduate student's original email voiced concerns about the content of the signs carried by marchers. These signs read, among other things, "Zionism is Nazism," "Sharon is Hitler," and "Israelis kill Palestinian babies." The student declared that "Not only do I feel scared to walk around proudly as a Jewish person on the UC Irvine campus, I am terrified for anyone to find out. Today I felt threatened that if students knew that I am Jewish and that I support a Jewish state, I would be attacked physically."

Ms. Geocaris also appended a letter from student Alex Chazen that appeared in the campus newspaper. This letter expressed the need for students to band together against hate speech. This letter also questioned the utility of the complaint filed by the Zionist Organization of America in addressing the problem of hate speech and discrimination on campus, which students, the author believed, could address on their own.

University of California at Santa Cruz

On January 20, 2006, David S. Kliger, Campus Provost and Executive Vice Chancellor University of California at Santa Cruz, submitted a letter to the Commission expressing that UC Santa Cruz appreciates the opportunity to respond to statements made at the Commission's briefing but indicating that it is unable to do so. Provost Kliger explained that the "testimony only mentions UC Santa Cruz and does not identify specific conduct, actions, or events pertaining specifically to this campus." The letter continued, "While we appreciate the opportunity to respond, the reference to our campus is so non-substantive that we would not know how to respond." However, the letter affirmed the University's commitment to academic freedom and openness.

University of North Carolina at Chapel Hill

On January 20, 2006, James Moeser, Chancellor of the University of North Carolina at Chapel Hill, submitted a notarized letter to the Commission responding to materials in our record that referenced an incident at Chapel Hill. In the incident described, a masked man on a bicycle threw a red paint-filled balloon at a representative of the Israel Defense Forces speaking on campus. Chancellor Moeser stated that the Executive Director of North Carolina Hillel immediately advised Campus Police and the Vice Chancellor for Student Affairs of the incident. According to Mr. Moeser, an investigation by Campus Police turned up no leads. The Student Affairs office offered its support and that of campus counseling services in assisting students and members of the community in thinking through their reactions to this incident. Mr. Moeser stated that the Executive Director of North Carolina Hillel did not consider the incident anti-Semitic, but rather a political statement against the Israel Defense Forces. Mr. Moeser closed by stating that, to his knowledge, no similar incidents have taken place on campus.

Sarah N. Stern, The Endowment for the Middle East (EMET)
Panelist at the November 18, 2005 Briefing

On February 15, 2006, Sarah Stern submitted a notarized response to the letter submitted by Columbia University professor Hamid Dabashi. In her testimony, she alleged that Columbia professor Hamid Dabashi wrote the following in the Egyptian newspaper, *Al Ahram*, on September 23, 2004: "Half a century of systematic maiming and murdering of another people has left…its deep marks on the faces of Israeli Jews, the way they talk, walk and the way they greet each other….There is a vulgarity of character that is bone-deep and structural to the skeletal vertebrae of its culture." In response to Professor Dabashi's aforementioned response, she concedes that the article does not use the term "Israeli Jews." However, she provides the paragraph containing the term "these people," which she states clearly means Israeli Jews from the context. She quotes from an article written by Scott Sherman in *The Nation* which argues that the cited paragraph can easily be construed as anti-Semitic. She also states that it is clear from the piece that Mr. Dabashi does not feel that Israel has any right to exist.

Ms. Stern continues that she believes that it is "disingenuous for [Mr. Dabashi] to say that he has not had his political views enter his professional life, when he has used his position to intimidate students who disagree with him." She specifically refers the reader to articles published in *The Columbia Spectator* and *FrontPageMagazine.com* in support. She concludes by suggesting that Mr. Dabashi should not have a position of unchecked power over students in a classroom if his writings demonstrate a large degree of animus and considerable biases against "Jewish people and the Jewish state."

Susan B. Tuchman, The Zionist Organization of America's Center for Law and Justice
Panelist at the November 18, 2005 Briefing

On March 20, 2006, Ms. Tuchman submitted a response to comments made by Diane Fields Geocaris, Counsel, University of California at Irvine.

First, Ms. Tuchman denied Ms. Geocaris' alleged assertion that ZOA seeks to silence or suppress speech on campus. Second, she claimed that Irvine still maintains that "there has been no indication that any group or individual has been intimidated, harassed, or prevented from pursuing all the educational and extracurricular activities available to UC Irvine students."

She then addressed each of Irvine's alleged "misstatements and mischaracterizations" in turn:

Addressing Irvine's response to the allegations regarding the vandalization of the Holocaust memorial, Ms. Tuchman claimed that campus security was "wholly inadequate," that Irvine is not equipped to conclude that the incident was not a hate crime since it "never completed an investigation," that Irvine's administration never acknowledged to the university community that such an incident had occurred, and that the university bears primary responsibility for failing to apprehend the alleged vandals.

Replying to Irvine's response concerning alleged promotion of anti-Semitic speakers on campus, Ms. Tuchman claimed that the appearance of such speakers at a lectern bearing the University's emblem connotes acceptance of the content of the speech. She also took the University to task for not explicitly condemning such speeches.

With respect to the student letter submitted to Irvine describing feelings of fear and physical intimidation, Ms. Tuchman alleged that the student found the university's response insulting and upsetting, rather than a "teachable moment."

Addressing Irvine's response concerning the publication of a student newspaper article that emphasized the "Nazi-like notion that Jews are genetically different and separate from non-Jews," Ms. Tuchman claimed that the failure to respond to the article connoted acceptance of it and contributed to the marginalization of the Jewish community at Irvine. Ms. Tuchman noted that the University likewise failed to condemn the above-mentioned Anti-Zionist Week.

In reply to Irvine's response to the allegations of the rock-throwing incident, Ms. Tuchman stood by her testimony, as it was based on information from the student at whom the rock was thrown and corroborated by the email message that the student sent to the Dean of Students.

Answering Irvine's response to the allegations of threats and harassment against a Jewish student, Ms. Tuchman stood by her statements and claims that Irvine misstates the facts. She also claimed that Irvine made false statements maligning the victim.

In response to Irvine's statement regarding termination of the mediation, Ms. Tuchman cited Irvine's alleged refusal to acknowledge any harassment, intimidation, or discrimination of Jewish students or any obligation to address this problem.

Ms. Tuchman argued that Title VI of the Civil Rights Act of 1964 applies to allegations of anti-Semitism and that nothing in the First Amendment precludes Irvine from enforcing its own policies and protocols regarding intimidation and threats.

Ms. Tuchman appended a copy of a letter from Irvine student Merav Ceren that was published in the UC Irvine campus newspaper. Ceren responds to the aforementioned letter from student Alex Chazen that ZOA's complaint was necessary because "years and years of experiences and frustrations prove that the UCI administration won't or can't address these problems on their own." The letter refers to repeated petitions from Jewish students to the University administration to address harassment, intimidation, and discrimination, including an entreaty from Aryeh Green, advisor to former Israeli minister Natan Sharansky, to make the campus safer for Jewish students.

Finally, Ms. Tuchman also appended a copy of an unsigned letter to the editor in the same campus newspaper similarly mentioned that ZOA's complaint was precipitated by Jewish students who had repeatedly requested help from the Irvine administration in addressing harassment, intimidation, and discrimination. The letter argued that the University has an obligation to speak out against hate speech, but did not request any speech restrictions. The letter concluded by referring to the positive results of the complaint, including University

participation in an academic conference on the Middle East in which University officials invited many speakers there to teach Israeli history.

Other Submissions

The Commission also received comments in response to its invitation from the following additional persons not summarized above, however, because they were not responsive to materials actually published by the Commission:

- Rev. Dennis H. Holtschneider, C.M., President, DePaul University
- Norton Mezvinsky, Professor, Central Connecticut State University Professor
- James Moeser, Chancellor, University of North Carolina at Chapel Hill
- Laura Schachter, Dean of Diversity and Compliance, Hunter College
- Stephen Brodsky, University Counsel, Pace University

Their comments as well as the portions of the unpublished record to which they respond are available at the Commission's library. Finally, the Commission solicited comments from the following individuals and entities who did not respond to the Commission's invitation:

- Henry S. Bienen, President, Northwestern University
- Hank Brown, President, University of Colorado
- Jared L. Cohon, President, Carnegie-Mellon University
- Juan Cole, Professor, University of Michigan
- David Duke
- John L. Hennessy, President, Stanford University
- Adam W. Herbert, President, Indiana University
- Joseph Mossad, Professor, Columbia University
- Kevin Reilly, President, University of Wisconsin
- George Saliba, Professor, Columbia University
- Lawrence H. Summers, President, Harvard University

UNITED STATES COMMISSION ON CIVIL RIGHTS

624 NINTH STREET, NW, WASHINGTON, DC 20425 www.usccr.gov

April 3, 2006

FINDINGS AND RECOMMENDATIONS OF THE UNITED STATES COMMISSION ON CIVIL RIGHTS REGARDING CAMPUS ANTI-SEMITISM

The United States Commission on Civil Rights issues the following findings and recommendations regarding incidents of anti-Semitic harassment at college campuses throughout the Nation:

Findings

1. Many college campuses throughout the United States continue to experience incidents of anti-Semitism. This is a serious problem which warrants further attention. While incidents of threatened bodily injury, physical intimidation or property damage are now rare, they have been alleged on some campuses. On other campuses, students have alleged patterns of threatening or intimidating behavior, derogatory remarks, vandalism, and use of Swastikas and other symbols of hatred or bigotry. When severe, persistent or pervasive, this behavior may constitute a hostile environment for students in violation of Title VI of the Civil Rights Act of 1964.

2. On many campuses, anti-Israeli or anti-Zionist propaganda has been disseminated that includes traditional anti-Semitic elements, including age-old anti-Jewish stereotypes and defamation. This has included, for example, anti-Israel literature that perpetuates the medieval anti-Semitic blood libel of Jews slaughtering children for ritual purpose, as well as anti-Zionist propaganda that exploits ancient stereotypes of Jews as greedy, aggressive, overly powerful, or conspiratorial. Such propaganda should be distinguished from legitimate discourse regarding foreign policy. Anti-Semitic bigotry is no less morally deplorable when camouflaged as anti-Israelism or anti-Zionism.

3. 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. This would include, for example, any program in which a student is told that she may not speak in a discussion of Middle East politics on the ground that she has ethnic Jewish physical characteristics.

4. Many college students do not know what rights and protections they have against anti-Semitic behavior.

5. More data are required to determine the full extent of this problem. The federal government currently gathers important data regarding hate crimes, including hate crimes

perpetrated at educational institutions. The Department of Education's Office of Postsecondary Education, for example, requires recipient institutions to report on serious incidents. This reporting, however, is insufficient, insofar as educational institutions are not currently required to report many categories, such as vandalism, that do not involve bodily injury.

Recommendations

1. OCR should protect college students from anti-Semitic and other discriminatory harassment by vigorously enforcing Title VI against recipients that deny equal educational opportunities to all students. University leadership should affirm their commitment to equal educational opportunity, including ensuring that students are not subjected to a hostile environment on the basis of race, national origin or religion.

2. University leadership should ensure that students are protected from actions that could engender a hostile environment in violation of federal law. In addition, university leadership should set a moral example by denouncing anti-Semitic and other hate speech, while safeguarding all rights protected under the First Amendment and under basic principles of academic freedom.

3. University leadership should ensure that all academic departments, including departments of Middle East studies, maintain academic standards, respect intellectual diversity, and ensure that the rights of all students are fully protected. Federal grant-making institutions should exercise appropriate oversight to ensure that federal funds are not used in a manner that supports discriminatory conduct.

4. OCR should conduct a public education campaign to inform college students of the rights and protections afforded to them under federal civil rights laws, including the right of Jewish students to be free from anti-Semitic harassment. The U.S. Commission on Civil Rights will support this campaign by producing and disseminating materials to inform students of these rights.

5 Congress should direct the U.S. Department of Education's Office of Postsecondary Education ("OPE") to collect and report data on a broader range of anti-Semitic and other hate crimes that take place at postsecondary institutions. For all degree-granting institutions, OPE should collect and report data for all hate crime categories reported by the Federal Bureau of Investigation under the Hate Crimes Statistics Act, 28 U.S.C. 534 note. At a minimum, OPE's categories should be expanded to include simple assault, intimidation and vandalism. In addition, OPE should collect and report data by category of prejudice as well as category of crime.

6. Congress should amend Title VI to make clear that discrimination on the basis of Jewish heritage constitutes prohibited national origin discrimination.

Speaker Biographies

Gary A. Tobin, Ph.D., President, Institute for Jewish and Community Research

Dr. Gary A. Tobin is President of the Institute for Jewish & Community Research and is also director of the Leonard and Madlyn Abramson Program in Jewish Policy Research at the University of Judaism in Los Angeles. He earned his Ph.D. in City and Regional Planning from the University of California, Berkeley. He was the director of the Maurice and Marilyn Cohen Center for Modern Jewish Studies at Brandeis University for fourteen years. Prior to joining Brandeis, Dr. Tobin spent eleven years on faculty at Washington University, St. Louis. Dr. Tobin has worked extensively in the area of patterns of racial segregation in schools and housing. He is the editor of two volumes about the effects of the racial schism in America, *What Happened to the Urban Crisis?* and *Divided Neighborhoods.* Dr. Tobin has been a consultant in planning, demography, and philanthropy with hundreds of non-profits, including federations, synagogues, Jewish community centers, foundations and others. Dr. Tobin is also the author of numerous books, articles, and planning reports on a broad range of subjects. His books include *Jewish Perceptions of Antisemitism, Rabbis Talk About Intermarriage* and *Opening The Gates: How Proactive Conversion Can Revitalize The Jewish Community.* Dr. Tobin is now completing a book entitled, *Anti-Israelism & Anti-Semitism in America's Educational Systems*. He is currently involved in research concerning, philanthropy, racial and ethnic diversity in the Jewish community, and anti-Semitism.

Susan B. Tuchman, Esq., Director, Center for Law and Justice, The Zionist Organization of America

Ms. Tuchman has served as the Director since 2003. Ms. Tuchman graduated magna cum laude, with honors, from Brandeis University, and received her law degree from the Boston University School of Law, where she was accorded the academic distinction of Paul J. Liacos Scholar. Following a clerkship with the Superior Court of the Commonwealth of Massachusetts, Ms. Tuchman was a litigator at the Boston law firm of Fine & Ambrogne until the firm's dissolution, and then practiced in the Boston office of the law firm of Hinckley, Allen & Snyder, where she was the first woman partner in the firm's litigation department. Ms. Tuchman had a general and varied commercial litigation practice at both firms, and also handled several civil rights and constitutional cases.

Sarah Stern, Director, Office of Governmental and Public Affairs, American Jewish Congress.

Ms. Stern has recently authored a chapter on what is happening on America's college campuses in a book by Frank Gaffney entitled, *War Footing: Ten Steps America Must Take to Survive—and Prevail.* She and the American Jewish Congress have actively supported H.R. 609, a legislative initiative that has passed the House to amend some provisions of Title VI of the Higher Education Act of 1965. Prior to that, Sarah had been the director of the Washington office of the Zionist Organization of America. She had also previously been a school

psychologist with Montgomery County Public Schools. Sarah graduated summa cum laude from Boston University, and got her master's degree from Columbia University, with highest distinction, and a post-master's at the Catholic University of America. Sarah has published frequently in many newspapers and journals, and is the author of one recently released novel, *Cherished Illusions.* Since the time of her testimony before the United States Commission on Civil Rights in November 2005, Ms. Stern has left the American Jewish Congress and established a think thank and policy center, The Endowment for the Middle East (EMET).

Appendix: Letter of Stephanie Monroe, Assistant Secretary for Civil Rights, United States Department of Education

UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202-_____

MAY 15 2006

Mr. Kenneth Marcus
United States Commission
on Civil Rights
624 Ninth Street, NW
Washington, D.C. 20425

Dear Mr. Marcus:

On behalf of Secretary Margaret Spellings, I am responding to your letter dated April 28, 2006. In that letter, you presented the Department of Education (Department) with the Findings and Recommendations of the United States Commission on Civil Rights (Commission) regarding its briefing on campus anti-Semitism. Thank you for providing the Department with this summary of the Commission's consideration of this important issue.

I share the Commission's concern that all students have the opportunity to pursue educational opportunities free from harassment. The Department of Education's Office for Civil Rights (OCR) is committed to the vigorous enforcement of Title VI of the Civil Rights Act of 1964 (Title VI). If the Commission elects to proceed with a public information campaign regarding federal civil rights on college campuses, we would appreciate the opportunity to review, prior to publication, any documents, posters or related publications discussing OCR's jurisdiction that the Commission may develop.

Thank you again for sharing the Commission's recommendations with the Department of Education.

Sincerely,

Stephanie Monroe
Assistant Secretary for Civil Rights