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Thank you Chairman Goodlatte for the opportunity to represent the 400,000 constituent families of the Simon Wiesenthal Center at today's House Judiciary Committee hearings. Now in our 40<sup>th</sup> year, our Center is named in honor of and inspired by the legacy of Simon Wiesenthal, the late Nazi hunter. He lost 89 members of his family during the Nazi Holocaust. When US forces entered Mauthausen Concentration Camp, Simon weighed under 90 pounds and was too weak to even stand to embrace the liberating American GIs.

He dedicated the rest of his life to bringing Nazi War Criminals before the bar of justice, helping to bring 1,100 to trial and ensuring a largely uncaring world would not be allowed to forget the victims or the perpetrators of the Nazi Genocide.

In 1977, when our Dean and Founder, Rabbi Marvin Hier, asked Mr. Wiesenthal to bestow his good name on our new project, he did so with one caveat- "I know you will help me with old Nazis but I want our Center to be vigilant in fighting new Nazis. If you are prepared to be activists in the fight against anti-Semitism and bigotry, you can have my name and support."

Anti-Semitism, the world's oldest hate is surging—not only in Europe, not only online, but increasingly on our campuses across our great nation. Anti-Semitism is a major feature of extremists, from elements of the alt-right to the mantras of hate from Islamist Terrorism.

Mr. Chairman, we are here today urging this important deliberative body to endorse the the State Department's definition of anti-Semitism, the single most authoritative definition of anti-Semitism in the United States. It offers an important tool for clarifying when legitimate criticism of Israel crosses the line into anti-Semitism. In particular, it identifies as anti-Semitic any expression that draws upon classic anti-Semitic symbols and images to characterize Israel or Israelis, or that denies Israel's right to exist as a Jewish state and the Jewish people's right to self-determination.

Global leaders including President Obama, Pope Francis and the British and French Prime Ministers have endorsed this definition. In fact, the United Kingdom adopt a definition of anti-Semitism substantially the same as the State Department's, as did the Organisation for Security and Cooperation in Europe and dozens of other countries.

Mr. Chairman, the adoption of this definition by the United States Congress would not only serve as a symbolic statement of solidarity against Anti-Semitism, it would have an immediate impact exactly where it is needed most--- helping to protect our vulnerable Jewish students in our nation's schools, particularly our University campuses.

As other distinguished witnesses will attest to the spike in anti-Semitic incidents targeted Jewish students. I would like to focus on the impact it is having on our children and community:

- **In the past several years, Jewish students on certain college campuses – not all, but a large number -- have been subjected to unprecedented levels of anti-Jewish sentiment, leading many to feel uncomfortable participating in Jewish campus life or other campus activities whose participants are especially hostile to Jewish students.**
  - **Jewish students can't table for their organizations at student events fairs without being physically surrounded and shouted down by extremist anti-Semitic campus organizations.**
  - **They can't bring speakers to school like every other students group and gender, racial, and ethnic group can, because the speakers will be heckled into silence.**
  - **They're often reluctant to run for student government at some schools because they've seen the numerous times in just the past few years that Jewish students have been called out because they are Jews and often excluded from student government expressly due to their involvement in Jewish life on campus.**
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  - **These incidents of hate and intimidation is widespread and impacts on campuses with large and small Jewish constituencies. They impact on Jewish support groups like Hillel and Jewish fraternity members of Aepi. It has led the Wiesenthal Center to create an App CombathateU to ensure them they aren't alone.**

**Mr. Chairman, we are here today seeking the Committee's help because University administrators have been tolerating a level of harassment and intimidation of Jewish students that they would *never dream of allowing* against other demographic groups, because they know there are no consequences. The Department of Education does not protect Jewish students the same way that it protects other groups.**

- **The failure of schools and the federal government to protect Jewish students on campus from harassment has become a longstanding scandal and one of the most pressing issues in the American Jewish community.**
- **That is why the Simon Wiesenthal Center and *every mainstream, credible Jewish organization* in the nation came together last year to demand equal protection under the law for Jewish students. And that is why the Senate passed our bill unanimously.**
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- **Mr. Chairman, I have brought a few illustrations from recent vile, anti-Semitic incidents—from Rutgers University, to University of Houston, to University of California at Berkeley.**
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- **They give some context to the level of invective that has infected major campuses.**
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- **While this is a distressing national phenomena permit me to delve into events in my own state of California**

A rock hurled at a student wearing a T-shirt saying “Everybody loves a Jewish boy” as he passed by an anti-Israel display; A female Jewish student stalked by anti-Israel activists and taunted with the words “slut” and “whore,” and other Jewish students called “dirty Jew,” “f\*\*\*ing Jew” and told to “go back to Russia” and “burn in Hell”; Three Jewish female students assaulted and injured when a mob of anti-Israel activists stormed through a pro-Israel event.

These are just a few of the anti-Semitic incidents reported at the University of California, but they are not unique to that school. Jewish students on many campuses from coast to coast report severe, persistent and pervasive harms at the hands of anti-Israel activists. The harassment includes physical and verbal assaults, destruction of property, bullying and intimidation, denigration, discrimination and suppression of speech and often takes place regardless of the victim’s personal feelings on Israel. Jewish students report fearing displaying their Jewish star necklaces, wearing their Jewish sorority or fraternity letters and walking to Hillel for Sabbath dinner.

The problem had become so severe that at the University of California, for example, in 2011, then President Mark Yudof, commissioned a fact-finding team to interview Jewish students on seven UC campuses in order to objectively assess the campus climate for them. According to the team’s report, Jewish students were indeed “confronting significant and difficult climate issues as a result of activities on campus which focused on Israel, its right to exist and its treatment of Palestinians.” The team found that on every UC campus they visited Jewish students “described an environment in which they feel isolated and many times harassed and intimidated by students, faculty and outsiders.”

Despite the undeniably hostile environment that many Jewish students were experiencing at the University of California, complaints filed under Title VI of the 1964 Civil Rights Act on behalf of Jewish students on three UC campuses – Irvine, Santa Cruz and Berkeley -- were unceremoniously dismissed on the same day in August 2013.

And UC’s Jewish students are not alone. In the dozen years since the Department of Education’s Office for Civil Rights (OCR) committed to investigating anti-Semitism under Title VI, OCR has not found a single civil rights violation in any claim filed on behalf of Jewish students on college or university campuses.

Yet during the same 12 years, OCR has successfully resolved hundreds of Title VI complaints lodged against institutions of higher education, resulting in positive outcomes

for students who have been victims of severe, persistent or pervasive harassment based on their race, color or national origin. Among these was the resolution of a racial harassment complaint at UC San Diego, which resulted in the university agreeing to take important and necessary steps to prevent racial harassment and improve the campus climate.

Given the frightening levels of harassment that Jewish students have experienced on several U.S. campuses, why have all of the Title VI complaints filed on their behalf been rejected by the OCR, while many of those made on behalf of their peers been successfully resolved?

It all boils down to a definition—or the lack of one.

OCR evaluates every Title VI allegation by determining not only whether the alleged behavior is sufficiently “severe, persistent or pervasive,” but also whether that behavior was motivated by the race, color or national origin (including ethnicity) of the victim. So when evaluating complaints filed on behalf of Jewish students, it’s not enough for OCR to determine that the students were indeed the victims of harassment; that harassment must have been motivated by *anti-Semitism* in order for OCR to consider it a Title VI violation.

While OCR officials have adequate tools for determining when behavior is motivated by other kinds of racial, ethnic or gender bigotry, they lack any such tools for identifying contemporary forms of anti-Semitism. Even when allegations of Jewish student harassment have reached the Title VI threshold, officials have failed to understand that the incidents were motivated by anti-Semitism, contending instead that the perpetrators of these acts were simply motivated by their “opposition to the policies of Israel.”

But as the University of California Board of Regents explained last year in its landmark *Statement of Principles Against Intolerance*, historic manifestations of anti-Semitism have changed over time and “expression of anti-Semitism are more coded and difficult to identify. In particular, opposition to Zionism often is expressed in ways that are not simply statements of disagreement over politics and policy, but also assertions of prejudice and intolerance toward Jewish people and culture.”

The State Department definition of anti-Semitism, the single most authoritative definition of anti-Semitism in the United States, offers an important tool for clarifying when legitimate criticism of Israel crosses the line into anti-Semitism. In particular, it identifies as anti-Semitic any expression that draws upon classic anti-Semitic symbols and images to characterize Israel or Israelis, or that denies Israel’s right to exist as a Jewish state and the Jewish people’s right to self-determination.

Had OCR officials used their sister agency’s definition in identifying the basis of the harassment that targeted Jewish students, they would have recognized the anti-Semitism at the heart of it. Instead, OCR’s lack of an adequate understanding of anti-Semitism has effectively denied Jewish students equal protection under the law, and left them uniquely vulnerable among their peers.

Mr. Chairman, and members of the HJC, our request here today is a simple one—please adopt the State Department’s definition of anti-Semitism. It won’t put an end to history’s oldest hate but it will provide Campus administrators, Police, the Department of Education and other concerned parties with the basic tool necessary to ensure that Jewish students will be afforded the same rights and protections as everyone else on campus and provide a clear signal to the purveyors of such hate that they will be help accountable.

Thank you Mr. Chairman.

Useful links:

- 1) Rutgers (<http://www.mycentraljersey.com/story/news/local/2017/10/26/rutgers-michael-chikindas-anti-semitic/801989001/>)
- 2) Cornell (<http://cornellsun.com/2017/10/23/anti-semitic-posters-appear-on-campus-advertising-apparently-fake-hate-group/>)
- 3) Colorado State (<https://collegian.com/2017/10/csu-jewish-community-marches-against-anti-semitism-incidents-on-campus/>)
- 4) UC Berkeley (<http://www.dailycal.org/2017/10/25/editors-note-regarding-editorial-cartoon-depicting-alan-dershowitz/>)
- 5) University of Houston <https://www.algemeiner.com/2017/09/17/antisemitic-fliers-found-at-university-of-houston-as-neo-nazis-continue-college-recruitment-efforts/>
- 6) Others (<http://www.thejewishstar.com/stories/fresh-wave-of-anti-semitism-hits-campuses,14506>)
- 7) [https://www.washingtonpost.com/news/acts-of-faith/wp/2017/04/24/the-hotbed-of-anti-semitism-isnt-a-foreign-country-but-u-s-college-campuses-report-says/?utm\\_term=.68c222c7d8dc](https://www.washingtonpost.com/news/acts-of-faith/wp/2017/04/24/the-hotbed-of-anti-semitism-isnt-a-foreign-country-but-u-s-college-campuses-report-says/?utm_term=.68c222c7d8dc)