



**Testimony of Jonathan A. Greenblatt  
CEO and National Director  
Anti-Defamation League  
Before the  
House Judiciary Committee  
Hearings on  
Examining Anti-Semitism on College Campuses  
November 7, 2017**

Chairman Goodlatte and Ranking Member Conyers, I am Jonathan Greenblatt, the CEO and National Director of the Anti-Defamation League. We very much appreciate the opportunity to participate in this hearing on anti-Semitism on college campuses. Thank you for your leadership in recognizing the importance of addressing this issue at this time.

**The Anti-Defamation League**

Since 1913, the mission of ADL has been to "stop the defamation of the Jewish people and to secure justice and fair treatment for all." Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, as well as defending democratic ideals and promoting civil rights, ADL is proud of its leadership role in developing innovative materials, programs, and services that build bridges of communication, understanding, and respect among diverse racial, religious, and ethnic groups.

ADL is the nation's leader in the development of effective programs to confront anti-Semitism, violent bigotry, and prejudice. The League's strength is its ability to craft national programming and policy initiatives and then to refine and implement them through our network of 26 regional offices spread throughout the country. We work with colleges and universities across the country, on both proactive education about anti-Semitism, bigotry and bias, and in response to specific hate incidents on campus when they occur. Our national headquarters in New York houses extensive research archives and staff members with professional expertise in legal affairs, extremism, international relations, and education.

**Addressing Anti-Semitism in the United States**

Anti-Semitism is a form of hatred, mistrust, and contempt for Jews based on a variety of stereotypes and myths, and often invokes the belief that Jews have extraordinary influence with which they conspire to harm or control society. It can target Jews as individuals, as a group or as a people, or it can target the State of Israel as a Jewish entity. Criticism of Israel or Zionism may be anti-Semitic when it demonizes Israel and its people through the use of anti-Jewish stereotypes, symbols and images; delegitimizes Israel and denies the Jewish people the right to self-determination; or holds the country and its citizens to double standards not applied to other people, such as holding all Jews collectively responsible for actions of the state of Israel.

**ADL Audit of Anti-Semitic Incidents**

Since 1979, the Anti-Defamation League has been compiling an annual *Audit of Anti-Semitic Incidents* ("the Audit"). We track anti-Semitic incidents not only because we are a Jewish community civil rights organization, but because anti-Semitism, the longest and most persistent

form of prejudice, threatens security and democracy and is an indicator of the health of a society as a whole.

The Audit includes both criminal and non-criminal acts of harassment and intimidation, including distribution of hate propaganda, threats, and slurs. Compiled using information provided by victims, law enforcement, and community leaders, each recorded incident specifically was evaluated by a member of ADL's professional staff who personally verified the information. In short, the Audit provides a fact-based snapshot of a nationwide problem while identifying possible trends or changes in the types of activity reported. This information assists ADL in developing and enhancing its programs to counter and prevent the spread of anti-Semitism and other forms of bigotry.

Through the Audit, ADL has modeled the role that communities can take in elevating the need for monitoring and reporting hate crime. We strongly have promoted the notion that if the Jewish community wants law enforcement officials to take anti-Semitic acts seriously, we must do so – and report them to the police. After the first three years tracking significant data increases, ADL drafted the first model state hate crime penalty-enhancement law and promoted its enactment across the country. Today, the federal government and 45 states and the District of Columbia have enacted hate crime laws, modeled on, or similar to, our original draft.<sup>1</sup>

New Audit data released last week shows that the number of anti-Semitic incidents remain significantly higher in 2017 compared to 2016 with an increase of 67 percent over the first three quarters of the year. In addition to the significant bump in the first quarter of this year, we also saw a distinct increase after the "Unite the Right" rally in Charlottesville, Virginia in August.

Specifically, our report<sup>2</sup> documented that from Jan. 1 to Sept. 30 there were 1,299 anti-Semitic incidents across the United States, including physical assaults, vandalism, and attacks on Jewish institutions. and the total already exceeds the 1,266 incidents reported in all of last year

Compared to 2016, each of the first three quarters of 2017 had a higher number of incidents. These incidents peaked during the first quarter of 2017, and the pace slowed somewhat in the second and third quarters. Of all 1,299 anti-Semitic incidents so far in 2017, a majority (667) occurred in the first quarter of the year. An additional 632 anti-Semitic incidents were reported in the second and third quarters of the year, surpassing the 488 incidents reported during the same period in 2016.

From January through Sept. 30, there were:

- 703 incidents of harassment, including 162 bomb threats against Jewish institutions in three dozen states;
- 584 incidents of vandalism, including 52 against Jewish institutions;
- 12 physical assaults.

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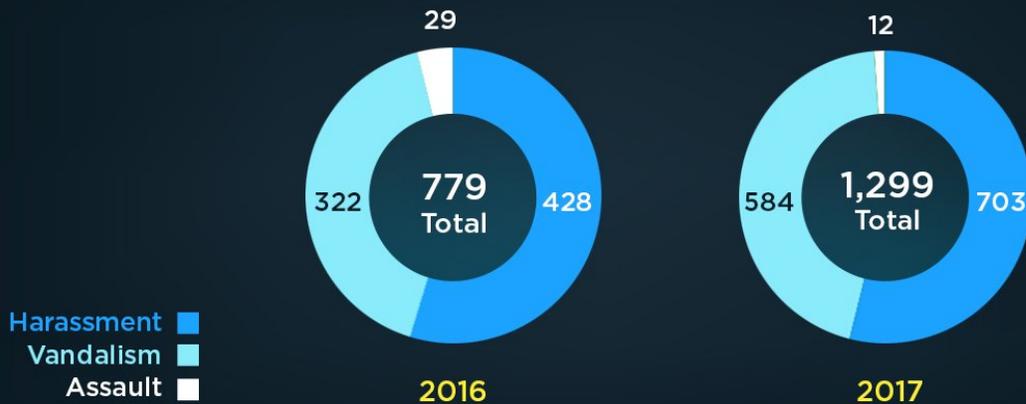
<sup>1</sup> The ADL chart of state hate crime statutes is available on our website:

<https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/ADL-updated-2016-Excel-State-Hate-Crime-Statutes.pdf>

<sup>2</sup> <https://www.adl.org/news/press-releases/adl-data-shows-anti-semitic-incidents-continue-surge-in-2017-compared-to-2016>

Anti-Semitic incidents: U.S. | Up 67% from 2016

ADL



January-September 2016 & 2017

ADL 2017 Audit: Comparison of Quarters 1-3 Totals

These incidents<sup>3</sup> took place across the country, but consistent with prior reports, the states with the highest number of incidents tend to be those with the largest Jewish populations. These include New York State (267 incidents); California (197); Massachusetts (117); Florida (69) and Pennsylvania (58).<sup>4</sup>

### **The Impact of the August Charlottesville Hate Rally**

In August, ADL documented a “meta-event” rarely seen in America: the white supremacist “Unite the Right” rally<sup>5</sup> in Charlottesville, Virginia. We describe it as a meta-event because it attracted hundreds of bigots from around the country who travelled to Charlottesville specifically to attend the rally, making it the largest of its kind in more than a decade. And the marchers brazenly displayed shocking, violent expressions of anti-Semitism and racism, including the display of swastika flags, chants of “Jews will not replace us!” and other overt anti-Semitic acts.

The events in Charlottesville had an outsize impact on different facets of American society, including the Jewish population. For many younger Jews, hearing white supremacists chanting “Jews will not replace us” may have been their first encounter with public anti-Semitism.<sup>6</sup> For Jewish adults and seniors, watching Nazi salutes and hearing chants of “siege heil” and “blood and soil” (the latter is a translation of the Nazi slogan “Blut und Boden”) evoked memories or family recollections of the most overwhelming trauma in modern Jewish history. The white supremacist groups which participated in the Charlottesville rally have a well-established record of anti-Semitism, and individual leaders of the movements present at the rally, including former Klansman David Duke, are prolific promoters of anti-Semitism in the U.S.

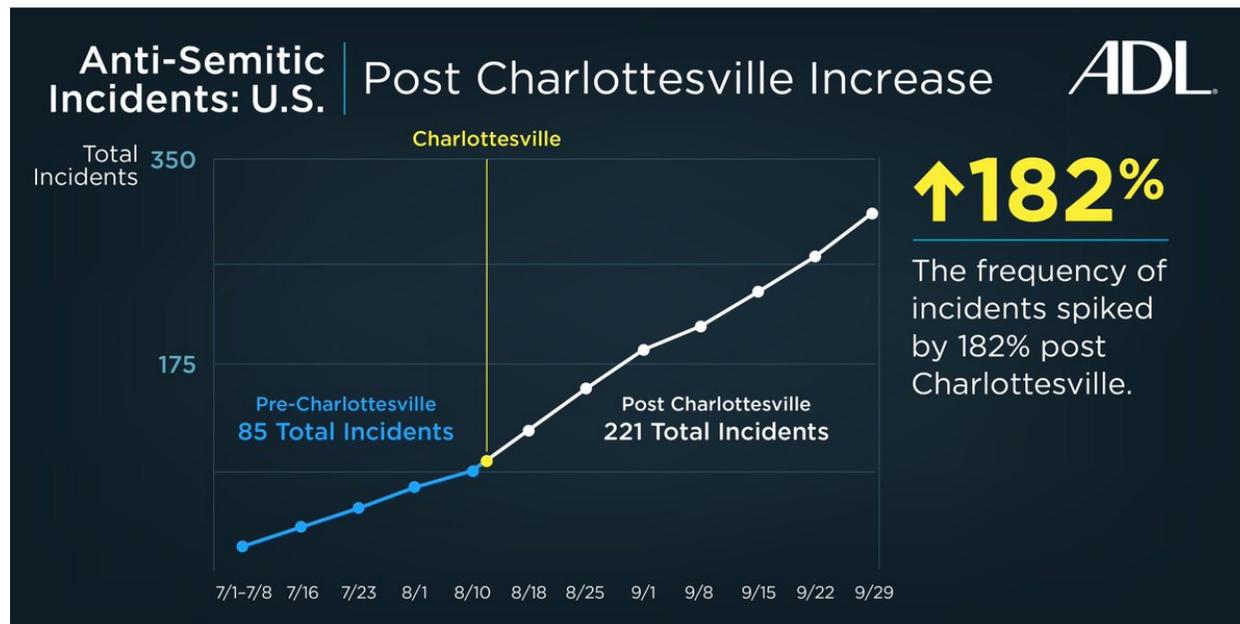
<sup>3</sup> <https://www.adl.org/news/domestic-anti-semitism-selected-incidents-across-the-country-in-2017>

<sup>4</sup> A state-by-state breakdown of the incidents in the *Audit* is here: <https://www.adl.org/news/adl-2017-audit-of-anti-semitic-incidents-a-breakdown-of-the-numbers-state-by-state>

<sup>5</sup> <https://www.adl.org/blog/violence-and-hate-unite-the-right>

<sup>6</sup> <https://www.adl.org/blog/anti-semitism-on-full-display-in-charlottesville>

Anti-Semitic incidents spiked on the days of the Charlottesville march and rally and immediately following. Of the 306 incidents reported in the third quarter, 221 took place on or after the August 11 rally.



The Charlottesville rally was one of at least 33 public white supremacist events in the U.S. so far this year,<sup>7</sup> which were supplemented with 188 incidents where white supremacists used fliers to spread their message to new audiences, especially on college campuses.

Until late 2016, white supremacist activity on college campuses was infrequent. Starting with the fall 2016 school year, white supremacists began a much more open effort to spread their message and recruit new adherents at colleges and universities.<sup>8</sup> Literature distribution, usually in the form of fliers scattered around campuses, is one of their most frequent tactics. The most active white supremacist groups employing this tactic are Identity Evropa and Vanguard America.<sup>9</sup>

It should be noted that the recent spike of anti-Semitism cannot be attributed solely to the rise of extreme right wing forces. We see anti-Semitic rhetoric used frequently by some parties who could be described as exhibiting an extreme left-wing ideological viewpoint, one that often could be characterized as “anti-Zionist.” Some emerging leaders of the progressive movement espouse hostile views on Israel that easily could be characterized as anti-Semitic or that could generate anti-Semitism.

For just one example, an LGBTQ Pride event last summer was marred when organizers ejected a group of Jewish marchers from the event, simply because they were carrying a rainbow flag emblazoned with a Jewish star. As they were removed from the event, they were

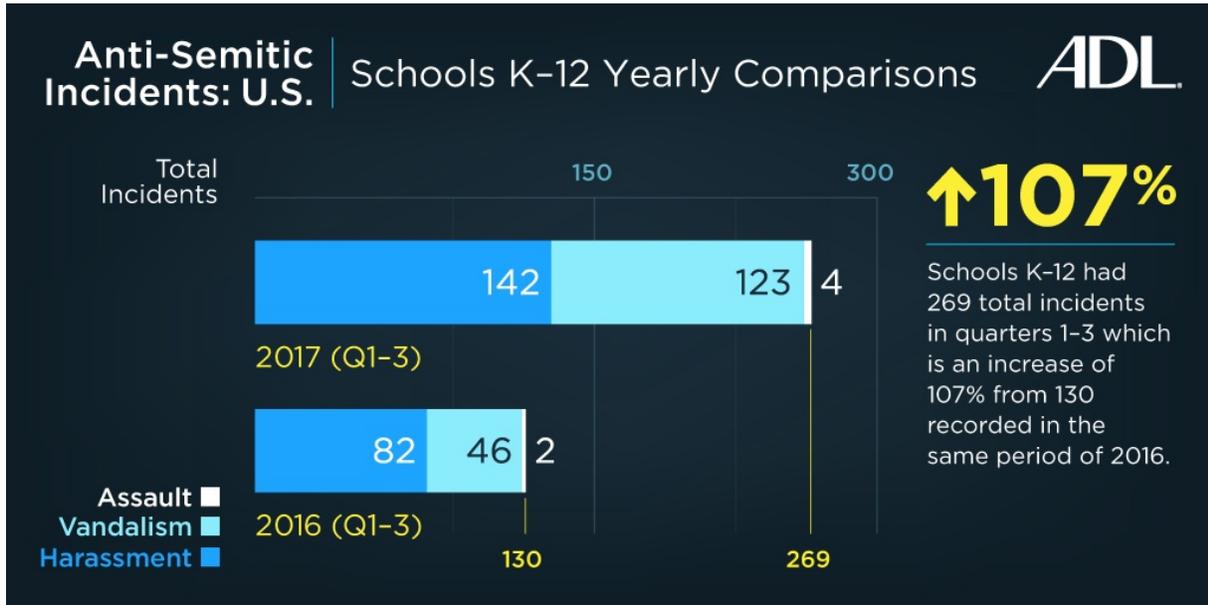
<sup>7</sup> <https://www.adl.org/news/white-supremacist-events-and-outreach-adl-2017-audit-of-anti-semitic-incidents>

<sup>8</sup> <https://www.adl.org/news/press-releases/adl-white-supremacists-making-unprecedented-effort-on-us-college-campuses-to>

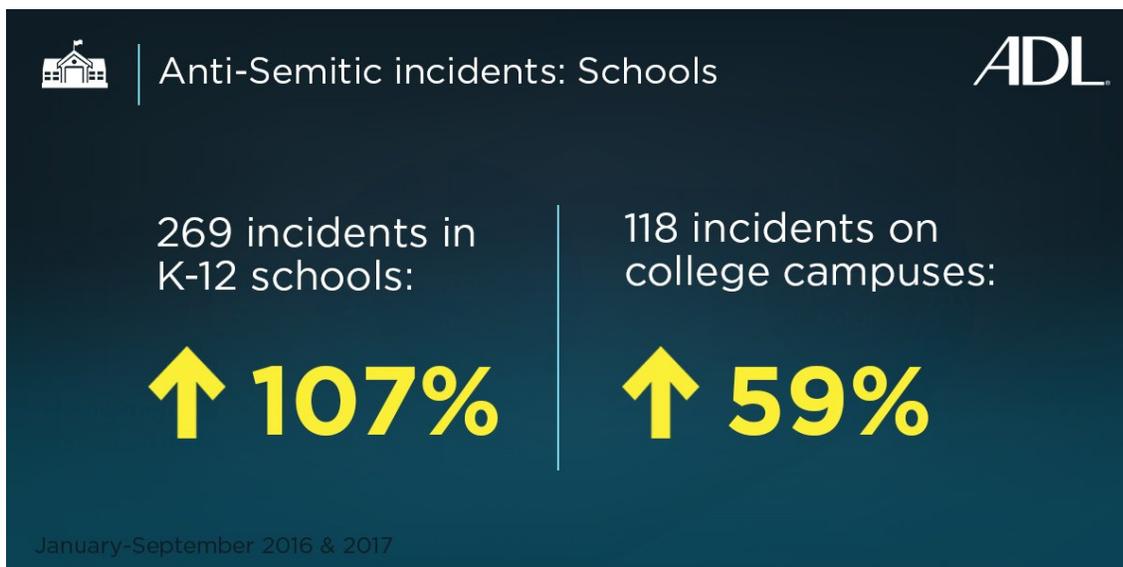
<sup>9</sup> <https://www.adl.org/education/resources/backgrounders/vanguard-america>

told explicitly that “Zionists are not welcome here.”<sup>10</sup> ADL recently developed *Think. Plan. Act.*, a new guide for college students to provide them with tools to respond to such hostility.<sup>11</sup>

In addition to the situation on college campuses, anti-Semitism continues to be a serious concern in public, private and parochial elementary and high schools. According to our *Audit*, Incidents in K-12 grade schools in 2017 more than doubled over the same period in 2016 (269, up from 130). Of those, 142 incidents of harassment and 114 incidents of vandalism were reported.



On college campuses, a total of 118 anti-Semitic incidents were reported in the first three quarters of 2017, compared to 74 in the same period of 2016 – an increase of 59 percent.



<sup>10</sup> <http://www.windycitymediagroup.com/lgbt/More-than-1500-at-Dyke-March-in-Little-Village-Jewish-Pride-flags-banned-UPDATED-June-25-/59621.html>

<sup>11</sup> *Think. Plan. Act.* <https://www.adl.org/news/press-releases/new-adl-resource-helps-college-students-learn-how-to-deal-with-anti-semitism>, June 2017.

## **Addressing Hate Speech on Campus: Free Speech and the Marketplace of Ideas**

In our work around the country, we regularly encounter virulent hate speech. Even the most heinous speech is largely protected by our federal and state constitutions – and ADL staunchly and consistently supports this bedrock principle of American democracy. Though there is a difference between hateful speech and harmful speech, the latter being words designed to slander or incite violence against a person, the ability to express controversial and even offensive ideas is a cornerstone of our nation’s democratic ideals. It is one of the principal ways our nation is exceptional and distinguished from the vast majority of countries around the globe where unpopular viewpoints can be – and are – punished.

While odious hurtful, hate speech may be permissible, it is not harmless, and must not go unanswered. As early as the 1600’s, John Milton introduced the concept of the “marketplace of ideas.” He posited that truth will emerge from the competition of ideas in free, transparent public discourse. Yet this marketplace is not self-executing. Rather, it depends on people’s willingness to respond to words which are intended to demean, humiliate, and deride. Malicious speech, including hate speech, must be responded to with better speech. In the words of Justice Louis Brandeis, “If there be time to expose through discussion the falsehood and fallacies... the remedy to be applied is more speech, not enforced silence.”<sup>12</sup> This commitment to counter hateful speech is particularly critical at our university and college campuses as they are our best laboratories for nurturing ideas, innovation, and debate.

As we pointed out in the statement we submitted last week to the Senate Health Education Labor and Pensions Committee for their hearings on free speech on campus, college and university leaders must play an active leadership role when responding to these types of situations: they must ensure that no one is punished for their protected speech just because it discomfits some and, simultaneously, use their bully pulpit to counter hateful speech with timely, specific, and direct responses.<sup>13</sup>

When messages appear on campus that are demeaning to a group of people or demonstrate actions that are contradictory to the values of diversity, equity, and inclusion, trust is eroded and communities need to heal. Make no mistake: hate speech on campus, though it may be protected by the First Amendment, has a significant harm and impact. It distracts from the learning community institutions strive to create, and it increases the perception of division in an already deeply-polarized political climate.

## **Anti-Semitism on College Campuses: The Nature and Magnitude of the Problem**

In the past year, we have seen a rise in reported cases of anti-Semitism at colleges and universities. This increase in anti-Jewish acts aligns with the rise of other reported hate rhetoric and bias incidents on college campuses. Most often, these incidents would not meet the criteria to be categorized as a hate crime but this does not diminish from the pain that they can cause. For this reason, special attention needs to be paid to responding to, and preventing, these incidents in a way that meets the needs of an educational institution and a close-knit community.

Anti-Semitism is an old hatred that often is packaged in new forms to serve haters’ more modern purposes. The increase in anti-Semitic acts, messaging, bias and stereotypes does not

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<sup>12</sup> *Whitney v. California*, 274 U.S. 357, 377 (1927).

<sup>13</sup> <https://www.adl.org/sites/default/files/documents/ADL%20final%20Senate%20HELP%20Committee%20hearings%20on%20Exploring%20Free%20Speech%20on%20College%20Campuses.pdf>

indicate a new kind of anti-Semitism or even a significant rise in anti-Semitic attitudes. Rather, we conclude that older forms of anti-Semitism are being introduced into the public sphere in new ways that, for instance, may serve current goals of white nationalism movements or political advocacy about the Middle East.

This 'repurposing' takes on two basic forms: on the one hand, the appearance of explicit and recognizably anti-Semitic symbols and phrases, most obviously the swastika, and, on the other hand, more coded language that may need additional parsing by officials for the full effect to be widely understood, for instance, references to the myth of blood libel, stereotypes of power and control, isolation tactics, and references to Nazi propagandist methodology.

### **The Special Significance of the Swastika**

Since 1945, the swastika has served as the most significant and notorious of hate symbols, denoting anti-Semitism and white supremacy for most of the world outside of Asia. Since it is closely linked with the murderous legacy of the Nazi regime, Jewish communities are affected by its presence and often feel targeted. The swastika, however, has also become a general hate symbol that is linked with context and messages of racism, homophobia, transphobia, and other hatreds. The swastika therefore becomes an example of the ways that anti-Semitism and all forms of hatred are inextricably linked.

A campus community's response must take into account the historical and modern contexts of hate symbols and messages. A message in response to hate speech and symbols must be specific: naming the hate and supporting the communities affected is crucial to addressing it. If a swastika is found to be targeting a Black/African-American identity oriented space, Jewish students will be affected; and vice-versa if a Jewish identity space is vandalized, many groups are likely to feel vulnerable.

In particular, on campuses, there are many manifestations of hate, bias and prejudice, but also a more subtle experience of stereotypes, non-inclusive language, and repurposing of tropes that stem from age-old versions of anti-Jewish sentiment.

Neo-Nazis can march through a campus with Tiki Torches, but also professors can speak condescendingly about students who choose to be absent to celebrate a Jewish holiday in order to travel to see family. Hate groups can post flyers, but also vicious jokes can be circulated about Jews running the venture capital groups at which students seek careers. All of these manifestations of anti-Semitism are quite different in how they function, and how they should be responded to; all of these instances, however, can be harmful and can create an unwelcome environment for Jewish students, staff and faculty if unaddressed.

All students, staff and faculty call their campus home, and it is the responsibility of an institution as a whole to maintain an environment for learning that is free from harassment and discrimination, and also an inclusive community that values the success and well-being of all members.

We seek to provide context and recommendations in this testimony because all members of college and university and pre-college communities need tools for recognizing, assessing, and challenging both implicit and explicit forms of anti-Semitism. This means helping administrators, faculty, staff, and students to understand, first, that anti-Semitism is very much a contemporary phenomenon and not just a history lesson, and second, that it can be wielded in a variety of contexts and for disparate purposes, from the post-Charlottesville recruitment efforts of white supremacist groups to its adaptation in debates around Palestine and Israel.

## **White Supremacists on Campus: Unprecedented Recruitment Efforts Underway**

ADL has documented that white supremacists are engaged in unprecedented outreach efforts on American college campuses – another sign that these hate groups feel emboldened by the current political climate.<sup>14</sup> ADL’s Center on Extremism has verified 80 incidents of racist fliers, banners, or stickers being posted on college campuses since Sept. 1. This compares to only nine incidents in September and October of 2016. A total of 260 incidents have been recorded on 173 campuses in 40 states since September 2016.

White supremacists are mobilizing in hopes of translating their online activism to “real world” action, and campuses – and young people – are prime targets, in part because they are still figuring out who they are, and what they believe. Extremists also undoubtedly see value in recruiting a new generation that can carry the movement for years to come.

Longtime white supremacist Jared Taylor recently wrote on his website, American Renaissance, that colleges are of special interest “because they are bastions of anti-white propaganda.” Before he imploded publicly in February, Islamophobic and misogynist gadfly Milo Yiannopoulos told CNN, “I am speaking on college campuses because education ... is really what matters. It’s a crucible where these bad ideas are formed. Bad ideas like ... progressive social justice, feminists, Black Lives Matter...”<sup>15</sup>

Yiannopoulos’ appearances (some of which were cancelled) seem to have had an energizing impact on other racists. Nathan Damigo, founder of the white supremacist group Identity Evropa, has called Yiannopoulos “an inspiration,” and showed up at the (ultimately cancelled) Yiannopoulos speech at UC Davis, hoping to poach a few fans for his own cause, which he outlined in a Tweet: “We will not rest until Alt-Right ideas are represented on campuses nationwide.”

While the vast majority of white supremacist campus actions involve hateful fliers (“Imagine a Muslim-Free America,”) and stickers (“Make America White Again”), white supremacists have also sent anti-Semitic faxes and, in the case of white supremacist Richard Spencer, delivered speeches on campus. Many of these incidents are linked to larger coordinated promotional efforts by white supremacist groups, like Identity Evropa’s “Project Siege,” which includes actual campus recruitment visits, and American Vanguard’s “Northern Propaganda Campaign.” Not coincidentally, these two groups are responsible for the majority of the white supremacist fliers and events tracked over the last several months.

In January, American Renaissance launched a hate-filled campus campaign, which for now seems to be limited to hanging “pro-white” propaganda posters. “Racial activists,” Jared Taylor wrote on the American Renaissance website, should place the “attractive posters” in “high-traffic areas” around campus. Racist fliers and posters have adorned parking garages, street signs, billboards, utility poles, and along corridors.

Andrew Auernheimer, a white supremacist hacker known as “Weev,” took targeting to the next technological level when he sent out anti-Semitic and racist fliers via many thousands of campus printers across the country. One flier, which was adorned with swastikas, read in part: “I unequivocally support the killing of children. I believe that our enemies need such a level of atrophy inflicted upon them... So the hordes of our enemies from the blacks to the Jews to the federal agents are deserving of fates of violence so extreme that there is no limit to the acts by

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<sup>14</sup> <https://www.adl.org/blog/white-supremacists-on-campus-unprecedented-recruitment-efforts-underway>

<sup>15</sup> <http://www.cnn.com/2017/02/02/us/milo-yiannopoulos-ivory-tower/index.html>

which can be done upon them in defense of the white race.” The fliers referenced *The Daily Stormer*, Andrew Anglin’s notoriously hateful neo-Nazi website.

Until recently, on-the-ground white supremacist actions have been relatively infrequent on college campuses – but there have been notable exceptions. In 2013, Matthew Heimbach attempted to start a White Student Union at Towson University in Maryland to “represent the unique cultural heritage, folk customs, and strong Christian traditions that define white civilization.” Later that same year, Patrick Sharp established a similar group at Georgia State University.

In 2015, two white supremacist groups, the now-defunct National Youth Front (NYF) and Traditionalist Youth Network (TYN), launched a campaign against two intellectuals whose work focuses on race-related issues. The targets of their online and on-campus protests were Lee Bebout, an associate professor of English at Arizona State University who was teaching a course called “U.S. Race Theory and the Problem of Whiteness,” and Tim Wise, an independent scholar who delivers lectures on racism on campuses across the country.

These days, white supremacists are taking more forceful steps to establish a physical presence on campus. Identity Evropa was clear in its goals – and used fittingly “academic” language – when describing “Project Siege” plans for the 2016-17 school year: Go talk to actual students. “Project Siege is the beginning of a long-term cultural war of attrition against the academia’s cultural Marxist narrative that is maintained and propagated into society through the indoctrination of the future managerial class. If we are to be successful in combating the current paradigm,” the online message read, “it is imperative that we create space for our ideas at universities across the country. Speaking with students and helping them unpack some of their assumptions while gaining name recognition for our organizations are the ways in which we will create the foundation for that space.”

Sometimes, students take things into their own hands. (Damigo, for example, is a student at California State University at Stanislaus.) At the University of Wisconsin, Daniel Dropik, a 33-year-old student-employee who was convicted in 2006 of setting fire to two black churches, attempted to form the Madison branch of the American Freedom Party, which urges students to “fight anti-white racism.” The American Freedom Party is a white supremacist group founded by William Johnson, and was heavily involved in the 2016 presidential campaign, calling voters nationwide urging them to vote for Trump.

White supremacist events on campus face particular scrutiny and, in some cases, speakers are able to circumvent the school altogether, avoiding heated debates over free speech rights. In December, when Richard Spencer spoke on the Texas A&M campus, he wasn’t there as a guest of the University. Instead, he spoke to supporters and onlookers in a room rented for the occasion by local neo-Nazi Preston Wiginton.

### **Why now?**

We see multiple drivers for the recent surge of anti-Semitism on campus. First, white supremacists and other adherents of extreme right-wing ideologies feel emboldened by the 2016 presidential campaign and are stepping out of the shadows and into the mainstream.

For example, in January, Jared Taylor wrote, “It is widely understood that the election of Donald Trump is a sign of rising white consciousness...Now is the time to press our advantage in every way possible.” Richard Spencer has stated that now is the time to “professionalize” white supremacist beliefs, and is currently fundraising to take his message to campuses across the country. “These types of events are tremendous opportunities for us to communicate our

message,” he told supporters in December. “They are ways for us to reach millions of people who would otherwise never have heard our ideas.”

In contrast to some motivated by right-wing extremism, there are advocates of extreme left-wing ideologies who also have been responsible for whipping up anti-Semitism. Groups such as Students for Justice in Palestine (SJP) purport to support Palestinian self-determination. And yet they often resort to stereotypes against Israel and Jews, irrespective of their views on the state or their perspective on the Israeli-Palestinian conflict. The hateful rhetoric often used by such groups can create an environment on campus extremely hostile to Jewish students.

### **Campus responses**

Fear and anger are the most common reactions to white supremacist fliers and events, usually followed by a powerful response from students and others who are appalled by the display of hate and divisiveness. Rallies and other gatherings are common. At Purdue, a group of students replaced American Vanguard’s “pro-white” posters with their own inclusive messages, and loud protests met Richard Spencer when he arrived to speak at Texas A&M, and, more recently, at the University of Florida.

College administrators are responding more quickly and forcefully to campus hate speech; the president of the University of Texas at Austin immediately called for a town hall meeting after anti-Muslim and anti-immigrant fliers (courtesy of American Vanguard) were found all over the campus. While this town hall did not alone heal tensions, UT and many schools are launching new Diversity, Equity, and Inclusion initiatives, with which the schools intend to make all campus populations feel safer and more empowered.

It is crucial for universities to have free speech policies in place before a controversial speaker or large protest is expected on campus. These policies should specify the time, place, and manner of permissible speech and explain the permitting process requirements. This will allow campus security to address and limit violent protests before significant harm to persons or property results.<sup>16</sup>

The importance of such policies is highlighted by the August 11 “Unite the Right” rally at the University of Virginia- Charlottesville and the subsequent deaths of Heather Heyes and two police officers. Many criticized the university for failing to respond to the situation earlier and more aggressively. The university commissioned a Deans Working Group to suggest specific improvements to the university’s policies. The university has “neither a formal permitting process nor time, place, and manner policies for use of common spaces on [university] grounds” and thus the university was vulnerable to an unannounced march of white supremacists.

The “Unite the Right” group arrived without warning or a permit. If a permit had been required, University officials and campus law enforcement would have known about the protest in advance and could have taken steps to decrease the impact on the campus community. Constitutionally-allowable time, place, and manner restrictions would have provided campus police a better chance to maintain order and security while protecting the First Amendment. Ultimately, the Working Group concluded that the university has insufficient policies to govern protests.<sup>17</sup>

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<sup>16</sup> The League has created a short FAQ on the most important free speech on campus issues, available here: <https://www.adl.org/education/resources/tools-and-strategies/free-speech-qa-faq-about-free-speech-on-campus>

<sup>17</sup> <http://response.virginia.edu/system/files/public/observations-improvements-uva-response.pdf>

## **Examining an Array of Campus Anti-Semitic Incidents**

### **Colorado State University**

Colorado State University (CSU) is a typical case of a school with a small Jewish population, which would also never be described as a 'political campus.' They have a Chabad House, a Hillel Jewish students center, a newly forming Jewish fraternity, a Holocaust Awareness Week and one Jewish Studies course. Most students there would probably not be able to tell you what the Boycott, Divestment, and Sanction movement against Israel (BDS) is. They would tell you about comments and stereotypes they've heard, passive aggressive behavior, and about generally feeling invisible and different.

Recently, there has been a spike in easily identifiable anti-Semitism. CSU has had four anti-Semitic incidents reported between September and October of 2017:

- A photo of a student with a painted Nazi arm band on her arm was posted on snapchat. The incident may not have necessarily directly targeted a Jewish student, but the student claims to have been victim to another student painting this on her under false pretenses.
- Racist graffiti and a mannequin head decorated with Nazi symbols were found in a dumpster enclosure near a campus building.
- A student's whiteboard had a Rosh Hashanah holiday message that was anonymously erased, and written was, a message including "Heil Hitler."
- A student's personal Apple Airplay list had been changed from the default to being named, "Fuck Jews," and this device was listed as publicly available on the network.

People on campus report having been notified of incidents with all-campus messages, but, to date, have not been offered sufficient educational opportunities or specific discourse about anti-Semitism.

### **Central Michigan University**

For Valentine's Day, 2017, at Central Michigan University (CMU) a Republican student group distributed gift bags to students including a card that read, "my love 4 u burns like 6,000 jews." The card included a photo of Adolf Hitler. In response to this incident, President George Ross issued a forceful statement that the card's language, "while protected by the First Amendment, is unacceptable and is not consistent with our values and standards." He continued by calling upon "each of our students, faculty and staff to be beacons of peace, respect, inclusivity and civility -- to be role models of integrity, dignity and leadership."<sup>18</sup>

More than 100 faculty members heeded this call when they wrote an Open Letter to the university community. It stated,

"First and foremost, we stand in unflinching solidarity with Jewish communities on our campus and beyond. We uphold you now and always. We will do everything in our power to protect you, to listen to and hear your truths, to affirm and teach your histories and current-day experiences, and to celebrate your people.

Further, we reject acts of hate against any group of fellow humans on our campus and in our communities at home and abroad. Here, too, we vow to uphold the values of a diverse society that treasures the multiplicity of voices, experiences, and identities.

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<sup>18</sup> <https://www.cmich.edu/news/article/Pages/card-statement.aspx>

We condemn any rhetoric or any group that provides fertile ground for hate speech. We will not hesitate to name things for what they are. Speaking out against hate and intolerance isn't a partisan act; it is a moral imperative rooted in the fight for justice, dignity, and human rights.

We won't make peace with hate on our campus or anywhere else.”

Even though the creator of the valentine turned out not to be a student, the initial impact of the incident was deeply painful to the campus community. When messages appear on campus that are demeaning to a group of people or demonstrate actions that are contradictory to the values of diversity, equity and inclusion, trust is eroded and communities need to heal. Such hate speech distracts from the learning community institutions strive to create, and it increases the perception of division in an already deeply-polarized political climate.

### **San Francisco State University**

San Francisco State University has a troubled history as a campus that is hostile towards Jews and Israel. Incidents have included: the President of the active Students for Justice in Palestine chapter posting on social media a desire to stab Israelis with a knife with which he poses; protestors shouting down the Mayor of Jerusalem at a University sanctioned event and yelling, “get the fuck off our campus” in the direction of Jewish students; and the intentional exclusion of SFSU's Hillel Jewish Student Center from a Know Your Rights Fair.

SFSU's administration has refused to acknowledge the gravity of the situation or take meaningful steps to protect Jewish students on campus in the last two years as the above events transpired. Rather, it has contributed to the hostile environment with repeated attempts to sweep the issue under the rug, neglected to confront incidents of anti-Jewish bias in a timely fashion, publically equivocated about whether Zionists are welcome on campus and failed to enforce its own codes of conduct. Incidents have included: three high-ranking university administrators threatening to close the Jewish Studies department; SFSU's President alluding to the term “Zionist power” an anti-Semitic phrase that is code for “Jewish power,” in meetings with Jewish representatives, and stating in an online video that the “student leadership” who shouted down Jerusalem's mayor “have been an inspiration” to him and his ally in keeping other groups off his back, a thinly-veiled reference to Jewish community organizations. At the same time, Jewish faculty members have been pressured by the administration to report a positive campus climate for Jews in order to secure donations from Jewish foundations.

A university investigation confirmed that Hillel's exclusion from the Know Your Rights Fair was, in fact, viewpoint discrimination. The university claims it is unable to comment or respond to this finding in light of a lawsuit filed against SFSU this summer. A group of three SFSU students and Bay Area community members filed suit against the Board of Trustees of California State University and the President of SFSU.<sup>19</sup> The lawsuit alleges that the university's failure to set adequate procedures in place for the speech by the Jerusalem Mayor and its deviation from normal protocols, state law, and the SFSU Code of Conduct violated the First and Fourteenth Amendments. Similarly, it alleges that the university's conduct with regard to the Know Your Rights Fair violated the First and Fourteenth Amendment. The complaint alleges that, despite the defendants' knowledge of the fair organizers' intention to exclude Hillel and despite their authority to force inclusion, the defendants decided to allow the organizers to proceed with impunity. Finally, the complaint alleges that a pervasive hostile environment deprives Jewish

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<sup>19</sup> <https://thelawfareproject.org/wp-content/uploads/2017/06/SFSU-Federal-Complaint.pdf>

students of equal access to the educational opportunities and benefits provided by SFSU, in violation of Title VI of the Civil Rights Act of 1964.

### **Navigating the Line Between Legitimate Anti-Israel Activity and anti-Semitism**

How can we balance the need for vigorous, critical, and even uncomfortable debate on Israel-Palestine issues with the obligation to protect students from anti-Semitic discrimination and incitement? The starting point is that, clearly, all advocacy for Palestinian rights is not anti-Israel. And all anti-Israel activity is not anti-Semitic. Political dialogue, discussion of a people's experience, and government criticism is perfectly legitimate. Discourse and symbols used in regards to talking about the Israeli-Palestinian conflict might be considered anti-Semitic behavior if:

- It blames all Jews for the actions of the State of Israel.
- It singles out Israel in denying the country's right to exist as an equal member of the global community.
- It uses anti-Jewish stereotypes or conspiracy theories to describe Israel, or employs traditional anti-Semitic imagery or comparisons to Nazis.

### **University of California, Santa Cruz**

At the University of California, Santa Cruz, on May 2, 2017, this was reported to ADL: "UCSC Hillel Israeli Independence Day event was disrupted by members of the Afrikan Black Student Alliance [when they] blocked Hillel displays/tables, tore down Israeli flag and yelled "Fuck Jewish Slugs" (the banana slug is the school mascot) and "free Palestine." The incident attracted news coverage in the Santa Cruz *Sentinel*.<sup>20</sup>

### **Princeton University**

At Princeton University, on September 11, 2017, a student reported to ADL that: "I was at an event hosted by the Latino Graduate Student Association at a bar in Princeton. I am Brazilian-American and in the process of converting to Judaism, and was approached by another Princeton graduate student, who recognized me as part of the Jewish community. He started to berate me about Israel, saying that terrorists who kill Jews are justified because Israel "conducts ethnic cleansing". He then started to mock Jewish religious texts, saying "the 'Tammud' or whatever the fuck you people believe in". I ran out of the bar to escape him, but he came out and started harassing me on the sidewalk, berating me and making obscene hand gestures, until I took off toward campus."

### **St. Olaf College**

At St. Olaf College, on May 12, 2017, a student reported to ADL that: "After racist notes were found on campus, angered protesters responded with anti-Israel and anti-Semitic demands and clichés, even suggesting Zionist influence on campus has a role in the initial racist messages found. It seems that the protesters are blaming Jews and supporters of Israel for spreading racist notes."

### **Hunter College, The City University of New York**

On November 12, 2015, a rally called the 'Million Student March' was held at the City University of New York's Hunter College. This march was a part of a nationwide movement about student tuition concerns. However, the narrative of the rally turned to extreme anti-Israel bias, with participants quoted as saying such things as, "There is only one solution: Intifada, Revolution,

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<sup>20</sup> <http://www.santacruzsentinel.com/opinion/20170527/commentary-jewish-community-concerned-about-intolerance>

and Zionists out of CUNY.” When a pro-Israel student asked what Zionism had to do with tuition, another participant responded that, “Jews control the government and the banks.” This incident presents a scenario in which anti-Jewish stereotypes and prejudice become linked with entirely unrelated political and social justice activism.

### **University of California, Berkeley**

Last month, noted civil libertarian Alan Dershowitz spoke on “The Liberal Case for Israel” at the UC Berkeley. Two days later, the campus newspaper, *The Daily Californian*, published an objectionable editorial cartoon in response to Dershowitz’s speech.

As described by the *Daily Cal* Editor in Chief:

*The cartoon depicted Alan Dershowitz presenting as he crouched on a stage, with his body behind a cardboard cutout labeled “The Liberal Case for Israel.” Dershowitz was drawn with twisted limbs. His foot was crushing a Palestinian person; placed in his hand was a depiction of an IDF soldier next to someone the soldier had shot.<sup>21</sup>*

This cartoon invoked a time-worn and anti-Semitic trope of the bloodthirsty Jew. In recent years, this trope has been reformulated to depict barbarous Israelis shedding, even consuming, the blood of Palestinians — a modern day Blood Libel. ADL immediately wrote to the newspaper in order to educate *The Daily Cal*’s editorial board on why the cartoon was anti-Semitic and to urge it to play a leadership role in denouncing anti-Semitism.

Carol Christ, UC Berkeley Chancellor, called on the paper’s editors to “reflect on whether they would sanction a similar assault on other ethnic or religious groups. We cannot build a campus community where everyone feels safe, respected and welcome if hatred and the perpetuation of harmful stereotypes become an acceptable part of our discourse.<sup>22</sup>”

The student editors responded swiftly and effectively – retracting the cartoon and apologizing to Dershowitz and readers and members of the staff who were offended by the cartoon:

*Covering a community means listening to that community and reflecting its beliefs, feelings, fears and opinions. As part of our ongoing education, we will be meeting with local religious leaders and experts to improve our understanding of the historical context behind these types of images and contemporary manifestations of anti-Semitism.<sup>23</sup>*

### **University System Response to Anti-Semitism on Campus: University of California Principles Against Intolerance**

In 2016, the University of California Regents unanimously passed its *Final Report of the Regents Working Group on Principles Against Intolerance*.<sup>24</sup> With the adoption of the *Report*, the Regents took an important step forward to directly address anti-Semitism on campus and the role the university must play in combatting it. One critical element of the *Final Report* is the acknowledgement that “Anti-Semitism, anti-Semitic forms of anti-Zionism and other forms of discrimination have no place at the University of California.”<sup>25</sup> This recognition that some forms of anti-Zionism can be anti-Semitic was the result of many years of work on behalf of ADL and other Jewish community groups. Here are some highlights of those efforts:

<sup>21</sup> <http://www.dailycal.org/2017/10/18/behind-the-scenes/>

<sup>22</sup> <http://www.dailycal.org/2017/10/24/editorial-cartoon-targeting-alan-dershowitz-perpetuates-harmful-stereotypes/>

<sup>23</sup> <http://www.dailycal.org/2017/10/18/behind-the-scenes/>

<sup>24</sup> <http://regents.universityofcalifornia.edu/aar/mare.pdf>

- In 2010, then-University of California President Mark G. Yudof formed a President’s Advisory Council on Campus Climate, Culture, and Inclusion. This Council, which included ADL National Commissioner Rick Barton, was tasked with monitoring campus progress and metrics, and examining campus practice and policy. Several members of the Council (UC Jewish Student Campus Climate Fact-Finding Team) visited various UC campuses and met with members of the Jewish community in order to identify ways to make campuses more inclusive for Jewish students. The team produced a report<sup>26</sup> with eight recommendations for how to make campuses more welcoming for Jewish students. One suggestion was for the UC system to adopt a definition of anti-Semitism and provide guidance on identifying new manifestations of old negative stereotypes, contemporary incidents of anti-Semitism, including instances in which anti-Israel activity – including anti-Semitic stereotypes and anti-Israel or anti-Zionist expressions coded as political discourse – cross the line to targeted, intentional, unlawful, discriminatory intimidation and harassment of Jewish students.
- During the 2014-15 academic year, anti-Semitism on college campuses continued to garner increased attention because of a rise in anti-Semitic incidents. In response, UC President Janet Napolitano and her staff drafted a “Statement of Principles Against Intolerance (“Statement”).” This draft was roundly rejected by the UC Board of Regents in large part because it did not address anti-Semitism. The Regents then convened a Working Group of diverse stakeholders to review and amend the Statement.

ADL shared the same concerns as the Regents. In a letter to the Working Group’s Chief we wrote, “While we applaud the efforts of the Regents to create a formal document reiterating the importance of inclusiveness and respect, we were concerned and disappointed that the “Statement of Principles Against Intolerance” did not include the necessary clarity and specificity regarding anti-Semitism – one of the very intolerances that gave rise to the need for such a Statement in the first place.” We argued that a general statement about intolerance would not suffice; anti-Semitism must be named and addressed in a specific way.

- We were pleased that the Working Group heard and responded to ADL’s feedback. The Statement’s final version not only acknowledges the impact of anti-Semitism and anti-Zionism on campus but also includes the following: “anti-Semitism and other forms of discrimination have no place in the University. The Regents call on University leaders actively to challenge anti-Semitism and other forms of discrimination when and wherever they emerge within the University community.”<sup>27</sup> ADL was gratified that the report highlights the vital role of university leadership in addressing tolerance. The statement also acknowledges the inherent tension between creating an inclusive campus and safeguarding First Amendment and academic freedom principles – both of which ADL strongly supports.

In the end, we supported the adoption of the Report of the Regents Working Group on Principles Against Intolerance. The Report demonstrates the vital role university leadership must play in addressing tolerance. We have subsequently urged the California State University system to adopt similar principles.<sup>28</sup>

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<sup>26</sup> <https://cascholars4academicfreedom.files.wordpress.com/2012/07/jewish-climate-fact-finding-report-july-2012-final.pdf>

<sup>27</sup> <http://regents.universityofcalifornia.edu/aar/mare.pdf>

<sup>28</sup> <http://la.adl.org/news/joint-statement-in-support-of-uc-regents-policy-against-intolerance/>

## **Congressional Response to Anti-Semitism on Campus: The Anti-Semitism Awareness Act (ASAA)**

ADL has documented the fact that anti-Semitism is disturbingly pervasive and moving into the mainstream. In recent years, the issue of hostility towards Jewish students and Israel and anti-Semitic incidents on college campuses have attracted considerable national attention.<sup>29</sup> And as previously mentioned, a total of 118 anti-Semitic incidents were reported in our Audit in the first three quarters of 2017, compared to 74 in the same period of 2016 – an increase of 59 percent.

While most incidents of anti-Semitism on campus are unrelated to anti-Israel activity, the Department of Education and the Department of Justice should have the authority to investigate instances in which anti-Israel activity – including anti-Semitic stereotypes and anti-Israel or anti-Zionist expressions coded as political discourse – cross the line to targeted, intentional, unlawful, discriminatory intimidation and harassment of Jewish students. Organized anti-Israel activity on college campuses can create an atmosphere in which Jewish students feel intimidated and under siege.

Title VI of the Civil Rights Act of 1964 is one of the most important federal education anti-discrimination statutes. But it only prohibits discrimination on the basis of race, color, or national origin. In March 2010 a broad coalition of Jewish community organizations wrote<sup>30</sup> to urge the Department of Education to interpret Title VI to protect Jewish students from anti-Semitic harassment, intimidation and discrimination – and they did. In fact, both the Department of Justice<sup>31</sup> and the Department of Education<sup>32</sup> have properly concluded that Title VI prohibits discrimination against Jews, Muslims, Sikhs, and members of other religious groups when the discrimination is based on the group's actual or perceived shared ancestry or ethnic characteristics – or when the discrimination is based on actual or perceived citizenship or residence in a country whose residents share a dominant religion or a distinct religious identity.

### **What the ASAA would do**

The legislation is designed to help the Department of Education and Department of Justice effectively determine whether an investigation of an incident of anti-Semitism is warranted under their statutory anti-discrimination enforcement authority.

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<sup>29</sup> As early as 2006, the United States Commission on Civil Rights made this statement in their report. *Findings and Recommendations of the United States Commission on Civil Rights Regarding Campus Anti-Semitism*:

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.

<http://www.usccr.gov/pubs/081506campusantibrief07.pdf>

<sup>30</sup> <https://www.adl.org/news/press-releases/adl-urges-education-secretary-to-protect-jewish-students-on-campus-from>

<sup>31</sup> [https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810\\_AAG\\_Perez\\_Letter\\_to\\_Ed\\_OC\\_R\\_Title%20VI\\_and\\_Religiously\\_Identifiable\\_Groups.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OC_R_Title%20VI_and_Religiously_Identifiable_Groups.pdf)

<sup>32</sup> <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>

As previously mentioned, in October 2010, the Department of Education Office for Civil Rights (OCR) sent a Dear Colleague letter<sup>33</sup> to schools across the country announcing they would be enforcing their inclusive reading of Title VI authority – and emphasized new responsibilities for schools under this interpretation. However, OCR did not provide guidance on what constitutes anti-Semitism. The ASAA provides a reference point that can be useful in these cases, including instances when targeted, intentional, discriminatory anti-Semitic conduct may be couched as anti-Israel or anti-Zionist.

Since 2010, the Department of Education has used its inclusive interpretation of Title VI authority in a number of religious discrimination cases.<sup>34</sup> Importantly, the ASAA<sup>35</sup> would codify the Department’s authority to investigate and remedy instances of harassment and intimidation against Jewish students and others targeted because of their actual or perceived shared ancestry or ethnic characteristics. ADL coalition-building goals also align with this legislation. We want students of all backgrounds and identities to feel secure in an environment free from harassment and intimidation. Ensuring that other groups with “shared ethnic characteristics” are covered under the law – and putting mechanisms in place to better understand hate and bigotry, is beneficial.

Understanding the nature and magnitude of a problem is essential to address it. As we have discussed, anti-Semitism is a multifaceted form of prejudice which can be, and is, manifested in many different ways. The State Department has developed a definition of anti-Semitism and accompanying examples to serve as a guidepost for America’s diplomats abroad who report on incidents and trends around the world.<sup>36</sup>

The ASAA references this State Department definition, but does not use it to automatically trigger federal education anti-discrimination investigations or enforcement actions – because much of what is covered by the definition and accompanying examples is First Amendment-protected speech. It is essential to accurately distinguish First Amendment-protected speech – including disagreement and even harsh criticism of the government of Israel – from intentional, targeted conduct that unlawfully threatens, harasses, or intimidates particular Jewish students and jeopardizes their equal educational opportunities.<sup>37</sup> That conduct is not protected by the First Amendment – and it should not be deemed inactionable simply because that conduct is couched as “anti-Israel” or “anti-Zionist.”

Following an alleged violation of federal education anti-discrimination laws, the plain language of the ASAA simply requires the Department of Education to “take into consideration” the State

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<sup>33</sup> <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>

<sup>34</sup> <https://www2.ed.gov/about/offices/list/ocr/religion.html>. The Obama administration reaffirmed this interpretation in January, 2017 <https://www2.ed.gov/about/offices/list/ocr/docs/jewish-factsheet-201701.pdf>

<sup>35</sup> This legislation has not been introduced in the 115<sup>th</sup> Congress, but was approved by the Senate in December 2016. <https://www.congress.gov/114/bills/s10/BILLS-114s10rfh.pdf>

<sup>36</sup> <https://www.state.gov/s/rga/resources/267538.htm>. The definition has been a useful tool that has increased the effectiveness of the State Department’s monitoring of anti-Semitism abroad. It was adopted last year by the 31 member governments that make up the International Holocaust Remembrance Alliance (IHRA)

<https://www.holocaustremembrance.com/media-room/stories/working-definition-antisemitism>.

<sup>37</sup> A 2016 Brandeis University study states: “On many campuses more than one third of Jewish students feel at least a little uncomfortable expressing their opinions about the Israeli-Palestinian conflict.” This indicates two things: 1) There is a connection between Jewish students and the conversations about Israel on campus; and 2) organized anti-Israel activity on college campuses can create an atmosphere in which Jewish students feel intimidated and under siege <https://www.brandeis.edu/ssri/pdfs/campusstudies/AntisemitismCampuses102016.pdf>

Department definition of anti-Semitism “as part of the Department’s assessment” of whether an investigation of that allegation is warranted. Enactment of the ASAA will help ensure that OCR investigations of future complaints – as well as training and technical assistance for OCR Regional Office professionals – will be informed by a definition of anti-Semitism that includes all current manifestations.

Finally, it’s not easy to make out a federal anti-discrimination case – and it shouldn’t be. There’s no need to make a *federal case* out of things that can and should be resolved in school or on campus. Importantly, this legislation will not affect the current coverage of other religious groups under Title VI – and it will not change the substantive rights, obligations, or standards of review under Title VI. But enactment of the ASAA is a step in the right direction to help ensure that Jewish students remain safe on campus while at the same time protecting the free speech rights of all students.

### **Protecting First Amendment Rights**

The ASAA provides the Department of Education with a working definition for anti-Semitism in a way that is attentive to the need to protect political speech. Paul Clement, a former Solicitor General of the United States, wrote a letter<sup>38</sup> to Congress addressing the constitutionality of the ASAA and its First Amendment protections.

Helping to define and clarify modern manifestations of anti-Semitism is a unique contribution that this bill will make toward the goals of an inclusive campus climate. The Israeli-Palestinian conflict is a complex issue, as it relates to the fact that Israel is a Jewish state. In the heat of the debates, and with a community of passionate students, sometimes conflict can escalate on campus, and students may cross lines of inappropriate behavior, conflating and connecting Jewish students on campus with Israel. Most times, even harsh anti-Israel rhetoric and imagery is permissible, protected political expression, but there are times that anti-Semitism does present in stereotypes and tropes that have been used against Jews throughout history.

To the extent that Jewish students are targeted, because they are Jews, and held responsible for the actions of Israel, this is a factor to consider in determining whether these actions constitute unlawful, discriminatory treatment of Jewish students that deprives them of an equal educational opportunity. Importantly, providing the Department of Education with a tool to understand the concept that anti-Israel action on campuses can occasionally manifest in anti-Semitism also provides guidance for those times when accusations of anti-Semitism are misidentified or exaggerated. This training tool will ultimately help keep balance and perspective.

### **Policy Recommendations**

#### **1) Include anti-Semitism modules and examples into existing diversity trainings.**

Many colleges and universities have retreats, activities, or first-year orientation programs for students that include diversity and inclusion content. This is the perfect opportunity to educate about anti-Semitism as a normalized part of the hate, bias, and inclusion conversation. This will build empathy and knowledge to create more effective and inclusive future citizens and leaders in society.

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<sup>38</sup><https://static1.squarespace.com/static/58909bb9e3df281428dd5a46/t/58e2ba24893fc0a495cb03a1/1491253796162/%5B3.20.2017%5D+P.+Clement+Ltr.pdf>

Beyond the student population, faculty, staff and administrators are models and leaders on campus. Preparing these groups with skills to identify and respond to anti-Semitism along with other forms of hate and bias is critical to the campus environment, scholarship, and public discourse associated with an institution of higher education.

## **2) Assess curricular offerings and core curriculum requirements.**

Campus administrators must better understand the variety of ways in which Jewish Studies, and in particular, the study of anti-Semitism, and Jewish history and culture, can enrich curricular offerings across disciplines. Many schools do not allow for Jewish Studies courses to count for cross-cultural core curriculum requirements. This is a fundamental misunderstanding of what Jewish Studies courses can offer, particularly in the secular studies realm. Understanding anti-Semitism as a part of the larger narrative of discrimination and bigotry, religious liberty, and the civil right movement will inform the placement of courses within the curriculum, and will send an important message that administrators recognize anti-Semitism and Jewish identity as a modern experience.

## **3) Enact the Anti-Semitism Awareness Act (ASAA)**

Enactment of the ASAA will help school administrators and others responsible for keeping Jewish students safe on campus to better understand how anti-Semitism can manifest while at the same time protecting the free speech rights of all students. Importantly, enactment of the ASAA would codify the Department of Education's authority to investigate and remedy instances of harassment and intimidation against Jewish students and other students targeted because of their actual or perceived shared ancestry or ethnic characteristics.

## **4) Improve training for campus officials, student leaders, and police on responding to extremism, bias incidents, and hate crime.**

In recent months, ADL Regional Directors and our Campus and Center on Extremism professionals have met with university administrators to tailor best practices for addressing white supremacist and other extremist rallies and outreach on campus. Our outreach is intended to ensure that administrators, faculty, staff, and students all understand that they have a direct responsibility to respond to hate speech and extremism – and that they have the resources, tools, and intervention strategies to do so most effectively.

Every year, thousands of students are the victims of bias-motivated slurs, vandalism, threats, and physical assaults on college campuses. In 1998, to increase awareness of bias-motivated violence on college campuses, Congress enacted an amendment to the Higher Education Act (HEA) requiring all colleges and universities to collect and report hate crime statistics to the Office of Postsecondary Education (OPE) of the Department of Education. Unfortunately, the Department of Education's current hate crime statistics<sup>39</sup> reflect very substantial underreporting. Even worse, the limited available data is frequently inconsistent with campus hate crime information collected (voluntarily) by the Federal Bureau of Investigation under the 1990 Hate Crime Statistics Act (HCSA) – though, theoretically, they are reporting hate crimes under the same criteria.<sup>40</sup>

The Violence Against Women Reauthorization Act of 2013<sup>41</sup> amended the Clery Act<sup>42</sup> to require campus security and local law enforcement to identify, record, and effectively respond to incidents motivated by gender identity bias and national origin bias – in addition

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<sup>39</sup> <https://ope.ed.gov/campussafety/#/>

<sup>40</sup> <https://ucr.fbi.gov/hate-crime/2015>

<sup>41</sup> Public Law 113-4 (2013) <https://www.congress.gov/113/plaws/publ4/PLAW-113publ4.pdf>

<sup>42</sup> Public Law 101-542 (1990) <https://www.gpo.gov/fdsys/pkg/STATUTE-104/pdf/STATUTE-104-Pg2381.pdf>

to the longstanding requirements to report hate crime incidents based on race, gender, religion, disability, sexual orientation, or ethnicity bias.

The Department of Education and the Department of Justice should work with law enforcement organizations (including campus police) and civil rights and religious groups with interest and expertise in combating hate violence to do outreach and education – highlighting the recently-added issues of gender-identity and national origin based hate violence, using the updated Clery Handbook.<sup>43</sup> Coordination with relevant college and university offices in these efforts is essential.

**5) Encourage reporting and develop best practices, protocols, and mechanisms for internal reporting and publication of data on bias-motivated incidents and campus climate issues.**

Many colleges have such a reporting system, but it is imperative that these systems be easily accessible and ‘user-friendly’ for all members of the community. Messages should be regularly communicated to students, faculty and staff about how and what to report, how to access the system, and what the process will be when they report.

The benefits of reporting far outweigh the costs of public relations concerns. When issues of hate and bias are named and openly discussed, solutions are possible. The Provost’s office and Academic Affairs are critical spaces to offer opportunities that help faculty to recognize, assess, and challenge biases and non-inclusive behavior in the classroom and on campus. Hate prevention and inclusive campus climates are directly linked with the ways in which we respond.

**6) Educate faculty and students on the parameters of their First Amendment free speech rights.**

Colleges and universities must build an institution for learning that works toward inclusion and equity while also ensuring open expression and a marketplace for ideas. This requires flexibility and the ability for campus leadership to shift policies and practices for the needs of their community.<sup>44</sup>

The best means of helping people understand and exercise their First Amendment rights is to educate them. The League has published a First Amendment FAQ to help campus administrators and students navigate these hard questions.<sup>45</sup> And the ADL program “Identity, Inclusiveness, and Free Speech on Campus,” which helps administrators, faculty, students and campus security balance the complex interplay of free expression and bias, also offers insights on how best to create an inclusive campus environment. ADL has worked with a

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<sup>43</sup> <https://www2.ed.gov/admins/lead/safety/handbook.pdf>

<sup>44</sup> A much more detailed explanation of the League’s views on free speech on campus – and the urgent necessity that campus administrators address the harm that can flow from protected hate speech – can be found in our statements on the issue to the Senate Judiciary Committee, <https://www.adl.org/sites/default/files/documents/ADL%20Statement%20to%20Senate%20Judiciary%20Regarding%20Campus%20Free%20Speech%206%2020%202017.pdf>, the House Oversight and Government Reform Committee, <https://www.adl.org/sites/default/files/documents/ADL%20Statement%20-%20House%20Oversight%20Committee%20Hearings%20-%20Free%20Speech%20on%20Campus.pdf>, and our recent statement to the Senate Health Education Labor and Pensions Committee, <https://www.adl.org/sites/default/files/documents/ADL%20final%20Senate%20HELP%20Committee%20hearings%20on%20Exploring%20Free%20Speech%20on%20College%20Campuses.pdf>

<sup>45</sup> <https://www.adl.org/education/resources/tools-and-strategies/free-speech-qa-faq-about-free-speech-on-campus>

number of California, Illinois, Texas, Massachusetts, New York, and Washington, D.C. campuses on this issue.

Another ADL program, “Words to Action,”<sup>46</sup> helps students learn how to respond constructively when dialogue becomes heated or even aggressive. ‘Words to Action’ has served over 2500 students in the past year. Additionally, for over 15 years, ADL has been sharing with college administrators our resource guide “Responding to Bigotry and Intergroup Strife on Campus: A Guide for College and University Presidents and Senior Administrators.”<sup>47</sup> This manual provides guidance and techniques to use in response to severe conflicts on campus.

## **7) Increase funding for physical spaces and programs that provide intergroup and interfaith work.**

National intergroup dialogue programs, anti-bias education programs, and curricular resources provide an easily scalable mechanism for assisting colleges and universities in the process of increasing commitment and visibility to issues of diversity, inclusion, equity and belonging, including Jewish identity and anti-Semitism.<sup>48</sup>

Partnerships among staff/faculty and campus groups, offices and departments help institutionalize sustainable efforts and model intergroup and interfaith work for students and new employees coming into an institution that values inclusive policies and practices. For instance, if a program exists that is a collaboration between offices, students participate each year, and there is an established norm that cross-cultural dialogue is important. This is the case with the Alliance & Understanding program at the University of Pennsylvania, for example, where there is an established partnership between the Greenfield Intercultural Center, Hillel, and the African-American Resource Center.

## **Conclusion**

We cannot legislate, tabulate, regulate, or arrest our way to a healthier and more accepting society. The fundamental cause of religious and other bias-motivated harassment, intimidation, and violence in the United States is the persistence of racism, anti-Muslim bigotry, homophobia, and anti-Semitism. Unfortunately, there are no quick, complete solutions to these problems. Complementing state hate crime laws and prevention initiatives, the federal government has an essential leadership role to play in promoting and funding anti-bias, bullying prevention, and prejudice reduction initiatives for schools and the community. Effective responses to anti-Semitic incidents and hate violence by campus administrators, public officials, and law enforcement authorities can play an essential role in deterring and preventing these crimes.

We look forward to working with members of the Committee to accomplish as many of these recommendations as possible and hope that we and our leadership in our 26 Regional Offices can be a continuing resource in addressing this important issue.

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<sup>46</sup> <https://www.adl.org/words-to-action>

<sup>47</sup> <https://www.adl.org/sites/default/files/documents/assets/pdf/education-outreach/Responding-to-Bigotry-and-Intergroup-Strife-on-Campus.pdf>

<sup>48</sup> We have included a select list of ADL resources on these issues at the end of this statement.

## **SELECT ADL RESOURCES TO ADDRESS CAMPUS ANTI-SEMITISM AND BIAS**

Defining Hate Symbols: A Database of Symbols and Terms Most Frequently Used by White Supremacist Groups and Movements: <https://www.adl.org/education/references/hate-symbols>

A Glossary of Anti-Bias Terms: <https://www.adl.org/sites/default/files/documents/glossary-of-education-terms.pdf>

Strategies and Resources for Challenging Offensive and Bigoted

Remarks: <https://www.adl.org/education/resources/tools-and-strategies/challenging-biased-language>

Tools and Strategies for Talking to Young People about Race and

Racism: <https://www.adl.org/education/resources/tools-and-strategies/race-talk-engaging-young-people-in-conversations-about>

Curricular Resources for Teaching about Race, Racism, Anti-Semitism, and White Supremacy in the Aftermath of Charlottesville: <https://www.adl.org/education/resources/tools-and-strategies/race-talk-engaging-young-people-in-conversations-about>

Answers to Frequently Asked Questions about Bias for Early Childhood Professionals and Families: [https://www.adl.org/education/resources/tools-and-strategies/question-corner#.VQrEII7F\\_To](https://www.adl.org/education/resources/tools-and-strategies/question-corner#.VQrEII7F_To)

Guidelines for Helping Students Recognize and Make Sense of News Stories about Bias: <https://www.adl.org/education/resources/tools-and-strategies/helping-students-make-sense-of-news-stories-about-bias-and>

Empowering Young People in the Aftermath of

Hate: <https://www.adl.org/education/resources/tools-and-strategies/empowering-young-people-in-the-aftermath-of-hate#.WD6maLlrJxA>

ADL Webinar: Building Respectful School Climates: <https://www.adl.org/building-respectful-school-climates-adl-webinar-series>

Guidelines for Talking About Transgender and Gender Non-Conforming Identities and Issues: [https://www.adl.org/education/resources/tools-and-strategies/discussing-transgender-and-gender-non-conforming-identity#.V\\_ZvQY8rLct](https://www.adl.org/education/resources/tools-and-strategies/discussing-transgender-and-gender-non-conforming-identity#.V_ZvQY8rLct)

Table Talk: Provides Families with the Tools and Resources They Need to Talk with Young People about News Stories and Current Events: <https://www.adl.org/education/resources/tools-and-strategies/table-talk>

Lesson Plans to Assist K-12 Educators in Teaching about Current Events through a Diversity, Anti-Bias, and Social Justice Lens: with <https://www.adl.org/education-and-resources/resources-for-educators-parents-families/lesson-plans>