



April 6, 2011

BY FAX AND E-MAIL

Dr. Richard L. McCormick
Office of the President
Rutgers, The State University of New Jersey
83 Somerset Street
New Brunswick, NJ 08901

Dear President McCormick:

We write to you on behalf of the Zionist Organization of America (ZOA), the oldest and one of the largest pro-Israel organizations in the U.S., because we have received very troubling reports from Jewish students at Rutgers University that they are being subjected to a campus environment that is increasingly hostile and anti-Semitic. The impact has been serious: Jewish students feel threatened and intimidated, their emotional well-being has suffered, and their ability to participate in and benefit from Rutgers' programs and activities has been impaired. The problems that Jewish students are facing are described in detail below. As a recipient of federal funding, Rutgers is obligated to comply with Title VI of the Civil Rights Act of 1964, which requires that federal funding recipients ensure that their programs and activities are free from racial and ethnic discrimination. Last October, the U.S. Department of Education's Office for Civil Rights, which is charged with enforcing Title VI, issued a policy letter (enclosed) making it clear that federally funded schools must protect Jewish students from anti-Semitic harassment under Title VI. We urge you to ensure that Rutgers complies with its obligations under the law immediately. Below, we have proposed some reasonable steps that we believe will help remedy the problems.

Events Demonizing Jews and Israel have become a Regular Occurrence at Rutgers

Jewish students got a taste of what was to come this academic year when Ishmael Khaldi came to speak at the Rutgers Hillel on October 29, 2010, regarding his experiences as an Israeli Bedouin. Approximately 20 to 30 anti-Israel individuals came to the event and occupied the first three rows of seats. Several were wearing anti-Israel shirts. During Mr. Khaldi's speech, these individuals disrupted it by passing around papers and whispering to each other. When it was time for the question-and-answer period, these individuals tried to monopolize it, calling out, shouting at the guest speaker, and treating him without the civility and respect that all guests of Rutgers University have the right to expect. Their verbal attacks on the speaker were greeted with wild cheers and applause from the rest of the anti-Israel group. The group left en masse, and by then, there was no time left for anyone else to comment or ask questions. This group

interfered with Mr. Khaldi's freedom of speech and also interfered with other students' right to hear him and express their own opinions, all because they disagreed with Mr. Khaldi's views.

As you surely know, since that event at Hillel, a recognized student group at Rutgers called "BAKA [which stands for Belief Awareness Knowledge and Action] – Students United For Middle East Justice" has been sponsoring and promoting campus programs and events on a regular basis which demonize Jews and Israel, including the following:

- On November 4, 2010, BAKA sponsored an event called "U.S. to Gaza" to raise funds for an organization that was seeking to purchase an American ship to break the legal Israeli naval blockade of Gaza that was set up to prevent weapons and missiles from entering Gaza and being used to attack Israeli civilians in southern Israel. If rockets weren't being launched from Gaza into Israel, killing innocent civilians and wounding hundreds of others, there would be no need for the blockade. Breaking the blockade and providing material support to Hamas – a U.S.-designated "foreign terrorist organization" – in Gaza would violate federal law. Also alarming, the fundraiser itself incited hatred of Jews and Israel. Adam Shapiro, the co-founder of the International Solidarity Movement (ISM), spoke at the fundraiser. The ISM has links to and aids terrorist groups, advocates the destruction of the State of Israel, and is a leader in the global BDS (boycott, divestment and sanctions) movement against Israel. At Rutgers, Shapiro inflamed the audience against Israel, exhorting them to "transform this conflict from one between Israel and the Palestinians . . . to one between the rest of the world and Israel." Another speaker, Nada Khader, encouraged the audience to support a boycott against Israel. Khader reportedly compared Zionism – the expression of the Jewish people's right to live in their historic and religious homeland – to white supremacy. The hostility in the room was unmistakable; every attack against Israel – including the mention of suicide bombings, which have murdered innocent Jewish civilians, and other forms of violence against Israel – was chillingly greeted with cheering and loud applause.
- On November 10, 2010, BAKA hosted "Arabs and the Holocaust: A History of Competing Narratives." The program featured Gilbert Achcar, who has claimed that the denial of the "Nakba" (the so-called tragedy that the Palestinian Arabs claim befell them after the State of Israel was established) is more serious than the Palestinians' denial of the Holocaust. Any suggestion that the establishment of the Jewish State was a "tragedy" for the Palestinian Arabs is itself a distortion of history intended to incite hatred of Jews and Israel; at the time the State was established, the United Nations had also offered the Palestinian Arabs their own state when none had existed before, but the offer was rejected. Disturbingly, this BAKA-sponsored program was co-sponsored by two academic departments at Rutgers, the Center for Middle East Studies and the Department of Journalism and Media.
- On November 16, 2010, BAKA brought Norman Finkelstein, a well-known Holocaust minimizer and Israel-basher, to campus. Finkelstein is the author of the book *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering*, which *The New York Times* has compared to *The Protocols of the Elders of Zion*, and has decried it as

“verg[ing] on paranoia and . . . serv[ing] anti-Semites around the world. . . .” (See Bartov, Omer, “A Tale of Two Holocausts,” *The New York Times*, Aug 6, 2000 [<http://www.nytimes.com/books/yr/mo/day/reviews/000806.06bartovt.html>].)

- On November 19, 2010, BAKA sponsored a showing of the film “Occupation 101,” which inflames hatred of Jews and Israel by promoting the incendiary falsehood that the Palestinian Arabs are innocent victims and Israelis their brutal occupiers and oppressors. The term “occupation” is itself a propaganda tool used to promote hatred of Jews and Israel, because it falsely suggests that Israel’s presence in the West Bank and eastern Jerusalem amounts to occupying someone else’s land. In fact, Israel has an undeniable right under international law to be present in these areas and the strongest claim to those areas.
- On December 5, 2010, BAKA co-sponsored a “Palestine Culture Festival” that celebrated the Palestinian “legacy of resistance,” – which is code for the endorsement of suicide bombings, terrorist attacks, and the murder of Israeli Jews.
- On January 20, 2011, BAKA sponsored a “Gaza vigil” to commemorate the so-called “massacres” of Palestinian Arabs in Gaza, another inflammatory falsehood that incites hatred of Jews and Israel. The notion that there were any “massacres” is false; many if not most of the people killed were not innocent civilians but rather operatives for the terrorist group Hamas. The truth is that Israel did what any country in its position would do and must do – defend its people, after innocent men, women and children in southern Israel were subjected to years of rocket and missile attacks by Palestinian Arabs in Gaza. As you surely know, Richard Goldstone, who was commissioned by the United Nations Human Rights Council to investigate Israel’s 2008-09 defensive war in Gaza against Hamas aggression, recently recanted his previous findings and concluded that Israel did not intentionally target civilians during the war and that any deaths that occurred were inadvertent. The same is not true for Hamas, which Goldstone determined had purposefully aimed its rockets at civilians.
- On March 1, 2011, as part of its “Palestine Awareness Week,” BAKA sponsored a panel discussion entitled “Israel, the Apartheid Analogy and the Boycott, Divestment, and Sanctions (BDS) Movement.” The event falsely and offensively compared Israel’s treatment of its Arab citizens to how South Africa treated blacks under the apartheid system. Speakers falsely accused Israel – the only established democracy in the Middle East, where all citizens, including Arabs, have equal rights to free speech, to practice their religion, and to vote, and where Arabs serve in the government and on the courts – of discriminating against Arabs, and they advocated in favor of hurting Israel by boycotting Israeli products and cultural exchanges.
- On March 2, 2011, as part of “Israel Apartheid Week,” BAKA erected a so-called “apartheid wall” – falsely representing the security fence that Israel has been forced to construct to protect innocent Israeli civilians from drive-by shootings and terrorist attacks. If there were no Arab terrorism against Israel, there would be no fence.

BAKA's wall was set up outside the entrance to Brower Commons, one of the main dining halls on campus, so that it was virtually impossible for students to avoid seeing it, forcing them to be an involuntary audience to the demonization of Jews and Israel. Student residents of Stonier Hall, which is adjacent to Brower Commons, were literally forced to walk around the wall in order to exit their dormitory toward College Avenue. These students in particular were unable to escape the wall and its hateful and false propaganda message.

The icing on the cake for many Jewish students was the event that BAKA promoted and organized at Rutgers called "Never Again for Anyone." The event took place on January 29, 2011 – a date purposefully chosen to coincide with International Holocaust Remembrance Day. As with previous BAKA programs, the January 29th event was intended to incite hatred of Jews and Israel, by offensively and absurdly comparing the deliberate and systematic murder of Jews and others during the Holocaust to Israel's policies and practices toward the Palestinian Arabs. The program's propaganda goal was to stop the so-called "ethnic cleansing of Palestine" – as if Israel's treatment of the Palestinians could possibly be compared to the Nazi's deliberate and systematic genocide of the Jews. The dramatic increase over the years in the number of Palestinian Arabs in Israel, including Judea and Samaria, and Gaza completely invalidates the ridiculous claim that Israel is engaging in ethnic cleansing: In 1948, there were 200,000 Palestinian Arabs in these areas, while today, there are over two million.

Not only was the content of BAKA's program appalling in its promotion of anti-Semitism and the demonization of Israel; in addition, the policy for admission to the program that BAKA endorsed was discriminatory and anti-Semitic. Jewish students reported to us that when the event's organizers saw how many Jewish and Israel supporters turned up at the event, the admissions policy was altered, effectively excluding Jews and Israel supporters from attending the program and preventing their voices in support of Israel from being heard.

Discriminatory Treatment at the "Never Again for Anyone" Event

When Jewish students at Rutgers heard about the BAKA program scheduled for January 29th, which would be falsely analogizing the Nazis' treatment of the Jews to Israel's policies and practices toward the Palestinian Arabs, students were understandably upset and outraged and they organized a peaceful response. Jewish students planned to attend the event, sit respectfully, and then at some point, stand up, reveal the tee shirts underneath their jackets – which bore the message, "Don't Politicize the Holocaust" – and then quietly walk out.

None of these students thought that there would be any problem attending the event. Indeed, BAKA had advertised the event on Facebook and on Craigslist, representing that it would be "free and open to the public." The Craigslist ad said, "\$5 - \$20 suggested donation on entry." This representation was the same at the event itself, where a sign was prominently displayed suggesting a voluntary contribution of \$5.00 to \$20.00, but also stating that no payment would be required for admission.

But as people began to fill the lobby and so many of them – based on their signs and attire – were Jewish and/or supporters of Israel, the admissions policy was abruptly changed and a mandatory admission fee of \$5.00 was announced. Understandably, students and community members objected, pointing to BAKA's own representations that the event would be free. A spokesperson from an outside group that co-sponsored the program was undeterred, calling the advertising a "mistake." Not one BAKA representative ensured that the admission policy was implemented as represented and that students could gain admittance without paying a mandatory fee.

Making matters worse, the new admissions policy was not enforced fairly and equally. BAKA members and others who were deemed friendly to BAKA's cause – by their attire and signs – were observed getting in for free. An unusually large number of students were given green wristbands and permitted to enter without charge, allegedly because they were "volunteering" at the event. To several witnesses, there appeared to be an awful lot of volunteers; handing out the wristbands seemed a ruse to enable some students, but not others, to attend the event without charge.

In contrast, those who were perceived as Jewish and pro-Israel had to pay to be admitted. Many refused to support the event or its organizers and thus were effectively kept out of the event – which was plainly the organizers' goal. When some Jewish students saw that members of BAKA were getting into the event for free, they tried to join BAKA. Even though University policies are clear that student organizations cannot deny membership on the basis of religion, ancestry, or other category protected by law, BAKA refused to admit the Jewish students to their group and they were denied admission to the event.

The reason for the change in the admissions policy was soon made crystal clear. Sara Kershner – founder of the International Jewish Anti-Zionist Network (IJAN), which co-sponsored the event – reportedly told student volunteers at the event to allow anyone who appeared to be a supporter of the program's agenda into the event for free. Inside the event, Ms. Kershner reportedly told the audience, "When we saw that there were . . . Zionists outside, we decided to charge." In short, Jews and supporters of Israel were deliberately excluded from an event that was supposed to be open to Rutgers students and the public. And BAKA endorsed this discriminatory and anti-Semitic policy.

BAKA claimed that the event was not intended to exploit the Holocaust or create moral equivalency between that horrific tragedy and the situation of the Palestinian Arabs. But during the event, Kershner reportedly said that Israel's policies toward the Palestinians mirror the murder, starvation and dehumanization that Jews experienced at the hands of the Nazis. She falsely claimed that "Palestine" was being "ethnically cleansed." Other speakers promoted another hateful lie that "Zionists" had manipulated the experiences of Jews in Europe to justify Israel's mistreatment of Palestinians. The final speaker at the event claimed, "You have the offspring of the victims of the Holocaust justifying a Holocaust committed against another people!" In short, the event did exactly what BAKA claimed it would not do. BAKA used the Rutgers campus to distort and exploit the Holocaust, demean its victims, and promote hatred of Jews and Israel.

The University's Response to the January 29th Event

The day after "Never Again for Anyone," Rutgers issued a statement "to correct a number of assertions that have appeared in some published reports of the event." Given the timing of the statement, it was obvious that Rutgers had done little if any investigation into what had occurred on January 29th. The university stated that it was not the sponsor of the event. It identified American Muslims for Palestine as having leased a hall from the university and paid the cost of the event. It stated that the organizers hired two officers to assist with security and crowd control. The university also noted that "[t]he organizers had originally advertised a suggested donation of five to twenty dollars upon entry. At the event, the organizers chose to impose a five dollar entrance fee on attendees."

Rutgers' statement did not address the fact that BAKA had engaged in false advertising in violation of university policies, when it advertised the event as free and open to the public, and then later endorsed a charge for admission. The university's statement did not address the fact that the admissions policy was selectively enforced against Jews and Israel supporters and thus discriminatory and anti-Semitic. And the statement did not condemn or even address any of the inflammatory and anti-Semitic falsehoods that were promoted at the event to incite hatred of Jews and Israel. Since January 30th, Rutgers has not issued any other statements about what occurred at the event or how it was handled, or even whether the matter is under investigation. To all appearances, Rutgers has simply pushed the matter under the rug, at the expense of Jewish students who view the campus as increasingly hostile to them and to Israel. The university's seeming indifference to Jewish students' concerns has intensified the climate of hostility.

Jewish Students Are Facing a Hostile Environment at Rutgers, Including Violent Threats

Even before receipt of this letter, Rutgers was on notice that Jewish students were being subjected to a hostile campus environment that is having unacceptably harmful effects on their physical and emotional well-being. In a piece published in the student paper, the *Targum*, on February 7, 2011, the Rutgers Hillel reported that "Jewish students have been threatened with violence, made to feel unsafe in their dorms and sought formal counseling because of physical threats as well as emotional and verbal attacks on them. This includes individuals who BAKA has publicly targeted." To our knowledge, Rutgers has not taken any remedial action in response to this very troubling report.

Hillel's report is consistent with the information we've received from Jewish students. One student told us that he is afraid to wear anything with the Israel Defense Forces logo on it. He is even uncomfortable discussing on campus his experience of studying abroad in Israel. Another student described a fear of the BAKA protesters, characterizing it as a "constant worry." Another student described feeling physically unsafe going to events that BAKA sponsors, and with good reason. He has been pointed at and surrounded at BAKA events. And when he tried to videotape events so that he could expose the kind of hateful falsehoods that are being promoted on campus about Jews and Israel, he was forced to leave the events. One Jewish student attended a BAKA meeting and was asked to leave. Students describe being afraid even to say that they support Israel on the campus. One Jewish student said that based on BAKA's

conduct in specifically targeting her, she couldn't leave her house, and was so riddled with anxiety that she couldn't eat or sleep.

Jewish students are also facing harassment and intimidation in the classroom. They tell us that Middle East studies courses are so unfairly biased against Israel that they are too uncomfortable or intimidated to enroll in any of these courses. When they do enroll, they go in expecting that the professor will be biased against Israel – it is simply a question of just how ugly the bias will be. The anti-Israel bias has made students reluctant and even intimidated to speak up and say that they support Israel, both in and out of the classroom.

More Threats Against a Jewish Student, Including by a Rutgers Official

Aaron Marcus is one of the many Jewish students who have been subjected to a hostile environment at Rutgers. Mr. Marcus, a junior, is a columnist for the *Targum*, where he writes about a variety of issues, including Israel when it is relevant to happenings at the University. Mr. Marcus has been subjected to name calling and other hateful comments, harassment and intimidation, simply for exercising his right to speak out in support of Israel and against the inflammatory lies that are being promoted on campus about Jews and the Jewish State. In January, another student physically threatened Mr. Marcus, inciting others to support the threat, which led to a second threat on Mr. Marcus' life.

On January 31, 2011, the *Targum* published Mr. Marcus' opinion piece, entitled "BAKA Must End Hateful Tactics." In the piece, Mr. Marcus criticized BAKA for hosting "Never Again for Anyone." After the piece was published, another student at Rutgers posted a message on Facebook in which he physically threatened Mr. Marcus: "As I was reading the Aaron Marcus column this morning, I realized how Im [sic] a pretty angry person. Id [sic] be happy to see him beat with a crowbar. Violence doesnt [sic] solve problems but it shuts up people who shouldnt [sic] speak" [emphasis added].

At least seven of the writer's Facebook friends clicked "like" on this message, indicating their approval of the threat of violence against Mr. Marcus. One responded with a threat of his own: "Or makes them martyrs, furthering the strength behind their beliefs. And skinning them alive so they see the afterlife" [emphasis added].

Understandably feeling threatened and intimidated, Mr. Marcus sought police protection, and he removed his contact information from the Rutgers directory, which is normally accessible to the public. Mr. Marcus also filed a bias incident report with the Dean of Students. Although Rutgers represents that victims of bias will be contacted within 24 hours of filing a bias report, no one from the university contacted Mr. Marcus until more than a month after he filed his bias report. Mr. Marcus was notified by the Dean of Students of the College Avenue Campus that "[b]ased on the evidence, there was not enough grounds to formally charge the other student with a violation of the code of student conduct" – even though the Code of Conduct specifically states that threatening to use force against a person is prohibited conduct that could even cause the violator to be suspended or expelled, and the student's Facebook posting threatening to "shut up" Aaron Marcus by beating him with a crowbar, should have been sufficient evidence of a threat.

Neither the Dean of Students nor any other university official reached out to Mr. Marcus or met with him after he filed his bias report to obtain additional information. The Dean of Students simply informed Mr. Marcus that he'd met with the student who issued the threat and gave him "a warning" – a nominal consequence. To our knowledge, the other student who also physically threatened Mr. Marcus suffered no consequences at all.

It hasn't been just students who have threatened, bullied and tried to intimidate Mr. Marcus for condemning the promotion of anti-Semitic falsehoods on campus, and for speaking out in support of the Jewish State. A Rutgers official has verbally attacked, bullied, maligned and incited hatred of Mr. Marcus for exercising his First Amendment right to free speech.

Mr. Marcus wrote an opinion piece in the *Targum* about the Palestine Children's Relief Fund, criticizing the decision of the student government – over the objection of several students – to support this group by granting it the rights to the University's meal sign-away program. Mr. Marcus raised legitimate concerns about the Palestine Children's Relief Fund (PCRF)'s ties to terrorist organizations, and questioned whether this was an appropriate group for the student government at Rutgers to support financially.

In response to Mr. Marcus' opinion piece, the then-treasurer of the Rutgers University Student Assembly (RUSA) – who is now the president of RUSA – posted hateful and offensive comments about Mr. Marcus and other Jewish students on his Facebook wall. On November 26, 2010, he wrote, "I am also thankful that paranoid xeno-fucks didn't strip PCRF away from the meal sign away rights on the basis of blogs and innuendo." Specifically targeting Mr. Marcus, this elected student leader wrote on December 9, 2010, "I just sent an editorial to the *Targum* concerning 'Marcus My Words' article concerning PCRF. I want to take a full page ad out in the *Targum* and Write 'FUCK YOU DUMBASS' and all the other people trying to pass off rooster entrails as a smoking gun that PCRF funds terrorists."

Such comments are completely antithetical to the values of tolerance and respect that supposedly underpin the university. The comments are particularly appalling and unacceptable coming from an elected student leader. But more shocking was the anti-Semitic bullying and intimidating name-calling engaged in by a university official. Shehnaz Sheik Abdeljaber, the Outreach Coordinator at Rutgers' Center for Middle East Studies, responded to the treasurer's hateful and offensive comments about Mr. Marcus by posting her own anti-Semitic comments, referring to Mr. Marcus as "that racist Zionist pig!!!!!!" Abdeljaber also encouraged others to "put his name in fb [Facebook] search . . . he has a fb [Facebook] hate page" – as if celebrating that there is a page on Facebook where people post hateful comments about Mr. Marcus, and encouraging others to find it so that they can read the comments and post their own messages attacking and maligning Mr. Marcus.

Ironically, Ms. Abdeljaber recently spoke out against bullying and the intimidation of students. In February, when the *Targum* covered Rutgers' rally against bullying, Ms. Abdeljaber reportedly said that her own son had been bullied by teachers, and that the state's revised anti-bullying law now makes schools more accountable. She called on people to realize that others are bullied unintentionally through misuse of language.

Yet by attacking Mr. Marcus with profane and anti-Semitic name-calling and by extolling the existence of a Facebook hate page against him, Ms. Abdeljaber engaged in exactly the kind of behavior that she professes to abhor. It is unacceptable for anyone – particularly a university official – to publicly disparage, malign and bully a student at Rutgers for expressing his personal views about Israel or anything else.

Ms. Abdeljaber also actually physically threatened and tried to intimidate Mr. Marcus. In November 2009, there was a student body meeting about whether RUSA, the student government, should assign the meal sign-away rights to the PCRFB. After the meeting, Mr. Marcus and a group of his friends were talking to a reporter from the *Targum*. All of a sudden, Ms. Abdeljaber rushed toward them. Directing her comments to Mr. Marcus, she began yelling words such as, “I’m Palestinian. Do you want to take me on? Do you want to fight? I have thick blood. Try me.” Students reported to us that Ms. Abdeljaber was all riled up; she kept pounding on her chest and pointing to her necklace, which was a silhouette of Israel covered by the Palestinian flag. Another student present with Mr. Marcus described Ms. Abdeljaber’s conduct as very intimidating and trying to provoke a fight.

Mr. Marcus and his friends were stunned. They did not know then that she was a university official. They urged Ms. Abdeljaber to calm down, to no avail. Eventually, a university official called the police to diffuse the situation.

Shehnaz Sheik Abdeljaber’s conduct toward Aaron Marcus, a Jewish student who has voiced his support of Israel, and other Jewish students, has contributed to creating a hostile anti-Semitic campus environment in violation of Title VI. We urge the university to investigate, and impose appropriate sanctions as warranted by the evidence. If the investigation shows that Ms. Abdeljaber did in fact threaten, intimidate, bully and malign Mr. Marcus, she should be fired. It is elementary that the Outreach Coordinator for Rutgers’ Center for Middle East Studies should be reaching out to *all* Rutgers students – including those who support the Jewish State of Israel – and not bullying, threatening or intimidating them.

Rutgers Has Failed to Redress the Problems that Jewish Students are Facing

Other students besides Mr. Marcus have recently reported acts of bias to the University, although not one of these reports, to our knowledge, has been addressed and resolved. As you may know, several Jewish students met with two university officials – Gregory Blimling, Vice President for Student Affairs, and Kerri Willson, Director of Student Involvement – on February 4, 2011, to discuss their concerns about what happened at the “Never Again for Anyone” event on January 29th, and also to discuss more generally their concerns about the hostile campus environment that they are being subjected to. The students had planned to bring a student supportive of BAKA who would have confirmed their description of what occurred on January 29th, but they weren’t permitted to bring her. The meeting itself was not productive; indeed, the two university officials reportedly put the students on the defensive and deflected their concerns.

Dr. Blimling set the tone for the meeting when he informed the students that he and other university officials had already heard about what had happened on January 29th and that

therefore, those issues would not be addressed at the meeting. To the students, this was a slap in the face; they had come to discuss their concerns about how the event had been conducted but their concerns were shunted aside. When one of the students tried to explain why the campus environment felt so hostile to many Jewish students, Dr. Blimling changed the subject. He brought up the problem of Islamophobia. He described how Muslims are portrayed on Fox News, and he talked about the objections that were made to building a mosque near Ground Zero in Manhattan— none of which had any relevance to the reason for the meeting or to the Jewish students' own legitimate grievances about the campus climate. Dr. Blimling also repeatedly brought up the grievances of the BAKA students. To the Jewish students at the meeting, Dr. Blimling's comments were gratuitous and completely out of left field. They made the students feel as if they were the aggressors against BAKA students, and that they had engaged in hostility toward Muslims, when nothing could be further from the truth.

Kerri Willson did not respond any more constructively to Jewish students' concerns. One of the students at the meeting had previously filed a bias complaint and had been led to believe by Dean Cheryl Clarke of the Bias Prevention and Education Committee that her complaint would be addressed at the February 4th meeting with Ms. Willson. But when the student tried several times to bring up the circumstances that led her to file a bias complaint, Ms. Willson stopped her each time. Ms. Willson repeatedly brought up BAKA's complaints, suggesting in her tone and manner that the Jewish students were the aggressors and the BAKA students were the victims. Ms. Willson also referred to a speaker whom Hillel was purportedly bringing to the campus and whom the BAKA students found offensive. Ms. Willson said that she had assured the BAKA students that the speaker would not be coming to campus. In fact, neither Hillel nor any other Jewish/pro-Israel campus group ever had any plan to bring this speaker to Rutgers. But that's beside the point. Because to Jewish students, who've been forced to endure one hateful anti-Semitic speaker after the next – all sponsored by BAKA – without one word of condemnation from Ms. Willson, it was difficult to believe that Ms. Willson now appeared to be making a judgment about a speaker that Hillel might be considering.

There was supposed to be follow-up after the meeting on February 4th, but so far, none of the students has heard from Dr. Blimling, Ms. Willson, or any other university officials regarding how their concerns will be addressed. The university has not acted on any of the bias complaints that Jewish students have filed. At the end of the meeting, Dr. Blimling and Ms. Willson were going to organize a meeting among the Jewish student leadership and the BAKA leadership; to date, they have not done so.

One of the students who had filed a bias report notified Dean Clarke of the Bias Prevention and Education Committee that her report had not been addressed at the February 4th meeting, and she reached out to the Dean for help. None was forthcoming. When the student suggested that she meet jointly with Dean Clarke and Kerri Willson, Dean Clarke responded with indifference: "if kerri [sic] has time. But if we are not going to cover any new ground, what will be the use. We will not say anything you will agree with." There was no apparent interest or concern in ensuring that a Jewish student's report of bias was addressed and resolved.

Rutgers Has a Legal Obligation Under Title VI to Redress the Anti-Semitic Hostility on Campus, or Risk Losing Its Federal Funding

As a recipient of federal funding, Rutgers has an obligation under Title VI of the Civil Rights Act of 1964, to ensure that its programs and activities are free from anti-Semitic harassment, intimidation and discrimination, or risk losing its funding. When the U.S. Department of Education issued its policy letter last October on harassment and bullying in federal funded schools, it made clear that schools have an obligation to protect Jewish students from anti-Semitic harassment under Title VI. This obligation includes not only ending the harassment and eliminating the hostile environment and its effects. It also means preventing the harassment from recurring.

As you'll see from the enclosed letter, it's not enough for a school to simply discipline the perpetrators of the hostility. The Department of Education has made clear that to comply with Title VI, schools must "implement a more systemic response," which might also include (1) counseling the perpetrators about the hurtful effect of their conduct; (2) publicly labeling the incidents as anti-Semitic; (3) reaffirming the school's policy against discrimination; (4) publicizing how students may report harassment; (5) providing faculty with training to recognize and address anti-Semitic incidents; (6) creating programs to educate Rutgers students about the history and dangers of anti-Semitism; and (7) conducting outreach to involve parents and community groups in preventing future anti-Semitic harassment.

Consistent with the Department of Education's directives, we have set out several steps that we believe would be a systemic response to the problems that Jewish students are facing at Rutgers. Respectfully, we urge you to implement them.

Rutgers' Leadership Must Publicly Condemn Anti-Semitism and Israel-Bashing Whenever They Occur

A fundamental step that Rutgers must take to redress the hostile campus environment is to publicly label and condemn anti-Semitism when it occurs on campus, in all its forms – including when it is expressed as anti-Zionist or anti-Israel sentiment that has the effect of promoting prejudice against or hatred of Jews.

This is not simply the ZOA's definition of anti-Semitism. Our own government has recognized that contemporary manifestations of anti-Semitism can include: (1) making demonizing or stereotypical allegations about Jews or the power of Jews as a collective (e.g., by promoting the myth about a world Jewish conspiracy, or of Jews controlling the media, the government or other societal institutions); (2) denying the fact or scope of the Holocaust; (3) accusing the Jews or Israel of inventing or exaggerating the Holocaust; (4) denying the Jewish people their right to self-determination; (5) applying double standards when it comes to Israel, by requiring of Israel a behavior not expected or demanded of any other country; and (6) comparing Israeli policy to that of the Nazis. (See the U.S. State Department's Contemporary Global Anti-Semitism Report, at <http://www.state.gov/documents/organization/102301.pdf>.)

After holding a briefing on the problem of campus anti-Semitism (in which the ZOA was invited to participate), the U.S. Commission on Civil Rights similarly concluded that anti-Zionist and anti-Israel sentiment can cross the line into anti-Semitism. Making it clear that such propaganda should be distinguished from legitimate discourse about foreign policy, the Civil Rights Commission declared, “Anti-Semitic bigotry is no less morally deplorable when camouflaged as anti-Israelism or anti-Zionism.”

This is exactly the kind of anti-Semitism that is being promoted on a now-regular basis at Rutgers – anti-Zionist and anti-Israel sentiment that pretends to be legitimate political discourse, but is actually inciting hatred and promoting bigotry against Jews and Israel. We urge you to speak out and condemn these incidents publicly, and also condemn the groups or individuals, by name, who are promoting the anti-Semitic bigotry, so that the perpetrators and the rest of the university community will understand what is wrong and why it is wrong.

The U.S. Commission on Civil Rights has recommended that university leaders set a moral example by denouncing anti-Semitic speech. Speaking out against anti-Semitism is also endorsed by the American Association of University Professors (AAUP), which said in a statement about freedom of expression that colleges and universities should “be free (indeed encouraged) to condemn manifestations of intolerance and discrimination, whether physical or verbal.” The AAUP also said that “[t]he governing board and the administration have a special duty not only to set an outstanding example of tolerance, but also to challenge boldly and condemn immediately serious breaches of civility.” Moreover, student personnel administrators – whom the AAUP described as having in some ways the most demanding role of all – “should set high standards of their own for tolerance and should make unmistakably clear the harm that uncivil or intolerant speech inflicts.” Even the American Civil Liberties Union, a vociferous guardian of our right to free speech, 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.”

On at least one occasion, you *have* spoken out and publicly condemned an anti-Semitic incident and its perpetrators, and helped achieve a positive and effective outcome. In April 2004, when a student publication ran an offensive anti-Semitic cartoon mocking the Holocaust, you issued a public statement clearly and unequivocally condemning the cartoon and those responsible for publishing it:

The cartoon that the student publication, *The Medium*, ran on its April 21 cover page, making light of the Holocaust, is outrageous in its cruelty. It desecrates the memory of 6 million innocent Jewish people, and many other groups, who were brutally murdered by one of the most hateful regimes in human history. Unfortunately, this is not the first time the editors have caused tremendous hurt among their fellow students and the larger community by their disregard for the standards of civility, diversity and collegiality. The editors may think this is satire, but I completely disagree. While this student-funded publication is protected by the First Amendment, the vicious, provocative and hurtful material the editors have chosen to publish is completely at odds with our values as a

university. I urge the students involved in this publication to reflect on what they have done, take responsibility for their actions and apologize for the hurt they have caused to our community.

As the result of your statement, the student publication did come to appreciate the harm it caused; the editors took responsibility and issued an apology. You turned an act of bigotry into an important lesson for the entire university community. It is just as important that you speak out when Jews and Israel are demonized, when the facts and scope of the Holocaust are twisted or denied, when the Jewish people are denied their right to self-determination, when Israel is held to an impossible double standard, or when Israeli policy is falsely and offensively compared to the policies of the Nazis. If you don't speak out, you will be sending the message to the perpetrators of such anti-Semitic bigotry, to the victims, and to the rest of the university community that the bigotry is tolerable and acceptable at Rutgers. Anti-Semitic bigotry is never tolerable or acceptable – whether it occurs on a college campus or anywhere else.

Other Systemic Steps that Rutgers Should Take To Redress the Hostile Environment

In addition to speaking out and condemning anti-Semitism in all its forms when it occurs at Rutgers, we respectfully urge you to take the following additional steps to ensure that Rutgers complies with Title VI and eliminates the anti-Semitic hostility on campus:

- As a preliminary step, you and other university leaders should meet with Jewish students and listen to their concerns. We'd suggest that you attend Sabbath dinner at the Hillel and also set up meetings with Jewish students in other venues to promote open discussion, so that you can hear firsthand what Jewish students are experiencing, what impact the campus hostilities are having on them, and how they believe the problems can best be addressed.
- The university should conduct a thorough investigation into what occurred on January 29, 2011, and determine whether university policies were violated, which certainly appears to have been the case. BAKA falsely advertised that the event would be free and open to the public, in violation of university policies that prohibit false advertising. Admission to the event was denied to non-BAKA members, to individuals who did not appear to support BAKA's agenda, and to "Zionists," in violation of university policies that prohibit discrimination. Even if BAKA was not responsible for setting this discriminatory policy, it endorsed it, implemented it, and failed to report it. University policies hold student groups accountable for such conduct. University policies also state that ticket sales may not be permitted at the door, depending on the scope of the event. Rutgers should be investigating whether BAKA complied with university policies when it sold tickets for admission at the door on January 29th.
- It is not just BAKA's conduct at the January 29th event that needs to be investigated to determine whether university policies were violated and sanctions should be imposed. Three outside organizations – American Muslims for Palestine, the International Jewish Anti-Zionist Network, and the Middle East Children's Alliance – organized the event.

Based on their conduct – deciding last minute to change the rules and charge an admission fee, imposing the fee in a selective and discriminatory way, and acknowledging inside the event that the fee was imposed to keep the “Zionists” out -- the university should determine whether any or all of these groups should no longer be afforded the privilege of organizing events at Rutgers in the future.

- The university should ensure that each and every bias report that Jewish students have made is investigated thoroughly and resolved fairly. If the evidence warrants it, all of the offenders should be disciplined appropriately. If the Bias Prevention and Education Committee is not fulfilling its mission to effectively respond to bias reports and restore the environment in the aftermath of a bias incident, then the university should strongly consider creating a new mechanism for handling bias incidents and preventing them from recurring.
- The university should investigate Shehnaz Sheik Abdeljaber’s conduct. If the evidence shows that she maligned a student, incited hatred of him, and threatened and intimidated him, she should be fired.
- Faculty and administrators should receive training to recognize and address anti-Semitic incidents. A student reported to us that after the January 29th event, an administrator commented that anti-Semitism includes discrimination against Muslim students. This comment demonstrates a serious level of ignorance about the meaning of anti-Semitism. Anti-Semitism means prejudice against Jews; it is not discrimination against Muslims. Faculty and administrators should be trained to understand and recognize anti-Semitism in all of its manifestations, and to act on it promptly.
- Rutgers should create programs for students that will educate them about the history and dangers of anti-Semitism in all of its manifestations. The program should include the fundamentals of what anti-Semitism is. Based on a student article published in the *Targum*, which showed little understanding of anti-Semitism, such a program is needed. The student writer claimed that Ashkenazi Jews aren’t Semites because they “originated from Germany,” thereby falsely and outrageously implying that not all Jews are affected by anti-Semitism. The student also claimed that “anti-Semitism refers to the complete disregard of human life.” It does no such thing. Anti-Semitism means discrimination against or hostility toward *Jews*.
- Rutgers should undertake a comprehensive review of university course descriptions and course materials to ensure that (a) principles of academic freedom aren’t being subverted, by sacrificing facts and historical truths to promote a particular political agenda, (b) students have the benefit of the full range of legitimate scholarly views about Israel, Zionism, and the conflict in the Middle East, and (3) students aren’t being discouraged (whether intentionally or not) or intimidated into not expressing their views supporting Israel or criticizing the actions of its enemies. You should know that earlier this month, the U.S. Department of Education’s Office for Civil Rights agreed to investigate a complaint filed under Title VI of the Civil Rights Act against the University of

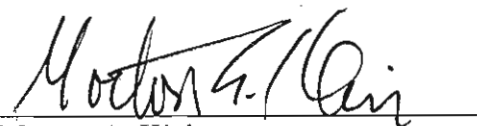
California, Santa Cruz. The complaint alleged that Jewish students are being emotionally and intellectually harassed and intimidated by the promotion of anti-Zionist, anti-Israel, and anti-Jewish views and behavior by professors and academic departments. The agency's decision to assert jurisdiction over the complaint shows that the agency recognizes that a hostile anti-Semitic environment created by anti-Israel and anti-Zionist professors and academic departments is actionable under Title VI.

These are some of the steps that we urge you to undertake right away. The problems that Jewish students are facing are not going to go away without your intervention; they are more likely to intensify, since the group promoting bigotry and hatred of Israel will be emboldened by the university's silence and inaction.

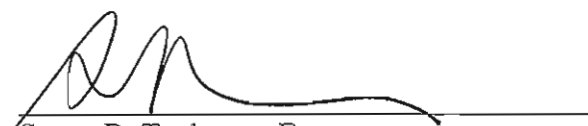
Rutgers' reputation of excellence should not be further tarnished by anti-Semitism that renders the campus unwelcoming or downright hostile to Jewish and pro-Israel students. We urge you to act immediately to address the problems that Jewish students have been facing, and offer you our help in making sure that Jewish students get the kind of college experience that every student needs and deserves – one that is physically and emotionally safe, and conducive to learning. Title VI of the Civil Rights Act demands no less.

We look forward to hearing from you as soon as possible.

Very truly yours,



Morton A. Klein
National President



Susan B. Tuchman, Esq.
Director, Center for Law and Justice

Enclosure

cc: Governor Chris Christie
U.S. Senator Frank Lautenberg
U.S. Senator Robert Menendez
U.S. Representative Frank Pallone, Jr.
U.S. Representative Leonard Lance
U.S. Representative Robert E. Andrews
U.S. Representative Steven R. Rothman
U.S. Representative Jon Runyan
Mayor Cory Booker
Rabbi Alan Silverstein