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UNITED STATES CONGRESS

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The Honorable Arne Duncan
Secretary of Education
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary Duncan:

I commend you for issuing Office of Civil Rights (OCR) guidance wherein your Department concluded that Jewish students are protected from discrimination under Title VI of the Civil Rights Act of 1964 when the harassment is based upon their ancestry or ethnic identity as Jews.

This was an issue I first brought to the attention of your predecessor, Secretary Spellings in 2008. You and I spoke on several occasions about the need for clarification and I appreciate your efforts to ensure that universities cannot be permitted to turn a blind eye when Jewish students face anti-Semitic hostility on their campuses.

More work needs to be done to protect students from anti-Semitism. Recently, there have been multiple unsettling incidents involving anti-Semitic epithets, slurs, obscenities and even physical violence towards students at American schools.

To rigorously enforce Title VI and protect students from anti-Semitism, you need to adopt a definition of anti-Semitism. You cannot prohibit or vigorously enforce rules against anti-Semitism until you define it.

The hardest part of the definition is drawing the line between normal criticisms of the policies of the State of Israel on the one hand, and disguised anti-Semitism on the other. The State Department faced the same issue and did a good job of defining anti-Semitism.

The State Department definition includes the following: "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

The definition can be found on the State Department website¹ and is enclosed. It is consistent with the definition in the State Department report titled *Contemporary Global Anti-Semitism: A Report Provided to the United States Congress* issued March 2008 and consistent with the definition drafted by the European Monitoring Center on Racism and Xenophobia.

¹ <http://www.state.gov/j/drl/rls/fs/2010/122352.htm>



Adoption of the State Department's definition will demonstrate the Department of Education's commitment to combating anti-Semitism and protecting all students. There is no reason why United States domestic agencies should not define anti-Semitism in the same way that the State Department does when the Department monitors anti-Semitism globally. After all, if an incident that happens abroad will be branded by our State Department as anti-Semitic, then surely we must consider an identical incident to be anti-Semitic if it happens within the United States.

Adopting the definition would demonstrate a clearer and more consistent policy among U.S. government agencies regarding the nature of anti-Semitism and the many ways it is being expressed today. It would also provide clarity to schools, school administrators, staff, students, and their families, and those charged with responsibility of enforcing Title VI.

In the meantime, please provide me with whatever definition of anti-Semitism, if any, is being used internally by your Department.

I look forward to discussing this with you later this month. Please feel free to call me at (202) 225-5911.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Sherman', with a long horizontal flourish extending to the right.

Brad Sherman
Member of Congress

U.S. Department of State

Defining Anti-Semitism

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Contemporary Examples of Anti-Semitism

Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a radical ideology or an extremist view of religion).

Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective—especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.

Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews.

Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.

Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations.

“EXAMPLES of the ways in which anti-Semitism manifests itself with regard to the state of Israel, taking into account the overall context could include:

DEMONIZE ISRAEL:

Using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis

Drawing comparisons of contemporary Israeli policy to that of the Nazis

Blaming Israel for all inter-religious or political tensions

DOUBLE STANDARD FOR ISRAEL:

Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation

Multilateral organizations focusing on Israel only for peace or human rights investigations

DELEGITIMIZE ISRAEL:

Denying the Jewish people their right to self-determination, and denying Israel the right to exist”

However, criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic.

[emphasis added]