

United States Senate

October 26, 2023

VIA ELECTRONIC DELIVERY

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Ave., SW
Washington, D.C. 20202

Dear Secretary Cardona:

We are significantly concerned that your Department is not ensuring American universities are fostering a safe learning environment for all students after the terrorist organization Hamas' violent attack on civilians, including Americans and Israeli citizens. Therefore, we write to urgently understand what the Department of Education (Department) is doing to enforce Title VI of the Civil Rights Act of 1964 and ensure Jewish or Israeli college and university students are not subjected to discrimination based on race, color or national origin.

On October 7, 2023, Hamas terrorists murdered over 1,400 civilians and took nearly 200 civilians hostage, including Americans. In the aftermath of this brutal terrorist attack, university faculty and student organizations supporting Palestinians held "National Day of Resistance" events on many American college campuses. These events attempted to justify the recent mass murder of Jews—the most in a single day since the Holocaust. As you are aware, any harassment or the creation of a hostile environment for Jewish students is unacceptable and invokes the responsibility of the Department to uphold Title VI of the Civil Rights Act of 1964. Title VI states, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."¹

In May 2023, Assistant Secretary for Civil Rights Catherine Lhamon wrote that "the protection offered by Title VI ... extends to students who experience discrimination, including harassment, based on ... (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity."² Therefore, during a flood of antisemitic attacks on college campuses—above and beyond the already-rising antisemitism facing Jewish students—we are incredibly disappointed in the Department's lack of response, despite legal obligations under Title VI.³

There have been dozens of targeted attacks on American college campuses since October 7, including reported vandalism, arson, and even professors taking discriminatory actions in their classroom toward their students, based on the student's status as a member of a protected class. At Drexel University, a Jewish student's dorm room door was set on fire.⁴ At Georgia Tech, someone wrote "Free Palestine" in shaving cream below the

¹ 42 USC 2000d

² Dear Colleague Letter from Assistant Sec'y for C.R., Catherine Lhamon (May 25, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf>.

³ Deena Yellin, *Tired of hiding: Jews at US colleges face rising antisemitism from left and right*, USA TODAY (June 24, 2023), <https://www.usatoday.com/story/news/education/2023/06/24/rise-in-antisemitism-hate-crimes-jews-colleges/70346697007/>.

⁴ Press Release, John Fry, President, Drexel Univ., A Message of Support for our Drexel Community (Oct. 11, 2023), <https://drexel.edu/president/messages/message/2023/October/A-Message-of-Support-for-Our-Drexel-Community/>.

Jewish fraternity Alpha Epsilon Pi's posted Israeli flag.⁵ At Stanford University, a professor encouraged Jewish students to stand in a corner alone in a purported "academic" exercise to show how Israel treats Palestinians.⁶ A professor and faculty advisor at the University of California Davis wrote a social media post appearing to call for Zionist journalists and their children to be murdered.⁷

Under your direction, the Department began an Antisemitism Awareness Campaign this Spring. The campaign included a Dear Colleague Letter reminding schools of their legal obligations under Title VI of the Civil Rights Act "to provide all students, including students who are or are perceived to be Jewish, a school environment free from discrimination."⁸ It is time to live up to those obligations.

Colleges and universities appear unwilling or unable to uphold their legal obligations under Title VI. Therefore, the Department should use its full resources to enforce the law. To assist us in our oversight and legislative duties, we request a briefing to be scheduled no later than November 9, 2023, to discuss:

1. The Department's plan to promptly move the Antisemitism Awareness Campaign forward in the face of increased, brazen antisemitism at educational institutions across the country;
2. Data about antisemitic related complaints to the Office for Civil Rights (OCR);
3. Whether OCR has begun any compliance reviews based on antisemitic harassment complaints; and
4. Whether OCR has undertaken any directed investigations based on news reports of antisemitic harassment.

We look forward to an update regarding your efforts on the Antisemitism Awareness Campaign and broader enforcement of Title VI to ensure the Department and colleges and universities receiving Federal financial assistance protect Jewish students in the same capacity as other legally-protected classes.

Sincerely,



Bill Cassidy, M.D.
Ranking Member
U.S. Senate Committee on Health,
Education, Labor, and Pensions



Joni K. Ernst
United States Senator

⁵ Logan C. Ritchie, *Jewish fraternity house vandalized at Georgia Tech*, ROUGH DRAFT ATLANTA (Oct. 16, 2023), <https://roughdraftatlanta.com/2023/10/16/jewish-fraternity-house-vandalized-at-georgia-tech/>.

⁶ Press Release, Richard Saller, President, and Jenny Martinez, Provost, Stanford Univ., An update for the Stanford community (Oct. 11, 2023), <https://news.stanford.edu/report/2023/10/11/update-stanford-community/>.

⁷ Harpaz, B. (2023, October 19). *Post by UC Davis professor threatens 'Zionist journalists' and their children*. Forward. <https://forward.com/fast-forward/565878/post-by-ucdavis-professor-threatens-zionist-journalists-and-their-children/>

⁸ Press Release, U.S. Dep't of Ed., U.S. Dep't of Ed. Launches Antisemitism Awareness Campaign (May 25, 2023), <https://www.ed.gov/news/press-releases/us-department-education-launches-antisemitism-awareness-campaign>.

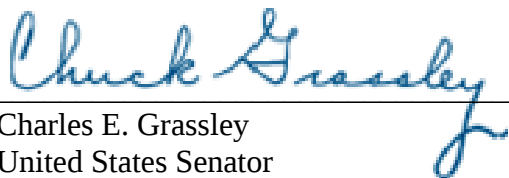
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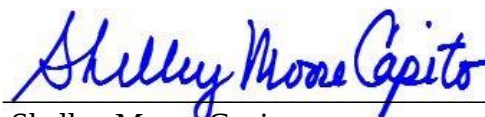
James E. Risch
United States Senator



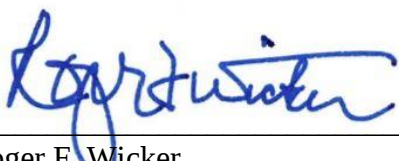
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United States Senator



Charles E. Grassley
United States Senator



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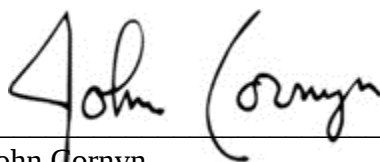
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