

Approving the Marcus Nomination: The Best Response to Rising Anti-Semitism on U.S. College and University Campuses

Stop BDS on Campus

March 26, 2018

Anti-Semitism is rising at an alarming rate on college and university campuses from both the left-wing and right-wing. Here we document this rise with published empirical reports, media articles, and our own personal experiences.

Anti-Israel groups have initiated a smear campaign of Kenneth Marcus, an eminently qualified candidate for the office of Assistant Secretary of Education for Civil Rights, because he has drawn attention to the anti-Semitic nature of some anti-Israel rhetoric and actions and because he has effectively advocated for identifying and addressing this—as well as other forms of—bigotry. Specifically, anti-Israel groups seek to block Marcus from applying the U.S. State Department’s definition of anti-Semitism, which incorporates not only Jewish individuals, but Jewish entities like the Jewish state, and to prevent Marcus from pressing the Office of Civil Rights to extend protections to Jewish students.

As constituents and a small group of members of a much larger grassroots organization that helps track, raise awareness, and respond to anti-Semitism, we are requesting that Senator Schumer (1) assure that the vote happens quickly, that it be placed on the Calendar as soon as possible, and if possible, packaged with similar nominees; (2) pass a unanimous consent agreement such that the minority doesn’t demand 30 hours of debate; and (3) help galvanize Democrats to support the nomination so that it is not just a party-line vote. We urge Senator Schumer to take the lead in supporting the nomination.

- Betty Berenson, NY member of Stop BDS on Campus
- Jan Alison Morrow, NY member of Stop BDS on Campus
- Karen Bekker, NY member of Stop BDS on Campus and VP of Oberlin Alums for Campus Fairness (ACF)
- Lori Beck Harrington, NY member and administrator of Stop BDS on Campus
- Marta Tanenbaum, Alums for Campus Fairness, Oberlin Chapter Secretary
- Rabbi Irwin Tanenbaum, Rabbi Emeritus of Congregation Shir Shalom of Buffalo and current member of Congregation Beth Elohim
- Miriam Elman, professor at Syracuse University
- Naomi Cohn, NY member of Stop BDS on Campus
- Naomi Friedman, Stop BDS on Campus founder
- Ruth Collins, professor at Cornell
- Susan Julien Levine, Vassar alum member of Fairness to Israel and cofounder of ACF
- Victor Muslin, Chapter Leader of Alums for Campus Fairness (ACF) at Columbia University

Table of Contents

Anti-Semitism is Rising Rapidly on University and College Campuses.....	3
The Biggest Obstacle in Confronting Anti-Semitism on Campus: Identification*.....	4
Kenneth Marcus’ Nomination is Critical to Addressing Rising Anti-Semitism	6
Marcus is also a Good Candidate for All Americans	6
Why and How Anti-Semites Are Opposing the Marcus Nomination	7
Why the Marcus Nomination is Critical to the Future of the Democratic Party.....	9
Constituent Testimonies.....	10
Rabbi Irwin A. Tanenbaum, D.D. Emeritus Rabbi of Congregation Shir Shalom, Buffalo, NY (600 families strong) – currently residing in Brooklyn and a member of Congregation Beth Elohim.....	10
Betty Berenson, LCSW-R, Scarsdale, NY member of Stop BDS on Campus	10
Jan Alison Morrow, NY member of Stop BDS on Campus and Swarthmore Alum	11
Marta Tanenbaum, Alums for Campus Fairness, Oberlin Chapter Secretary	12
Karen Bekker, NY member of Stop BDS on Campus and VP of Oberlin Alums for Campus Fairness (ACF)	13
Victor Muslin, Chapter Leader of Alums for Campus Fairness (ACF) at Columbia University	15
Susan Julien-Levitt, Vassar alum member of Fairness to Israel and cofounder of ACF	17
Miriam Elman, Professor at Syracuse University.....	17

**Note: For the sake of brevity and relevance, we have chosen to illustrate each point with only one to three examples taken from NY campuses with which we are associated. These represent only a very few incidents within a vastly larger pool anti-Semitic incidents on NY and American campuses more generally.*

Anti-Semitism is Rising Rapidly on University and College Campuses

While anecdotal evidence has strongly suggested rising anti-Semitic activity on college campuses for over two decades, a 2015 report by Trinity College and the Brandeis Center showed that [54 percent of Jewish students on U.S. college campuses had experienced or witnessed anti-Semitism during the previous semester in 2014](#). The report served as a watershed, spurring the documentation and empirical study of this problem.

The [Amcha Initiative](#) conducted the [first systematic empirical analysis of anti-Semitism](#) on U.S. university and college campuses in 2015. This report focused on the 113 U.S. schools with the largest Jewish populations, as identified by Hillel International. The report relied upon the U.S. State Department definition of anti-Semitism to identify anti-Semitic incidents.

- 309 incidents were reported via media, social media, or eyewitness reports.
- If this number were a representative sample of the 5,300 institutions of higher education in this country, the number of incidents across the country would be just under 14,500.
- Note, however, our experience in working with students and their parents at Stop BDS on Campus suggests that these figures underestimate the problem significantly, as the targeting of Jewish students goes largely unreported to the media or organizations such as the ADL, particularly when it is experienced in a classroom or consists of mild bullying or intimidation.

The presence of anti-Zionist student groups and BDS-supporting faculty strongly correlates to anti-Semitic activity.

- 99% of all schools with a chapter of Students for Justice in Palestine (SJP) or similar/affiliated anti-Israel group experienced at least one anti-Semitic incident.
- 81% of schools with one or more BDS-supporting faculty member had incidents of anti-Semitism
- Only 17% of schools without a single BDS-supporting faculty member had incidents of anti-Semitism

The follow-up report found that anti-Semitic incidents had increased by [40% in 2016](#) in this sample of 113 school campuses for a total of 432 incidents.

A separate Amcha study found that schools that [Jewish students at schools that had occurrences of anti-Zionist expression are seven times more likely to be targeted by for harm](#) through harassment, denigration, and verbal or physical assault.

More recently, the Anti-Defamation League (ADL) reported that [anti-Semitic incidents in the U.S. rose by 60% in 2017, with the number of incidents on campus doubling in 2016 and then again in 2017](#).

Amcha Initiative's Anti-Semitism Tracker documented [285 anti-Semitic incidents on New York State campuses alone between 2015 and 2017](#).

In addition to these studies, new organizations, such as Alums for Campus Fairness (ACF), have sprung up to track and respond to anti-Semitism on campus. [Victor Muslin, the chapter leader of ACF Columbia has, for example, documented officially scheduled anti-Israel events at Columbia University](#). Other New

Survey of Anti-Semitism and the Anti-Israel Attack on Marcus and Constituent Testimonies

York Democrats have witnessed the rapid ascent of anti-Semitism at their alma maters which include some of the most progressive universities in this country, such as Oberlin and Swarthmore. (See the testimonies of Karen Bekker, Marta Braiterman Tanenbaum, and Jan Alison Morrow below).

See:

Barry A. Kosmin and Ariela Keysar, National Demographic Survey of American Jewish College Students 2014: Anti-Semitism Report, February 2015, <https://digitalrepository.trincoll.edu/facpub/133/>.

Anti-Semitic Incidents Surged Nearly 60% in 2017, According to New ADL Report, Anti-Defamation League, Press Release, February 27, 2018, <https://www.adl.org/news/press-releases/anti-semitic-incidents-surged-nearly-60-in-2017-according-to-new-adl-report>.

The Amcha Initiative, “Report on Antisemitic Activity in 2015 at U.S. Colleges and Universities With the Largest Jewish Undergraduate Populations,” March 2016, <https://www.amchainitiative.org/wp-content/uploads/2016/03/Antisemitic-Activity-at-U.S.-Colleges-and-Universities-with-Jewish-Populations-2015-Full-Report.pdf>.

The Amcha Initiative, “Antisemitism: At the Epicenter of Campus Intolerance. Antisemitic Activity in 2016 at U.S. Colleges and Universities with the Largest Jewish Undergraduate Populations,” April 2017 https://www.amchainitiative.org/wp-content/uploads/2017/04/Antisemitism_At-the-Epicenter-of-Campus-Intolerance_Report-2016.pdf.

The Amcha Initiative, “The Impact of Academic Boycotters of Israel on U.S. Campuses,” October 2017, <https://amchainitiative.org/wp-content/uploads/2017/10/Faculty-Report.pdf>.

The Biggest Obstacle in Confronting Anti-Semitism on Campus: Identification

One of the biggest challenges in confronting anti-Semitism on campus is identifying it. Traditionally, anti-Semitism takes easily recognizable forms, e.g. the defacement of property with swastikas. Today, however, [age-old anti-Semitic tropes](#) take the guise of anti-Israel rhetoric and as such go unchallenged.

- On February 3, 2016, at Vassar College, Rutgers [Professor Jasbir Puar claimed that Israel was harvesting the organs of Palestinian children](#) for experimentation, a fallacious claim that is equivalent to the centuries-old blood libel. Eight academic departments at Vassar sponsored the talk. (See also Susan Julien-Levitt’s testimony below.)
- On May 1, 2017, Cornell University’s chapters Students for Justice in Palestine disrupted a Hillel event launching a “die-in” [accusing Israel of 69 years of genocide](#). Fallacious claims that Israel is guilty of genocide and apartheid are common on NY and U.S. colleges and universities and represent a modern form of traditional demonization.

Survey of Anti-Semitism and the Anti-Israel Attack on Marcus and Constituent Testimonies

Yet anti-Israel activism also incorporates elements of traditional anti-Semitism, as the appearance of swastikas and anti-Semitic graffiti has often coincided with BDS votes on campus, and BDS advocates have engaged in Holocaust denial or calling for Zionists to be sent to the gas chambers.

- On September 10, 2015, [the SJP protested Iddo Netanyahu's play about the Holocaust](#) at Hunter College, carrying signs reading "Zionism=Genocide" and "Zionism=Racism."

Anti-Israel activism frequently crosses the line to target Jews and Jewish institutions. Students who simply look Jewish or self-identify as Jewish are often approached and asked about their relationship to and views about Israel by fellow students and faculty who harbor hostility toward the Jewish state. Jewish students, faculty, and alum have had their qualifications questioned for being Jewish, whether for leadership positions or other awards. Institutions, faculty, and staff have been attacked simply due to their Jewish identify.

- On April 23, 2014, [NYU's SJP slipped 2,000 eviction notice fliers under the doors of students living in two dorms with large concentrations of Jewish students](#): Lafayette Hall and Palladium Hall, which features a Shabbat elevator.
- On March 7, 2018, at CUNY Kingsborough Community College, the words "F**k Trump Goldstein/Kill Zionist Entity" were scribbled on a photograph of Leon Goldstein, a former president of Kingsborough, outside the office of his son, who is also a Jewish administration at the college. [CUNY is not treating the incident as a hate crime](#).

Jewish students and faculty who speak out for Israel are often harassed and aggressively targeted on campus, through social media, or by national anti-Israel BDS groups. Disclosed and undisclosed anti-Semitism has given rise to a weakening of the Jewish community, self-censorship, and the suppression of Jewish voices on campuses.

- On March 3, 2016, after a highly successful counter demonstration featuring a [giant inflated Pinocchio](#) during Columbia University's Israel Apartheid Week, [the Electronic Intifada attacked the small group of Jewish students](#) behind the effort [listing detailed personal information about the Jewish students and their families](#) while purposely withholding information about those anti-Israel students advancing false accusations. Moreover, pressured by SJP members, Columbia University forced the pro-Israel students to remove Pinocchio despite the previously issued permit for it.
- Hillels, Jewish centers, and faculty groups, [such as one at Syracuse University](#) in September 2016, have canceled or disinvited pro-Israel speakers when threatened by BDS activists.
- As one Cornell student explains in an October 10, 2017 op-ed, witnessing or experiencing mild and intense targeting leads [U.S. students to feel expressed uncomfortable about self-identifying as Jews](#).

See:

"Fact Sheet on the Elements of Anti-Semitic Discourse," The Louis D. Brandeis Center, <http://brandeiscenter.com/fact-sheet-on-the-elements-of-anti-semitic-discourse/>.

Lea Speyer, "Syracuse U Professor Slams 'Hypocritical' Colleagues for Rescinding Invitation to Israeli Academic/Filmmaker," *Algemeiner*, September 5, 2016,

<https://www.algemeiner.com/2016/09/05/syracuse-u-professor-slams-hypocritical-colleagues-for-succumbing-to-bds-rescinding-invitation-to-israeli-academicfilmmaker-interview/>.

Kenneth Marcus' Nomination is Critical to Addressing Rising Anti-Semitism

Kenneth Marcus has dedicated himself to promoting dialog about how we define anti-Semitism today.

In 2011, he founded the Louis D. Brandeis Center dedicated to advance of the civil and human rights of the Jewish people and justice for all peoples. The center engages in research, education, and advocacy.

Marcus has authored two books on the subject: *Jewish Identity and Civil Rights in America*, Cambridge University Press, 2010; and *The Definition of Anti-Semitism*, Oxford University Press, 2015.

Marcus has joined with others in encouraging universities to consider adopting a definition of anti-Semitism that is inclusive of anti-Israel anti-Semitism, such as the [definition adopted by the U.S. State Department](#) which includes the three D's—the delegitimization, the demonization, and the application of a double standard to the Jewish state.

Marcus has worked with students and faculty at universities to address traditional and anti-Israel anti-Semitism through the university's protocols and codes of conduct and has cooperated with universities to conduct studies on and encourage open dialog about anti-Semitism. (See testimonies of Karen Bekker, Marta Tanenbaum, and Miriam Elman.)

Marcus's position is that anti-Semitic hate speech should be condemned. Administrators should exercise their own free speech rights to call it out and condemn it. His position is akin to "if you see something, say something."

It is for this reason that Hillel International, the American Jewish Committee, the Simon Wiesenthal Center, B'nai B'rith and other large, mainstream Jewish organizations have sent in letters in support of Kenneth Marcus' nomination.

See:

"Amendments to Title VI of the HEOA as adopted by House Committee on Education and the Workforce," Letter to the Hon. Lamar Alexander and the Hon. Patty Murray, January 24, 2018, <http://brandeiscenter.com/higher-ed-reform-letter/>.

Marcus is also a Good Candidate for All Americans

Marcus is eminently qualified and has a strong track record protecting all students from discrimination. [The Atlantic reported that the George W. Bush "administration started taking a stronger approach to](#)

[enforcing civil rights laws” under Marcus’ leadership](#). As staff director of the US Commission on Civil Rights during the Bush administration and interim assistant secretary for civil rights, Marcus

- was responsible for the “Dear Colleague” letter which flagged the office’s unwillingness to tolerate discrimination against Muslims, Christians, Sikhs or Jews and issued guidance for their protection;
- heightened the enforcement of regulations against lending discrimination and racially segregated school activities and bolstered Title IX grievance procedures; and
- developed programs to combat the misdiagnosis of racial and ethnic minorities in special education.

As president and general counsel of the Brandeis Center, Marcus has continued to speak out against discrimination aimed at religious minorities, including Muslims and other groups.

Marcus will also be an ally to Congress in its effort to reform Title VI and ensure that recipients of Title VI federal funding on college campuses are compliant with the law. Marcus will help Congress ensure that Title VI recipients comply with viewpoint diversity requirements and appropriately train the next generation of federal government employees. He will strengthen the 1965 Higher Education Opportunities Act—improving US higher education, which is advantageous for all Americans.

See:

- Jeff Robbins, “Robbins: Anti-Semite lobby threat to excellent Trump pick,” The Boston Herald, November 4, 2017, http://www.bostonherald.com/news/columnists/2017/11/robbins_anti_semite_lobby_threat_to_excellent_trump_pick.
- Jennifer Braceras, Impeccable civil rights credentials: Confirm Kenneth L. Marcus, The Hill, January 10, 2018, <http://thehill.com/opinion/civil-rights/368193-impeccable-civil-rights-credentials-confirm-kenneth-l-marcus>.
- Max Eden, Trump's Pick for Office for Civil Rights Is Democrats' Best Bet, Real Clear Policy, March 6, 2018, https://www.realclearpolicy.com/articles/2018/03/06/trumps_pick_for_office_for_civil_rights_is_democrats_best_bet.html.
- James S. Murphy, The Office for Civil Rights’ Volatile Power, The Atlantic, March 13, 2017, <https://www.theatlantic.com/education/archive/2017/03/the-office-for-civil-rights-volatile-power/519072/>.

Why and How Anti-Semites Are Opposing the Marcus Nomination

Extreme anti-Israel organizations oppose the Marcus nomination because their speech and actions often cross the line from legitimate criticism of Israeli policy to anti-Israel anti-Semitic speech, thus meeting the State Department’s criteria for anti-Semitism. They actively seek instead to constrain the definition of anti-Semitism so that it does not apply to their anti-Semitic anti-Israel expression.

Survey of Anti-Semitism and the Anti-Israel Attack on Marcus and Constituent Testimonies

- For example, on November 27, 2017, [New School held a panel on anti-Semitism whose participants are anti-Israel activists](#), Linda Sarsour and Rebecca Vilkomerson, executive director of the BDS group Jewish Voice for Peace (JVP), rather than scholars of anti-Semitism.

Upon the announcement of Marcus' nomination, the anti-Israel community mobilized immediately to advocate against the nomination.

The U.S. Campaign for Palestinian Rights accused Marcus of "[filing spurious discrimination claims with the department in an effort to suppress Palestine activism on campus.](#)" If Not Now, Palestine Legal, the U.S. Academic and Cultural Boycott of Israel (USACBI), and the Arab American Institute reached out to their base and [initiated a smear campaign](#) alleging that Marcus seeks to suppress, rather than identify, bigoted speech.

Anti-Israel groups then leveraged their intersectional allies through fallacious accusations. By misconstruing Marcus' refusal to denigrate the president who nominated him during his nomination hearing in the HELP committee and Marcus' refusal to openly oppose the policies of Betty DeVos, who would be his boss if his nomination is approved, anti-Israel groups were able to persuade their intersectional allies that Marcus holds positions that he does not.

Radical left-wing voices have raised a din in the media by forwarding fallacious arguments against Marcus and the American-Jewish community more generally. For example, the *New York Times* published an article that not only misrepresented Ken Marcus but that also attacked Jewish students on campus. In her article, Erica Green casts the University of Wisconsin-Madison BDS vote last year as a spat between Jews and "students of color" and asserts that Marcus intervened to discipline a black student. In fact, the vote was a surprise, last minute vote held on Passover. The only basis to say that the vote was between Jews and "students of color" was the fact that the head of the student government happened to be black. But Green accused Marcus of intervening to have a black student disciplined rather than intervening to prevent the de facto disenfranchisement of Jewish students on a vote on an issue important to them. In fact, the University of Wisconsin-Madison, which is not a bastion of conservative thought, insisted that the leader of the student government apologize for this de facto disenfranchisement.

Green also took Marcus' remarks regarding a 1998 senate bill, which *Washington Post* also editorialized against, out of context to falsely insinuate that Marcus opposed providing protections for Americans on the basis of sexual orientation.

Thus, [those of us watching the targeting of Marcus have become acutely aware that the stonewalling of his nomination is not only a victory for anti-Israel factions but a victory for anti-Semites](#), which the conservative media has not been shy to point out. Furthermore, the party-line vote in the HELP committee marked an alarming precedent in which representatives of the Democratic Party unanimously adopted a position originally and strongly advanced by anti-Israel groups.

See:

Survey of Anti-Semitism and the Anti-Israel Attack on Marcus and Constituent Testimonies

New School criticized for hosting panel on anti-Semitism featuring Linda Sarsour, anti-Israel activists, JTA, November 20, 2017, <https://www.jta.org/2017/11/20/news-opinion/united-states/new-school-criticized-for-hosting-panel-on-anti-semitism-featuring-linda-sarsour-anti-israel-activists>.

Miriam Elman, "Action Alert: Anti-Israel Lobby intensifies campaign against nomination of anti-Semitism scholar Ken Marcus, Legal Insurrection, December 17, 2017, <https://legalinsurrection.com/2017/12/action-alert-anti-israel-lobby-intensifies-campaign-against-nomination-of-anti-semitism-scholar-ken-marcus/>

Elizabeth Harrington, Democrats Stonewall Ed Civil Rights Nominee As Anti-Semitism in Schools Rises 94%, The Washington Free Beacon, March 5, 2018, <http://freebeacon.com/issues/democrats-stonewall-ed-civil-rights-nominee-anti-semitism-schools-rises-94/>.

Why the Marcus Nomination is Critical to the Future of the Democratic Party

The rise of anti-Semitism on the left-wing is causing many progressive Jews to wonder whether we still have a seat at the party's table. (See, for example, the testimonies of Rabbi Irwin Tanenbaum and Betty Berenson.)

[Anti-Israel entrance into the Democratic Party has and will continue to erode both the Jewish vote and their organizational and financial support for the Democratic Party.](#)

Marcus' nomination is critical because universities and colleges are the training grounds of the next generation Democratic leaders and activists. If this new form of anti-Semitism goes unidentified, unchallenged, and unchecked, it will become institutionalized in our educational systems, social and cultural organizations, and political platforms.

With Kenneth Marcus' nomination, the Democratic Party has the opportunity to stand against one of the fastest growing forms of bigotry and discrimination in this country.

See:

Laura Atkins, "BY THE NUMBERS: 3 Key Takeaways from the 2016 Jewish Vote," *The Forward*, November 9, 2016, <https://forward.com/news/353914/by-the-numbers-3-key-takeaways-from-the-2016-jewish-vote/>.

Testimonies of Betty Berenson, Jan Alison Morrow, and Rabbi Irwin Tannenbaum.

Constituent Testimonies

Rabbi Irwin A. Tanenbaum, D.D. Emeritus Rabbi of Congregation Shir Shalom, Buffalo, NY (600 families strong) – currently residing in Brooklyn and a member of Congregation Beth Elohim.

I remain, and my parents before me, life-long committed Democrats. None of us ever voted Republican with one exception. In 1980 we all voted against Jimmy Carter, perceiving that he was clearly at best anti-Israel. We were not alone. The Jewish vote that year was 45% against Carter – down precipitously from the previous presidential election cycle of 71% for Carter’s first term. No small reduction!

The Democrats have already lost the vast majority of my Orthodox co-religionists and indeed many other Jews as well. I will not vote again for Senator Gillibrand for example, whom I had previously touted publically for her work. The Democratic Party seems to be swinging radically away from even defending (let alone encouraging) our Jewish liberation movement of Zionism and Pro-Israel advocacy. What will the vaunted Jewish vote do in the future? How will Jewish leaders encourage constituents to vote?

I remain hopeful – though increasingly concerned – that my political party will do more to stem the tide of rising anti-Semitism and rising anti-Zionism. Yet it remains to be seen...

Betty Berenson, LCSW-R, Scarsdale, NY member of Stop BDS on Campus

The Impact of Democratic Opposition to the Marcus Nomination on Jewish Democrats

The nomination of Kenneth Marcus for Assistant Secretary for Civil Rights in the U.S. Department of Education passed committee with only Republican votes. Not one Democrat voted for this very important nomination. The Health, Labor, and Pensions Committee voted 12-11, along party lines. The vote says that Democrats are unwilling to act against anti-Semitism. It also implies that Democrats have decided to not support any Trump nominations. It could be that Democrats take their Jewish constituents for granted; the Jewish community votes for Democrats at approximately 80%, and they could think that we are not at risk in our support for Democrat candidates. This assumption does not take into consideration that our commitment to Israel and to fighting attacks against the Jewish state, is far greater than our commitment to the Democrat party.

We see the turn to the extreme left. Senator Gillibrand, for example, withdrew her support for pro-Israel legislation, using the anti-Israel position that it attacks free speech. Additionally, the junior Senator from New York supports Linda Sarsour, an un-apologetic anti-Israel propagandist.

Senator Murray’s office told one of our members: “We do not care about anti-Semitism in this office.”

Keith Ellison and other Democrat senators have a history of association with Farrakhan. He voted against the funding for the Iron Dome.

Survey of Anti-Semitism and the Anti-Israel Attack on Marcus and Constituent Testimonies

We are only left with the very strong impression that the Democratic Party is in the process of becoming radically left wing and anti-Israel. It is acceptable to say that one is against anti-Semitism, but it is unacceptable to act against it. Anti-Israel propagandists claim free speech as their right to demonize the Jewish state, and the Jewish community in the U.S.

There is a Professor Puar at Rutgers who absurdly claims that Israeli soldiers maim, starve and kill children for their body parts, which they sell on the open market. There is another person at Berkeley who states the need to rewrite Middle Eastern History to fit his political justifications. Students are intimidated, discussion is shut down, and our universities are becoming anti-intellectual.

Please appoint Kenneth Marcus to help our children feel comfortable on a campus that teaches students to think, not to accept prejudiced statements from unqualified teachers.

Senator Schumer,

You made an amazing speech at AIPAC. We are turning to you as life-long Democrats and New Yorkers, who have voted for you at every opportunity. You said that we must “stand firm against the BDS movement,” and recognize that it is based in anti-Semitism. We are giving you the chance to act on your values. Please help us to protect the Jewish people and the civil rights of students on university campuses. Please ask for unanimous consent, and a full Senate vote on the Marcus nomination.

Sincerely,
Betty Berenson, LCSW-R
Scarsdale, NY

Jan Alison Morrow, NY member of Stop BDS on Campus and Swarthmore Alum

As a constituent of the senator and a lifelong Democrat it pains me to see antisemitism tolerated or supported by more and more Democrats. Antisemitism is a growing problem on campuses and in the general population. On campuses BDS, SJP, JVP, and other such hate groups are leading it.

I see it at my own alma mater Swarthmore where Jewish students report being in a big hurry to leave, advising Jewish applicants to go elsewhere, and more recently seeking to transfer. At Swarthmore the only class on Israel or the conflict is taught by an extreme BDS supporter, Sa’ed Atshan, who thinks Israel doesn’t have a right to exist, who presents a BDS false narrative with all the buzzwords and false claims, and does not present actual history. Atshan has, for instance, promoted the four lying maps of disappearing Palestine, on his Facebook page and bringing in a speaker who presents them. He does not correct the speaker though these maps have been thoroughly debunked by numerous articles, and Atshan had to apologize for supporting them on his face book page. A professor should be teaching students to debunk such things. If he allows propaganda such as the maps to be presented in class, he should also assign the articles debunking them. And he should assign ottoman and mandate land records, demographic records, treaties, agreements. He should be teaching critical and historical skills, not abusing his platform to proselytize for his hate group. The kids come into the class not knowing anything and come out of it bullying pro-Israel and Jewish students. And the school does nothing to stop that.

Survey of Anti-Semitism and the Anti-Israel Attack on Marcus and Constituent Testimonies

There was a student TA at Swarthmore who had Hitler as one of his Facebook profile pictures. He threatened to set fires to Jewish student meetings. He regularly ridiculed and bullied Jewish students and had a large group of student followers who liked his anti-Semitic online comments. A large file of screenshots was presented to the administration at Swarthmore and they did nothing. They even rehired him to be a TA the next year. They said they couldn't fire him because his contract didn't explicitly say he couldn't discriminate. The administration and faculty have institutionalized antisemitism by hiring a TA who bullies and threatens Jewish students and by placing a BDS anti-Israel professor on tenure track, the more so because he is the only professor teaching about Israel or the conflict at the school. Swarthmore is a progressive school. The sad fact is that this progressive culture now brewing on campuses with BDS, SJP, JPVP, and Intersectionality rationalization for bigotry is anything but progressive. Do we really want this to be the face of the Democratic Party in a few years?

This hateful climate on campus is designed to indoctrinate the next generation of voters and leaders in America, likely gulf state funded. And it sows division between Jews and others but also ultimately an atmosphere of bigotry and division that impacts everyone. Should the worthy cause of black lives matter be degraded by the antisemitism promoted by BDS's intersectional outreach? Should women's rights or LGBTQ rights be degraded by anti-Semitic intersectional outreach from BDS? When Patty Murray's office tells us they don't care about antisemitism that tells us they don't care about anyone's human rights.

I personally witnessed the Hunter college SJP hate rally a few years ago. Students were yelling "Zionists out of CUNY, Zionist students out of CUNY, Zionist teachers out of CUNY, Zionist administrators out of CUNY. Down with the Democratic Party. Palestine will be free from the river to the sea." They blamed Jewish administrators for their high tuition. They chased Jewish students down the street after I had left. This is Nazi behavior like the thirties in Germany. It gives all students a bad education: fact free propaganda and unacceptable behavior. It harms all students and our country for this to go on in schools.

Ken Marcus has demonstrated he is the right person for this job. He can introduce a more humane discourse on campus for all.

Marta Tanenbaum, Alums for Campus Fairness, Oberlin Chapter Secretary

I have witnessed Ken Marcus bring reason to an unreasonable situation at Oberlin College, my alma mater. I know Oberlin College well over time, as five close relatives (husband, brother, self, daughter, daughter-in-law) graduated between the years 1969 - 2007. I care deeply about the school. Politically, Oberlin, Ohio appears as a Blue Dot in the nation's Midwest heartland, draws a national student body, and is infamous as a progressive college.

As Secretary to Oberlin Alums for Campus Fairness, I traveled from Brooklyn to Ohio last year to observe Ken Marcus speak and field questions from the Oberlin College community.

He was part of a symposium panel called, "Creating a Hate-Free Campus through Civil Discourse." The other two panelists were also of national stature: Chloe Valdaray of New York, and Stacey Aviva Flint of Chicago.

Survey of Anti-Semitism and the Anti-Israel Attack on Marcus and Constituent Testimonies

The event, created by Alums for Campus Fairness, was funded by Academic Engagement Network and a few alumni donors. Regrettably, the Oberlin College administration dissociated itself by denying a venue and declining several requests to co-sponsor at no cost. Consequently, Oberlin ACF's chapter president, Melissa Landa, also had to arrange private security to ensure safety for the speakers and college attendees. There was a protest bonfire nearby. It was tense.

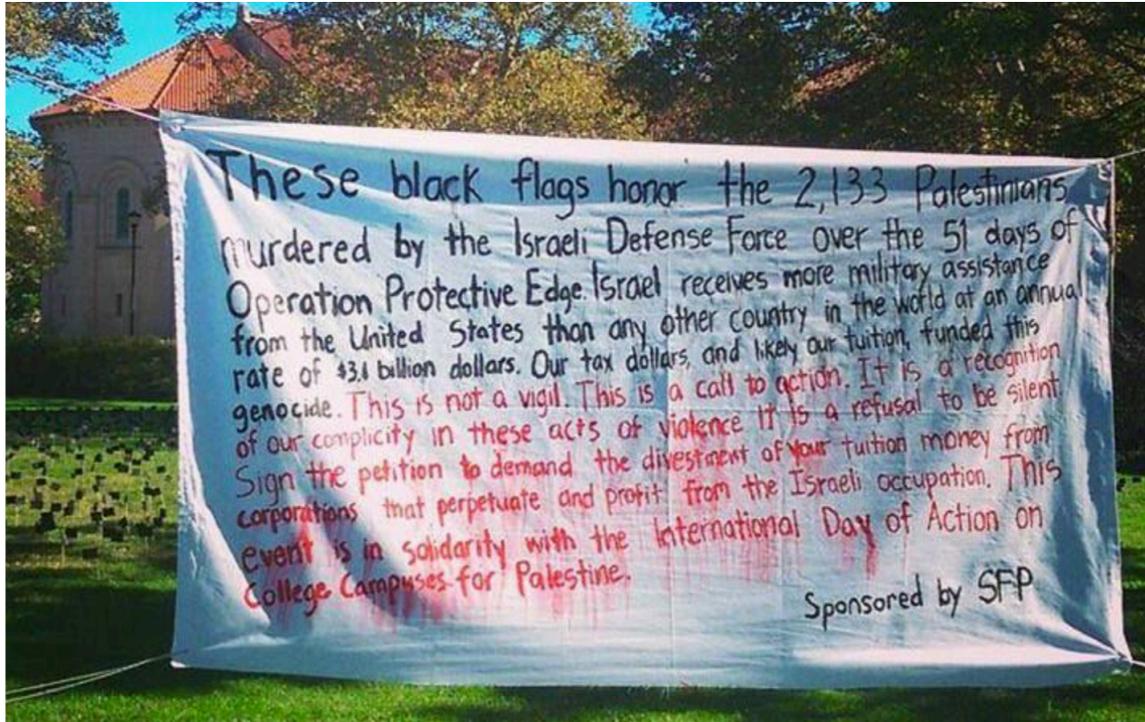
On a campus embittered by years of anti-Israel activity (BDS resolution) and anti-Semitism (Professor Joy Karega), Ken Marcus faced a tough audience of pro-BDS students, wary administrators, and silent faculty. Several pro-Israel students, accustomed at Oberlin to peer rebuke, stayed silent and had asked the moderator in advance for complete confidentiality. Nevertheless, Ken Marcus persisted!

In the two-hour session, I watched Ken move the room by modeling civil discourse on several hot-button campus issues. His complete responses to audience questions invoked American Constitutional law rather than political ideology. He unpacked the differences between anti-Zionism and anti-Semitism; where they do and don't overlap. He explained how a clear definition such as the State Department's definition of Antisemitism could help administrators when hearing student grievances.

Impressively, as Ken dignified his audience, I noticed their questions and demeanor became more respectful, befitting a university atmosphere. I would trust Ken Marcus on any type of American campus, from an elite Ivy League or progressive Liberal Arts college to my closest Community College in Brooklyn, New York.

Karen Bekker, NY member of Stop BDS on Campus and VP of Oberlin Alums for Campus Fairness (ACF)

In the fall of 2014, a hostile attitude towards not only Israel but Jews generally had already been brewing at Oberlin. That fall, on Rosh Hashana, Oberlin's SJP-like group, Students for Free Palestine, put 2,000 black flags on Oberlin's main square, outside the building where Oberlin's Jewish students were attending Rosh Hashana services. The flags represented Palestinians – including Hamas combatants – that were killed during the 2014 Gaza conflict. They were accompanied by a large banner with red paint meant to look like blood that called Israel's self-defense "murder" and accused Israel of genocide.



This was a group claiming to be pro-Palestinian, but this was clearly an antisemitic action for three reasons: 1. By doing it on the Jewish High Holiday, they implied that Oberlin's Jewish students are responsible for events in Gaza, 2. They call Israel's self-defense "murder," and 3. It commemorates killers of Jews.

Despite the fact that this was in the center of campus, the administration made no statements about it and took no action in response.

There were also two anti-Semitic hate crimes at Oberlin within the past few years. In one case, a student had placed an Israeli flag in her window and someone through a rock through the window. In another case, a professor's home was vandalized, and a note with the words "Gas Jews Die" was left by the vandals.

In addition, Oberlin had a professor, Joy Karega, posting blatantly antisemitic material on her facebook page. Although she was fired, a large number of people saw her posts without saying anything, and a larger number of people stood up for her when she was exposed. This speaks to the pervasiveness of the problem. Oberlin Alums for Campus Fairness has compiled a 67-page document on antisemitism at the school.

I think there is a real need for federal guidance to college and university administrators about what constitutes antisemitism, and how to appropriately respond. I think that Ken Marcus has the experience, willingness and ability to do this.

Survey of Anti-Semitism and the Anti-Israel Attack on Marcus and Constituent Testimonies

Regarding the concerns about Marcus's positions on Title 9, these are Betsy De Vos's positions, and they are a central part of her platform. It is not realistic for Democrats to think that any nominee will hold different positions. The choice is to move forward with a candidate that brings so much to the table in terms of fighting a growing problem on college campuses. Holding out for a candidate with a different position on Title 9 will only result in the office remaining vacant.

Victor Muslin, Chapter Leader of Alums for Campus Fairness (ACF) at Columbia University

My name is Victor Muslin. I live in NYC on the UWS. I am a registered Democrat and a Columbia University chapter leader of an organization called Alums for Campus Fairness whose aim is to advocate for fair treatment of Jewish students and pro-Israel voices on campus.

Anti-Semitic incidents and anti-Jewish hate crimes increased tremendously. In recent history, the largest number of religious-based hate crimes occurred against Jews.

In schools in particular anti-Semitism, often masqueraded as anti-Zionism, is driven by anti-Israel advocates such as SJP and JPV. An AMCHA Initiative study showed that the greatest predictor of anti-Semitic incidents on campus is the presence of an SJP chapter. In fact, anti-Jewish incidents are 7 times more likely to happen on SJP campuses.

The reason for such high rate of anti-Jewish incidents is that unlike other minority groups, Jews have not had a strong civil rights advocate, especially in education.

At Columbia University I witnessed a number of anti-Israel incidents that cross the line into anti-Semitism. SJP and faculty sponsored events accuse Israel of every imaginary crime such as ethnic cleansing, genocide, colonialism, occupation, stealing of Palestinian lands and promote creation of the State of Israel as "Naqba" (catastrophe). For example:

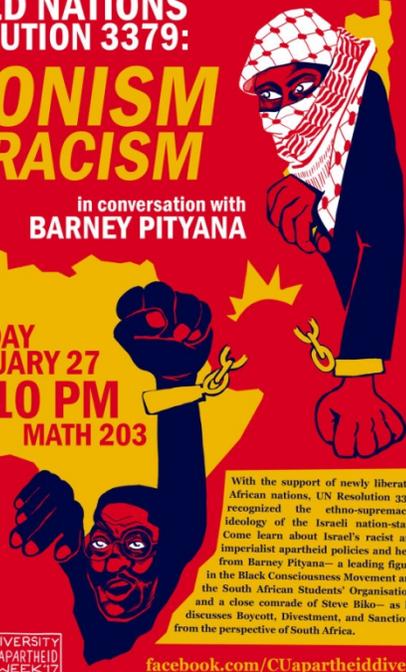
- Annual Israel Apartheid Weeks with lectures such as Zionists Are Racists
- [Mock checkpoint during Israel Remembrance Day](#)
- [Violent disruption of events such as Israeli UN Ambassador Danny Danon's speech](#) with slogans such as "From the River to the Sea Palestine Will Be Free" which is widely interpreted as a call for Israel's destructions.

Here are examples of flyers advertising various anti-Israel events at Columbia University that appeared during 2017 Israel Apartheid Week :

**UNITED NATIONS
RESOLUTION 3379:
ZIONISM
IS RACISM**

in conversation with
BARNEY PITYANA

**MONDAY
FEBRUARY 27
8-10 PM
MATH 203**



With the support of newly liberated African nations, UN Resolution 3379 recognized the ethno-supremacist ideology of the Israeli nation-state. Come learn about Israel's racist and imperialist apartheid policies and hear from Barney Pityana—a leading figure in the Black Consciousness Movement and the South African Students' Organisation, and a close comrade of Steve Biko—as he discusses Boycott, Divestment, and Sanctions from the perspective of South Africa.

COLUMBIA UNIVERSITY
ISRAELI APARTHEID WEEK '17

facebook.com/CUapartheiddivest

NAKSA
نكسة

**REMEMBERING 50 YEARS
OF OCCUPATION**

2017 marks the 50th year of Israeli military occupation of the West Bank, Gaza Strip, East Jerusalem, Syrian Golan Heights, and Egyptian Sinai. Professor Khalidi will lecture on the impact of the 1967 expulsion, referred to in Arabic as the *naksa* ("setback"), and reflect upon 50 years of military occupation.

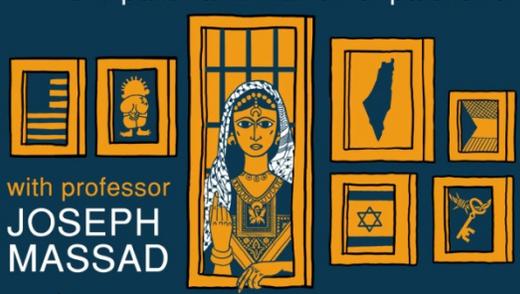
with
**PROFESSOR
RASHID
KHALIDI**

**WEDNESDAY,
MARCH 1 7:15-9PM**
ROONE CINEMA
NON-CUID MUST RSVP:
facebook.com/CUapartheiddivest



COLUMBIA UNIVERSITY
ISRAELI APARTHEID WEEK '17

**NATIVES
& COLONISTS**
the pasts and futures of palestine



with professor
**JOSEPH
MASSAD**

thursday, march 2 6-8pm
broadway room, lerner hall

Columbia University Apartheid Divest is proud to host Professor Joseph Massad from the Middle Eastern, South Asian and African Studies Department, who will share his views on the discourse about Palestine in US Politics, the unique role that Israel plays in US national interests, and the significance of the American Israel Public Affairs Committee (AIPAC) in determining the United States' foreign policy towards Palestine and the Middle East region more generally.

non-CUID must RSVP:
facebook.com/CUapartheiddivest

COLUMBIA UNIVERSITY
ISRAELI APARTHEID WEEK '17

FROM STANDING ROCK
TO PALESTINE...

**TUESDAY
FEBRUARY 28
7-9PM**
JAMES ROOM
BARNARD HALL

**NO PEACE
ON STOLEN LAND!**

JOIN COLUMBIA UNIVERSITY
APARTHEID DIVEST TO SAY:

NO! TO THE DAPL,
NO! TO THE OCCUPATION OF
INDIGENOUS LANDS FROM THE
UNITED STATES TO PALESTINE,
NO! TO THE PLUNDER OF NATIVE
RESOURCES BY IMPERIALIST
CORPORATIONS WITH NO REGARD
FOR OUR SOVEREIGNTY, OUR
PLANET, AND WHAT WE HOLD SACRED!

HEAR FROM **MATLE HAMPTON**—A
GENDERFLUID AFRO-NATIVE ORGANIZER
AND WATER PROTECTOR—ABOUT THE
STRUGGLE AGAINST THE DAPL, PEOPLE'S
POWER, RESISTANCE TO SETTLER
COLONIALISM, AND INTERNATIONAL
INDIGENOUS SOLIDARITY WITH
PALESTINE.

COLUMBIA UNIVERSITY
ISRAELI APARTHEID WEEK '17



The 2018 Israel Apartheid Week at Columbia University started today, March 26, 2018.

Marcus nomination is essential to protect civil rights of Jewish students! *Please note that we are not asking for protection of Jews instead of other groups but in addition to other groups.*

Susan Julien-Levitt, Vassar alum member of Fairness to Israel and cofounder of ACF

Vassar College Sponsors Lecturer Who Implies that Israel Mines Palestinian Bodies for Organs – On February 3, 2016, at Vassar College in Poughkeepsie, NY, a Rutgers University professor gave a talk in which she evoked the centuries-old blood libel against Jews, suggesting that Israel uses Palestinian bodies for research and experimentation. Several departments and academic studies programs sponsored the event, among them the Jewish Studies program.

Professor Jasbir Puar, a teacher of women's and gender studies at Rutgers, gained notoriety as one of the promoters of "pinkwashing," the notion that Israel, unique in the Middle East for protecting the rights of gay people, does so only to disguise its oppression of Palestinians. In her presentation, titled "Inhumanist Biopolitics: How Palestine Matters," Puar contended, without citing sources, that there were "more than 120 deaths by field assassinations of young Palestinian men, largely between the ages of 12 to 16, by IDF soldiers" and that Israel "manifests an implicit claim to the right to maim and debilitate Palestinian bodies and environments as a form of biopolitical control." In summarizing her allegations and distortions, she gave unqualified support to violence against Israeli civilians.

Miriam Elman, Professor at Syracuse University

1. Ken Marcus is eminently qualified for the position of assistant secretary of education for civil rights. He has impeccable civil rights credentials, and has a track record of fighting for the rights of all Americans.
2. He has across the aisle support, including from Clinton appointees who have worked with him in the past, First Amendment scholars, and civil rights organizations.
3. He has a strong track record protecting all students from discrimination. As staff director of the US Commission on Civil Rights for 4 years during the Bush admin, deputy assistant secretary for civil rights—responsible for the "Dear Colleague" letter which flagged the office's unwillingness to tolerate discrimination against Muslims, Christians, Sikhs or Jews.
4. Marcus is a leading expert on antisemitism and at Brandeis Center—outspoken about pervasive discrimination against Jews on college campuses. Has accused extremists on the far right and far left of spreading hate.
5. Marcus wont trample on anyone's free speech rights. Charges that he'll do that are baseless. Part of a smear campaign that virulently anti-Israel groups have launched against him. They're afraid that Marcus will be appointed, so they've sought to tarnish his civil rights record—they know that he'll go after the discriminatory behavior and practices that they are supporting on college campuses.
6. It's shameful that the nomination of such a qualified candidate has become so politicized. Ludicrous and completely unfounded accusations have been leveled—that Marcus will violate the free speech rights of students and faculty or campus. We have no evidence whatsoever of this. In fact, he's on record claiming that even those who spew hate speech have a right to speak and shouldn't be shut down. Marcus's position is that antisemitic hate speech should be condemned. Administrators should exercise their own free speech rights to call it out & condemn it. His position is akin to "if you see something, say something". As an appointee versed in both antisemitism and free speech/First Amendment issues, Marcus is well able to distinguish between constitutionally protected hate speech and discriminatory action & hate crime.

7. Important to note that Marcus will be an ally to Congress in its effort to reform Title VI (read from my prior email on how Marcus will ensure that recipients of Title VI federal funding on college campuses are compliant with the law).

In office, Marcus will work to prevent the abuse of federal education funding. He'll strengthen the 1965 Higher Education Opportunities Act—improving US higher education, which is advantageous for all Americans.

Many federally funded Middle East Studies Centers on college campuses have devolved into hotbeds of anti-American and anti-Israel activity, disseminating falsehoods in universities and to K-12 teachers and the general public. Marcus will work to ensure that viewpoint diversity is restored in these centers, just as Congress has demanded.

The Situation on Syracuse University

The SU campus is not awash in antisemitism, it is not a hotbed of anti-Israel activism. There is no SJP chapter on campus (we have good data that the presence of an active SJP chapter leads to spikes in campus antisemitic hate speech and even hate crime).

SU has a strong Hillel, and an Israeli-Palestinian dialogue group on campus. This helps steer programming toward beneficial educational opportunities to learn about Israel and the conflict in balanced and unbiased ways.

However, there are a number of highly vocal and active virulently anti-Israel and pro BDS faculty who agitate for the boycott of Israeli higher education and endorse the discriminatory practices of PACBI (Palestinian academic and cultural boycott of Israel).

Incidents:

1. Two years ago, in an incident on the SU campus made national and international headlines, a Humanities faculty member disinvited a prominent Israeli filmmaker to a campus conference because she was fearful of what her anti-Israel colleagues would say (and do to her professional prospects) if she were to invite this Israeli scholar to the event. This kind of self-censorship in the face of BDS faculty bullying is prevalent on campuses across the country, with the result being a diminishment and impoverishment of educational opportunities and programming.

<https://www.theatlantic.com/politics/archive/2016/09/what-it-looks-like-when-political-correctness-chills-speech-on-campus/497387/>

<https://www.algemeiner.com/2016/09/05/syracuse-u-professor-slams-hypocritical-colleagues-for-succumbing-to-bds-rescinding-invitation-to-israeli-academicfilmmaker-interview/>

2. Several years ago, a pro-BDS staff member at the Maxwell School invited a prominent BDS activist (non academic) to deliver a public lecture about the Israeli Palestinian conflict and BDS scheduled for Holocaust Remembrance Day. The speaker was an ADL-flagged anti-Israel activist who had

compared Israel to Nazi Germany. Over a dozen faculty, the Jewish Federation of CNY, the Rabbinic Council of CNY, and InterFaith Works wrote to the SU Deans, Provost and Chancellor to request that the talk be moved off campus or scheduled for a different day. The requests were denied on 'free speech grounds'.

3. A year ago, 12 faculty and an equal number of graduate students signed a petition calling for the endorsement of PACBI guidelines and the academic boycott of Israel's institutions of higher learning, thereby calling into question the campus's commitment to free speech and viewpoint diversity. The public call, which was published in the campus newspaper (see below), also defamed Israel thereby signaling to Israelis and Zionists on campus that they are unwelcome. In addition, the call encouraged students and other members of the SU community to boycott a conference then underway which was co-hosted by the Maxwell School and Tel Aviv University's Tami Steinmetz Center for Peace Research. A number of the signatories to the call serve in administrative positions. Ken Marcus provided helpful feedback on how to address the matter, encouraging SU faculty to respond with an op-ed or other piece of writing that would also be published in the same venue (student newspaper). A group of faculty who had been involved with the Maxwell-TAU conference followed this advice. To the best of my knowledge, no administrator issued any public statement condemning the faculty call for BDS, despite the fact that SU is on record in non-support of the academic boycott of Israel.

<http://dailyorange.com/2016/09/campus-bds-supporters-outline-movements-goals/>

<http://dailyorange.com/2016/10/su-faculty-express-concern-bds-letter-movement/>

4. Last month, at an Academic Senate meeting of faculty from across the SU campus, a small group of pro-BDS and virulently anti-Israel faculty openly challenged the issuing of an honorary award to SU-donor Mr. Marvin Lender on the grounds that he is a "supporter of the racist, apartheid state of Israel". While there were abstentions to the vote and several 'no' votes, the motion to dismiss did not prevail, thus Mr. Lender will receive the recognition. However, at the Senate meeting in which some 150+ professors participated, not a single faculty member stood up to condemn the claim made by their colleagues that his being a Zionist made Mr. Lender unworthy of an SU honor.
5. Last month, in an SU dormitory lobby, 2 student Residential Life staffers thought it appropriate to affix a poster titled "Free Palestine/Boycott Israel", and which depicted a crossed-out Star of David, on a display to honor Black History Month. After 24 hours of remaining on display, the poster was removed by a Jewish student who lives in the dorm. Residential Life staff were requested to attend a meeting with the Director to discuss the inappropriateness of the poster. To the best of my knowledge, at this meeting there was no more general discussion of the mainstreaming of antisemitism within progressive causes, including within the movement for Black Lives. To the best of my knowledge there was also no further investigation regarding why these two RL staffers thought this poster was germane to Black History Month, where they gleaned this information from, and whether their course work or interaction with SU faculty led them to believe that Zionism and Israel stood against African-American civil rights. An op-ed regarding the incident will be forthcoming by a Jewish SU student who lives in the dorm and was hurt and offended to see this antisemitic and anti-Zionist poster displayed in her dorm, effectively her home-away-from-home.

<https://www.algemeiner.com/2018/03/20/mindless-antisemitism-at-syracuse-university/>