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July 31, 2018

VIA EMAIL TO [president@stanford.edu](mailto:president@stanford.edu)

President Marc Tessier-Lavigne  
Office of the President  
Building 10  
Stanford University  
Stanford, CA 94305-2061

Dear President Tessier-Lavigne:

I write as counsel to a Jewish and Zionist undergraduate student at Stanford University to demand that Stanford rescind the appointment of Hamzeh Daoud as a Resident Assistant. My client wishes to remain anonymous out of concern for his/her physical safety.

Daoud's public statements – including statements he has made that were public, but that he has recently hidden by deleting certain of his social media accounts – make clear that he is not capable of performing the duties of a Resident Assistant. Worse, if Stanford were to retain a person of Daoud's temperament in that position after being made aware of his statements, Stanford will have clearly discriminated against Zionist students on campus, in violation of federal law and its own formal policies.

## **Daoud's Deleted Social Media Postings Confirm His Inability To Serve As A Resident Assistant**

Daoud's most recent posting on Facebook, and his revision of that post several hours after it was made, have already been called to your attention. Standing on their own, even including the belated "correction," those posts reveal Daoud as a very intemperate young man who should not be employed by Stanford to counsel and support other undergraduates. Were there any doubt on that score, however, it is eliminated by other posts which Daoud has since deleted.

Until recently Daoud had a Facebook account, a Twitter account, and a LinkedIn account. In the last several days, however, he has closed all of these accounts. The clearest impact of this step is that it conceals postings he had previously made on those accounts.

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Some those postings are still retrievable, however, and they reveal Daoud to be a very angry young man who frequently makes obscene and threatening statements against Zionists and Zionism. And these statements are quite recent – so they cannot be dismissed as mistakes made by a young person who has grown out of this sort of behavior.

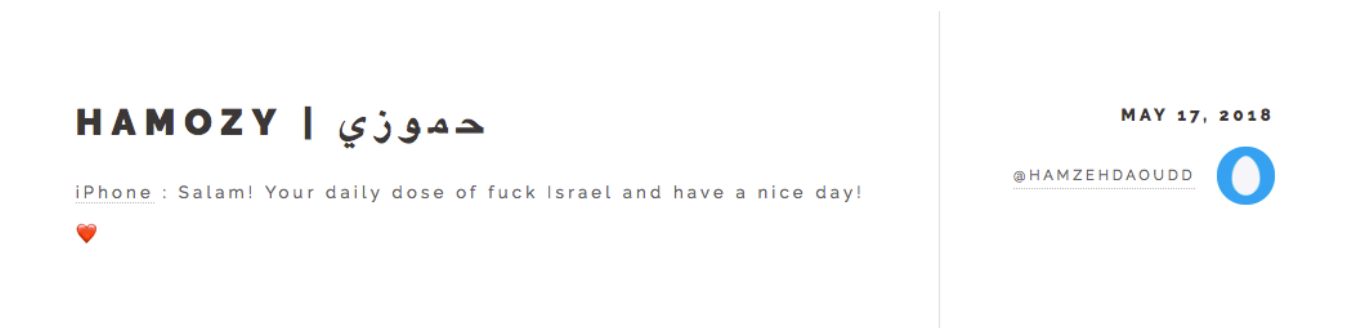
For example, on May 18, 2018, Daoud posted:



Similarly, on the same account, Daoud tweeted:



And in the same vein, on May 17, 2018, he made issued the following post:



## **These Posts Make Clear That Daoud Is Incapable Of According Zionist Students At Stanford The Respect To Which They Are Entitled**

Zionism is an important element of the Jewish faith, as well as a principle adhered to by some non-Jews for religious or other reasons. This principle is a central part of the fixed Jewish liturgy. Jews pray three times a day for the return of the Jewish people to Zion and Jerusalem; they pray so every time they say grace after meals, and whenever they comfort a Jewish mourner, among many, many other times. These religious commitments are shared by many Jewish people around the world. The Nation-State law recently adopted by the Israeli Knesset, which Daoud claims was the impetus for his last Facebook post threatening physical (and then “intellectual”) violence, implements these religious principles while fully respecting the right of all Israeli citizens to equal treatment under the law.<sup>1</sup>

Stanford is strictly required – by law, by its own policies, and by common decency – to respect the Jewish commitment to Zion as completely as it respects all other religious beliefs, other views and identities related to sexuality and gender, and the rights and values of all other minority cultures. That respect must be rendered by all Stanford employees, particularly those whom Stanford employs with the sole duty of advising and supporting undergraduates.

Even apart from his threats of physical violence, the above posts reveal Daoud as someone who feels uncontrollable contempt and rage for this part of the Jewish faith.

## **Daoud Cannot Possibly Act In Conformity With Stanford’s Housing System Promise That Its Employees Will Help Create A “Safe” and “Support[ive]” Environment**

Stanford’s Housing System holds itself out to Stanford students and to the public as committed to the creation of a safe and supportive environment for all students. People in the job of Resident Assistant – the position Daoud has been offered and accepted– are specifically identified by Stanford as being present in Stanford dormitories “to create an inclusive, supportive, and stimulating residence community. They’re also available whenever you have a problem” and as people whom Stanford places in the dormitory “who want to listen and help.” <https://rde.stanford.edu/studenthousing/meet-staff>

Similarly, Imogen Hinds, Senior Director, R&DE Student Housing, informs Stanford undergraduates and the public that “[o]ur goal in R&DE Student Housing is to make your Stanford home a comfortable, clean, and safe environment – one that supports your educational endeavors and fosters your personal growth. \* \* \* We are here to assist you and ensure that your experience is both supportive and rewarding.” <https://rde.stanford.edu/studenthousing/welcome-student-housing>

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<sup>1</sup> While Daoud claims that his intemperate Facebook post was an emotional response to passage of the Nation State law, the now-deleted tweets were issued well before that law was passed.

It is unimaginable that any person who rages as Daoud has against people who hold views different from his own would be capable of providing the kind of support Stanford promises – especially to a Zionist student.

**Daoud Cannot Possibly Be Retained As A Stanford Housing Employee At Least Until He Reactives His Social Media Accounts And Permits Stanford And The Public To Review Them**

Daoud's deletion of his social media accounts made it far more difficult for anyone to find his previously public posts. And there can be only one reason for doing that: because he knows that they would reveal even more deeply troubling statements.

As an employer, Stanford is now clearly on notice that Daoud has threatened violence in the very recent past and that he has displayed gross intemperance as well as intolerance of views other than his own on issues that are important to him and to other students. Stanford cannot responsibly continue to employ such a person without, at a minimum, completing a full investigation of all of his statements, as they all provide a valuable window into how he is likely to speak and conduct himself in the future.

Daoud's now-closed accounts will reveal these facts. Stanford must insist that Daoud reopen these accounts and make them public once again, so that Stanford – and any students who may live under his charge in a Stanford dormitory – can review them. Only such review will enable Stanford to make an informed judgment on Daoud's ability to serve as an advisor to undergraduate students.

**Stanford's Treatment Of Other Students And Student Organizations Requires That Daoud Be Dismissed**

This is not the first time that Stanford has been confronted by students who have made hostile and intemperate statements about other students. Stanford's treatment of these other students requires that in this instance Daoud at least be dismissed from his Stanford position if not excluded from the Stanford campus.

Among such other incidents are the following:

In 2014 Stanford retracted funding for the Stanford Anscombe Society, a student group that intended to hold a conference discussing traditional values and marriage, on the ground that merely holding the conference would create a hostile environment for LGBT students. No physical threats, or obscenity-laced condemnations of other views, were made by the organization planning the conference or by any of its participants.

In 2015 Stanford suspended the housing privileges of a fraternity, Sigma Alpha Epsilon, because its members had made public statements about women – which the accused students claimed were “jokes” -- that were offensive. In this instance the punished student organization was not employed by Stanford but it did provide housing to Stanford students. The degree of protection

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of those offended by the challenged statement was far greater than what would be accorded to Zionist students at Stanford if Daoud is allowed to remain a Stanford housing employee.

In February of this year a student's posters, mocking the views of those who oppose the operation of the United States Department of Homeland Security, Immigration and Customs Enforcement, were removed by Stanford Resident Assistants and students. The student who put up the posters was summoned to a meeting attended by an Associate Dean of Students and students who were offended by the posters, and required to justify his actions, which were said to be hurtful to students who disagreed with his views on U.S. immigration policy. The student was released without punishment only after intervention by two professors of Constitutional law.

There seems no room for doubt that if a Stanford student had made statements like those made by Daoud, but directed at black students, or gay students, or women students, or Muslim students, he would not be afforded the opportunity to change his physical threats into a statement of a plan to demolish their "asses intellectually." And even if that change were made, there can be no doubt that Stanford would not be indifferent to the resulting threat to "abolish" a black student's or a gay student's or a woman student's, or a Muslim student's "ass" intellectually, whatever that means. Neither would it be tolerated if a Stanford student publicly tweeted "fuck" any such group or category of people. There is no legitimate basis upon which Zionist students can be distinguished from any other student holding views opposed to those of a Stanford speaker.

### **Stanford's Continued Employment of Daoud Given His Consistent Obscene, Threatening and Intemperate Statements About Zionism Would Violate Federal Law and Stanford's Policies**

As a recipient of federal funding, Stanford is bound by the First Amendment to the United States Constitution as well as by Title VI of the Civil Rights Act of 1964, both of which bar discrimination against students on the basis of religion and religious viewpoint. Stanford's own policies, including the Fundamental Standard, of course also bar discrimination on the basis of religion, as well as mandating that students conduct themselves respectfully towards one another. Violation of the Fundamental Standard is punishable by removal from the University.

There can be no question that Daoud's statements and conduct constitute attacks on the Zionists – that is, by his own account, what he opposes and wishes to fight against and "abolish." Because Zionism is a tenet of my client's and others' Jewish faith, Stanford cannot, without violating all of the above principles, employ someone who issues threats to others, whether violent or simply abusive and obscene, on the basis of their adherence to this tenet. These students' rights to a tolerant and respectful campus can be assured only if they know that Daoud no longer holds a position of responsibility at the University.

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For all of these reasons, and out of simple common decency, the only proper course for Stanford to follow is to remove Mr. Daoud from his position as a Stanford Resident Assistant.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerome M. Marcus". The signature is fluid and cursive, with a large initial "J" and a stylized "M".

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Jerome M. Marcus