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COMMITTEE ON
EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

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February 16, 2024

Dr. Alan Garber
Interim President
Harvard University
Massachusetts Hall
Cambridge, MA 02138

Dear Dr. Garber:

The U.S. House Committee on Education and the Workforce (Committee) is engaged in ongoing oversight to address antisemitism at postsecondary institutions.

Following concerning testimony from the then-president of Harvard University on December 5, 2023, the Committee sent Harvard a detailed preservation notice on December 15, providing it the opportunity to begin to locate and preserve responsive documents. On January 9, the Committee formally initiated an investigation into Harvard's handling of on-campus antisemitism and requested production of documents necessary for the Committee to fulfill its constitutional legislative and oversight responsibilities. The requested documents are essential to inform the Committee's consideration of potential legislation to address antisemitism in postsecondary education. Harvard committed to providing documents and responses, in good faith, to oversight requests and inquiries.

However, Harvard has repeatedly failed to satisfy the Committee's requests within a reasonable timeframe, despite being afforded several accommodations, including being given the opportunity to submit productions on a rolling basis, being offered multiple deadline extensions, and having priority documents identified by the Committee. As detailed in the Committee's February 7, 2024, letter, the limited and obfuscatory nature of the productions that Harvard has provided in the last month has made clear that it is not treating this congressional inquiry with appropriate seriousness. Given Harvard's vast resources and the urgency with which it should be addressing the scourge of antisemitism, the evidence suggests that the school is obstructing this investigation and is willing to tolerate the proliferation of antisemitism on its campus.

Given Harvard's failure to satisfy the document requests delineated in the February 7 letter, and to avoid any further delay in its investigation, the Committee must now compel production of all responsive documents.

Rule X of the Rules of the House of Representatives authorizes the Committee to conduct oversight of all matters involving "education... generally" to inform potential legislation.¹ The outbreak of vicious antisemitism in postsecondary education since the October 7, 2023, terror attack is within the Committee's jurisdiction and is a "subject on which legislation 'could be had.'"²

Attached is a subpoena compelling production of the documents and communications delineated in the attached schedule by 5:00 p.m. on March 4, 2024.

Sincerely,



Virginia Foxx
Chairwoman
U.S. House Committee on Education
and the Workforce

Attachments

¹ Rules of the U.S. House of Representatives, 118th Cong. at 6,7, 9-12 (Jan. 10, 2023).

² *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020) (internal citations omitted).

SUBPOENA

**BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE
CONGRESS OF THE UNITED STATES OF AMERICA**

To Dr. Alan Garber, Interim President, Harvard University

You are hereby commanded to be and appear before the
Committee on Education and the Workforce



of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2176 Rayburn House Office Building, Washington, D.C. 20515
Date: March 4, 2024 Time: 5:00 p.m. EST

- to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____
Date: _____ Time: _____

- to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____
Date: _____ Time: _____

To the U.S. Marshals Service, or any unauthorized Member or congressional staff

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 16th day of February, 2024.

Virginia Fox

Chairman or Authorized Member

Attest:

Clerk

PROOF OF SERVICE

Subpoena for

Dr. Alan Garber

Address Harvard University, Massachusetts Hall, Cambridge, MA 02138

before the Committee on Education and the Workforce



*U.S. House of Representatives
118th Congress*

Served by (print name) Mindy Barry

Title General Counsel, U.S. House of Representatives Committee on Education and the Workforce

Manner of service email

Date _____

Signature of Server _____

Address 2176 Rayburn House Office Building, Washington DC 20515

1. All reports of antisemitic acts or incidents and related documents and communications since January 1, 2021, including but not limited to all reports of antisemitic acts, incidents, or discrimination made to the following:
 - a. The Office of the President;
 - b. The Office of the General Counsel;
 - c. The Office of the Dean of Students at Harvard College (including the Office of Residential Life and any college House) and each of Harvard's graduate and professional schools;
 - d. The Harvard Office for Equity, Diversity, Inclusion & Belonging, and similar offices and programs within Harvard College, each of Harvard's graduate/professional schools, the Harvard Division of Continuing Education, and Harvard Radcliffe Institute;
 - e. The Harvard University Police Department;
 - f. The Anonymous Reporting Hotline and any other hotlines, inboxes, or other mechanisms that collect reports of bias, discrimination, and harassment;
 - g. Harvard Human Resources;
2. All documents and communications referring and/or relating to the findings and results of any disciplinary processes, changes in academic status, or personnel actions by Harvard towards Harvard students, employees, and other Harvard affiliates related to conduct involving the targeting of Jews, Israelis, Israel, Zionists, or Zionism since January 1, 2021;
3. All documents and communications referring and/or relating to the findings and results of any disciplinary processes or changes in status by Harvard towards Harvard student organizations related to conduct involving Jews, Israelis, Israel, Zionists, or Zionism since January 1, 2021;
4. All documents and communications since January 1, 2021, referring and relating to antisemitism, involving the Office of the President, Office of the Provost, and/or the Office of the Executive Vice President;
5. All Harvard Corporation meeting minutes and/or summaries, whether formal or informal, since January 1, 2021, including minutes of meetings of any components, such as committees, executive committees, subcommittees, task forces, and others;

6. All Harvard Board of Overseers meeting minutes, and/or summaries, whether formal or informal, since January 1, 2021, including minutes of meetings of any components, such as committees, executive committees, subcommittees, task forces, and others;
7. All Harvard Management Company meeting minutes and/or summaries, whether formal or informal, between October 7, 2023, and January 2, 2024;
8. All documents and communications since January 1, 2021, referring and/or relating to antisemitism, involving the Harvard Corporation and Harvard Board of Overseers (including all fellows and members);
9. Any meeting minutes, circulated materials, and/or readouts from Harvard's Antisemitism Advisory Group, and documents sufficient to show any findings and recommendations by the Group and any responses and reactions to such findings and recommendations by the President, Provost, deans of Harvard's various schools, and the staffs of the aforementioned university officials;
10. All documents and communications referring and/or relating to the establishment of the President's Task Force on Antisemitism;
11. All documents and communications referring and relating to:
 - a. Harvard's response to the open letter from 34 student organizations holding Israel responsible for the October 7 terrorist attack;
 - b. Posts by Harvard students, faculty, staff, and other Harvard affiliates on Sidechat and other social media platforms targeting Jews, Israelis, Israel, Zionists, or Zionism;
 - c. The October 18, 2023, incident involving the harassment/assault of a Jewish Harvard MBA student at a "die-in" protest;
 - d. The November 29, 2023, pro-Palestinian protests at Harvard, and any disruptions to education and student life related to it, or any other pro-Palestinian protest since October 7, 2023;
 - e. HKS Lecturer Marshall Ganz's treatment of Jewish Israeli students in his Spring 2023 HKS course, Organizing: People, Power, Change (MLD-377);
 - f. The Harvard Palestine Solidarity Committee's annual "Israel Apartheid Week" since January 1, 2021;

Instructions for Responding to a Subpoena

U.S. House Committee on Education and the Workforce

118th Congress

1. In complying with the U.S. House Committee on Education and the Workforce's (Committee) subpoena, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You also should produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or person denoted in the subpoena has been or is also known by any other name or alias than herein denoted, the subpoena should be read also to include the alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic form should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - a. All documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced in text searchable Portable Document Format (".pdf") format. Spreadsheets should also be provided in their native form. Audio and video files should be produced in their native format, although picture files associated with email or word processing programs should be produced in .pdf format along with the document it is contained in or to which it is attached.
 - b. Document numbers in the load file should match document Bates numbers and file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

- e. If any of the subpoenaed information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to the subpoena should be produced together with copies of file labels, dividers or identifying markers with which they were associated when the subpoena was served.
8. When producing documents, identify the paragraph in the Committee's schedule to which the documents respond.
9. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents.
10. This subpoena is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, should be produced immediately upon subsequent location or discovery.
11. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
12. Two sets of documents should be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 2176 of the Rayburn House Office Building or provided electronically to Majority General Counsel at mindy.barry@mail.house.gov and the Minority Staff in Room 2101 of the Rayburn Office Building or provided electronically to Minority General Counsels at ilana.brunner@mail.house.gov and christian.haines@mail.house.gov.
13. If compliance with the subpoena cannot be made in full by the date specified in the subpoena, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date

specified in the subpoena and provide an explanation for why full compliance is not possible by that date.

14. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of alleged privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, produce all documents which would be responsive as if the date or other descriptive detail were correct.
18. In the event a complete response requires the production of classified information, provide as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this subpoena is from October 7, 2023, to the present.
20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Schedule Definitions

21. The term "document" in the subpoena, the schedule, or the instructions means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns,

summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

22. The term "communication" in the subpoena, the schedule, or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, MMS or SMS message, regular mail, telexes, discussions, releases, delivery, or otherwise.
23. The terms "and" and "or" in the subpoena, the schedule, or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
24. The terms "person" or "persons" in the subpoena, the schedule, or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
25. The term "identify" in the subpoena, the schedule, or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
26. The terms "referring" or "relating" in the subpoena, the schedule, or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
27. The term "employee" in the subpoena, the schedule, or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.

28. The terms "you" and "your" in the subpoena, the schedule, or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

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