



U. S. HOUSE OF REPRESENTATIVES

BRAD SHERMAN

June 5, 2017

CALIFORNIA, 30TH DISTRICT

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

Re: Adopting a Definition of anti-Semitism for Title VI

Dear Secretary Devos:

Thank you for taking my call on January 4th, even before your confirmation hearing. You will remember that I called you about the need for the Department of Education to adopt the State Department's definition of anti-Semitism as guidance when reviewing, investigating, and adjudicating Title VI cases or complaints involving Jewish students. You asked me to give you adequate time to settle in at the Department of Education and then send you a formal letter.

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive federal financial assistance. This raised the question, are Jews only a religious group or are Jews protected by law from discrimination based on "race, color, or national origin."

On October 26, 2010, your predecessor Secretary Arne Duncan and the Office of Civil Rights (OCR) issued guidance whereby your department concluded that Jewish students are protected from prejudice under Title VI of the Civil Rights Act of 1964 when targeted by discriminatory acts based on their ancestry or ethnic identity as Jews. In essence, Title VI applies to anti-Semitism.

The chief refuge of anti-Semites on American campuses is to claim that they are merely antagonistic towards Israel, rather than the Jewish people. It is for this reason that your department will not be able to protect students from anti-Semitism unless you adopt a definition of anti-Semitism that distinguishes between anti-Semitism, on the one hand, and a legitimate criticism of the Israeli government, on the other hand.

The chief advantage of the State Department definition of anti-Semitism is that it deals with this distinction, and does so on a reasonable basis. It makes clear that criticism of the policies of the state of Israel is not anti-Semitism. But it draws the line when Israel is held to a double standard, when the Jewish people are told that they are the only people in the world who should lose their nation-state, or when Israel is held up to standards not demanded of other democratic nations.

A second reason to adopt the State Department definition is to avoid charges of hypocrisy in international fora. The State Department definition is used by our diplomats around the world to evaluate whether other countries are doing a good job of combatting anti-Semitism in their own countries. Our diplomats would be held up to charges of hypocrisy and ridicule if America did not use the same standard to fight anti-Semitism within our own country.

A third reason to adopt the State Department definition is that it is based, in great part, on the definition provided by the European Monitoring Center on Racism and Xenophobia, an organization which has worldwide respect and admiration.

Incidences of campus-based anti-Semitism have increased in recent years. Also, the phenomenon of campus-based, anti-Semitic forms of anti-Zionism has gained more traction. This trend has fostered a hostile academic environment on many college campuses, including those in the state I represent, California.

Further efforts are necessary to address all forms of anti-Semitism that lead to a hostile environment for Jewish students in American universities, including anti-Semitic forms of anti-Zionism. Unless you have a proper definition of what anti-Semitism is, you will not be able to appropriately assess whether a hostile environment for Jewish students is based on anti-Semitic harassment. **In essence, you cannot protect Jewish students from anti-Semitism unless you define anti-Semitism.**

This issue has recently gained broad bipartisan support from my congressional colleagues. I was proud to cosponsor the *Anti-Semitism Awareness Act of 2016* when it was introduced in December 2016. It would require the Department of Education to take into consideration the State Department's definition of anti-Semitism when reviewing, investigating, or deciding whether there has been a violation of Title VI. The bill passed the Senate by unanimous consent.

Adoption of the State Department's definition as a guideline will demonstrate the Department of Education's commitment to combating anti-Semitism and protecting all students. We cannot protect our students from anti-Semitism in academic institutions if we cannot identify it.

The State Department's definition of anti-Semitism from their website is enclosed. I am happy to discuss this with you further. Please feel free to call my office at (202) 225-5911.

Sincerely,



Brad Sherman
Member of Congress

U.S. Department of State

Diplomacy in Action

Defining Anti-Semitism

January 20, 2017

"Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities." –Working Definition of Anti-Semitism by the European Monitoring Center on Racism and Xenophobia

Contemporary Examples of Anti-Semitism

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

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

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

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

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

What is Anti-Semitism Relative to Israel?

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

DEMONIZE ISRAEL:

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

Drawing comparisons of contemporary Israeli policy to that of the Nazis

Blaming Israel for all inter-religious or political tensions

DOUBLE STANDARD FOR ISRAEL:

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

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

DELEGITIMIZE ISRAEL:

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

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

