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The Honorary John King, Jr.
Secretary of Education
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

CC: Catherine Lhamon
Assistant Secretary
Office for Civil Rights

Dear Secretary John King, Jr:

I am writing you to urge the Department of Education to adopt the State Department's definition of anti-Semitism as a guideline when reviewing, investigating, and adjudicating Title VI cases or complaints involving Jewish students.

I brought the issue of campus-based anti-Semitism to the attention of your two predecessors, Secretary Spellings in 2008 and Secretary Duncan in 2015. Following my inquiries, Secretary Duncan and the Office of Civil Rights (OCR) issued guidance wherein 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 upon their ancestry or ethnic identity as Jews.

Incidences of campus-based anti-Semitism have increased in recent years. This is undeniable. 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. Therefore, in addition to guidance on Title VI from your predecessor, I urge your further efforts 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, by using the State Department's definition of anti-Semitism as your Department's guideline. 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.

The State Department definition makes a clear distinction between legitimate criticisms of Israel and anti-Semitism with three points: demonization, double standards, and delegitimization. The demonization of Israel is the use of symbols and images associated with classic anti-Semitism to characterize Israel or Israelis; holding Israel to double standards by requiring a behavior not expected or demanded of any other democratic nation; and denying the Jewish people their right to self-determination are all forms of anti-Semitic anti-Zionism.

In addition to broader guidance for academic institutions, using the State Department definition of anti-Semitism as a guideline would indicate a more consistent policy within government agencies. There is no reason why the United States domestic agencies should not understand anti-Semitism in the same way that the State Department does when monitoring anti-Semitism globally. If an incident abroad can be identified as an anti-Semitic act by the U.S. government, it must be considered anti-Semitic within our own borders.

Another point I would like to bring to your attention is the Office of Civil Rights produced fact sheet that provides the public examples of discrimination or harassment of Asian American, Native Hawaiian, and Pacific Islander (AANHPI) and Muslim, Arab, Sikh, and South Asian (MASSA) students. On their website, the Office of Civil Rights has no comparable fact sheet on anti-Semitism – or even on protecting Jewish students alongside all other groups often discriminated against. This should be addressed immediately.

Before we move into the next administration, we should ensure that there is a standing policy on anti-Semitism and anti-Semitic forms of anti-Zionism. We cannot protect our students in academic institutions from anti-Semitism if we cannot identify it. I urge you to adopt the State Department's definition of anti-Semitism as a guideline and update the Office of Civil Rights website appropriately.

The State Department's definition is enclosed along with an example of an Office of Civil Rights fact sheet.

Sincerely,



Brad Sherman
Member of Congress



“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.



**U.S. Department of Justice
Civil Rights Division**



**U.S. Department of Education
Office for Civil Rights**



**White House Initiative on
Asian Americans and Pacific Islanders**

Combating Discrimination Against AANHPI and MASSA Students

The U.S. Department of Justice's Civil Rights Division (CRT) and the U.S. Department of Education's Office for Civil Rights (OCR) enforce federal civil rights laws in public and federally funded schools at all educational levels. These laws protect all students, including Asian American, Native Hawaiian, and Pacific Islander (AANHPI) and Muslim, Arab, Sikh, and South Asian (MASSA) students, from discrimination based on race, color, and national origin (including language and shared ethnic characteristics). CRT also enforces prohibitions on religious discrimination in public schools. Schools must take immediate and appropriate action to respond to complaints of discrimination, including harassment or bullying based on race, color, national origin, or religion. The following are examples of action, or in some cases inaction, by school officials that could violate the laws enforced by CRT or OCR:

- *A Korean-American student tells her principal that a group of Korean students has repeatedly stolen her Asian history textbook and said that she is not a "real Korean" because she only speaks English. The principal tells her that because the students who are bothering her are also Korean, it was probably a misunderstanding among friends and takes no action.*
- *A Sikh student wears his turban to school. A teacher tells the student he needs to remove the turban for his own safety, given recent violence targeting Muslims in the region. The student informs the teacher that he is Sikh. When he refuses to remove his turban, he is suspended.*
- *A student from China receives an out-of-school suspension for violating the school's code of conduct. Before meeting with the assistant principal to discuss the suspension, the student's parent requests an interpreter, but school administrators do not arrange for one. When the parent arrives for the meeting, there is no interpreter and the assistant principal proceeds with the meeting.*
- *During a lesson about 9/11, classmates of a Muslim middle school student call him a terrorist and tell him to go back to his country. The teacher tells the class that only some Muslims are terrorists, and asks the student why Muslims have not denounced the terrorist attacks of 9/11. The student complains to a school official about the statements by his teacher and classmates, but the school official take no steps to respond.*
- *A high school provides English learner (EL) services only to EL students who speak Spanish. When Punjabi-speaking students inquire about EL services to assist them with their advanced placement (AP) classes, the principal tells them that they cannot both receive EL services and take AP classes.*
- *A group of Asian students is hit and taunted every week in gym class by other students who say, "Asians are supposed to be good at math—not basketball." When they complain to the teacher, they are told that the best response is to ignore the other students and to focus on doing better in gym class.*

Anyone with information about discrimination occurring in schools may file a complaint by contacting:

**U.S. Dept. of Justice, Civil Rights Division
Educational Opportunities Section
Email: education@usdoj.gov
Telephone: 202-514-4092 or 877-292-3804
TTY: 800-514-0383**

**U.S. Dept. of Education, Office for Civil Rights
Email: ocr@ed.gov
Telephone: 202-453-6100 or 800-421-3481
TDD: 800-877-8339
Language Assistance: 800-USA-LEARN (800-872-5327)**

OCR also offers technical assistance to the public and will respond to inquiries about schools' obligations and the rights of students and parents under the laws that OCR enforces.

For more information about the laws that CRT and OCR enforce, including those prohibiting discrimination based on disability and sex (including gender identity and nonconformity with sex stereotypes), please visit us at www.justice.gov/crt/edo and www.ed.gov/ocr.