

Testimony of Stacy Burdett
Before the
House of Representatives
Subcommittee on Higher Education and Workforce
Development
Hearing on
CONFRONTING THE SCOURGE OF
ANTISEMITISM ON CAMPUS
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November 8, 2023**

Thank you, Chairman Owens and Ranking Member Wilson for the opportunity to lend my experience and expertise on strategies to confront antisemitism on campus that is reaching record levels and that has shocked the public conscience. This subcommittee has a vital role to play in making campuses a safer place for Jewish students and for all students facing rising levels of hate.

I come to this conversation as a practitioner for over three decades, including twenty-four years at the Anti-Defamation League during which I developed policies, strategies and programs to prevent and counter antisemitism. I now work with leaders across the corporate, higher education, philanthropic and advocacy sector to translate those strategies into tangible, practical action. I will share some learnings from that work, and propose some recommendations for what universities, individuals, and Congress can do.

The explosion of worldwide antisemitism at this moment requires all decent people from all parts of the political spectrum, no matter their views on Israel or Palestine, to unequivocally condemn this base hatred. Doing so is neither conservative nor liberal, pro-Israel or pro-Palestine, it's just plain decent and moral.

Hate crimes against Jews and other groups have been steadily rising. We have been living with the highest number of hate incidents on record according to our government's data and to monitoring organizations like the Anti-Defamation League. FBI Director Wray has also noted "historic" levels of antisemitism.

In addition to the threat it poses for Jews, antisemitism is a sign of a broader erosion of democratic norms and values. Jews have found a home in this country because we know that we are safest in inclusive, pluralistic societies, where everyone is treated fairly and everyone is safe. So the fight to protect Jews is embedded in the fight to protect safety, security and democracy for all of us.

The targeting of Jews for hate, harassment, violence or intimidation is antisemitic. The antisemitic rhetoric and attacks we have seen on campuses reflect a core organizing principle of antisemitism – blaming Jews for upheavals and for what people think is wrong with their world. It follows a long succession of antisemitic and broader hate-fueled violence and extremism –which has become increasingly normalized, manifesting in a variety of dangerous ways.

It is important for us to protect the rights of anyone to criticize a government and its policy. But the attacks we are here to address have nothing to do with criticism or protest of Israel's policy, actions or government. There is no political view policy issue, no political conflict, and no struggle for freedom that justifies the vilification of Jews or any group based on their identity. When classmates or neighbors are beaten, brutalized and even murdered simply for how they look, where they worship or where they come from that's bigotry, antisemitism. When Muslim, Arab or Palestinian neighbors are targeted with doxing, intimidation or hatred that some would rationalize as contempt for Hamas terror, that's bigotry.

But first, our conversation should be grounded in the understanding that antisemitism didn't begin with Hamas, it didn't begin with Nazism. Antisemitism is a lie, a pretext to blame Jews for what's wrong in a society. It has served different purposes to leaders and bad actors in different eras. It has been shaped by different sets of circumstances in different times. An obvious example related to the Holocaust would be: There was a desire to blame someone or something for the failures and hardships of the post WWI period in Germany.

In some eras they are scapegoated for cultural shifts that disrupt people's sense of security, they are hated as the tax collectors or bankers, demonized as encompassing ultimate evil at the root of problems like the blood libels, or the poisoning of wells during the black plague. I have appended to my testimony a list of resources and explainers which summarize that history in an accessible way have added clarity even in the expert community.

The Campus Environment and Role of Universities

Unlike many workplaces, schools or even town squares, a university campus is perhaps the most diverse community a person will probably ever encounter in their lives. For the rest of their lives, college students may choose to sort themselves into neighborhoods, school districts, book clubs, or houses of worship – filled with people that see the world the same way they do.

Students at colleges where protests, antisemitic incidents and internal strife about the Israel Gaza war don't have that luxury. It might be one of the last places in our country where diverse groups of students and faculty live so close to each other in an ecosystem where they must learn and live together. These students are faced with the reality that living in a free society isn't only about what we get to say, it's also about what we have to hear, even when it's difficult - as long as it doesn't threaten or violate the rights of someone else.

Campuses have a lot of rules that are meant to guarantee that students can be safe and free of harassment. But they don't guarantee that they won't have to hear things that are upsetting. And that's not necessarily a bad thing. I have no doubt that hearing something that upset you is part of why each of you ran for office to serve your constituents and your country.

Managing that experience for these young adults is hard. Just because speech may be legal doesn't mean it can't be harmful. Universities have a serious duty of care to use all the tools they have to mitigate those harms and to keep students safe from harassment, intimidation and bigotry.

In a turbulent world filled with bigotry and division and terror, universities must teach students how to manage conflicting ideas and to navigate the discomfort that comes with opening our minds to different narratives and perspectives. It's not just the price of living in a free society. It is the *special sauce* that makes for a good education. That's how universities can turn out future leaders who will be able to engage in the kind of give and take that enables people to invent

things, to shape new ideas that can solve problems – to tackle the big challenges we are leaving behind for them to address.

That's exactly why, unlike governments or political parties or organizations, Universities are ideally not meant to take policy positions. Their mission is to educate and to manage a rich marketplace of ideas. Institutions like the University of Chicago adopted what are known as the Kalven Principles¹, under which they choose not to take policy stances so they remain faithful to a core mission: building knowledge. This University of Chicago report that is the basis of those principles noted that: "The neutrality of the university as an institution arises then not from a lack of courage nor out of indifference and insensitivity. It arises out of respect for free inquiry and the obligation to cherish a diversity of viewpoints."

If there is a mistake Universities have made in their practice around public statements, it might be that they have spoken too much about some social and political upheavals and now they are exposed to charges of inconsistency or bias.

Just because Universities don't have policy positions doesn't mean they don't have values that must shape the learning environment. Just because they create space for free expression doesn't mean they shouldn't use rules to set parameters around when expression crosses a line into threats or harassment.

So how is that applied to this moment when so many Jewish students, and other students in distress, feel threatened and vulnerable. And an issue that gets very little attention is how difficult it is for students to learn, to focus, to sleep properly and take care of their mental and physical health in times like these. As Members of Congress, you quite likely represent districts where young people's mental health is a concern or where pediatric and youth mental health systems are overburdened.

I believe universities that are being the most responsive in this moment have appropriately understood that they are not in the mode of "business as usual." I have seen concrete action that balances a commitment to open, uninhibited debate with action to ensure that students do not fear for their physical safety from those who disagree with them.

Campus public safety officers are in closer touch with law enforcement, consulting with them about the threat landscape, how to keep protests safe and orderly. Some are enforcing or tightening rules around protests or taking actions that are unusual like closing parts of campus or requiring a school ID to prevent outsiders from disrupting student gatherings.

¹ In February of 1967, the president of the University of Chicago convened a faculty committee to produce a recommendation on how the institution should approach "political and social action." The group of seven professors produced the Report on the University's Role in Political and Social Action (the "Kalven Report"). The report's central conclusion was that neutrality is necessary to maintain a university's fidelity to its core mission: "the discovery, improvement, and dissemination of knowledge."

And they have responded to antisemitic incidents. The President of University of Pennsylvania just went public about an incident in which they're working with the FBI to open a hate crime investigation. On most campuses, students are receiving a steady flow of information about services like escorts they can request, reminders encouraging them to contact campus authorities or report threats or antisemitic or bias incidents.

Brandeis University and Columbia University have taken action against groups that violated their rules. Columbia [noted](#) that Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP) "repeatedly violated University policies related to holding campus events, culminating in an unauthorized event Thursday afternoon that proceeded despite warnings and included threatening rhetoric and intimidation."

We may see these actions as routine, but all young people, especially in the midst of trauma and distress, need encouragement to understand the impact on their wellbeing and to seek support services. And I've seen professors, deans, and even university presidents checking in with students, expanding their office hours to speak with students and conducting listening sessions to ensure that they hear student concerns and can support them.

Universities have already stepped up in critical ways. The creation of antisemitism task forces and others on doxing are the kinds of actions advocates have been calling for years. These task forces should do a system wide assessment of how they can renew both their commitment, their policies and their tools. This includes not just enforcement of violations of campus codes but proactive solidarity building work. They also have the opportunity to explore their academic offerings, ways to encourage Jewish studies scholarship and to make sure diverse perspectives are really taught. Some higher ed institutions have set up employee resource groups for Jewish administrative staff and faculty. Those are great vehicles to elevate Jewish voices, concerns and experiences in the culture of workplaces. We speak so much about our rage and disappointment. But this horrible moment is also bringing to the fore the best that communities like universities can offer.

Jewish Inclusion

Jews across America want to be treated equally, respected and included. We want to continue to contribute to campus life, and to American civil life. But the public debate about us and our children often uses our fear and vulnerability to attack the very institutions we need most right now.

Not only do we need a strong, resourced civil rights infrastructure, we need investment in the "I" in DEI instead of trying to bring it down. We should redouble our efforts to ensure that these programs include support for Jews and awareness raising about antisemitism. After all, antisemitism is a kind of a meta frame for understanding how otherizing works, how disinformation and conspiracies about the other can bring down entire societies.

The fact that some DEI work should be more expansive, the fact that Jews may not fit neatly into the protected categories shouldn't be an excuse to burn down the house. Jews have always advocated for laws, policies and programs that protect Jews and all people. The most significant Jewish protection organizations like the American Jewish Committee or the Anti-Defamation League always are investing in DEI compatible education materials, not opposing programs that improve the conditions for other minority groups.

The terror attack on Israel on October 7 didn't introduce antisemitism to this country. Antisemitism has never needed to be imported, it has been a feature in American society for a long time. Even though this country was a haven for many Jews. Antisemitism, nativism and white supremacy - which targets Jews directly, has deep roots in our country. While Jewish men could enjoy full citizenship, Jews faced public discrimination, and were barred from participation in so many parts of American public life, even in my lifetime. This includes legal restrictions in some state constitutions and as well as quotas in higher education.

The ideas and models of racism and antisemitism in Nazi Germany and Jim Crow America during the 1930s were very much cross pollinated with each other in various ways. And they reflect some universal qualities about how hate works in society. The so-called "science" of eugenics featured prominently in those racial policies. Racism and antisemitism was the core of Nazi ideology and provided the rationale for the murder of six million Jews. Antisemitism didn't begin with the Nazis. But it also didn't end with the Nazis, just as racism continued to persecute African Americans long after the end of slavery.

And today, scholars, analysts and practitioners agree that antisemitism is a core ideology of the white nationalist movement that still poses the most deadly threat to Jews in America. That is why diversity equity and inclusion work that includes Jews is critical. Antisemitism is a feature, and not a bug of America's history and society. American Jews don't reject the principles of inclusion and education that support them. They want to be protected by them.

A future America in which Jews can live free of antisemitism is one in which all people, of all races, ethnicities, religions or genders, are free and safe.

Recent Government Action

Even before this surge in antisemitic incidents following the Hamas attacks, there were new tools and building blocks that have been put into place across federal agencies. The most notable and far reaching effort in American history so far was the launch of the U.S. National Strategy to Counter Antisemitism. Also historic was the coming together, both from within and outside of the Jewish community, the forging of a kind of civic unity and resolve to tackle antisemitism through concrete, coordinated action. The launch of the strategy has already added momentum and urgency for new action and advanced some efforts that were already in process.

These are the eight federal agencies that pledged—for the first time in writing—that Title VI of the Civil Rights Act of 1964 prohibits antisemitic discrimination in federally funded programs and activities: the Departments of Agriculture, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, Treasury, and Transportation. They will also ensure that their agency staff understand what antisemitism is and are ready to respond. They will make clear that antisemitic discrimination is a violation and they committed to enforce

protections within the federally funded programs they administer. For example, this could cover antisemitic harassment or discrimination on any transit systems funded by the Department of Transportation (DOT); or in any housing funded by the Department of Housing and Urban Development (HUD); or in services delivered as part of a U.S. Department of Agriculture (USDA)-funded food programs.

The Department of Justice (DOJ) has recognized that antisemitic incidents can be actionable under Title VI since the early 2000s. And the Department's prevention and outreach tools are a vital part of preventing incidents before they happen and supporting people targeted by antisemitism in critical ways. For example, orthodox communities, with no choice but to walk to and from synagogue on Sabbath and where men wear religious garb as part of their expression of their Jewish identity have experienced horrific attacks and everyday harassment. Small measures like making information available in both Hebrew and Yiddish language are another way to help make sure that every Jewish person understands their rights, how to report and to understand what support is available to them.

The Department of Education Office of Civil Rights sent a Dear Colleague highlighting the "an alarming rise in disturbing antisemitic incidents and threats to Jewish, Israeli, Muslim, Arab, and Palestinian students on college campuses and in P-12 schools" and reminded schools of their obligations under federal law to ensure nondiscriminatory environments in which all students can learn without discrimination. The Department has taken other steps including:

- It revised its complaint form to specifically make clear that harassment because a person is Jewish, Muslim, Arab, Hindu, Sikh or of other shared ancestry or ethnic characteristics is prohibited by Title VI.
- The Department has begun a listening tour to visit colleges and universities in addition to k-12 schools to hear about what students are experiencing.
- The Department launched [a broad education campaign](#) focused on antisemitism to provide resources and technical assistance, collect data, spotlight champions, and build partnerships to raise awareness and combat antisemitism. None of this will be a quick fix. But the Department started putting the National Strategy into practice in multiple ways almost as soon as the ink was dry.

Practical Action Steps:

1. **Stand behind the U.S. National Strategy to Counter Antisemitism.** Its launch in May 2023. This whole of society, whole of government approach and the recommendations focus on Jewish safety and on bringing Americans together to stand against antisemitism and hate. It reflects input from over 1,000 Jewish community stakeholders, faith and civil rights leaders, State and local officials, and more—also it serves as a blueprint for tackling other forms of bigotry, hate, and bias that fuel toxic divisions in America.

2. **When students call, make sure there are enough investigators to answer.** We should hold agencies to account for the commitments they've made. But we have to give our public servants a fighting chance to be able to investigate an unprecedented volume of complaints by adding investigative capacity. By the time a student files a complaint to the Department of Education a lot of systems in our society have failed them, including their peers, their support networks, their school. At the end of all that, our federal complaints system needs to be able to respond in a timely way. In FY 2022 the Department of Education received 18,804 complaints, 12% more than the staggering total of 16,720 received in FY 2016. And we have good reason to expect that number to go up. Between 2016 and 2022, as complaints rose by 12%, the number of investigative staff went down by 18%. The problems are growing and they are complex. Our government needs to be able to protect the rights, safety and wellbeing of the students like those we have heard from today and Congress should resource the Department's Office for Civil Rights (at least fully fund the FY 2024 Budget request of \$177.6 million).
3. **Prioritize Prevention.** Legal recourse and security at Jewish institutions is vital. But our government cannot protect the Jewish community in the most fulsome way until it recognizes the need for prevention and other early interventions. The law is a blunt instrument. We cannot legislate, regulate, tabulate, or prosecute antisemitism and bigotry out of existence. But preventing an attack before it happens, investing in programs that build allyship are essential to build a community that is resilient against hate. DOJ efforts like its United Against Hate Campaign and its Community Relations Service can help improve the climate on campuses.
4. **Build Civic Unity against Antisemitism.** The way we choose to counter Call it out in a way that promotes allyship and practical action to make Jews safer. Jews and all groups who have lived in the crosshairs of bigotry understand that one of the most pernicious features of hate is that it is a tool to frighten people, to silence them, and to separate them and alienate them from allies and from the public square. That's why community solidarity building is such a key focus of the US National Strategy to Counter Antisemitism.

Moving Forward Stronger

The most important message emanating from this hearing is that Jews shouldn't have to fight antisemitism alone. And so too, the countermeasures we advance should draw Jews and their community allies closer. Universities and federal officials should apply and enforce their rules. But without community building and solidarity work, the enforcement offers Jewish students cold comfort. If universities, and actors across society use this moment well to review and reimagine how to ensure that all students can learn and thrive in times of turmoil, Jewish students and all of our children will be safer.

Please, look at this national strategy, the key actions it recommends, and the actions Congress must take to operationalize it. Antisemitism has been alive in this country for generations. And with the rise of unbridled hate like we've seen on the streets of Charlottesville, Pittsburgh,

Poway and at Cornell just last week, it's not the work of a day to put this poison back into the bottle.

Even in times as dark as these, I am filled with hope. I have never seen so much concern, so much new understanding of how and why Jews need support. Institutions are taking action toward real transformation. I believe many institutions will identify and close gaps in how they understand and address antisemitism. So many incredible people are checking in with Jewish friends and colleagues, asking what they can do. And, importantly, many are questioning whether their organization, movement or community is standing in the right moral place at this moment. A lot of Americans will be better allies to Jews and to each other when we emerge from this crisis. Our workplaces, campuses and communities will be stronger, more inclusive and more just if we use this moment well.

Appendix - Resources for Understanding Antisemitism

There are many excellent books, guides and training modules on antisemitism. Below are just a few examples of resources that have been impactful among younger audiences, in the policy community and in campus settings.

Antisemitism and What Can Be Done to Counter it

- [The U.S. National Strategy to Counter Antisemitism](#), May 2023
- [Video Explainer Series](#) by Yair Rosenberg, The Atlantic
- [Antisemitism in our Past and Present](#): Short video, Berkeley Center for Jewish Studies
- [Antisemitism Uncovered: A Guide to Old Myths in a New Era](#), the Anti-Defamation League
- [Guide to Identifying Antisemitism in Debates About Israel](#), the Nexus Project, 2022
- [A Very Brief Guide to Antisemitism](#), Truah, the Rabbinic Call for Human Rights
- [What is Antisemitism](#), The Holocaust Encyclopedia, U.S. Holocaust Memorial Museum

Antisemitism as a Core Fuel of the Hate Movement

- [Skin in the Game: How Antisemitism Animates White Nationalism](#) by Eric Ward, The Public Eye, Magazine of Political Research Associates, June 29, 2017
- [Misogynistic influencers are dabbling in antisemitism. In a sense, it's more of the same](#), The Forward, August, 2023
- [PBS Exploring Hate: How Antisemitism Fuels White Nationalism](#), October 7, 2021
- [Caste: The Origins of Our Discontent](#), by Isabel Wilkerson, August 2020 [a study of bigotry through the lens of the Jim Crow South, Antisemitism in 1930s Germany and India's Caste system.]
- [The Racist Great Replacement Theory Explained](#), Southern Poverty Law Center, May 17, 2022
- [Expert Testimony](#) by Prof. Deborah Lipstadt on the history, ideology, symbolism, and rhetoric of antisemitism and how those features were on display at the Unite the Right rally in Charlottesville, VA on August 11-12, 2017