



DEFENDING RIGHTS & DISSENT

The Honorable Virginia Foxx
Committee on Education & the Workforce
United States House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

May 22, 2024

Dear Madam Chair,

We, the undersigned U.S. civil society organizations, condemn the House Committee on Education and the Workforce for the McCarthyite witch hunt it is carrying out against the Rutgers Law School Center for Security, Race, and Rights (the Center) and its Executive Director, Professor Sahar Aziz. We write to express our grave concern regarding your March 27, 2024 letter¹ announcing a congressional investigation targeting the Center and Professor Aziz.

Many of the undersigned groups have worked with Professor Sahar Aziz for years. Professor Aziz is an insightful scholar, a champion of civil rights, and a leader in efforts to protect vulnerable communities from racism and repression. We stand with Professor Aziz.

The Center for Security, Race, and Rights fills a glaring gap in academia as the only academic center at a U.S. law school focused on law and policy that adversely impacts the civil and human rights of America's diverse Muslim, Arab, and South Asian communities. Much of the Center's focus has been on post-September 11, 2001 national security policy and its well-documented deleterious effect on human and civil rights.

In recent months, the Center has focused on the devastating humanitarian crisis that Israel's war on Gaza has caused for 2.4 million Palestinians – a war that has sparked widespread allegations of violations of international law. Not only are these issues legitimate areas of study and debate, they are vital for a country that typically provides over \$4 billion of annual aid to Israel, and an additional \$14 billion since October 2023.

We deplore all forms of bigotry and racism, including antisemitism. And we agree with the over 500 law professors who wrote to you on April 17 that “the Committee’s attacks against the Center and Professor Aziz do not represent an earnest effort to reckon with antisemitism at Rutgers, or

¹ Virginia Foxx to Dr. Jonathan Holloway et al, Washington, DC, March 27, 2024
https://edworkforce.house.gov/uploadedfiles/rutgers_letter_final.pdf (accessed May 7, 2024)

elsewhere: they are part of a cynical campaign to censor dissenting speech and delegitimize open and inclusive academic inquiry and engagement.”²

We remind the Chair and the Committee that all members of Congress swear an oath to uphold the Constitution, which includes the First Amendment. The First Amendment protects the right to engage in political speech. Although Congressional committees have broad and important oversight powers, these powers are not unlimited. In response to the abuse of committees seeking not to legislate, but serve as inquisitors of First Amendment-protected speech, the Supreme Court has repeatedly set limits on legislative committees’ authority to probe First Amendment-protected speech.³

We are particularly alarmed at your demand for donor records, and remind you that the government has limited powers to compel disclosure of political associations. The Supreme Court has ruled that the First Amendment’s right to free association prohibits the government from requesting membership rolls.⁴ Even in spheres where the government has greater recognized interest, such as donations to campaigns, the Supreme Court has still imposed limitations on the government when there is “‘reasonable probability’ that the compelled disclosures will subject those identified to ‘threats, harassment, or reprisals.’”⁵

Your politically motivated investigation into the Center and Professor Aziz is nothing more than harassment, intimidation, and an attempt to silence speech with which you disagree.

We call upon the Committee to honor the Constitution and their office by putting an immediate end to this unfounded and unconstitutional investigation. Further, we urge all members of Congress—particularly New Jersey’s delegation—to denounce the Committee’s abuse of power.

Sincerely,

Afghans For A Better Tomorrow
American-Arab Anti-Discrimination Committee (ADC)
Center for Constitutional Rights
Coalition for Civil Freedoms
Council on American-Islamic Relations (CAIR)
Defending Rights & Dissent
Fight for the Future

² Law Professors, “Letter from Concerned U.S. Law Professors Re: House Committee Investigation,” April 17, 2024, <https://docs.google.com/document/d/1YkrKYwkae7uR3XasQkZhLRmJf8xTyOC5ILRc4EkXVi8/edit> (accessed May 7, 2024).

Also at: Jonnette Oakes, “505 law professors sign letter condemning US House committee investigation into Rutgers University”, *JuristNews*, April 19, 2024. <https://www.jurist.org/news/2024/04/505-law-professors-sign-letter-condemning-us-house-committee-investigation-int-o-rutgers-university/> (accessed May 5, 2024)

³ *Watkins v. United States*, 354 U.S. 178 (1957) and *Barenblatt v. United States*, 360 U.S. 109 (1959)

⁴ *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958)

⁵ *Brown v. Socialist Workers Comm.*, 459 U.S. 87 (1982)

Fred T. Korematsu Center for Law and Equality, Seattle University School of Law
Human Dignity Project (THDP)
Muslim Advocates
Muslim Anti-Racism Collaborative
Muslim Counterpublics Lab
Muslim Peace Fellowship
Muslims for Just Futures
National Partnership for New Americans
NYU Center on Race, Inequality, and the Law
South Asian Legal Defense Fund
Veterans For Peace

State/Regional:

Center for Law, Equity and Race @Northeastern University School of Law
Civic Ark
Freedom for all
Friends of Human Rights
JVP-Westchester
Mekong NYC
Palestinian American Community Center
Pax Christi New Jersey
Project Hajra
Project South
Sakhi for South Asian Survivors

Cc: Members of the U.S. House of Representatives