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Written Testimony
before the
United States House of Representatives
Committee on the Judiciary

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Introduction

Thank you, Chairman Jordan, Ranking Member Nadler, and distinguished members of this committee for this opportunity to testify on “Free Speech on College Campuses,” “a hearing that will also highlight,” according to the invitation that I received from Chairman Jordan, “the rise of antisemitic behavior at universities across the country.”¹

I am Pamela Nadell, a professor of history and Jewish Studies at American University. I am currently writing a new book titled *Antisemitism, an American Tradition*, under contract with W. W. Norton, a project supported, in part, by a National Endowment for the Humanities Public Scholars Award. I am honored that this hearing gives me the opportunity to thank Congress publicly for supporting, through the National Endowment for the Humanities, scholarship, exhibitions, and documentaries essential to informing our citizens about our nation’s past and for recognizing my scholarship with this prestigious award.

“The rise of antisemitic behavior at universities across the country” is, of course only one manifestation of the horrific rise of antisemitism in American society since the last time I testified before this committee on November 7, 2017, on “Examining Anti-Semitism on College Campuses.”²

That hearing had been called because antisemitism was already then beginning its surge in American life. The hearing took place just three months after white supremacists, chanting “Jews will not replace us,” paraded through the University of Virginia, brandishing torchlights, echoing Nazi storm troopers strutting through the streets of Germany in the 1930s. The next day, Jews were at prayer when Unite the Right ralliers, armed with semi-automatic rifles, marched past their synagogue which had already moved a sacred Torah scroll out of the building for safekeeping. Fearing for their safety, they snuck out of the building by the back door when services concluded.³ As we know, later that day, the rally turned murderous when a car ramming left a counter-protestor dead.

I provide these details to convey the new emotion of fear this evoked among American Jews today. Until then, they had thought they were safe in America. Now they knew they were not.

By the close of that year, the Jewish communal agency the Anti-Defamation League counted 1,986 reported antisemitic incidents in the U.S., then the highest number since it began tracking these events in

¹ Letter from Chairman Jim Jordan to Pamela Nadell, November 3, 2023.

² Committee of the Judiciary, House of Representatives, “Examining Anti-Semitism on College Campuses,” <https://www.govinfo.gov/content/pkg/CHRG-115hhrg32325/html/CHRG-115hhrg32325.htm>

³ Ellie Silverman, “Neo-Nazis marched past their synagogue chanting ‘Sieg Heil’.” *Washington Post*, August 26, 2017.

1972. In 2022, the number of antisemitic incidents hit a new high of 3,697,⁴ almost a 100 percent increase in just five years. We can presume that the number for 2023 will be even higher.

During that 2017 hearing, I was opposed to Congress legislating any definition of antisemitism, and I remain opposed now, because the meaning of this term has morphed and changed over time.

Understanding Antisemitism

Before turning to the questions of free speech and antisemitism on campuses today, we need to begin to understand just what antisemitism is. While it is difficult to define antisemitism, we can look to examples from history to illustrate the contours of this prejudice.

The term “antisemitism” is a relatively recent invention. The word was coined in Germany in the late 1870s to distinguish between the modern racial basis of Jew hatred and historic religious animosity. Today, the word antisemitism is commonly used to signify any of the ancient, medieval, and modern expressions of animosity towards Judaism and the Jewish people.

Here are just some of antisemitism’s historic canards.

- Antisemitism blames Jews for Jesus’s death and posits that Jews, the historical witnesses to Jesus’s life, must be punished across eternity until they recognize the truth of Christianity.
- Antisemitism charges that Jews murder Christian children to use their blood for religious purposes.
- Antisemites believe Jews have been corrupted by money since Judas betrayed Jesus for thirty pieces of silver. Ideas about nefarious, avaricious Jews have been repeated across the ages with different shorthand code names—Shylock, Rothschild, and more recently George Soros—signaling covetous Jews.
- Antisemites believe Jews are more loyal to their people than to the lands where they live and that, since medieval times, Jews have conspired across borders to destroy Christianity and seize power.
- These conspiracy theories gained new currency early in the twentieth century with the publication of *The Protocols of the Elders of Zion* and the series *The International Jew—The World’s Foremost Problem*, which first appeared in the *Dearborn Independent*, a newspaper owned by Henry Ford.⁵
- More recently, the canard charging that that the Jews are internationalists, more loyal to their people around the world than to their nations, has been replaced by the dog whistle, “globalist,” a coded word for the old antisemitic conspiracy theory that Jews’ stand behind a worldwide order that will bring them control over banks, governments, and media.⁶

⁴ Anti-Defamation League, *Antisemitic Incidents, Ten Year Review, 2013-2022*, <https://www.adl.org/audit-antisemitic-incidents>

⁵ For somewhat fuller discussions of these themes, see the resource guide American University’s Jewish Program developed; *Understanding Antisemitism: A Guide for the AU Community* (April 2023).

<https://www.american.edu/cas/js/upload/Understanding-Antisemitism-Guide-AU-2023-1.pdf>

⁶ American Jewish Committee, *Translate Hate: Stopping Antisemitism Starts with Understanding It*, https://www.ajc.org/sites/default/files/pdf/2021-02/AJC_Translate-Hate-Glossary-2021.pdf

Antisemitism in America: The Past

Across American history, people from all walks of life have conveyed these antisemitic ideas about the Jews as enemies, as financially unscrupulous, and as standing by their people rather than by their nation. Here are just a few examples:

- In 1654 when twenty-three Jews landed in New Amsterdam, before it became New York, Governor Peter Stuyvesant sought to expel this “deceitful race, — such hateful enemies and blasphemers of the name of Christ,” for their “customary usury and deceitful trading with the Christians.”⁷
- In 1780, when John Quincy Adams, the future president, was just thirteen years old, he saw Jews in Amsterdam’s synagogues: “I am sure they are all wretched creatures for I think I never saw in my life such a set of miserable looking people, and they would steal your eyes out of your head if they possibly could.”⁸
- On December 17, 1862, from Holly Springs, Mississippi where General Ulysses S. Grant had his headquarters in the Department of Tennessee, he issued his infamous General Orders No. 11. He declared: “The Jews, as a class violating every regulation of trade established by the Treasury Department and also department orders, are hereby expelled from the department within twenty-four hours from the receipt of this order.”⁹
- In February 1924 Congressman Albert Johnson, a chief architect of the 1924 National Origins Act which established immigration quotas based on the pseudoscience of racial hierarchy, told a Jewish Telegraphic Agency reporter: “If the Jewish people combine to defeat the immigration bill as reported by the Committee, their children will regret it.”
- In April 1941, Congressman John E. Rankin called the journalist Walter Lippmann an “international Jew,” a mouthpiece for the international Jewish financiers who “have controlled the world through the gold standard ever since Rothchilds [sic] got financial control of England during the Napoleonic war. They are now crucifying civilization on a cross of gold.”¹⁰

Antisemitism in America: The Present

It is imperative to understand antisemitism across America today before turning to its appearance on our campuses and its implications for free speech. The antisemitism surging in colleges and universities is just part of the toxic stew of antisemitism Jews in the U.S. now face.

I want to convey how dramatic a change this is. In 2012, the historian Leonard Dinnerstein, who had published the fine history *Antisemitism in America* in 1994 looked at what had happened since that book

⁷ Quoted in Samuel Oppenheim, “The Early History of the Jews of New York, 1654-1664: Some New Matter on the Subject,” *Publications of the American Jewish Historical Society*, 18 (1909), p.4-5.

⁸ *Diary of John Quincy Adams*, vol. 1, August 25, 1780, <https://www.masshist.org/publications/adams-papers/index.php/view/ADMS-03-01-02-0002-0004-0025>

⁹ <https://www.nps.gov/articles/000/ulysses-s-grant-and-general-orders-no-11.htm>

¹⁰ Quoted in Edward S. Shapiro, “The Approach of War: Congressional Isolationism and Anti-Semitism, 1939-1941,” *American Jewish History* 74, 1 (September 1984), p. 59.

appeared. He concluded that of the “the plague of antisemitism: most American Jews don’t see it, feel it, or fear it.” He asserted that in the United States in 2012, “antisemitism is too minor an issue to disturb the daily lives of American Jews.”¹¹

The change in just a decade is chilling. As this committee surely knows, we have just passed the fifth anniversary of the worst antisemitic attack, in terms of loss of life, on American soil. On October 27th, 2018, a little more than a year after the Unite the Right rally, a gunman murdered eleven Jews at prayer in Pittsburgh’s Tree of Life Synagogue. Since then, Jews were murdered at a synagogue in Poway, California,¹² and at a kosher supermarket in Jersey City;¹³ and a rabbi and three congregants were taken hostage at a synagogue in Colleyville, Texas.¹⁴

American Jews now have a new litany: Charlottesville, Poway, Jersey City, Colleyville. The fear evoked by Charlottesville’s “Unite the Right” rally now sits at the bedrock of Jewish identity in the United States of America.

Those violent attacks are just the tip of the iceberg. On city streets, visibly Orthodox Jews are physically attacked. In 2022, a woman in Brooklyn spit at some children playing in New York and yelled “Hitler should have killed you all.”¹⁵ A swastika was etched into the wall of an elevator at the U.S. State Department, not far from the office of what was then the special envoy to combat antisemitism.¹⁶

On the Bethesda Trolley Trail, not far from where I live, vandals scrawled swastikas and “White Power 1488.”¹⁷ The 14 stands for the final words of a white supremacist manifesto: “We must secure the existence of our people and a future for white children.” The number 88 stands for “Heil Hitler,” since H is the 8th letter of the alphabet.

The Campus

When antisemitism flares on campus, it ignites primarily over students’ support for or opposition to the state of Israel. This has been evident on campuses well before the horror of Hamas’s invasion of October 7, 2023.

For example, in October 2000, when the First Intifada was underway, 200 Arab students protested a Hillel teach-in and yelled “Israel is a fascist state” at the University of Michigan, while at Rutgers University, Jewish students saw placards calling for the “liquidation of the Jewish state.”¹⁸ In 2015, a UCLA judicial board originally rejected a candidate for membership because she was Jewish and involved with Jewish groups.¹⁹ In November 2015, a Palestinian student group disrupted an academic event organized by the

¹¹ Leonard Dinnerstein, “Antisemitism in America: An Update 1995-2012,” *Journal for the Study of Antisemitism*, 4 (2012), p. 565.

¹² Chabad of Poway, April 27, 2019.

¹³ December 10, 2019.

¹⁴ Congregation Beth Israel, January 15, 2022.

¹⁵ Timothy Bella, “Woman 21, arrested after Jewish Boy was spat on outside synagogue.” *Washington Post*, January 22, 2022.

¹⁶ Astead W. Herndon, “The State Department Finds a Swastika in one of its elevators,” *New York Times*, July 27, 2021.

¹⁷ Chioma-Emilia Ahaghotu, “Antisemitic Graffiti Discovered on Bethesda Trolley Trail, *WUSA9*, August 8, 2022.

¹⁸ Toni L. Kamins, “Focus on Issues: Anti-Israel Rallies Give College Jews Their First Lesson in Mideast Rhetoric,” *Jewish Telegraphic Agency*, October 18, 2000.

¹⁹ “Jews Need Not Apply?” *Inside Higher Ed*, March 2, 2015.

University of Texas’s Institute for Israel Studies that required the police to intervene.²⁰ In April 2018, when a pro-Israel New York University student club held a rave in Washington Square Park, pro-Palestinian student protestors set an Israeli flag on fire, and one, shouting “Free Palestine, end the occupation” grabbed the microphone away from a student singing the Israeli national anthem.”²¹

These events and a myriad of others provide background for what we have witnessed since October 7, 2023.

The Invasion, the War, and the Campus

The barbarity of the Hamas invasion has entered Jewish memory and will stand for all eternity alongside the massacres of the Crusades, the Jews burned at the stake during the Inquisition, the 1903 Kishinev Pogrom, when the world was outraged over the murder of “only” 49 Jews, and the massacre at Babi Yar, when over the course of two days, the Nazis and their collaborators murdered 33,000 Jews at the ravine outside Kiev. The atrocities of October 7, 2023—the murdering of babies, the rapes, the burning of people alive, and the taking of more than 200 hostages—adds a terrible new chapter to Jewish history.

Anyone who claims to care about human rights should denounce these horrors. That so many students on college campuses did not has caused their Jewish peers deep anguish.

For Jews what happened on October 7th was not anti-Zionism, opposition to the policies of Israel, it was antisemitism.

Zionism was a nineteenth-century European nationalist movement, a response not only to discrimination Jews faced in their nation states but also to the pogroms, the anti-Jewish riots in the Russian Empire. These attacks persisted well into the twentieth century before the rise of the Nazis, with an estimated 100,000 Jews murdered in the Ukraine between 1918 and 1921.²² The political movement of Zionism rests on the traditional Jewish hope that one day the Jewish people would return to their historic homeland.

Criticism of the government of Israel, a state brought into existence through the United Nations, is not antisemitism. We watched in recent months as hundreds of thousands of Israelis turned out weekly to protest their government’s policies.

But when bigoted symbols and tropes about the Israel-Palestine conflict cross the line into hateful speech, when Palestinians proclaiming “From the river to the sea, Palestine will be free,” intend that not as a metaphor, but as a call to destroy the Jewish state, a democracy and strong ally of the United States, then these symbols and rhetoric become antisemitic.

Yet, antisemitic speech is protected speech. It may be abhorrent, but abhorrent speech remains protected.²³

That means that when thirty Harvard student organizations signed October 7, 2023 a letter issued by the Harvard Graduate Students for Palestine and the Palestine Solidary Committee— “We, the undersigned

²⁰ “Statement on University Review of Nov. 13 Incident,” *UT News*, March 19, 2016.

²¹ Sarah Jackson, “Two Student Protestors Arrested at Rave for Israel’s 70th Birthday.” *Washington Square News*, April 27, 2018.

²² Jeffrey Veidlinger, *In the Midst of Civilized Europe* (New York: Metropolitan Books, 2021).

²³ In *Nazis in Copley Square*, the author Charles Gallagher claims that *Terminiello v. Chicago* 337 U.S. 1 (1949) upholds the right to engage in public antisemitic speech; (Cambridge: Harvard University Press, 2021), p. 246.

student organizations, hold the Israeli regime entirely responsible for all unfolding violence”- —their statement is protected speech.

What is not protected is discrimination, violence, harassment, intimidation and bullying. and that is what we have seen on some campuses recently when Jewish and Israeli students have been physically assaulted, when Jewish students have been threatened with murder, and when confrontations between pro-Palestinian and pro-Israel students have led to menacing encounters that have no place in the academy.

Free speech not only upholds the First Amendment, it is also essential to educating the future generations of our nation’s leaders. This was stated eloquently at the University of Chicago when Dean of Students John Jay Ellison welcomed the Class of 2020. He wrote: “Our commitment to academic freedom means that we do not support so-called “trigger warnings,” we do not cancel invited speakers because their topics might prove controversial, and we do not condone the creation of intellectual “safe spaces” where individuals can retreat from ideas and perspectives at odds with their own. Fostering the free exchange of ideas reinforces a related University priority—building a campus that welcomes people of all backgrounds. Diversity of opinion and background is a fundamental strength of our community. The members of our community must have the freedom to espouse and explore a wide range of ideas.”²⁴

In this spirit, Congress has an obligation to stand by the First Amendment. “Congress shall make no law...abridging the freedom of speech.” That includes antisemitic speech.

This remains the essence of a liberal arts education, one which every single member of this committee, I believe, benefitted from, when you were undergraduate, graduate, and professional students in this country’s outstanding private and public universities and colleges. You have an obligation to insure that college students today will benefit from the same opportunities to learn and to be challenged that you had when you were in college.

What is to be done?

We cannot censor antisemitic speech nor can we command everyone in our university community to recognize that if they truly support human rights, they have an obligation to denounce the Hamas invasion of October 7.

What we must do is make certain that everyone on the campus—students, faculty, and staff, no matter their religious, racial, ethnic, or national background—feels safe and does not encounter discrimination in any form, whether in the classroom from faculty members who single out Jewish students or from student social justice organizations who use a litmus test requiring Jewish students to distance themselves from Israel if they wish to be members. These are forms of discrimination, which along with violence cannot, must not be tolerated. We have legal and institutional mechanisms to deal with these.

In May 2023 the White House published *The U.S. National Strategy to Counter Antisemitism*, the first outcome of the president’s new inter-agency strategy to counter antisemitism, Islamophobia, and other forms of bias and discrimination in our nation. I urge Congress to do everything in its power to support the national strategy to counter antisemitism. Its “Strategic Goal 3.4—Address Antisemitism in K-12 Schools and on College Campuses” contains concrete steps which our leaders can and must take.

²⁴ John Jay Ellison, University of Chicago, to the Class of 2020 student, (undated)
https://news.uchicago.edu/sites/default/files/attachments/Dear_Class_of_2020_Students.pdf

These demand educating not only about the alarming rise of antisemitism but also about the protections Title VI of the 1964 Civil Rights Act offers as well as sharing with students, educators, and communities notable efforts that aim to prevent and address antisemitism.

Conclusion

Congress must uphold the First Amendment right to free speech. But it also must seize this moment to educate our nation about antisemitism in the hopes of combating it. More than twenty states require education about the Holocaust. I surmise that for many that is their answer to educating about antisemitism. But teaching about the Holocaust makes antisemitism a problem that happened a long time ago and across the sea, not in America. My brief remarks demonstrate that antisemitism has long been an American problem too.

As a proud American and a proud Jew, the daughter of a soldier who served in the occupation army in Germany who was a typist at the Nuremberg trials, I grew up in a country where I was never afraid to say that I was a Jew. Since 2017, that has changed. Surely, *The U.S. National Strategy to Counter Antisemitism*, the first time, I believe, that any nation has issued such a strategy, with its concrete steps to address rising antisemitism on college campuses and across the nation, merits bipartisan support.