

**Testimony of
Kevin Rachlin, Washington Director of the Nexus Leadership Project
House Judiciary Subcommittee on the Constitution and Limited Government
May 15, 2024**

Chairman, Ranking Member and members of the subcommittee, thank you for the opportunity to testify today on an issue that has impacted me and my community so much in recent months and which poses a threat to American society and the values of pluralism and democracy.

The data shows an undeniable and deeply concerning increase in antisemitic incidents at universities over the past year. A staggering 73% of Jewish college students reported experiencing or witnessing some form of antisemitism since the start of this school year, and just this week, a new report by US News and Generation Lab found that two-thirds of students at the nation's top universities say antisemitism is a problem on campus.

These statistics on their own are alarming, but they only begin to scratch the surface. The harsh reality of feeling under siege, having to look over your shoulder, feeling unwelcome in the communities you've built with classmates, roommates and extracurriculars. Wondering if you'll be the next victim of harassment or violence solely because of your religious identity is unacceptable. Only the most cynical among us would lack empathy for what these young people are going through during the formative years of their lives.

This problem did not begin on October 7. Addressing antisemitism requires two key things: a commitment to recognize the pain and sense of vulnerability sweeping Jewish communities and to understand where antisemitism comes from and how it harms and divides communities.

Hatred against the Jewish people dates back centuries, ever-evolving and weaponized by ideologies across the political spectrum - from the far-right's "Great Replacement Theory" to the antisemitic rhetoric coming from Hamas and its far-left supporters across the globe.

Everyone agrees that criticism of the Israel is not inherently antisemitic. And many, if not a majority of students moved to protest the suffering in Gaza, aren't driven by antisemitism.

We hear from Jewish students across the country, not just an acceptance, but a commitment to supporting Palestinian human rights and many have registered their own critique of various Israeli policies. But the kind of incidents being reported go well beyond the bounds of that type of expression. Chants of "F— the Jews," calls for Jewish students to "go back to Poland," those are pure anti-Jewish taunts and harassment.

These are complex issues where reasonable people can disagree on solutions. Our universities should be places that embrace complexity and promote mutual understanding, not oversimplified "us vs. them" narratives. But where antisemitism has emerged in these movements, or when students are celebrating October 7th or calling for "more October 7ths," it is unacceptable and we must call it out.

There is much debate about where anti-Zionism or criticisms of Israel and antisemitism overlap. That's a debate the Nexus Leadership Project has engaged. But, for the purpose of action to protect college students,

there is consensus about a key factor. While not every argument against Zionism as an ideology may be motivated by anti-Jewish bias, as a practical matter, most American Jews identify as Zionist. So where we have seen clubs or movements with litmus tests for entry saying “Zionists not allowed,” this is effectively a ban on including a majority of Jews, not to mention countless of non-Jews, and that is not acceptable.

This challenge universities face in governing spaces that demand the free flow of inquiry is not a simple one. Administrations must balance protecting all students' right to learn in a discrimination-free environment, with the bedrock principles of free speech that allow the open exchange and debate of ideas - even ones some may find offensive. But what I fear is happening across campuses and beyond, including in the chambers of this very building, is that in our attempts to counter antisemitism, we are losing sight of that core objective.

Certainly, administrations must respond swiftly and seriously to discriminatory conduct that violates codes of conduct and federal anti-discrimination laws. But public pressure from outsiders for punitive disciplinary measures at best, and quasi-military intervention at worst are recipes for escalation and do nothing to address how and why antisemitism has gained such traction in American society.

While discipline or enforcement can be necessary, it is never sufficient. Universities need to work internally on ways to mobilize the full weight of their academic and intellectual assets to promote critical thinking – including about the Israeli Palestinian conflict. They need to invest in programs that bring students together across difference, teach students, faculty and staff to recognize antisemitism, and build campus communities in which Jews and all students have a fair chance to learn and succeed.

Ultimately, we have to recognize that the rise of antisemitism is a broader, societal issue that extends far beyond just college campuses. That is why the President launched the United States' first-ever National Strategy to Counter Antisemitism. This whole-of-society approach, supported by Jewish communal organizations across the spectrum, makes a comprehensive set of recommendations for how government entities, schools, businesses, communities and other sectors can take concrete actions to study, prevent and respond to antisemitic incidents and underlying biases.

The administration has already started implementing the national strategy within relevant federal agencies. But more can and should be done. Bills like the Goldman-Casey Showing Up for Students Act, which would give the Department of Education the resources they need to investigate claims of discrimination in schools, to the bipartisan bicameral Manning-Smith-Lankford-Rosen Countering Antisemitism Act that would provide authorization and direction to help the Administration execute more of the strategy's proposals, are exactly the type of common-sense proactive measures that can meaningfully address the surge in antisemitism in this country.

We cannot be naïve about the serious challenges universities face navigating tensions, fears and passions of different groups of students. In such a polarized public debate about almost every aspect of this problem and possible remedies.

And Jewish students themselves are not blind to how the debate about their wellbeing has been politicized and used to add much more heat than light on the problem. A recent Jewish students letter that was covered

nationally noted that “Over the past six months, many have spoken in our name. Some are politicians looking to use our experiences to foment America’s culture war.”¹ Another national Jewish student petition said something similar: “To truly protect Jews on campus and across the country, Congress must implement a collaborative and nuanced antisemitism strategy that centers Jewish safety above political gamesmanship.”²

It’s clear that the anguish of Jewish students who feel unsafe and discriminated against on their own campuses must stir us to action, and they are smart enough to know that the external political debates are making more headlines than headway in the fight to improve their lives on campus. Too much of this debate and too many proposed solutions do nothing for Jewish students, American students or the health of higher education in our country.

Members of Congress can demonstrate their sincerity by taking two of the easiest, most immediate, steps right now:

1. **Support the “Showing Up for Students Act”** to support the federal government’s ability to investigate and punish Title VI violations with an infusion of \$280 million for the Office for Civil Rights at the Department of Education. That office is handling a dramatic increase in antisemitism cases. Between October 1, 2023 and February 15, 2024, the number of complaints involving Title VI shared ancestry investigations, the category under which complaints relating to antisemitism are classified, rose by a staggering 1,360 percent from the same time period the year before. The bill has bipartisan support in Congress and is endorsed by 90 community organizations, including major Jewish organizations like the Anti-Defamation League and the Jewish Council for Public Affairs.
2. **Support the Countering Antisemitism Act.** This bipartisan bill would establish a first-ever National Coordinator to Counter Antisemitism, who would oversee federal efforts to counter domestic antisemitism and lead an interagency task force to implement the U.S. National Strategy to Counter Antisemitism and future government strategies and has the support of Jewish organizations across the spectrum, including the ADL, AJC, J Street, AIPAC, Nexus, Hillel, and JCPA.

By promoting civil discourse, critical thinking skills and diversity & inclusion efforts that encompass ALL communities - including Jews - our universities can be part of the solution in reversing the disturbing rise of antisemitism we have witnessed. I stand ready to work with this committee to make that vision a reality.

Thank you and I look forward to your questions.

¹ In Our Name: A Message from Jewish Students at Columbia University, May 8, 2024.

² Tell Congress, Don’t Play Politics with Antisemitism, [J Street U Student Letter]