

LA Jews for Peace asks Assistant Secretary of Education Marcus Not to Harm Free Speech on Campuses, Nov. 30, 2018

Kenneth Marcus, the new Assistant Secretary of Education for Civil Rights, reopened the 2011 case against Rutgers University claiming that Jewish students encountered anti-Semitism there and has used the controversial International Holocaust Remembrance Alliance (IHRA) definitions of anti-semitism in his re-examination. During Marcus's confirmation, over 200 civil rights groups argued he opposed affirmative action programs and rarely advocated that civil rights laws be used to protect women and LGBT people. Marcus is well-known for his opposition to pro-Palestinian activism. LA Jews for Peace consider that using the IHRA definitions to limit or to end criticisms of the state of Israel harms free speech and open debate on campuses, the cornerstones of any democracy.

In 2011 the Zionist Organization of America (ZOA) made the original complaint about a Rutgers University meeting comparing the Holocaust and the 1948 Palestinian exodus, the Nakba. The ZOA alleged that at the last moment the event organizers imposed a fee to attend only on Jewish students, but Palestinian Legal claimed that the fee was not just on Jews but on all attendees. Rutgers University also said that ZOA's allegations were "factually inaccurate and significantly distorted." In 2014 the Department of Civil Rights ruled that the ZOA's claim lacked proof and dismissed the ZOA's complaint.

In the British Labour Party's recent debate over adopting the IHRA definitions, many Labour members feared that the IHRA definitions would limit free speech because six of the eleven definitions attempt to limit criticisms of Israel. Problematic IHRA definitions are these: "Applying double standards by requiring of it [Israel] a behavior not expected or demanded of any other democratic nation"; "Denying the Jewish people their right to self-determination, e.g. claiming that "the existence of a State of Israel is a racist endeavor"; and "[d]rawing ... examples of contemporary policy to that of the Nazis."

The Jewish group J Street opposes reopening the Rutgers case because doing so "is inclined to suppress criticism of Israel on college campuses—even if that means trampling on constitutionally-protected free speech." J Street describes Trump administration's action as "about advancing a right-wing agenda" that seeks to end criticism of Israel. Rabbi Jill Jacobs, Executive Director of T'ruah: The Rabbinic Call for Human Rights, added that when Trump is allying "with white supremacists, attacking immigrants and refugees, and decreasing enforcement of most civil rights offenses, we do not need bogus policies that shut down campus free speech, while likely stirring up anger against the very Jewish students they purport to protect." Jewish groups have for a century used their free speech to oppose Zionism: Orthodox Jewish groups Neturei Karta and Satmar Hasidism as well as the Jewish Labor Bund, a Jewish socialist group formed in Russia in 1897.

[Palestine Legal](#) said that it has "responded to 308 incidents of suppression of U.S.-based Palestine advocacy in 2017, a [19% increase from 2016](#). The incidents included baseless lawsuits, administrative disciplinary actions, violence, censorship, and false accusations of terrorism and antisemitism. Eighty percent targeted students and scholars at 73 campuses across the country." Kenneth Stern, formerly with the American Jewish Committee and the lead author of the IHRA definition, testified in 2017 to the U.S. House of Representatives judiciary committee that when IHRA was used in UK campuses debates, their use silenced criticisms of Israel on many campuses. Stern said that using the IHRA definitions in the U.S. would be "chilling and McCarthy-like" and "students and faculty members will be scared into silence, and administrators will err on the side of suppressing or censoring speech."