



August 1, 2018

Marc Tessier-Lavigne, Ph.D.  
President, Stanford University  
Office of the President  
Building 10  
Stanford, CA 94305-2061

*VIA E-MAIL (president@stanford.edu)*

Dear President Tessier-Lavigne:

We write on behalf of the Louis D. Brandeis Center for Human Rights Under Law (LDB), a national public interest advocacy organization established to advance the civil and human rights of the Jewish people and promote justice for all. We work to combat campus anti-Semitism, and often work with university administrators nationwide to offer best practices on how to counter and prevent anti-Semitism on their campuses. Today, we write to express our serious concern over a recent threatening anti-Semitic social media posting by a current Stanford student.

[Name redacted], a rising third-year Stanford student and former student senator, who was hired to be a Resident Assistant (RA) this coming academic year, posted on his Facebook page on July 20:

im gonna physically fight zionists on campus next year if someone comes at me with their 'Israel is democracy bullshit' :) and after i abolish your ass i'll go ahead and work every day for the rest of my life to abolish your petty ass ethnosupremacist settler-colonial state

He provided a link to a [Haaretz](#) article titled, "Jewish Nation-state Law Makes Discrimination in Israel Constitutional." Reportedly, about four hours after post was discovered and outrage ensued, he changed the post from "physically fight zionists" to "intellectually fight Zionists." This after-the-fact modification does not erase the impact of his initial conduct. Violence was threatened against other Stanford students. With his post, [name redacted] revealed his instinctive response when confronted with views of Israel with which he disagrees.

It is particularly troubling that [name redacted] is scheduled to be an RA for this coming academic year. To our knowledge, the university has not stripped him of this privileged status. According to [Stanford Resident Assistant policies](#), RAs are "expected to create residential environments that enhance student academic progress and success . . . to build inclusive and reflective environments in which differences of background and belief are explored . . . and to encourage student responsibility and accountability." RAs "are expected to conduct themselves professionally . . . serve as role

models for the residents and are basically always ‘on duty.’” RAs “are expected to: assume a primary leadership role and serve as role models for responsible behavior and personal integrity; exercise good judgment. . .” and “are responsible for creating a residential environment in which all views (popular and unpopular) can be voiced, heard respectfully, and fully explored.” [Name redacted] fails to meet these standards. Rather than creating an inclusive and supportive environment, [name redacted] exercised poor judgment and created an environment in which students feel unsafe and uncomfortable voicing their opinions. Many Jewish or pro-Israel students will feel unsafe in their dorm rooms with [name redacted] as their RA. Few students in his dorm will feel comfortable expressing a view that is favorable to Israel.

Students may, of course, express their political views. But [name redacted]’s threatening message goes beyond such an expression. It contains anti-Semitic and discriminatory tropes. As the U.S. State Department has recognized, denying Israel’s right to exist is an example of anti-Semitism (*see, e.g. U.S. Dep’t of State Definition of Anti-Semitism*). [Name redacted]’s call to “abolish” Israel is anti-Semitic. It creates an environment hostile to Israeli, Jewish, and non-Jewish students who support Israel.

Similarly, [name redacted]’s posting is incompatible with Stanford’s [Fundamental Standard](#). It states, among other things, that “Students are expected to respect and uphold the rights and dignity of others regardless of race, color, national or ethnic origin, sex, age, disability, religion, sexual orientation, gender identity, or socio-economic status.” Stanford’s Fundamental Standard puts students on notice that they may be disciplined for misconduct including violations of university policy or threats. Because of his anti-Semitic post, [name redacted] may be removed from his RA position. If [name redacted] is permitted to remain an RA, your administration can be accused of having failed to take the steps necessary to provide a safe environment for all students.

[Name redacted]’s actions are so severe as to potentially violate not only university policies but also California law. Title 11.5 of the California Penal Code, §422, “Punishment for threats” states:

- (a) Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

(Cal Pen Code § 422). [Name redacted]’s threat to “physically fight Zionists,” and “abolish [their] ass” could reasonably be understood as a threat to do “great bodily injury.” It is a threat that could cause one to fear for his or her own safety. The criminal statute also notes that lack of intent to actually carry out the threat is not a defense.

Your administration should exercise its obligation to address the harms that arise when speakers misuse their right to free speech in ways that poison the environment and send a message of exclusion and hate. Under Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs that receive federal funds, [name redacted]’s message is unlawful. U.S. Department of Education Office for Civil Rights (OCR) guidance has extended Title VI protections to discrimination on the basis of Jewish ethnicity or ancestry (*see* [Kenneth L. Marcus, Dear Colleague Letter \(Sep. 13, 2004\)](#)). Unlawful harassment need not include intent to harm, be directed at a specific target, or involve repeated incidents (*see* [Russlynn Ali, Dear Colleague Letter \(Oct. 26, 2010\)](#)). Messages that threaten the physical safety of Israeli and Jewish students create a hostile environment for Israeli and Jewish students on campus in violation of Title VI.

We urge you to seize this as a teachable moment to educate your students to take a firm stand against anti-Semitism, just as they would condemn all other forms of racism. We recommend the following corrective and preventive actions:

- Remove [name redacted] from his RA teaching position and after investigating the situation thoroughly, take such other responsive disciplinary actions as are authorized by Stanford policies and applicable constitutional protections.
- Issue a strong university statement condemning the social media posting as anti-Semitic, along the lines discussed in “[LDB’s Best Practice Guide for Combating Anti-Semitism and Anti-Israelism](#),” to help correct the campus climate for Jewish, Israeli and pro-Israel students.
- Reach out to the targeted communities, and provide support and assistance as needed.
- Create more academic, curricular, and other programming on the nature and different manifestations of anti-Semitism (*see* [LDB Fact Sheet on the Elements of Anti-Semitism](#)), and provide extracurricular programming to raise community awareness about global and campus anti-Semitism.

These actions will partially remedy the current situation and ensure a safe environment for Jewish, Israeli, and pro-Israel students on your campus. We are available to share our expertise on these issues, and further discuss our recommendations with you. We can be reached via the e-mail addresses listed below, or by phone at (202) 559-9296.

Thank you in advance for your serious consideration of this matter.

Sincerely,



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