



April 26, 2022

VIA E-MAIL

President John J. DeGioia
Georgetown University
Office of the President
Presidentsoffice@georgetown.edu

Dear President DeGioia:

We are attorneys at the Louis D. Brandeis Center for Human Rights Under Law, a national non-profit legal advocacy organization that works to combat anti-Semitism in higher education and to protect the rights of Jewish students. We write to address an upcoming event sponsored by Georgetown Law Students For Justice in Palestine (“SJP”) at the Georgetown Law Center, featuring Mohammed El-Kurd.¹ Mr. El-Kurd is a Palestinian activist notorious for promoting anti-Semitic conspiracy theories, including modern day blood libels, against Jews; he disguises his anti-Semitic rants that vilify Israel and Jewish supporters of Israel under the rubric of legitimate criticism, a common feature of contemporary anti-Semitism.² For instance, Mr. El-Kurd has stated that “[Israelis] harvest the organs of the martyred [Palestinians], [and] feed their warriors our own;” that Zionists have an “unquenchable thirst for Palestinian blood;” has described the Jewish state as “blood thirsty and violent;” has described Zionism as a “death cult” and “genocidal;” and has compared Israelis to Nazis.³ At the invitation of SJP, Mr. El-Kurd has been spreading anti-Semitic vitriol on college campuses like Georgetown’s in recent weeks.

We write not to urge the University to prevent Mr. El-Kurd from speaking at Georgetown. Rather we urge the University to be prepared to speak out promptly and clearly against such anti-Semitic rhetoric, and to use this disgraceful event as a teaching moment to educate the University community about the world’s oldest form of hatred, anti-Semitism. The remedy for hate speech is neither to silence it nor to remain silent. Instead, the University should use its own voice to clearly and unequivocally condemn anti-Semitic speech that runs counter to the University’s values of inclusivity, “mutual reverence,” “civility and mutual respect,”⁴ and that threatens to create a hostile environment for Jewish students on campus.

¹ Around April 17, 2022, Georgetown University SJP announced on its Instagram page that it would host an event at Georgetown’s Hart Auditorium on April 26, 2022 featuring Mohammed El-Kurd and Rabea Eghbariah. LSJP Georgetown, Instagram, <https://www.instagram.com/p/CcqBqZErFjF/?igshid=YmMyMTA2M2Y=>.

² Anti-Defamation League, “Mohammed El-Kurd,” <https://www.adl.org/resources/backgrounders/mohammed-el-kurd>.

³ *Id.*

⁴ See Georgetown University, Division of Student Affairs, Student Life Policies, “Speech and Expressions Policy,” available at <https://studentaffairs.georgetown.edu/policies/student-life-policies/speech-expression/> (last visited April 25, 2022).

I. The University must recognize pernicious forms of contemporary anti-Semitism that target Jews on the basis of their shared ethnic and ancestral identity connected to Israel.

On today's college campuses, anti-Semitic vitriol and discrimination is often directed at Jews as a people rather than just as a religious or faith community.⁵ This form of anti-Semitism often manifests as vilification, shunning, marginalization, harassment and/or exclusion of Jewish students who support Israel's existence, sometimes alongside the demonization and delegitimization of Israel because it is a Jewish state.⁶ For many Jews, including many Jewish students at Georgetown, identifying with and expressing support for the Jewish homeland is a sincere and deeply felt expression of their Jewish ethnic and ancestral identity.⁷ Anti-Semitism directed at Jewish ethnicity is often part of a concerted strategy to marginalize Jewish students on campus and make them feel unwelcome.⁸

On campus, Jewish and Israeli students who celebrate their Jewish ethnic heritage and consider themselves "Zionists" are too often branded as "racist," "oppressors," "settler colonialists" and "white" (an ironic inversion of the Nazi claim that Jews polluted the pure white Aryan race). Those who employ these labels frequently ignore, falsify, or deny Jewish history, contemporary facts about Israel, and the existence of Jews of color. They utilize these terms to shun, marginalize, and ostracize Jewish individuals who support Israel and believe in the right of Jewish self-determination while also promoting negative misperceptions among neutral onlookers.

Mr. El-Kurd himself pretends to be merely criticizing Israeli policy, while spewing hateful ideas like those recited in the first paragraph of this letter. We understand that Mr. El-Kurd most recently promoted anti-Semitic narratives at speaking engagements at Arizona State University (ASU) and Duke University. Speaking at ASU on April 10, 2022, Mr. El-Kurd falsely accused Israel of "ethnic cleansing," promoted the anti-Semitic conspiracy theory that Jews control the media;⁹ vilified supporters of Israel in the audience as "apartheid lovers" and threatened to shoot them if they dared to "heckle" him.¹⁰ This hateful performance must not go unaddressed by the host university as it is likely to play out similarly at Georgetown. Indeed, SJP's reluctance to publicize this event via traditional methods such as the law school's weekly school-wide email, coupled with SJP's announcement yesterday (as soon as the event was included in that school-wide email) that the event

⁵ Mark Goldfeder, *Defining Antisemitism* (Feb 1, 2021). Seton Hall Law Review, Forthcoming, available at SSRN: <https://ssrn.com/abstract=3798093>

⁶ "Understanding Campus Antisemitism," AMCHA INITIATIVE, (July 2020), available at <https://amchainitiative.org/wp-content/uploads/2020/07/Antisemitism-Report-2019.pdf>.

⁷ Alyza D. Lewin, *Zionism: The Integral Component of Jewish Identity that Jews are Historically Pressured to Shed*, 26 ISRAEL AFFAIRS 330 (2020), <https://www.tandfonline.com/doi/abs/10.1080/13537121.2020.1754577>

⁸ See, generally, U.S. Commission on Civil Rights, *Briefing Report: Campus Anti-Semitism* (July 2006), p.3, <https://www.usccr.gov/pubs/docs/081506campusantibrief07.pdf>

("Anti-Semitic bigotry is no less deplorable when camouflaged as anti-Israelism or anti-Zionism.")

⁹ TWITTER, StopAntisemitism, (Apr. 13, 2022), <https://twitter.com/StopAntisemitism/status/1514370370039652360>.

¹⁰ TWITTER, StopAntisemitism, (Apr. 12, 2022), <https://twitter.com/stopantisemitism/status/1514045823809695745>.

was at capacity, suggest that SJP is seeking to limit those who attend the event. This conduct reinforces the likelihood that Mr. El-Kurd’s anti-Semitic rhetoric at the event will go unchallenged.

II. The University must use its own voice to condemn anti-Semitic speech on campus that contributes to a hostile environment for Jewish students.

The University cannot ignore Mr. El-Kurd’s anti-Semitic rhetoric, which is disguised as criticism of Israel but aims to demonize Israel, and vilify Israeli and Jewish students who support Israel. It has become apparent on campuses throughout the country that when universities fail to speak out against anti-Semitic speech, the community perceives that the university condones the hateful ideas. This perception emboldens anti-Semites, and fosters a hostile environment for Jewish students that often leads to anti-Semitic and discriminatory conduct, including the exclusion of Jewish students from student organizations, campus activities and educational programs. It is vital that the University respond to such anti-Semitic speech with clear condemnation in order to educate and enlighten the campus community against baseless hate, protect Jewish students from a hostile environment and ensure a campus climate that is safe and welcoming for all students, including Jews. Indeed, the University has an affirmative obligation to do so under Title VI of the Civil Rights Act of 1964 (“Title VI”).

A university can and must exercise moral leadership by expressing its own views in opposition to hate speech. This University’s own free speech policy recognizes that, “more [discourse] is better” and, as such, “[t]he remedy for silly or extreme or offensive ideas is not less free speech but more.”¹¹ As Georgetown recognizes, the University has its own free speech rights – and those rights encompass the freedom to condemn racism, anti-Semitism, and discrimination in all its forms. The University can and should identify and condemn anti-Semitic speech that fails to meet the University’s community standards for tolerance and civility.

Recently, Georgetown has demonstrated just how far it will go to uphold these principles in the face of actual or allegedly offensive speech that the University deemed to be at odds with its institutional values of inclusivity and mutual respect. Not only did Dean William Treanor characterize law school professor Ilya Shapiro’s comments about Supreme Court nominees as being “at odds with everything we stand for at Georgetown Law and ... damaging to the culture of equity and inclusion that [the law school] is building every day;”¹² the University went even further by taking punitive action against Professor Shapiro, placing him on administrative leave pending an investigation of the professor’s allegedly offensive speech.¹³ Similarly, after decrying the “profound and adverse impact on Black students” and “[o]ur entire community” as a result of faculty comments

¹¹ Georgetown University, Division of Student Affairs, Student Life Policies, “Speech and Expressions Policy,” available at <https://studentaffairs.georgetown.edu/policies/student-life-policies/speech-expression/> (last visited April 25, 2022).

¹² Georgetown Law Center, “Dean William M. Treanor’s Statement on Recent Ilya Shapiro Tweets,” (Jan. 27, 2022), available at <https://www.law.georgetown.edu/dean-william-m-treanors-statement-on-recent-ilya-shapiro-tweets/>.

¹³ Georgetown Law, “Dean William M. Treanor Statement: Update on Ilya Shapiro,” (Jan. 31, 2022), <https://www.law.georgetown.edu/dean-william-treanor-statement-update-on-ilya-shapiro/>.

about African American students, the University terminated the faculty members, instituted non-discrimination training for other faculty and announced the enhancement of the school's bias reporting process.¹⁴ And after a law school professor reportedly used an anti-Asian slur in the classroom, Dean Treanor issued a public statement condemning the rhetoric as “demeaning and hurtful” and affirming the university's commitment to “ensur[ing] that we are a community that fosters respect, equity, and justice.”¹⁵ Certainly the University's previous stern treatment of actual or allegedly offensive speech necessitates its clear and unequivocal rejection of Mr. El-Kurd's blatantly anti-Semitic and offensive rhetoric that maligns Jewish students and all Jews who support Israel. Georgetown should not have a blind spot when Jews are the target. If Georgetown is going to provide Mr. El-Kurd with yet another platform to spread such baseless vitriol, the University cannot remain silent in response to the hateful and abhorrent rhetoric on its campus.

III. Conclusion: Georgetown must speak out and educate its community about anti-Semitism.

Georgetown University has been a leader within academia on many issues, and we hope that you and your University will rise again to this occasion. We urge you to remain vigilant about your legal obligations to protect Jewish students from a hostile environment on your campus, by closely monitoring the El-Kurd event and by taking the necessary steps to speak out promptly and forcefully in condemnation of any anti-Semitic rhetoric that threatens to poison the atmosphere on your campus against Jewish students. The University should use its own voice to specifically and unequivocally condemn anti-Semitic speech, not merely all hate speech, and should explain to the campus community how anti-Semitic speech is antithetical to the University's institutional values of mutual respect and inclusion.

The University has previously acknowledged that “[w]ords alone will not...be enough to move [the Georgetown community] forward.”¹⁶ As a world-famous institution of higher education, Georgetown cannot tolerate the ignorance that would lead members of its community to sponsor an event that promotes the basest form of bigotry. It is incumbent upon the University to alleviate this ignorance by promptly educating your entire community about the world's oldest form of hatred, anti-Semitism. This would be important for any institution of higher learning; expectations are that much higher, however, for Georgetown in light of your University's mission to educate students “to be responsible and active participants in civic life and to live generously in service to others.”¹⁷

¹⁴ Georgetown Law Center, Dean William M. Treanor, “A Message to the Georgetown Law Community (Updated),” (Mar. 21, 2021), available at <https://www.law.georgetown.edu/news/a-message-to-the-georgetown-law-community/>.

¹⁵ Georgetown Law Center, Office of the Dean, “Dean William M. Treanor Statement: Condemning Derogatory Terms Used in the Classroom,” (Feb. 11, 2022), available at <https://www.law.georgetown.edu/about/georgetown-law-leadership/office-of-the-dean/condemning-derogatory-term-used-in-the-classroom/>.

¹⁶ Georgetown Law Center, Dean William M. Treanor, “A Message to the Georgetown Law Community (Updated),” (Mar. 21, 2021), available at <https://www.law.georgetown.edu/news/a-message-to-the-georgetown-law-community/>.

¹⁷ Georgetown University, Mission Statement, available at <https://governance.georgetown.edu/mission-statement/>.

We urge you to take these steps in order to meet the University's obligations under Title VI of the Civil Rights Act while simultaneously protecting the institution's commitment to the noble principles of free speech and expression.

We are available at the emails listed below to share our expertise on these issues and further discuss our recommendations with you.

Sincerely,



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