

July 7, 2020

Carol L. Folt, President USC Office of the President University of Southern California Los Angeles, CA 90089 president@usc.edu

Winston B. Crisp, Vice President for Student Affairs USC Student Affairs Office University of Southern California Los Angeles, CA 90089 wcrisp@usc.edu

Dear President Folt and Vice President Crisp:

The Louis D. Brandeis Center for Human Rights Under Law is a national public interest legal advocacy organization established to advance the civil and human rights of the Jewish people and promote justice for all. We represent USC student Rose Ritch, who was elected Vice President of the USC Undergraduate Student Government ("USG") in February 2020. In recent weeks, Ms. Ritch has been subjected to extreme antisemitic harassment on social media targeting her religious and ethnic identity. Several USC students who clearly appear determined to rid the USG of all Jews who support Israel have posted comments on USC's Black at USC Instagram page and have sent Ms. Ritch private direct messages ("DM's") demonizing Jews who demonstrate pride in their shared Jewish ancestry and ethnicity by expressing support for a Jewish homeland. A USC student has now launched a formal campaign to have Ms. Ritch impeached.

We understand that university administrators plan to meet in the near future to discuss the impeachment campaign targeting Ms. Ritch. On behalf of Ms. Ritch, we strongly urge the university to fulfill its legal obligations under Title VI of the Civil Rights Act of 1964 and the university's own Bylaws and Constitution to take prompt and effective steps to protect Rose Ritch from this antisemitic harassment focused on her religious and ethnic identity.

In particular USC must immediately halt the impeachment proceedings against Ms. Ritch which are unquestionably and deeply rooted in Jew hatred and unlawfully deny her an equal opportunity to participate in USC campus life.

¹ Alexis Timko et al., *Truman Fritz and Rose Ritch Win USG Presidential Election*, USC ANNENBERG MEDIA (Feb. 21, 2020), http://www.uscannenbergmedia.com/2020/02/20/truman-fritz-and-rose-ritch-win-usg-presidential-election.



I. <u>Ms. Ritch has been subjected to relentless harassment targeting her religious and ethnic identity.</u>

On June 26, 2020, an Instagram page was created for USC students to anonymously file their stories of racism on campus.² Among other comments and opinions, this forum unleashed a tsunami of antisemitic hate in public statements on USC social media and sent in direct messages to Ms. Ritch's private Instagram account. Students demanded the removal not only of the President of USG, who does not identify as Jewish, but also the removal of the Jewish Zionists in USG.

One post ordered "him [the USG President] and the Zionist need to be IMPEACHED!"³

Exhibit A

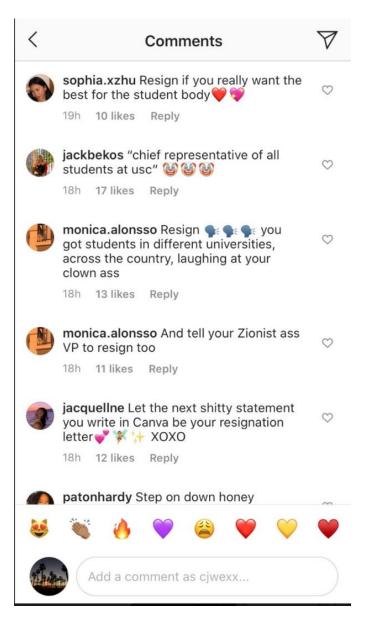


² Black at USC, Instagram, https://www.instagram.com/black at usc.

³ All of the screenshots referenced as exhibits in this letter are included (together with a few additional screenshots) in an appendix to this letter.

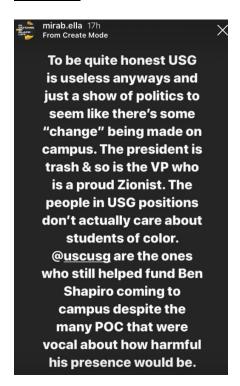
A comment to another social media post directed the USG President to "tell your Zionist ass VP to resign too."

Exhibit B



Numerous social media posts sought to marginalize Ms. Ritch on this basis of her identity. One post claimed, "The president is trash & so is the VP who is a proud Zionist."

Exhibit C



A particularly vile post, targeted Ms. Ritch on the basis of both her religious, ethnic identity and her sexual orientation, claiming that Ms. Ritch "is a Zionist who indoctrinated the rest of USG to be Zionists."

Exhibit D



Other social media posts demonized Zionists by falsely equating support for Israel, the Jewish homeland, with support for oppression of Palestinians.

Exhibit E

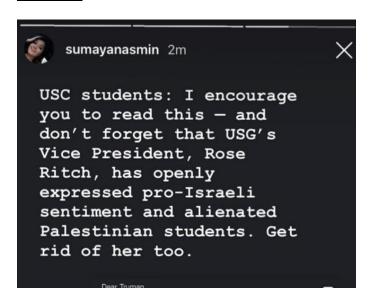


Exhibit F



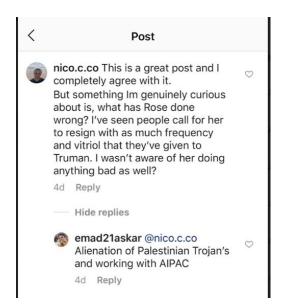
Ms. Ritch was demonized for her affiliation with AIPAC, a national organization that promotes a strong US-Israel relationship. One student referred to AIPAC as an "evil lobbying group"—a comment that brings to mind age-old antisemitic accusations of nefarious Jewish power and government control.

Exhibit G



When one student asked, "what has Rose done wrong?" another claimed that calls for Ms. Ritch's impeachment were justified because Ms. Ritch alienated Palestinians (with no support provided for the allegation) and "worked with AIPAC."

Exhibit H



In another post, a student asked Ms. Ritch how she planned to "hold [herself] accountable as a very vocal Zionist," suggesting that Ms. Ritch's mere identification with her religious and ethnic identity "makes Palestinian students feel unsafe on this campus."

Exhibit I



Students applauded the intense targeting and harassment of Ms. Ritch and the other Jewish students connected to USG (Isabel Washington and Nathaniel Manor). One poster—who identified themselves as a USC student on social media—said it "warms my heart to see all the zionists [sic] from usc and usg [sic] getting relentlessly cyberbullied," followed by a joyful smiling emoji surrounded by hearts.

Exhibit J



Posts directed toward Jewish Zionist leaders on campus criticized the Jewish students' affiliation with Hillel, the largest and most prominent Jewish student organization internationally and on the USC campus. One post (directed to Isabel Washington but equally applicable to Ms. Ritch who is a member of Hillel) claimed that "all the orgs on campus that r Jewish r also Zionist." According to this post, Jews must not join *any* campus Jewish organization because doing so smears "blood on ur hands." In other words, according to some USC students, Jews must first renounce their Jewish identity before they can be considered acceptable candidates for USG.

Exhibit K

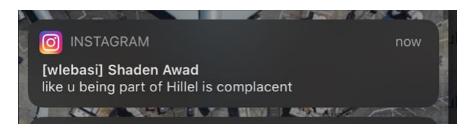
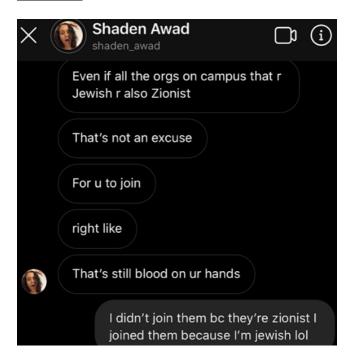


Exhibit L



When Isabel Washington resigned from USG, Student Government leaders posted "A Statement About Senator Washington's Resignation" on Instagram. Comments posted in response to the USG statement demonstrate that USC students oppose the inclusion of Zionists in USG. One poster said "Zionists = Nazis" while another student criticized the USG for failing to denounce Zionism, "the elephant in the room."

Exhibit M





Exhibit M (continued)



II. Zionism is an integral component of Jewish identity for many Jews, including Ms. Ritch.⁴

Historically and legally, Judaism is understood to be both a faith and an ethnicity. Jews share not only religious traditions, but also a deep historical sense of Jewish peoplehood. The Jewish people's history, theology, and culture are deeply intertwined with the Land of Israel. In fact, over half of the 613 commandments in the Pentateuch are connected to the Land of Israel and can only be fulfilled in the Land of Israel. For centuries, Jews have not only prayed facing Jerusalem. They have prayed to *return* to Jerusalem.

Zionism as a *political* movement of the Jewish people may have originated in the 19th century, but the desire and determination of Jews to return to their ancestral homeland in Israel is thousands of years old, as old as Abraham, Moses, and the enslaved Jewish people's exodus from Egypt to the Promised Land.

Zionism is as integral to Judaism as observing the Jewish Sabbath or maintaining a kosher diet. Of course, not all Jews observe the Sabbath or keep kosher, but those who do clearly are expressing important components of their Jewish identity. Similarly, not all Jews are Zionists. But for many Jews, including many Jewish students at USC like Ms. Ritch, identifying with and

⁴ 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/full/10.1080/13537121.2020.1754577?scroll=top&needAccess=true.

expressing support for the Jewish homeland is also a sincere and deeply felt expression of their Jewish religious and ethnic identity. Harassing, marginalizing, demonizing, and excluding these Jewish students on the basis of the Zionist components of their Jewish identity is just as unlawful and discriminatory as attacking a Jewish student for observing the Sabbath or keeping kosher. Indeed, UNESCO has cautioned that "Jew" and "Zionist" today are often used interchangeably in an attempt by antisemites to cloak their hate.⁵

It cannot be supposed that the vicious targeted attacks upon Ms. Ritch and the attempt to deprive her of her right to duly serve as Vice President of USG is somehow privileged "free speech" divesting USC of any responsibility to remedy. "Free speech" may include generalized attacks upon or critiques of core Jewish practices such as Sabbath observance, kashrut, and circumcision. Sadly, these are age-old and Jews have learned to cope with them, just as attacks upon or critiques of Zionism and Israeli government policies are now legion and Jews may choose to respond or ignore them. What cannot be ignored, and what is at issue here, is the focused harassment of a particular Jewish student, disparaging the particular manner in which she chooses to identify as Jewish, and the specific campaign to deny her an equal opportunity to participate in USC student life on that basis. These are quite different matters practically, ethically, and legally.

III. The University of Southern California is legally obligated to protect Ms. Ritch

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs that receive federal funds. Guidance issued by the U.S. Department of Education Office for Civil Rights (OCR) and the U.S. Department of Justice Civil Rights Division has extended Title VI protections to cover discrimination on the basis of Jewish ancestry and ethnicity. *See* Kenneth L. Marcus, "Dear Colleague Letter" (Sep. 13, 2004);⁶ Assistant Attorney General Thomas E Perez, "Letter to Russlynn H. Ali" (Sep. 8, 2010) ("discrimination against Jews . . . violates Title VI when that discrimination is based on [the Jewish people's] actual or perceived shared ancestry or ethnic characteristics, rather than its members' religious practice.");⁷ see also Shaare Tefila Congregation v. Cobb, 481 U.S. 615 (1987).

Furthermore, the Executive Order on Combating Anti-Semitism,⁸ issued in December 2019, directs all federal agencies, including the Department of Education, to refer to the International Holocaust Remembrance Alliance Working Definition of Antisemitism (the "IHRA"

https://unesdoc.unesco.org/ark:/48223/pf0000263702.locale=en.

⁵ See UNESCO & OSCE, Addressing Anti-Semitism Through Education: Guidelines for Policymakers 21, 24, 82–83 (2018),

⁶ Kenneth L. Marcus, *Dear Colleague Letter*, Dept. of Educ. OCR (2004), https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html.

⁷ Thomas E. Perez, *Letter to Russlynn H. Ali*, Dept. of Educ. OCR (2011) https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf.

⁸ EXECUTIVE ORDER ON COMBATING ANTI-SEMITISM, Exec. Order 13899 (Dec. 11, 2019), https://www.whitehouse.gov/presidential-actions/executive-order-combating-anti-semitism/.

Definition") when investigating allegations of antisemitism under Title VI of the Civil Rights Act of 1964. The IHRA Definition has been adopted by over twenty countries, government entities, U.S. states and cities, and is supported or endorsed by the European Union and the U.N. Secretary General. The definition recognizes antisemitism as hatred toward Jews and provides guidance for understanding when anti-Israel and anti-Zionist expression becomes targeted, intentional, discriminatory harassment and intimidation of Jewish students. The Executive Order is particularly relevant to situations like Ms. Ritch's, where protected free expression has crossed the line into harassing, discriminatory, and unlawful conduct specifically targeted against Ms. Ritch on the basis of her religious and ethnic identity.

Zionism is an expression of the Jewish people's shared ancestral, religious, and ethnic identification with Israel. The University of Southern California is therefore legally obligated to protect Ms. Ritch from antisemitic harassment that targets her specifically based on her Zionist identity and is designed to deny Ms. Ritch an equal opportunity to serve as the duly elected Vice President of USG.

According to the USC-USG Bylaws, USC staff Advisors are required to review all complaints filed against the USG President or Vice President *before* any complaints are delivered to the Speaker of the Senate. The staff Advisors are required to determine whether or not the complaint states a valid ground for impeachment. Section IX.1.A.iv of the USG Bylaws states:

If the complaint does not meet these requirements or fall within the bounds of Undergraduate Student Government governing documents as determined by the Advisor(s), it shall be considered void.

For a complaint to be valid, it must "clearly indicate" one of the following allegations against the officer the complaint seeks to impeach: (a) a violation of a specific section of the USG Constitution, Bylaws or Code of Ethics, (b) a failure to fulfill specific duties enumerated in governing documents, (c) a civil court felony conviction, or (d) violation of a legislative mandate. The USC administrators who serve as advisors to USG apparently failed to review the impeachment complaint filed against Ms. Ritch to ensure that it complies with these requirements.

Furthermore, according to the USG Bylaws, a complaint that is approved by the staff advisor(s) must be "hand-delivered to the Speaker of the Senate." (IX.1.A.i) The complaint seeking to impeach Ms. Ritch was not hand-delivered. It was sent to the Speaker of the Senate via email. The requirement that complaints lodged against a USG President or Vice President be hand-delivered is intended to assure that impeachment trials are not held during the summer recess when almost all students are away from campus. The COVID-19 pandemic is not, therefore, a justification for waiving the "delivery-by-hand" requirement; the provision was intended to ensure

frequently-asked-questions.

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⁹ INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE WORKING DEFINITION OF ANTISEMITISM, https://www.holocaustremembrance.com/working-definition-antisemitism.
¹⁰ ADL, *The President's Executive Order on Anti-Semitism: Frequently Asked Questions*, https://www.adl.org/resources/backgrounders/the-presidents-executive-order-on-anti-semitism-

that impeachment proceedings be held *only* when students are on campus and can focus on issues involving student government and reversing the outcome of student elections.

By failing to review the complaint lodged against Ms. Ritch as required by the USG Bylaws and by permitting the complaint to be emailed to the Speaker of the Senate (which started the impeachment clock running), the university breached its obligation to protect Ms. Ritch. The university can correct this error by promptly halting the impeachment proceedings, issuing a statement clarifying that the complaint fails to state a valid claim, and most important, denouncing antisemitic attacks that have harassed, marginalized, and demonized Ms. Ritch on the basis of her religious and ethnic identity.

IV. The allegations included in the impeachment complaint filed against Ms. Ritch are pure pretext.

It is clear from the social media campaign targeting Ms. Ritch that the reason some students are seeking her ouster as Vice President of USG is her religious, ethnic identity as a Zionist Jew. Evidently aware that it would be unlawful to discriminate against Ms. Ritch and remove her from office on that basis, the writer of the impeachment complaint does not mention Ms. Ritch's ethnic and religious affiliation and instead offers bases for impeachment that are frivolous and pretextual, hoping that the administration will close its eyes to what actually is happening to Ms. Ritch. 11

The complaint filed by USC student Abeer Tijani on July 1, 2020, presents not one shred of evidence to support any allegation that Ms. Ritch has been derelict in her duties as USG Vice President. The complaint does not suggest that Ms. Ritch made any inappropriate comments, nor does it document any specific VP responsibility that Ms. Ritch failed to fulfill. The complaint lacks such allegations because there is no evidence to support any such allegation. Ms. Tijani converts this absence of evidence into a crime in-and-of itself. Boiled down to its essence, the complaint demands that Ms. Ritch be impeached for her *silence*.

The audacity of the complaint is breathtaking. Ms. Ritch—victimized, harassed, and demonized on the basis of her religious, ethnic, and sexual identity—is told that she risks impeachment unless she (a) demonizes her running mate, and (b) permits her Instagram account to be flooded with hateful, antisemitic messages directed at her. The message to Ms. Ritch is clear: You may not protect yourself from incessant harassment (by converting your Instagram settings to private) because, if you do, you risk losing your position as USG Vice President.

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¹¹ Notably, the original complaint that Ms. Tijani sent to the President of USG (and posted on Instagram) alleged as a justification for Ms. Ritch's removal, that the Vice President "has been outspoken on issues that alienate Palestinian Trojans" (see Appendix to this letter, Exhibit N). The formal complaint that Ms. Tijani ultimately provided to the Speaker of the Senate, however, deleted this reference to Ms. Ritch's Zionism, no doubt for this reason.

V. Corrective Action

The campaign to impeach Ms. Ritch unlawfully seeks to deny her an equal educational opportunity to serve in USG solely on the basis of the Zionist part of her Jewish religious and ethnic identity. Vilifying, marginalizing, demonizing, and excluding Ms. Ritch because she has expressed support for Israel and Zion, for Jewish life and self-determination in the Jewish people's ancestral homeland, is unlawful antisemitic harassment.

To protect Ms. Ritch from unlawful discrimination, USC must (1) promptly halt the impeachment proceedings currently pending against her; (2) issue a statement condemning the antisemitic social media posts targeting Ms. Ritch on the basis of her religious and ethnic identity; and (3) establish a comprehensive training program to ensure that USC administrators, staff and students understand and recognize antisemitism in all its manifestations.

We respectfully offer the following draft language as an example of a statement USC might issue:

We condemn antisemitism in all its forms. We recognize that Zionism is a key component of the religious and ethnic identity of many students on our campus. Efforts to demonize Zionism and make these USC students feel unsafe expressing this part of their religious and ethnic identity is contrary to our university's basic values of mutual respect and inclusion. Our university must be a place for the free and open exchange of ideas. It is never acceptable to harass, intimidate, marginalize, exclude or demonize any part of our university community on the basis of its identity.

USG Vice President Rose Ritch has recently been subjected to a disturbing antisemitic social media campaign that targets her for impeachment on the basis of her religious and ethnic Zionist Jewish identity. Targeting a USC student in this manner is unacceptable. Upon review, USC has concluded that the impeachment complaint filed against Ms. Ritch fails to meet the standards set out in the USG Bylaws. The impeachment complaint is, therefore, void.

These actions will partially remedy the current situation and help provide a safe environment for Jewish and pro-Israel students at USC. We are available to share our expertise on these issues, and further discuss our recommendations with you. I can be reached via the email address listed below, or by phone at (202) 559-9296.

Sincerely yours,

Alyza D. Lewin

President, The Louis D. Brandeis Center, Inc.

cc: Varun Soni, Dean of Religious Life vasoni@usc.edu

Gabe Valenzuela, Director, Campus Activities valenzug@usc.edu

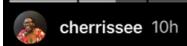
Enrique Trujillo, Assistant Director etrujill@usc.edu

Luis Canton, Program Coordinator, Student Governance lcanton@usc.edu

Fabiola Avina, Program Coordinator, Student Programming favina@usc.edu

APPENDIX

Exhibit A



him and the zionist need to be IMPEACHED!

The current USG President took the opportunity to create a corporate marketing strategy from an idea stolen from the Black student body president of Occidental College and plagiarize it as a platform that never was his own. I guess that is what they teach you in business school.

The Associated Students of Occidental
College in 2018 started the Shared
Governance Symposium to share best
practices and assist other student
government organizations in Southern
California toward shared governance on their
campuses. Today, your USG President is now
the self-appointed Chairman of the "Student
Leadership Association of Southern
California". - Black Occidental College
student

@black_at_usc

@uscusg

also interesting how he never said a word to me until he was running for president when i would see his ass all the time in the usg office,,,,all i hear is hiss hiss from a marshall snake

Exhibit B

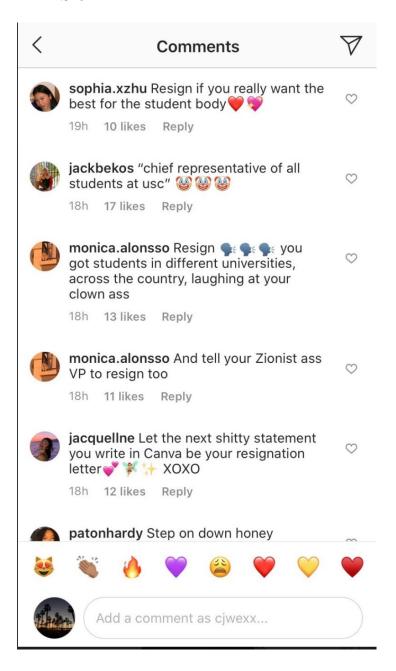


Exhibit C



To be quite honest USG is useless anyways and just a show of politics to seem like there's some "change" being made on campus. The president is trash & so is the VP who is a proud Zionist. The people in USG positions don't actually care about students of color. @uscusg are the ones who still helped fund Ben Shapiro coming to campus despite the many POC that were vocal about how harmful his presence would be.

Exhibit D



Exhibit E



Exhibit F



Exhibit G



emad21askar @nick_wrobleski https://www.google.com/amp/s/ www.haaretz.com/amp/ opinion/.premium-aipac-isdestroying-israel-1.5419857 Have a specific conversation about AIPAC with her. I'm not gonna be guilted for @ing someone who worked with an evil lobbying group like AIPAC Palestinian flags, and it's not my job to educate her. She's a grown person who should work to do that herself, and I don't want to have to continue reliving my and my peoples pain. I just wanted to show her Palestinians on campus exist, and that we know her history

1h 3 likes Reply

Exhibit H

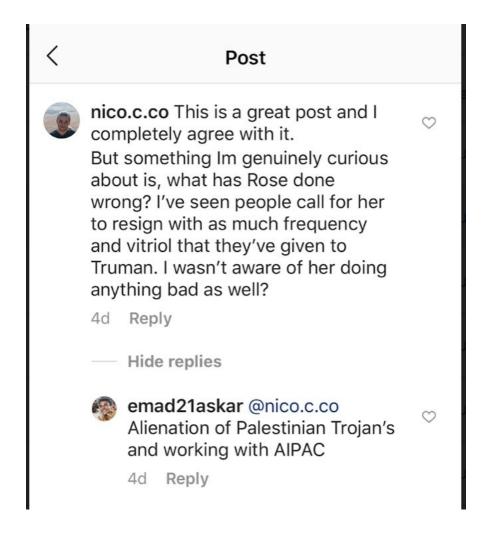


Exhibit I



March 15, 12:08 AM

Hi! I was just wondering if you're sticking around campus?



As of now yes!

But things are a little up in the air rn

Friday 10:29 PM

hey rose, i just wanted to ask if you've seen the multiple accusations of racism against your running mate, and what you plan to do to hold him accountable, as well as how you're going to hold yourself accountable as a very vocal zionist who makes palestinian students feel unsafe on this campus.



Double tap to like









Exhibit J



Exhibit K

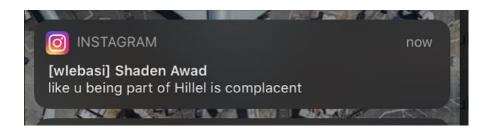


Exhibit L

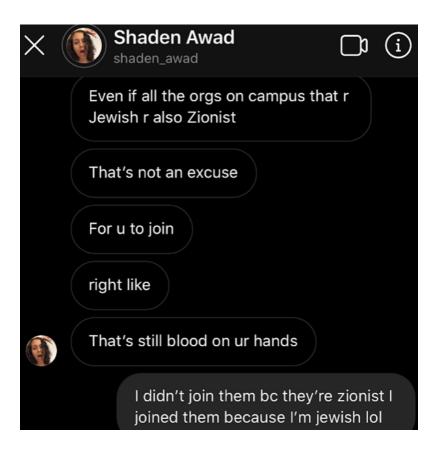


Exhibit M





Exhibit M (continued)



Exhibit N

II.3.H The Vice President shall seek to maintain a strong relationship with the student body.

 The Vice President has chosen to align herself with the privileged gatekeeping of our current President, has been outspoken on issues that alienate Palestinian Trojans, and has failed to provide a check on the responsibilities and actions of the President when a voice of reason has been crucially needed.

I will be communicating this to the USG Senate and the members of the USC student body within my reach. I will not stand by and allow you to minimize and discount our struggle for progress as a "cultural moment"— this is a movement, a revolution, and it will continue long past the end of your hopefully truncated term.

Best regards, Abeer Tijani

Exhibit O

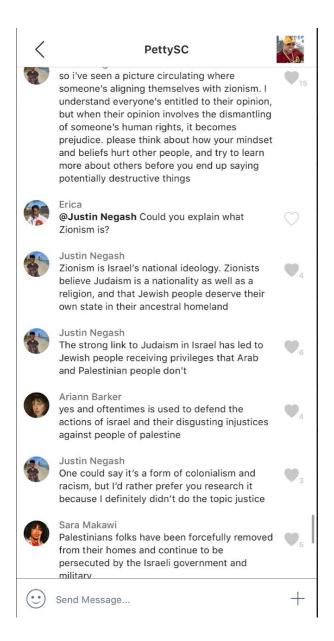


Exhibit P

