



**Middle
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20 February 2020

Dr. Melvin L. Oliver
President,
Pitzer College
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Dr. G. Gabrielle Starr
President,
Pomona College
president@pomona.edu

Dear Presidents Oliver and Starr,

We write to you on behalf of the Middle East Studies Association of North America (MESA) and its Committee on Academic Freedom with regard to the letter dated 3 February 2020 which the Dhillon Law Group sent to you on behalf of the David Horowitz Freedom Center, which describes itself as “a conservative foundation dedicated to the defense of free societies whose moral, cultural, and economic foundations are under attack by radical extremists.” The letter accuses Pitzer and Pomona of violating Title VI of the 1964 Civil Rights Act, which prohibits discrimination on the basis of race, color or national origin, because the institutions you lead have allegedly demonstrated “ambivalence toward—and even support and funding of—anti-Semitic hate group events and activities on your campus,” including those sponsored by Claremont Students for Justice in Palestine.

We are of course deeply distressed by the rising tide of racism, xenophobia and anti-Semitism in the United States, and we firmly believe that combatting anti-Semitism and all other forms of racism, bigotry and discrimination is an essential duty for colleges and universities. However, we regard this letter as a politically motivated assault on academic freedom and on the constitutionally protected right of free speech, as well as a threat to the autonomy and integrity of Pomona, Pitzer and every other institution of higher education in this country. We therefore commend the brief statements that Pitzer and Pomona recently issued in response to the letter, and urge you and your colleagues at all of the Claremont Colleges to continue to uphold the principles of academic freedom and the First Amendment rights of your students, faculty and staff.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, MESA publishes the *International Journal of Middle East Studies* and has over 2700 members worldwide. MESA is committed to ensuring academic freedom of expression, both within the region and in connection with the study of the region in North America and elsewhere.

The letter in question cites a number of events and incidents as examples of anti-Semitic activities on campus, including a vote by the Pitzer College Council to suspend that college’s study-abroad program at the University of Haifa, expressions of students’ support for the Boycott, Divest, Sanctions (BDS) campaign, the display of a mock “apartheid wall” and a film screening of a



documentary titled “Gaza Fights for Freedom.” In so doing the letter deliberately and tendentiously conflates criticism of Israeli policies, of Israel as a state and of Zionism as a political ideology with anti-Semitism. As we have [pointed out](#), it is both wrong and dangerous to conflate all criticism of Israel or of Zionism with actual manifestations of anti-Semitic bigotry. Such conflation, in this instance as in many others perpetuated by organizations based outside of academia seeking to further their political agendas, and more recently by an agency of the federal government, seems designed to delegitimize and stifle certain opinions by tarring them with the brush of anti-Semitism. This not only threatens the constitutionally protected right to free speech but may also have a chilling effect on research, teaching and public discussion of the Israeli-Palestinian conflict on college and university campuses, thereby undermining the academic freedom that is so vital to the mission of our institutions of higher education. It may also divert attention and resources from efforts to combat real anti-Semitism.

The barrage of unfounded allegations against Pitzer and Pomona contained in this letter must, we believe, be understood in the context of a broader campaign now under way which deploys politically motivated allegations of anti-Semitism on college campuses in order to silence criticism of Israel by faculty, students and staff. Since the confirmation in June 2018 of Kenneth Marcus as the Assistant Secretary of Education for Civil Rights, the Department of Education’s Office for Civil Rights has, regrettably, joined this campaign, most recently by initiating investigations of two institutions of higher education ([NYU](#) and [UCLA](#)) for alleged violations of Title VI. As we have noted [elsewhere](#), Mr. Marcus has a lengthy record, as a federal government official and as a political activist, of seeking to pressure colleges and universities to limit or suppress free and open discussion of the Israeli-Palestinian conflict and to silence faculty and students who express criticism of Israeli policies or advocate for Palestinian rights.

We note further that this campaign of threat and intimidation against U.S. colleges and universities has been bolstered by President Trump’s Executive Order of 11 December 2019, which among other things construed all Jews as sharing a common national origin and thereby covered by Title VI of the Civil Rights Act. However, as we have [pointed out](#), Jews in the United States and elsewhere identify themselves in a wide variety of ways, so the implication that all Jews share a common national origin is not a statement of fact but an ideological assertion. Like all other citizens and residents of the United States, Jews are entitled to protection against discrimination; but the current threats against Pitzer, Pomona and other institutions of higher education, and the recently launched federal investigations of two universities, demonstrate all too clearly how this Executive Order can be deployed to support a campaign intended to suppress the expression of certain political opinions by students and others, and to undermine academic freedom.

We further note that Section 2 of that same Executive Order requires all executive branch departments and agencies charged with enforcing Title VI to “consider” both the definition of anti-Semitism adopted by the International Holocaust Remembrance Alliance (IHRA) in 2016 and the “Contemporary Examples of Anti-Semitism” that accompany the IHRA’s definition. Several of those “Contemporary Examples” conflate criticism of Israeli actions and policies,



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and of Zionism as a political ideology, with anti-Semitism. The deployment of such a broad, vague and flawed definition of anti-Semitism, so clearly manifested in this letter, threatens both the constitutionally protected right to free speech and academic freedom.

We therefore call on you, Presidents Oliver and Starr, and on the leadership of the Claremont Colleges as a whole, to reiterate your firm commitment to combating anti-Semitism and all other forms of racism while simultaneously rejecting and denouncing all efforts to weaponize allegations of anti-Semitism in order to advance a political agenda and suppress the expression of certain political opinions. We further urge you to vigorously and publicly express your firm belief that all political speech, including criticism of any government or ideology and advocacy for any group's rights, is, and must remain, constitutionally protected in the United States. Finally, we call on you to reaffirm that at Pitzer and Pomona this constitutional protection will always be accompanied by rigorous adherence to the standards and traditions of academic freedom, including freedom from the threat of politically motivated intimidation and harassment, whether by groups like the David Horowitz Freedom Center or by government agencies.

We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dina Rizk Khoury', with a long, sweeping underline.

Dina Rizk Khoury
MESA President
Professor, George Washington University

A handwritten signature in black ink, appearing to read 'Laurie A. Brand', with a stylized, cursive script.

Laurie Brand
Chair, Committee on Academic Freedom
Professor, University of Southern California