

**Senate Judiciary Committee Hearing**  
**“Never to be Silent: Stemming the Tide of Antisemitism in America”**  
**Questions for the Record for Kevin Rachlin**  
**Submitted March 12, 2025**

**QUESTIONS FROM SENATOR CORY A. BOOKER**

1. Violence, threats, and harassment have no place on campuses and in our schools and must be rooted out. But President Trump and members of his Administration have sought to chill nonviolent political protest and First Amendment activity by threatening arrests, criminal prosecution, and deportations. How can school administrators effectively balance respecting freedom of speech with proactively battling discrimination and harassment?

School administrators can effectively balance respecting freedom of speech while proactively battling discrimination and harassment by:

- i. Limiting the use of **definitions to the training and education sphere, never as a trigger for enforcement**. Definitions of antisemitism like IHRA, the Jerusalem Declaration on Antisemitism, and Nexus are useful tools to identify antisemitism. Definitions describe and may use examples of protected speech and ideas, even hateful, harmful and offensive ideas. Adopting any definition into policy would open the door to dangerous infringements on free speech in precisely those communities of higher learning where the open exchange of ideas, even controversial ideas, must be preserved. .
  - ii. **Implementing time, place, and manner restrictions**: Universities have established content-neutral policies that regulate the conduct of protests without restricting the content of speech. A number of schools have updated their rules in this area to adapt to the intense protests and encampments that have unfolded since October 7th which, unfortunately sometimes pitted groups of students on opposite sides of protests and counter protests.  
What has been lacking in many cases is robust and timely enforcement of these rules and that is an area that warrants attention for the sake of all students.
  - iii. The rules exist, not to limit expression and protest, but to effectively preserve those rights, while fulfilling a school’s commitment to shield students -not from ideas - but from discrimination and harassment. . **Creating clear anti-discrimination policies**: Several schools, like New York University and Columbia University have updated guidance to clarify the ways in which the targeting of Jewish students because of their identity is never ok - including when it involves speech that purports to be critical of Zionists or Israel, and not Jews. . Incidents of discriminatory conduct or harassment may be a violation if they target Jewish people because of their real or perceived connection to Israel or to Zionism – which characterizes a large majority of Jews.
  - iv. **Investing in education and dialogue**: The One America Movement in Pittsburgh demonstrates that bringing diverse communities together for dialogue and service reduces antisemitic attitudes more effectively than punitive measures.
2. What resources are currently available to help campus administrations combat antisemitism?
  - i. **Office for Civil Rights (OCR) guidance and investigations**: OCR provides guidance on Title VI enforcement and investigates complaints of antisemitism at institutions receiving federal funding. At this moment, the fate of OCR is

uncertain and with that uncertainty comes the uncertainty of what will happen to the cases it is investigating across the country.

- ii. **The Biden Administration's National Strategy to Counter Antisemitism:** Released in May 2023, this strategy continues to be of value, despite that it was launched by a previous administration. The Civil Rights Act has been built on and enhanced for over sixty years. It is not the work of just one administration or just one party. The need is too great to be discarding this aggregation of hundreds of recommendations.
  - iii. **Educational frameworks from Jewish organizations:** Resources from groups like the Nexus Project, including the "Guide to Identifying Antisemitism in Debates About Israel" and "A Campus Guide To Identifying Antisemitism In A Time Of Perplexity."
  - iv. **Antisemitism training:** Organizations such as the Nexus Project, Jewish Council for Public Affairs, Project Shema, T'ruah and Bend the Arc provide training and resources to campus administrators to combat antisemitism.
  - v. **The Never Again Education Act:** Provides resources for Holocaust education programs.
- b. Are these resources sufficient to address the increasing number of incidents of antisemitism?
- i. The resources allocated to combat antisemitism were never fully insufficient to address the magnitude of cases of antisemitism. And federal funding for anti bias education of any kind has barely existed. Now even rudimentary efforts to promote inclusion for all groups, including Jewish communities are being eviscerated. . The administration's elimination of the Department of Education creates profound instability and raises questions about how hundreds of outstanding OCR cases, including many involving antisemitism complaints, would be handled if the department were shuttered.
3. How can we strengthen accountability measures to hold universities who have failed to adequately respond to complaints of antisemitic discrimination and harassment on their campuses accountable?
- a. To immediately strengthen accountability for universities that fail to adequately respond to antisemitism:
    - i. **Restore and increase OCR funding and staffing:** The need to increase funding for the Department of Education's Office for Civil Rights (OCR), not gut it, is one of the most unifying factors across witnesses in Congressional hearings.
4. The Nonprofit Security Grant Program (NSGP) provides funding support for target hardening and other physical security enhancements and activities to nonprofit organizations that are at high risk of terrorist attack. NSGP grants have provided critical lifelines in fortifying vulnerable institutions against hate and violence, including Jewish houses of worship and other religious-affiliated groups across the country. In the wake of the October 7 attacks on Israel and heightened concerns about the safety and security of the American Jewish community, I called for additional funding for the NSGP.
- a. What impact have Nonprofit Security Grants had in ensuring the safety of Jewish houses of worship?
    - i. The Nonprofit Security Grant Program (NSGP) provides critical funding for security enhancements to religious institutions, including synagogues, that face heightened threats. Despite proven effectiveness and bipartisan support, the

program remains a constant target for budget cuts, creating uncertainty for vulnerable communities.

- ii. The only way to protect communities from the trauma of an antisemitic incident or attack is to prevent it from ever happening in the first place. These grants are essential but insufficient on their own. Physical security must be complemented by educational initiatives to effectively combat antisemitism.
- b. What steps should federal and state authorities take to enhance protections for Jewish institutions, including synagogues, schools, and community centers?
  - i. Steps federal and state authorities should take include:
    1. **Maintain and increase NSGP funding:** This program's importance cannot be overstated, despite being recently threatened by rapid cuts in government spending.
    2. **Support the implementation of current law and of recommendations in existing frameworks:** Authorities should resist efforts to erase or replace the National Strategy to Counter Antisemitism and build upon it rather than replacing it with alternatives lacking community input.
    3. **Balance security with prevention and education:** Funding for physical security should be matched with support for antisemitism education programs, as both physical security and education are essential components of a comprehensive strategy against antisemitism.
- c. How can law enforcement agencies improve coordination and response times to minimize the impact of threats on affected communities?
  - i. Law enforcement agencies can improve coordination and response times by:
    1. **Providing specialized training:** Law enforcement should receive training to identify and respond appropriately to antisemitic incidents.
    2. **Utilizing existing criminal laws effectively:** The case of James Alex Fields Jr. (Charlottesville) demonstrates how existing criminal laws can be effectively applied to acts of violence motivated by antisemitism and white supremacy.
    3. **Improving hate crime reporting and data collection:** Better data collection on antisemitic incidents can help target resources more effectively.
    4. **Creating community partnerships:** Law enforcement should build relationships with Jewish communities to improve reporting of incidents and response coordination.
    5. **Addressing homegrown extremism:** The overwhelming majority of antisemitic and extremist violence is committed by homegrown extremists, not foreign students, suggesting that law enforcement should focus resources accordingly.