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Hon. Charles Grassley, Chairman
Hon. Richard Durbin, Ranking Member
U.S. Senate Committee on the Judiciary
Washington, DC
by electronic mail

Dear Chairman Grassley, Ranking Member Durbin
and Senators of the Judiciary Committee,

I write to you on behalf of the Union of Orthodox Jewish
Congregations of America – the nation’s largest Orthodox Jewish
umbrella organization – regarding your March 5 hearing: *“Never To Be
Silent: Stemming the Tide of Antisemitism in America”*.

We greatly appreciate that the Committee is holding this hearing and
your prioritization of the need to address the unprecedented surge in
antisemitism in the United States that has occurred since the October
7, 2023 Hamas attack upon Israel. The subsequent and dramatic rise in
antisemitism across all parts of our society remains a prevalent threat to
our community.

In 1790, President George Washington wrote to the Jewish community
of Newport, RI and famously said that Jews would enjoy
unprecedented freedom in the United States because the newly
founded nation would “give to bigotry no sanction, to persecution no
assistance.”

Since October 7, American Jews have been subjected to physical
assaults on sidewalks, slander and harassment in subways, raucous
protests outside our synagogues and array of attacks – physical and
verbal – on school campuses. This has been going on for too long.
It’s made headlines. President Trump has spoken out and taken initial
actions to address the crisis. The surge of antisemitism in the U.S. was
the subject of multiple hearings by committees in the House of
Representatives in the previous Congress. We appreciate that today,
the Senate Judiciary Committee is devoting a hearing squarely to this
ongoing crisis; this is overdue.

There is still much this Committee, and the U.S. Senate, can and must
do to respond to the wave of unprecedented antisemitism in America
and thereby uphold the basic civil rights of American Jews – and
recommit to fulfill George Washington’s promise to the American
Jewish community. In that constructive spirit, we offer the following.

1. There are several federal laws which should be actively utilized to better protect American Jews from antisemitic attacks. These include 18 U.S.C. § 241 (prohibiting conspiracies to interfere with citizens' civil rights) and 18 U.S.C. § 248 (the "FACE Act", which prohibits obstruction, injury and intimidation of citizens seeking to exercise their free exercise of religion at a place of worship).

In addition to the much reported incidents that have occurred on American university campuses over the past year, antisemites have targeted Jewish synagogues and sought to obstruct and intimidate Jews accessing our synagogues. Two prominent examples of this occurred in Los Angeles¹ and in New Jersey². In the last Administration, we repeatedly urged the Department of Justice to use the federal statutes cited above to prosecute those who have sought to intimidate our community and interfere with our fundamental rights. We hope the new Administration will bring such actions and we ask you to join us in that call for justice.

2. Federal authorities should give better guidance to campus administrators and police about First Amendment law. As Senators on this Committee are well aware, "freedom of speech" is not a right without any limitations. Content neutral – time, place and manner restrictions are constitutional as are other limitations when speech can be inciteful and lead to harassment and violence. Yet, we have seen over the past year that antisemites, especially on university campuses, hide behind invocations of "free speech" and too many administrators and campus police seem to know how to respond appropriately. The Department of Justice should offer detailed guidance with illustrative examples – in parallel to guidance issued by the Department of Education³ – to both inform and hold accountable university officials who are responsible for protecting the rights of their Jewish students to be free from harassment.
3. The Senate should pass legislation that will concretely address and combat the crisis of antisemitism. Several bills passed the previous House on a bipartisan basis and have been reintroduced in this Congress. These bills include the following:
 - a. Antisemitism Awareness Act (H.R.1007, S.558)
The AAA will codify the IHRA definition of antisemitism and expand its usage across the Federal government. It is currently utilized by the Dept. of State and the Dept. of Education. The IHRA definition has been endorsed by more than 40 countries and is recognized as the gold standard and a critical tool in combatting antisemitism.⁴
 - b. Deterrent Act (H.R.1048)
The Defending Education Transparency and Ending Rogue Regimes Engaging in Nefarious Transactions Act is a bill about transparency. The bill requires an institution of higher education to annually disclose to the Department of Education (ED) any year

¹ <https://www.cnn.com/2024/06/24/us/los-angeles-synagogue-palestinian-israeli-protest-violence/index.html>

² <https://www.northjersey.com/story/news/bergen/teaneck/2024/04/01/demonstrations-outside-teaneck-nj-synagogue-over-israel-gaza-war/73173689007/>

³ <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf>

⁴ <https://forward.com/fast-forward/642348/deborah-lipstadt-antisemitism-jerusalem-declaration-nexus-ihra/>

in which the IHE: receives a gift from a foreign country of concern (e.g., China or Russia) or foreign entity of concern of any dollar amount; receives a gift or contract from a foreign source (other than a foreign country of concern or foreign entity of concern) that is valued at \$50,000 or more, considered alone or in combination with all other gifts or contracts within a calendar year (current disclosure threshold is \$250,000 or more), or which has an undetermined monetary value; enters into a contract with a foreign country of concern or foreign entity of concern after receiving a waiver for such contract; or is substantially controlled by a foreign source. The bill passed the House on a broad bipartisan vote.

c. Protecting Students on Campus Act (S.163)/Civil Rights Protection Act (tbd)

The Protecting Students on Campus Act and Civil Rights Protection Act are complementary bills introduced in the Senate and House, respectively. While the Civil Rights Protection Act (H.R.8648 in the 118th Congress) has not yet been reintroduced, both bills share the goal of increasing enforcement of Title VI in order to better protect Jewish Students at institutions of higher learning across the country.

Requiring an awareness campaign to better inform students of their rights under Title VI, monthly congressional briefings from the Assistant Secretary for Civil Rights, an audit of Title VI complaints and OCR process reforms, the Protecting Students on Campus Act will significantly improve the ability of Jewish students to fight back against antisemitic harassment. The Civil Rights Protection Act would require many of these same actions, but would also add a requirement for institutions of higher learnings to appoint a Title VI coordinator similar to the existing requirement under Title IX, would increase responsibility for communicating the outcomes of their investigations and would require them to follow these requirements or become ineligible for federal funding. The Civil Rights Protection Act passed out of the House Education and Workforce Committee in the previous congress on a bipartisan basis.

Since October 7, the American Jewish community has endured a wave of antisemitism that is unprecedented in our history in the U.S. Since the founding of this nation, Jews have experienced freedom and liberty of a kind our ancestors never experienced in any nation outside Israel in which Jews lived. That is because religious liberty and equality was built into the foundational ‘DNA’ of America.

The terrible events we have experienced these past seventeen months – and the inability of national leaders and institutions to act effectively and reverse this tide of antisemitism – has caused too many Jews to question whether the promise of liberty and equality for Jews in America will continue for future generations. American Jews of 2025 are wondering whether George Washington’s words to the Jews of Newport 235 years ago remain true.

Today, we thank this Committee and you, U.S. Senators, for giving this crisis its due attention and taking action in the U.S. Senate to defend the civil rights of American Jews and ensure the continuity of America’s promise to its Jewish citizens.

Sincerely,

Nathan J. Diament

Executive Director