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COMMITTEE ON
EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
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January 9, 2024

Ms. Penny Pritzker
Senior Fellow
Harvard Corporation
Massachusetts Hall
Cambridge, MA 02138

Dr. Alan Garber
Interim President
Harvard University
Massachusetts Hall
Cambridge, MA 02138

Dear Ms. Pritzker and Dr. Garber:

As you are aware, the Committee on Education and the Workforce (the Committee) is investigating Harvard University's response to antisemitism and its failure to protect Jewish students. We have grave concerns regarding the inadequacy of Harvard's response to the antisemitism on its campus.

In testimony before the Committee on December 5, 2023, Harvard's then-President, Dr. Claudine Gay, made numerous statements that further called into question the university's willingness to seriously address antisemitism. When asked whether calling for the genocide of Jews would violate Harvard's code of conduct, Dr. Gay replied that "it depends on the context."¹ When questioned if she could look a Jewish student's family in the eyes and "tell them their son or daughter would be safe and feel safe and welcome on your campus," Dr. Gay repeatedly refused to answer the question directly.²

¹ House Committee on Education and the Workforce, Hearing, Holding Campus Leaders Accountable and Confronting Antisemitism, Dec. 5, 2023.

² *Id.*

Following Dr. Gay's testimony, the Fellows of the Harvard Corporation issued a statement reaffirming that "we unanimously stand in support of President Gay."³ While Dr. Gay has since resigned, Harvard's institutional failures regarding antisemitism extend well beyond one leader.

There is evidence antisemitism has been pervasive at Harvard since well before the October 7, 2023, terrorist attack. A November 2022 report by the AMCHA Initiative, a nonprofit that documents antisemitism on college campuses, found Harvard had the highest rate of threats based on Jewish identity of the 109 campuses they surveyed.⁴ A March 2023 thesis titled "The Death of Discourse: Antisemitism at Harvard College" by Harvard student Sabrina Goldfischer found 62.5 percent of the Harvard students she interviewed had experienced antisemitism at Harvard or knew people who have, and 68.75 percent of them had censored themselves in academic or social settings because of their Judaism or ties to Israel.⁵

Furthermore, there has been a pattern of deeply troubling incidents and developments at the university, including the following:

- In the immediate aftermath of Hamas' October 7, 2023, terrorist attack, Harvard's leadership was initially silent following a statement by 34 Harvard student organizations that they "hold the Israeli regime entirely responsible for all unfolding violence" and that "[t]he apartheid regime is the only one to blame."⁶
- Following the October 7 attack, social media platforms were flooded with antisemitic social media posts by Harvard students. To provide several representative examples, one post stated, "Harvard Hillel is burning in hell / Harvard Hillel is burning in hell / And they got funded by Epstein as well."⁷ Posts on the anonymous messaging platform SideChat, which requires a Harvard e-mail address to access, stated "LET EM COOK" next to a Palestinian flag emoji and "I proudly accept the label of terrorist."⁸
- A Jewish Harvard MBA student was surrounded and assaulted at an October 18, 2023, "die-in" protest organized by the Harvard Undergraduate Palestine Solidarity Committee

³ The Fellows of Harvard College, *Statement from the Harvard Corporation: Our President*, HARVARD UNIVERSITY (Dec. 12, 2023), <https://www.harvard.edu/blog/2023/12/12/statement-from-the-harvard-corporation-our-president/>

⁴ AMCHA INITIATIVE, *A LOOMING CRISIS FOR THE AMERICAN JEWISH COMMUNITY: CAMPUS ANTISEMITISM & THE ASSAULT ON JEWISH IDENTITY* (2022), <https://amchainitiative.org/wp-content/uploads/2022/11/Assault-on-Jewish-Identity-Report.pdf>.

⁵ Sabrina P. Goldfischer, *The Death of Discourse: Antisemitism at Harvard College* 50 (2023) (B.A. thesis, Harvard College), <https://drive.google.com/file/d/1GwMnt9qdb-pqMJNL27NLvjO5Xe-Q3aSI>.

⁶ J. Sellers Hill, et al., *Harvard student groups face intense backlash for statement calling Israel 'entirely responsible' for Hamas attack*, HARVARD CRIMSON (Oct. 10, 2023), <https://www.thecrimson.com/article/2023/10/10/psc-statement-backlash/>.

⁷ Eren Orbey., *The anguished fallout from a pro-Palestinian letter at Harvard*, THE NEW YORKER (Oct. 20, 2023), <https://www.newyorker.com/news/dispatch/the-anguished-fallout-from-a-pro-palestinian-letter-at-harvard>.

⁸ Anemona Hartocollis., *After writing an anti-Israel letter, Harvard students are doxxed*, The New York Times, (Oct. 18, 2023), <https://www.nytimes.com/2023/10/18/us/harvard-students-israel-hamas-doxxing.html>.

and Graduate Students 4 Palestine.⁹

- Pro-Palestinian activists disrupted Harvard classes on November 29, 2023, using bullhorns to shout hateful messages including “globalize the intifada” and “from the river to the sea.”¹⁰ According to a statement by Harvard Hillel, “[s]tudents were terrified by this protest and the violence it endorsed, and some were unable to resume work for hours after the protests passed. Protests of this nature have become increasingly normalized on our campus, causing Jewish and Israeli students to avoid class, University events, and dining halls.”¹¹
- Harvard required the menorah publicly lit outside the university’s library during Hanukkah to be removed nightly due to fears it would be vandalized. Harvard Chabad Rabbi Hirschy Zarchi, who conducted the lightings, explained, “[o]n our campus, in the shadow of Widener Library, we in the Jewish community are instructed, ‘We’ll let you have your menorah. Make your point. OK. Pack it up. Don’t leave it out overnight. Because there will be criminal activity here and it won’t look good.’”¹²
- Harvard Kennedy School (HKS) Lecturer Marshall Ganz was found by an HKS-commissioned external review to have discriminated against three Israeli HKS students in a spring 2023 course. The review found that Ganz “denigrated the Students’ identities as Israelis and Jews,” engaged in “preferential treatment of the Arab and Muslim students” in the course, “attempt[ed] to silence the Israeli students,”¹³ and thereby “created a hostile learning environment for the Students based on their Israeli nationality and Jewish ethnicity and ancestry, and effectively denied them the opportunities of a safe learning environment in the Course.”¹⁴ HKS Dean Douglas Elmendorf accepted the review’s findings and conclusions.¹⁵

⁹ Dion J. Pierre., *Video: Jewish student harassed by Harvard Law Review editor, anti-Israel mob on campus*, THE ALGEMEINER (Nov. 1, 2023), <https://www.algemeiner.com/2023/11/01/shame-jewish-student-harvard-university-mobbed-anti-israel-protesters/>; Joyce E. Kim et al., *Hundreds of Harvard protesters stage ‘die-in’ to demand end to violence following Gaza hospital blast*, HARVARD CRIMSON (Oct. 19, 2023), <https://www.thecrimson.com/article/2023/10/19/harvard-die-in-palestine/>.

¹⁰ Call for Accountability, HARVARD HILLEL (2023), <https://hillel.harvard.edu/call-accountability-0>.

¹¹ *Id.*

¹² Gabby Deutch., *Speaking to President Gay, Harvard Chabad rabbi blasts school’s handling of antisemitism*, JEWISH INSIDER, (December 13, 2023), <https://jewishinsider.com/2023/12/speaking-to-president-gay-harvard-chabad-rabbi-blasts-schools-handling-of-antisemitism/>.

¹³ Harvard Kennedy School Investigative Report: Preliminary Findings and Preliminary Recommendations 22 (Jun. 14, 2023), <https://freebeacon.com/wp-content/uploads/2023/10/Harvard-embargoed-letters-report.pdf>.

¹⁴ *Id.* at pg. 23

¹⁵ Letter to Marshall Ganz, Senior Lecturer, from Douglas Elmendorf, Dean, Harvard Kennedy School (Jun. 15, 2023), <https://brandeiscenter.com/wp-content/uploads/2023/10/Harvard-Kennedy-Elmendorf-June-2023-response-letter.pdf>.

- Harvard’s Jewish undergraduate population has fallen dramatically from approximately 1,675 students in 2013 to 700 in 2023, according to estimates from Hillel International.¹⁶ This constitutes a decrease from 25 percent of the undergraduate student body to only 9.8 percent.¹⁷ A 2023 survey by *The Harvard Crimson* found 5.4 percent of the class of 2027 identified as Jewish.¹⁸
- Harvard’s Center for Middle Eastern Studies has continued to fund the nonprofit Middle East Studies Association (MESA) as an institutional member, despite MESA’s March 2022 ratification of a resolution in support of the boycott, divestment, and sanctions (BDS) movement against Israel, including an academic boycott of Israeli universities.¹⁹

Harvard has cited its supposed commitment to free speech – in former President Gay’s words, “even of views that are objectionable, outrageous and offensive” – as limiting it from taking action against antisemitism on its campus.²⁰ However, Harvard has demonstrated a clear double standard in how it has tolerated antisemitic harassment and intimidation, but acted to suppress and penalize expression it deemed problematic. In recent years, Harvard has reportedly disinvited a scholar from lecturing on British Romanticism because of her public statements on gender identity,²¹ cancelled a course on “Data Fusion in Complex Systems” following student objections that it would study a policing method,²² removed law professor Ronald Sullivan as Faculty Dean of Winthrop House following student protests of his legal representation of Harvey Weinstein,²³ and even requested that students remove a poster of a swimsuit-clad celebrity saluting in front of an American flag from the window of their dormitory.²⁴ Given these examples, it is unsurprising that Harvard was ranked last out of 248 institutions surveyed in the Foundation for Individual Rights and Expression’s 2024 College Free Speech Rankings, with a “Speech Climate” rating of “Abysmal.”²⁵ Harvard’s dismal record on free speech exposes the

¹⁶ Union for Reform Judaism, Insider’s Guide to College Life (Jul. 12, 2013), https://issuu.com/reformjudaism/docs/college_reprint_cropped/15?e=5480200/4019908/; Hillel International, Harvard University, <https://www.hillel.org/college/harvard-university>.

¹⁷ *Id.*

¹⁸ *Meet the Class of 2027*, HARVARD CRIMSON, <https://features.thecrimson.com/2023/freshman-survey/beliefs/>.

¹⁹ Press Release, Middle East Scholars Association, Middle East Scholars Vote to Endorse BDS (Mar. 23, 2022), <https://mesana.org/news/2022/03/23/middle-east-scholars-vote-to-endorse-bds>.

²⁰ House Committee on Education and the Workforce, Hearing, Holding Campus Leaders Accountable and Confronting Antisemitism, Dec. 5, 2023.

²¹ Caroline Downey, *Feminist Philosopher Disinvited from Speaking at Harvard over Trans Views*, NATIONAL REVIEW (Apr. 25, 2022), <https://www.nationalreview.com/news/feminist-philosopher-disinvited-from-speaking-at-harvard-over-trans-views/>.

²² Scott Jaschik, *Harvard cancels course amid petition campaign*, THE CHRONICLE OF HIGHER EDUCATION (Jan. 26, 2021), <https://www.insidehighered.com/news/2021/01/27/harvard-calls-course-amid-petition-campaign/>.

²³ Elizabeth Joseph, et al., “*The Harvard law professor representing Harvey Weinstein is being removed as a faculty dean*,” CNN (May 13, 2019), <https://www.cnn.com/2019/05/11/us/harvard-law-professor-ronald-sullivan-loses-deanship-harvey-weinstein/index.html/>.

²⁴ McGavock Cooper, et al., “*We stand for the flag, and if you don’t like it, we don’t care*,” HARVARD INDEPENDENT (Oct. 7, 2021), <https://harvardindependent.com/we-stand-for-the-flag-and-if-you-dont-like-it-we-dont-care/>.

²⁵ *2024 College Free Speech Rankings*, FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION (Sept. 6, 2023), <https://rankings.thefire.org/rank>.

intellectual and moral bankruptcy of its leadership's rationalizations for its inaction towards antisemitism on campus.

To assist the Committee in understanding the antisemitism at Harvard and the university's response, please produce the following items no later than 5:00 PM EST on January 23, 2024:

1. All reports of antisemitic acts or incidents and related documents and communications since January 1, 2021, including but not limited to all reports of antisemitic acts, incidents, or discrimination made to the following:
 - a. The Office of the President;
 - b. The Office of the General Counsel;
 - c. The Office of the Dean of Students at Harvard College (including the Office of Residential Life and any college House) and each of Harvard's graduate and professional schools;
 - d. The Harvard Office for Equity, Diversity, Inclusion & Belonging, and similar offices and programs within Harvard College, each of Harvard's graduate/professional schools, the Harvard Division of Continuing Education, and Harvard Radcliffe Institute;
 - e. The Harvard University Police Department;
 - f. The Anonymous Reporting Hotline and any other hotlines, inboxes, or other mechanisms that collect reports of bias, discrimination, and harassment;
 - g. Harvard Human Resources;
2. Documents sufficient to show any Harvard disciplinary, academic, personnel, administrative, or other processes through which allegations of hate crimes, discrimination, bias, or harassment are responded to, including but not limited to any written policies, procedures, guidance, handbooks, rubrics, and/or tables of penalties. Please also identify the offices, individuals, boards, and/or bodies which are responsible for evaluating and/or determining such responses, including the composition of any offices, boards, or bodies;
3. Documents sufficient to show Harvard's policies and procedures that ensure and preserve access to safe and uninterrupted learning environments, and respond to and address reported violations, including through law enforcement, investigative, and disciplinary processes. Please also identify the offices, individuals, boards, and/or bodies which are responsible for evaluating and/or determining such responses, including the composition

of any offices, boards, or bodies;

4. Documents sufficient to show the findings and results of any disciplinary processes, changes in academic status, or personnel actions by Harvard towards Harvard students, employees, and other Harvard affiliates related to conduct involving the targeting of Jews, Israelis, Israel, Zionists, or Zionism since January 1, 2021;
5. Documents sufficient to show the findings and results of any disciplinary processes or changes in status by Harvard towards Harvard student organizations related to conduct involving Jews, Israelis, Israel, Zionists, or Zionism since January 1, 2021;
6. Documents sufficient to show the findings and results of any disciplinary processes, changes in academic status, or personnel actions by Harvard towards Harvard students, employees, student organizations, and other Harvard affiliates as a result of:
 - a. Allegations of hate crimes, discrimination, bias, or harassment on the basis of religion, ethnicity, national origin, sex, sexual orientation, gender identity, and disability at Harvard since January 1, 2021;
 - b. Reports of denial or disruption of access to safe and uninterrupted learning environments at Harvard since January 1, 2021;
7. Documents sufficient to show any legal, financial, or informal settlements by Harvard in response to complaints of discrimination, harassment, or violations of free speech/expression since January 1, 2018;
8. All documents and communications since January 1, 2021, referring and relating to antisemitism, involving the Office of the President, Office of the Provost, and/or the Office of the Executive Vice President;
9. All Harvard Corporation meeting minutes and/or summaries, whether formal or informal, since January 1, 2021, including minutes of meetings of any components, such as committees, executive committees, subcommittees, task forces, and others;
10. All Harvard Board of Overseers meeting minutes, and/or summaries, whether formal or informal, since January 1, 2021, including minutes of meetings of any components, such as committees, executive committees, subcommittees, task forces, and others;
11. All Harvard Management Company meeting minutes and/or summaries, whether formal or informal, between October 7, 2023, and January 2, 2024;

12. All documents and communications since January 1, 2021, referring and relating to antisemitism, involving the Harvard Corporation and Harvard Board of Overseers (including all fellows and members);
13. Any meeting minutes, circulated materials, and/or readouts from Harvard's Antisemitism Advisory Group, and documents sufficient to show any findings and recommendations by the Group and any responses and reactions to such findings and recommendations by the President, Provost, deans of Harvard's various schools, and the staffs of the aforementioned university officials;
14. Documents sufficient to show any changes to Harvard's governance documents and codes of conduct made since October 7, 2023;
15. All documents and communications referring and relating to:
 - a. Harvard's response to the open letter from 34 student organizations holding Israel responsible for the October 7 terrorist attack;
 - b. Posts by Harvard students, faculty, staff, and other Harvard affiliates on Sidechat and other social media platforms targeting Jews, Israelis, Israel, Zionists, or Zionism;
 - c. The October 18, 2023, incident involving the harassment/assault of a Jewish Harvard MBA student at a "die-in" protest;
 - d. The November 29, 2023, pro-Palestinian protests at Harvard, and any disruptions to education and student life related to it, or any other pro-Palestinian protest since October 7, 2023;
 - e. HKS Lecturer Marshall Ganz's treatment of Jewish Israeli students in his Spring 2023 HKS course, Organizing: People, Power, Change (MLD-377);
 - f. The Harvard Palestine Solidarity Committee's annual "Israel Apartheid Week" since January 1, 2021;
16. Documents sufficient to show any efforts by Harvard students, faculty, and staff to engage in the BDS movement against Israel since January 1, 2021, and communications by Harvard administrators relating to such efforts;
17. All products of the Harvard Office of Equity, Diversity, Inclusion, & Belonging or similar offices from any Harvard components since January 1, 2020, relating to Jews and/or antisemitism, including but not limited to reports, publications, presentations, individual

- or professional development materials, guidance, and other related materials;
18. Documents sufficient to show the mandate, size, budget, agenda, and performance metrics of the Harvard Office of Equity, Diversity, Inclusion, & Belonging and any similar offices from any Harvard components, including documents sufficient to show any updates to the mandate, size, budget, agenda, or performance metrics of such offices since October 7, 2023;
 19. Documents sufficient to show all Harvard policies concerning the acceptance and rejection of donations from foreign sources, including Harvard's policies concerning:
 - a. Faculty and staff receiving and disclosing donations and funding from foreign sources;
 - b. Donations and funding from foreign sources being directed towards academic departments, programs, and centers;
 20. Documents sufficient to show the annual total amount of foreign donations and funding (including, but not limited to governmental bodies, nongovernmental organizations, and private individuals) to Harvard since January 1, 2021, by country;
 21. Documents sufficient to show all foreign donations and funding (including but not limited to governmental bodies, nongovernmental organizations, and private individuals) to Harvard of \$50,000 or more since January 1, 2021;
 22. Documents sufficient to show all donations and funding (including but not limited to governmental bodies, nongovernmental organizations, and private individuals) to Harvard from Qatari sources since January 1, 2021;
 23. Documents sufficient to show any data since January 1, 2003 showing or relating to Jewish enrollment numbers at Harvard College and each of Harvard's graduate and professional schools, and any changes or trends in the enrollment of Jewish students at Harvard College and Harvard's graduate/professional schools; as well as documents related to any attempt by Harvard College and each of Harvard's graduate and professional schools to understand the reasons for any such changes or trends;
 24. All documents and communications involving the Office of the President, the Office of the Provost, dean's offices at Harvard College and each of Harvard's graduate/professional schools, admissions offices at Harvard College and each of Harvard's graduate/professional schools, the Harvard Corporation, and Harvard Board of

Overseers since January 1, 2013, relating to recruitment, admission, enrollment, and retention of Jewish students;²⁶

Congress' oversight powers are derived from the U.S. Constitution and have been repeatedly affirmed by the United State Supreme Court.²⁷ Under House Rule X, the Committee has legislative and oversight jurisdiction over "education or labor generally."²⁸

Please see the attached instructions for relevant definitions and other directions for the production of documents. This request encompasses responsive materials in the possession of not only Harvard faculty, staff, students, and other affiliates, but also individual members of the Harvard Corporation, Board of Overseers, and the Harvard Management Company Board. The request also extends to any informal communications such as text or other electronic messages. We expect that this request will be conveyed promptly to all parties who would be reasonably expected to have responsive materials.

If you have any questions about this request, please contact Ari Wisch of the Committee staff at 202-225-4527 or ari.wisch@mail.house.gov.

Sincerely,



Virginia Foxx
Chairwoman
Committee on Education and the Workforce

²⁶ For the avoidance of doubt, the Committee is not seeking the application materials of individual applicants and students.

²⁷ *See generally* U.S. CONST. art. I, § 8, cl. 8; *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) (holding that "the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function"); *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 504 (1975) (holding that "the power to investigate is inherent in the power to make laws"); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (holding that "the scope of power of inquiry ... is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.").

²⁸ *Rules of the House of Representatives: One Hundred Eighteenth Congress*, U.S. HOUSE OF REP. 7 (Jan. 10, 2023), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.