



June 21, 2011

BY E-MAIL AND FIRST-CLASS MAIL

Dr. Richard L. McCormick
Office of the President
Rutgers, The State University of New Jersey
83 Somerset Street
New Brunswick, NJ 08901

Dear President McCormick:

We received your April 26, 2011 response to our letter, and were extremely troubled by it. Most of the concerns we raised with you were distorted and dismissed. Most glaringly, you completely ignored the threats, harassment and intimidation that Rutgers student Aaron Marcus has been subjected to by other students and shockingly by a university official.

To reiterate, Mr. Marcus is a columnist for the student paper, the *Targum*, and has written articles about a variety of topics, including Israel. He has been subjected to vicious and ugly name calling and other hateful comments, and has even been physically threatened simply for exercising his right to free speech.

After Mr. Marcus' opinion piece entitled "BAKA Must End Hateful Tactics" was published in the *Targum*, another student posted a Facebook message in which he physically threatened Mr. Marcus: "As I was reading the Aaron Marcus column this morning, I realized how Im [sic] a pretty angry person. Id [sic] be happy to see him beat with a crowbar. Violence doesnt [sic] solve problems but it shuts up people who shouldnt [sic] speak" (emphasis added). Seven individuals endorsed this violent threat against Mr. Marcus by clicking "like" on the message. One responded with a murderous threat of his own: "Or makes them martyrs, furthering the strength behind their beliefs. And skinning them alive so they see the afterlife" (emphasis added).

The threats posted on Facebook justifiably caused Mr. Marcus to fear for his physical safety. He sought police protection and removed his contact information from the Rutgers directory. He also filed a bias report with the Dean of Students which, according to university policy, is supposed to be responded to within 24 hours of being filed. But no one from the university contacted Mr. Marcus for more than one month! Not one university official reached out to Mr. Marcus whose life had been threatened. Instead, Mr. Marcus eventually received a cursory e-mail from the Dean of Students of the College Avenue Campus, telling him that there were insufficient grounds to formally charge the student who threatened him.

Rutgers' Code of Conduct specifically prohibits threatening to use force against a person. It is considered to be such a severe infraction that the violator can be suspended or even expelled. What more could Rutgers possibly have needed to determine that a student had threatened to use force against Mr. Marcus? Why was the student who threatened to use a crowbar to silence Mr. Marcus simply given a slap on the wrist and issued a warning? And why didn't the university discipline the student who threatened to skin Mr. Marcus alive?

Even more shocking is Rutgers' complete disregard of the threats, intimidation, and bullying that Mr. Marcus was subjected to by a university official. After Mr. Marcus wrote an opinion piece in the *Targum* criticizing the student government's decision to financially support the Palestine Children's Relief Fund – which he had every right to do – Shehnaz Sheik Abdeljaber, the Outreach Coordinator for Rutgers' Center for Middle East Studies, posted hateful and anti-Semitic comments about Mr. Marcus on Facebook. She referred to Mr. Marcus as “that racist Zionist pig!!!!!!!” (emphasis added). And she tried to incite other Facebook users against Mr. Marcus, encouraging them to “put his name in fb [Facebook] search . . . he has a fb [Facebook] hate page” – as if celebrating that people were posting hateful messages about Mr. Marcus and urging others to find that Facebook page so that they could read the comments and post their own hateful messages.

We are shocked that your response to us did not even mention Ms. Abdeljaber's appalling and unacceptable conduct. We are also shocked that, at least according to the Rutgers' Web site, Ms. Abdeljaber has retained her position as the Outreach Coordinator for the Center for Middle East Studies. If a student wrote an opinion piece in the *Targum* in favor of gay marriage, would you ever tolerate for one second a university official posting a Facebook message targeting him and calling him a “faggot pig” or some other hateful and bigoted name? Would you tolerate a university official posting hateful and pejorative comments on Facebook about an African American student, a Hispanic student or a female student? Never. Nor should you. It is unfathomable that you would tolerate the fact that a Jewish student at your university was subjected to anti-Semitic name-calling by a university official – and by the “Outreach” Coordinator of the Middle East Studies Center, no less! What pro-Israel student would ever feel comfortable taking a course in Middle East studies when the coordinator of the center is so plainly bigoted and hateful toward Israel and Jews? Indeed, by her conduct, Ms. Abdeljaber has sent a horrible message to students: You too could be targeted and publicly maligned if you disagree with my views. And Rutgers won't do anything about it.

We note that the ZOA is not the only organization to have complained about Ms. Abdeljaber's conduct. On May 6, 2010, the Anti-Defamation League wrote to you expressing the same concerns as ours, and urging you to investigate and take appropriate disciplinary action against Ms. Abdeljaber if her conduct was verified. Shockingly, when Jayne M. Grandes, the director of Rutgers' Office of Employment Equity, responded to the ADL on your behalf, she stated her finding that Ms. Abdeljaber's bigoted and hateful comments on Facebook about a Jewish student did “not rise to the level of harassment actionable under University Policy.” We wonder whether Ms. Grandes would have reached the same conclusion had a university official maligned an African American or Hispanic student on Facebook, by engaging in bigoted and racist name-calling. We believe that the university would have immediately condemned such

conduct and found those comments actionable. Bigotry directed against a Jewish student must be taken just as seriously.

You also completely ignored that Ms. Abdeljaber did not limit herself to posting derogatory and anti-Semitic comments about Mr. Marcus. She also physically threatened and intimidated him, and actually challenged him to a physical fight. This woman's conduct should have been thoroughly investigated already by the university. If an investigation shows that she did in fact engage in anti-Semitic name-calling, and that she threatened, bullied and intimidated Mr. Marcus, she should be fired immediately.

Besides ignoring the concerns we raised about the hostile environment that Aaron Marcus has been subjected to, you distorted and dismissed several of the other concerns we raised about the hostile anti-Semitic environment at Rutgers that has negatively affected Jewish students generally:

- You explained that Rutgers' ability to "discipline its students for intolerant statements" is limited by the First Amendment. But as is clear from our letter, we did not ask that Rutgers discipline any student for "intolerant statements." We urged you to discipline students and/or student groups for violating university policies that prohibit (1) false advertising, (2) engaging in discriminatory conduct, and (3) threatening another student.
- You explained that the First Amendment extends to university faculty and programs sponsored by university departments, and that unless events cause or threatened to cause "a material disruption," Rutgers is precluded from interfering with university faculty members' or departments' academic programs. We did not suggest that Rutgers interfere with the First Amendment rights of university faculty. Rather, we reminded you that Rutgers has the legal obligation under Title VI of the Civil Rights Act of 1964, to ensure that the campus climate is free from anti-Semitic hostility, including when that hostility is promoted or engendered by the conduct of Rutgers faculty. Rutgers would never defend the conduct of its faculty or academic departments if they sponsored or promoted hatred and bigotry against African Americans, Hispanics, gays or women – nor should it. The university must also take a no-tolerance stand against anti-Semitic bigotry promoted by Rutgers faculty and academic departments. Such bigotry creates a hostile educational environment for Jewish students in violation of Title VI.
- You stated that the university "has worked diligently to address" the anti-Semitic incidents we identified. But the evidence does not support that statement. Not only has Rutgers ignored the incidents that Mr. Marcus has been subjected to, it has also failed to act on the bias reports filed by other Jewish students. The university's inaction violates university policy, and shows a complete insensitivity to and lack of concern for the problems that Jewish students are facing.
- Your response ignored our concerns about how the BAKA event on January 29, 2011, was handled. You claimed that we said that it was Rutgers students who imposed the five dollar admission fee. We made no such statement. We did say that students/student

groups implemented and enforced the admission fee, all the while knowing that the event had been advertised as free and open to the public, and that this conduct violated Rutgers' policy prohibiting false advertising. You implied that the last-minute imposition of an admission fee was legitimate and fairly enforced. Did the university investigate reports that the leader of one of the co-sponsoring groups, the International Jewish Anti-Zionist Network, told the audience at the event that the charge was imposed once "we saw that there were Zionists [meaning Jews] outside"? If in fact the charge was legitimate and fairly enforced, then why has the university prohibited the International Jewish Anti-Zionist Network from using the university's student centers until January 2013, as stated in your letter? Plainly, the organization was sanctioned for some wrongdoing. Why wasn't BAKA also sanctioned for enforcing and implementing the fee? There is evidence that the admission policy was selectively enforced. Many students were reportedly labeled as "volunteers" simply to justify their admission for free. It is not true, as you have stated, that students were not denied access to the event. Those who were viewed as opposing BAKA's cause were not allowed in unless they paid a fee.

- You also claim that BAKA has expressed concern about programs sponsored by the Rutgers Hillel. We would like to know specifically what Hillel programs were problematic. Hillel sponsors positive cultural programs about Israel, without attacking maligning or demonizing anyone. Unfortunately, the same cannot be said of the programs that BAKA has sponsored and promoted. It is offensive and wrong for you to speak of the conduct of these two groups as if they are comparable. They are not.
- Your claims about the university administration's meetings with and among students to address the campus tensions are inaccurate. The Jewish students who attended the meeting with administrators on February 4, 2011, came to discuss many concerns, including the "Never Again for Anyone" event. At that point, there was no evidence and certainly no indication from the university that the event had already been investigated and addressed appropriately, despite what you contend.
- Your response did not address how counterproductive and hostile Jewish students felt the February 4th meeting was. Students reported that Dr. Blimling's tone was dismissive and that he avoided discussing Jewish students' concerns, instead focusing on the grievances of the BAKA students.
- We have our own concerns about Dr. Blimling's possible bias. When you responded to us, you provided us with a letter that Dr. Blimling wrote to the professional leadership of Chabad and Hillel last March, regarding the campus climate for Jewish students. In that letter, Dr. Blimling repeatedly referred to "Jewish students" on the one hand, and "student members of a group dedicated to political and human rights issues in the Middle East" on the other. What a perplexing and disconcerting way to characterize Jewish students versus the student membership of BAKA. It certainly sounds like Dr. Blimling is implying that Jewish students are *not* dedicated to political and human rights issues in the Middle East, and that BAKA is. Had Dr. Blimling accurately described BAKA, he would have noted that this group is viciously anti-Israel, advocating harming and even

destroying the Jewish State. BAKA has expressed sympathy and concern for the individuals who have lost their lives in Gaza, with no regard for the fact that they were mostly operatives of the U.S.-designated terrorist group Hamas whose charter calls for the murder of Jews and the destruction of Israel. BAKA has shown no sympathy or concern for the Israeli Jews who have been the victims of Hamas' terrorism, including the innocent Israeli civilians living in southern Israel who have been subjected to years of thousands of rocket and missile attacks launched from Gaza. Dr. Blimling's characterization of BAKA is preposterous and offensive.

- It is simply not true that "the relationships between the two student groups had improved" so that a "second meeting" between the groups was not necessary, as you have contended. The fact is that there was never even a first meeting. BAKA refused to meet with the Jewish student groups. BAKA members have shown contempt, open hostility and launched personal attacks on other students, which is exactly what Dr. Blimling has described in his March 2011 letter as antithetical to the values of the university. If BAKA is going to continue as a recognized student group at Rutgers, it should be held to the standards of respect, tolerance and civility that other student groups adhere to.

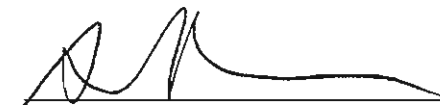
Your response states that Rutgers is aware of the examples of anti-Semitic harassment we have cited and has "worked diligently to address them." But the steps taken by Rutgers have been inadequate. And you completely ignored the reasonable steps that we urged you to take, which we believe would help eliminate the anti-Semitic hostility on campus. Many of them are recommended by the U.S. Department of Education's Office for Civil Rights in its policy letter of October 26, 2010, which we again enclose for your review.

We urge you to respond directly to the concerns we have raised so that we can determine how best to proceed to ensure that the rights of Jewish students are protected under Title VI of the Civil Rights Act of 1964. Thank you.

Very truly yours,



Morton A. Klein
National President



Susan B. Tuchman, Esq.
Director, Center for Law and Justice

Enclosure

cc: Governor Chris Christie
U.S. Senator Frank Lautenberg
U.S. Senator Robert Menendez
U.S. Representative Frank Pallone, Jr.
U.S. Representative Leonard Lance

U.S. Representative Robert E. Andrews
U.S. Representative Steven R. Rothman
U.S. Representative Jon Runyan
Mayor Cory Booker