

VOLUME 18 ISSUE 1 | WINTER 2024

*in*FOCUS

QUARTERLY

The Awakening



Avi Meyer on our Domestic Allies | **Jacob Magid** on the Pro-Israel Rally in Washington, DC | **Ilya Shapiro** on Hate Speech and the First Amendment | **Lori Lowenthal Marcus** on the Rights of Jews on Campus | **David Bernstein** on the Decline of Academia | **Hans A. von Spakovsky** on Affirmative Action | **Kenneth L. Marcus** and **Ellie Cohan** on Fighting Hamas on Campus | **Jonathan Greenberg** on Civics Education | **Elliot Ackerman** on the Benefits of Military Drafts | **Eric Rozenman** on Avoiding Forever Wars | **Shoshana Bryn** reviews *The Israel Test*

LETTER FROM THE PUBLISHER

Quarterly magazines are planned long in advance and this one began a lifetime ago—last September—as our Domestic Policy issue, aimed at Congress and the states. Then came October 7 and then the rest of the month and the rest of the year. There are, of course, directly Israel-related issues—and we will deal with them in our Spring 2024 Israel issue. But for us, as American Jews and as supporters of Israel, there is a clear American domestic side to Israel’s battle against Hamas and the forces of evil.

We refocused.

Avi Mayer, in our essay, points to the historic role of Jews and our allies in improving our country over the decades. Where are those allies now?

Jacob Magid reports on the nearly 300,000 pro-Israel supporters who gathered in Washington, DC in November.

American academic institutions emerged as leaders of the anti-Israel aggregation, harassing and threatening Jews and supporters of Israel. They were united with the “intersectional” mob. We should have more clearly understood the relationships between ideologues of the Arab world, the modern left, Nazis and communists. And we don’t ever use the word Nazi loosely. If you missed

that, read JPC Senior Director Shoshana Bryen’s review of George Gilder’s terrifying and enlightening, *The Israel Test*.

Ellie Cohanim interviewed Kenneth Marcus as the first wave of anti-Israel protests was washing over college campuses.

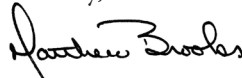
Ilya Shapiro tells us what the First Amendment to our Constitution does—and does not—protect, and Lori Lowenthal Marcus outlines action being taken to safeguard students. Looking to the future, David Bernstein has suggestions for restoring academia to its previously vaunted position—one of which is detailed by Hans Von Spakovsky, and Jonathan Greenberg makes the case for civic education.

Author Elliot

Ackerman provides a fascinating look at the utility of a renewed draft in stopping “forever wars,” while the JPC’s Eric Rozenman discusses the political/military necessity of ending them.

If you appreciate what you’ve read, I encourage you to make a contribution to the JPC. You can use our secure site: <http://www.jewishpolicycenter.org/donate>

Sincerely,



Matthew Brooks
Publisher



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Where are Our Allies?

If Genuine, Allyship is Mutual

by AVI MAYER

The names James Chaney, Andrew Goodman, and Michael Schwerner will resonate with anyone who knows their American—and American Jewish—history.

The three young men had been spending the summer of 1964 registering African Americans to vote in Neshoba County, Mississippi when they were lynched by a group of men associated with the Ku Klux Klan. Their bodies were tossed into a shallow grave on a nearby farm—there are indications that Goodman was still alive when he was buried along with Chaney and Schwerner—and were only found 44 days later thanks to an FBI informant.

Chaney, 21, was African American; Goodman, 20, and Schwerner, 24, were Jewish.

The wave of public outrage over the brutal murder is widely believed to have facilitated the passage of the Civil Rights Act in July of that year. Several months later, on March 21, 1965, Rabbi Abraham Joshua Heschel and Rabbi Maurice Davis linked arms with Dr. Martin Luther King, Jr., and other civil rights leaders as they marched from Selma to Montgomery, Alabama, in protest of racial injustice and segregationist policies. A Jewish Telegraphic Agency (JTA) article two days later noted that hundreds of African American participants in the march had donned kippot (yarmulkes) in “respectful emulation” of the rabbis, dubbing the head coverings “freedom caps.” Several rabbis were arrested during the march and conducted Shabbat services behind bars. Representatives from a slew of national

Jewish organizations traveled from all over the country to join the march and offer support to participants.

American Jews had aligned themselves with African Americans’ struggle for freedom and equal rights for decades. In 1909, W. E. B. Du Bois and other black leaders were joined by Rabbi Emil Hirsch, Rabbi Stephen Wise, Lillian Wald, and other prominent Jewish figures in forming the National Association for the Advancement of Colored People (NAACP); Joel Elias Spingarn served as the organization’s chairman, treasurer, and second president. Jews donated heavily to the National Urban League, the Student Nonviolent Coordinating Committee, and other civil rights groups. Jewish newspapers likened the plight of African Americans to that of the ancient Israelites fleeing slavery in Egypt and, in reporting on violence against African Americans, frequently

Assembly in 1968, famously lauded Israel as “an oasis of brotherhood and democracy” and “one of the great outposts of democracy in the world.”

The legacy of Jewish involvement in the civil rights movement lives on today, as Jews continue to be heavily involved in movements for social justice and equality. In the summer of 2020, after the murder of an African American man, George Floyd, by a Minnesota policeman, hundreds of Jewish organizations and synagogues across America signed on to a statement declaring that “Black lives matter,” reflecting a sentiment shared by large numbers of American Jews; many congregations had hung banners with the phrase on their buildings years earlier. Jewish groups have joined Latino groups in advocating immigration reform and have stood up for Asian Americans in the face of racism and discrimination. Jews have been among the loudest and most

Dr. King maintained close ties to Jewish leaders...
and famously lauded Israel as “an oasis of
brotherhood and democracy”...

compared it to the pogroms plaguing Jews in Russia.

Later, Dr. King maintained close ties to Jewish leaders—he and Rabbi Heschel were close friends and often traveled and spoke to audiences together—and, in an address to the Conservative Rabbinical

prominent advocates for women’s rights and LGBTQ rights; indeed, some of the iconic leaders of both movements have been Jewish themselves. American Jews march, advocate, give, volunteer, and otherwise contribute to these communities’ efforts in a vast range of ways.

In explaining their involvement in these causes and others, many liberal Jews draw on a Hebrew phrase far more often uttered in American-accented Hebrew than in guttural Israeli tones: *tikkun olam*, roughly translated as “repairing the world.” While the phrase first appears in the Talmud in Tractate Gittin about measures enacted to ensure an equitable society, it is recited by many Jews several times a day as part of the Aleinu prayer that concludes the three daily services. There, it is part of a longer phrase that calls on God “to establish a world under the Almighty’s kingdom.” Today, *tikkun olam* has become a catchall for the Jewish pursuit of social justice and it is employed even by members of other communities—former US President Barack Obama made a practice of peppering addresses to Jewish groups with it—to refer to Jewish involvement in movements for fairness and equal rights.

In recent weeks, though, growing numbers of Jews have started wondering whether equivalent phrases exist among some groups with which they had long allied themselves—and whether they apply to Jews, as well.

While the immediate aftermath of the October 7 Hamas massacre in southern Israel saw an outpouring of horror and sympathy from organizations and communities across America, many of them have since shifted their tones or fallen silent. Others have exhibited shocking amorality.

On October 8, for instance, the National Action Network (NAN), National Urban League, NAACP, and Drum Major Institute issued a powerful joint statement condemning what they called “the deadly terrorist attack against Israel ... in which civilians have been targeted, killed, and kidnapped,” describing it as part of “the horrifying effects of violence upon innocent civilians in the Middle East.”

In the weeks since, however—as Israeli hostages have continued to languish in Gaza, as Israeli cities and towns

have come under intense rocket fire, and as Jews across America and the world have been subjected to spiking anti-semitism—that solidarity has given way to equivocation. On November 15, for instance, the NAACP released another statement that called for a “de-escalation of global hate and violence” in light of the “humanitarian crisis unfold[ing] in the Middle East.” Neither Israel nor Jews were mentioned (nor, for that matter, were Hamas, Gaza, or Palestinians). The Drum Major Institute went a step further, calling for a ceasefire—which Israel, the United States, and most major Jewish organizations oppose—and saying there is “no room for collective punishment.” NAN has not issued any further statements on the subject since October 8 and the National Urban League doesn’t even have the original joint statement on its website. Of the four, the only group to even mention soaring Jew-hatred in recent weeks was the Drum Major Institute, which con-

text “I stand with Palestine.” The BLM chapter in Phoenix shared a post stating that “Palestinian freedom fighters are not terrorists,” adding “we will stand in full support of the resistance happening in Palestine” and stating that “the Palestinian attack was a revolution and attempt to reclaim their freedom.” The Movement for Black Lives has shared a constant stream of content hostile to Israel on its platforms, including multiple posts accusing Israel of “genocide” and “apartheid” and portraying the conflict in starkly racial terms, portraying Jewish Israelis as oppressors and Palestinians as the oppressed and justifying acts of “resistance.”

Other communities and movements have also been infected with a similar amorality. Some LGBTQ groups have marched in protests against Israel under the richly ironic banner “Queers for Palestine” (one wonders if they have ever stopped to consider whether Palestine is “for” queers to quite the same extent).

Allyship should not be transactional. We support one another not because we expect to get something in return, but rather because it is the right thing to do.

demned “any sentiments or acts of anti-semitism, Islamophobia, and anti-Palestinian rhetoric.”

■ **All-in with Hamas support**

Those groups, however, at least got it right initially. Others have gone all-in with their support and even celebration of Hamas and its massacre. On October 10, for instance, the Black Lives Matter (BLM) chapter in Chicago posted an image of a paraglider—a clear reference to the paragliders used by Hamas terrorists to infiltrate Israel and murder Israelis three days earlier—with the

Some Asian American and Latino campus groups have signed on to statements blaming the Jewish state for Hamas’s murderous violence against its citizens. Some women’s rights groups have been conspicuously silent in the face of mounting evidence of sexual violence against Israeli women during and after the Hamas massacre.

Many Jews, who have long prided themselves on standing with other groups and communities in their time of need, have been left wondering: Where are our allies?

Indeed, in the weeks since the



Dr. Martin Luther King, Jr. addresses the crowd from the steps of the Lincoln Memorial, during the March on Washington on August 28, 1963. (Photo: Wikimedia Commons)

October 7 massacre, a slew of Jewish activists—many of whom have long identified with the progressive left—have written heart-wrenching essays and social media posts expressing their sense of pain and abandonment. “It is horrifying that people who profess that their life is all about the humanity of others—that maybe that humanity doesn’t extend to Jews,” one such activist, Jonathan Rosen, told *The Financial Times*. Rabbi Sharon Brous, a popular progressive Jewish leader in Los Angeles, described feeling “existential loneliness.”

And yet, not everything is bleak.

Many prominent figures from communities with which American Jews have long aligned themselves have stood up for Israel and the Jewish community in recent weeks. House Democratic Leader Hakeem Jeffries—one of the most senior elected officials in America and a long-time member of the Congressional Black Caucus—was front and center at the

massive March for Israel in Washington in November, where he spoke powerfully about the need to support Israel and Jews around the world at this time. The Congressional Hispanic Leadership Institute has the text, “CHLI mourns for the victims of the heinous attack on our friends, the people of Israel. This is a time for solidarity with the State of Israel,” emblazoned across its website’s homepage. Scores of leaders from the African American, Asian American, Latino, and LGBTQ communities have expressed their revulsion at Hamas’s atrocities and have condemned the recent explosion of Jew hatred across America and around the world.

In a conversation he and I had recently, Congressman Ritchie Torres of New York made his position plain.

“I’m commonly asked why, as a gay Afro-Latino from the Bronx, am I so outspoken against antisemitism, and people are asking me the wrong question,” he

told me. “The right question is not why I have chosen to be outspoken. The right question is why others have chosen silence in the face of the deadliest day for Jews since the Holocaust.”

Allyship should not be transactional. We support one another not because we expect to get something in return, but rather because it is the right thing to do.

And yet, at the same time, allyship, if it is genuine, should be mutual and bi-directional: We feel your pain. We stand with you, we march alongside you, and we speak out for you when you need us. Is it too much to ask that you do the same?

That is the question that many Jews are asking at this fateful moment. The answer we receive will echo for years to come.

AVI MEYER is former Editor-in-Chief of *The Jerusalem Post*. He was raised in the United States before making aliyah to Israel. This article is reprinted by permission.

‘Let Our People Go’: Nearly 300,000 Rally for Israel

by JACOB MAGID and TIMES OF ISRAEL STAFF

Nearly 300,000 people rallied in Washington on Tuesday at the March for Israel, calling for the release of the hostages held by terrorists in Gaza and invoking the Holocaust while condemning Hamas’s October 7 onslaught with a cry of “Never Again.”

Conference of Presidents of Major American Jewish Organizations CEO William Daroff said over 290,000 people attended the event, making it the largest pro-Israel gathering in US history.

Buses and flights to the US capital were organized by local Jewish federations, schools, synagogues, Israeli expatriate groups and Jewish community centers, while many more made their own way to the March for Israel.

President Isaac Herzog addressed the rally by video link from the Western Wall in Jerusalem, demanding the return of the hostages held in Gaza, and declaring that “Never Again is now.”

“Today we come together, as a family, one big mishpacha, to march for Israel. To march for the babies, the boys and girls, women and men viciously held hostage by Hamas,” Herzog said.

“To march for the right of every Jew to live proudly and safely in America, in Israel and around the world. Above all, we come together to march for good over evil, for human morality over blood thirst. We march for light over darkness,” he said.

“Eighty years ago, Jews came out of Auschwitz and vowed ‘Never Again.’ As the blue and white flag was hoisted over our ancient homeland, we vowed ‘Never

Again.’ Forty days ago, a terrorist army invaded the sovereign State of Israel and butchered hundreds upon hundreds of Israelis in the largest massacre since the Holocaust. Let us cry out, together: Never Again. Never Again is now,” he said.

Herzog also praised US President Joe Biden for the “moral clarity and bold actions of our American allies.”

“Once again in Jewish history, we demand: Let our people go. Whilst our loved ones are held captive in Gaza, and our soldiers are fighting for our beloved Israel – Jews all over the world are assaulted for being Jewish. The hatred,

history of persecution of the Jewish people through the ages, explaining that it anchored “the moral case for Israel,” and noting, “The Jewish people were violently expelled from the Middle East. The Jewish people were systematically murdered by the Nazi regime. The Jewish people were violently attacked by Hamas on October 7th, resulting in the largest loss of Jewish life in a single day since the Holocaust. So we are here, more than 100,000 strong, to unequivocally declare, Never Again. Never Again. Never Again. The State of Israel must always exist as a safe haven for the Jewish people.”

Many of the demonstrators wore Israeli flags wrapped around their shoulders, flowing behind them, or held small Israeli flags in their hands.

the lies, the brutality, the disgraceful outburst of ancient antisemitism are an embarrassment to all civilized people and nations.”

“Jews in America must be safe. Jews all over the world must be safe,” Herzog said.

In one of the most warmly received speeches, House Minority Leader Hakeem Jeffries listed a

He went on: “And so we stand together with the Jewish community in Israel, we stand together with the Jewish community in America, we stand together with the Jewish community all throughout the world. We stand together in the effort to crush antisemitism. We stand together in the effort to crush anti-Jewish hate. We stand together in the effort to bring home the hostages.



President of Israel Isaac Herzog, speaks through a video address from Jerusalem, to the March for Israel rally on the National Mall in Washington, November 14, 2023. (Photo: Michael Johnson)

We stand together in the effort to make sure that America will always be a safe space for the Jewish community in every single zip code.”

After weeks of pro-Palestinian and anti-Israel protests with calls for a Palestinian state to be established “from the river to the sea,” a phrase also used by US House of Representatives Michigan Rep. Rashida Tlaib, the US congressional leadership slammed the chant, seen by many as a call for the elimination of Israel.

“When Hamas says from the river to the sea, they mean all the present-day Israel should be a Jewish-free land,” Senate Majority Leader Chuck Schumer told the crowd.

“We stand with you, and we will not rest until you get all the assistance you need,” Schumer said before leading the rally-goers in chants of “Am Yisrael Chai.”

Speaking after Schumer, US House Speaker Mike Johnson said: “We’ve heard many echoes of Hamas’s rallying cry, ‘From the river to the sea,’ and I’m convinced that a lot of these college students who are engaging in these protests do not understand that is an explicit call for the extermination of Israel.

“It is unacceptable for any political leader in this nation to give credence to this dangerous rhetoric,” he said.

Johnson also described the calls for a ceasefire as “outrageous.”

“Israel will cease their counter-offensive when Hamas ceases to be a threat to the Jewish state,” Johnson said, to cheers.

Israel has said there will not be a ceasefire without the release of the hostages, and that a ceasefire would merely aid Hamas and help it regroup and replenish its stocks. The US has supported

Israel in its stance, but is instead promoting the use of humanitarian pauses for the entry of aid into the beleaguered Gaza Strip and to allow civilians to evacuate from the battle-zone northern part of the enclave, where Hamas has many of its strongholds.

The Biden administration’s anti-semitism envoy Deborah Lipstadt told the crowd that the US government “stands shoulder to shoulder against Jew hatred.”

“Today in America we give anti-semitism no sanction, no foothold, no tolerance, not on campus, not in our schools, not in our neighborhoods, not in our streets or the streets of our cities. Not in our government. Nowhere. not now, not ever,” Lipstadt declared.

“When protesters chant ‘Peace and glory to the martyrs,’ that incites more hatred, more deaths,” she said.



(Photo: Michael Johnson)

“It is a danger to the values and underpinning of the stability and decency of any society anywhere in the world. Hate is not a zero-sum game, hate and violence directed at any member of our society because of who they are is un-American and wrong,” Lipstadt said.

The rally was also addressed by relatives of the some 240 hostages taken captive by Hamas and other terror groups as they rampaged through southern Israel on October 7, also killing some 1,200 people.

Rachel Goldberg, whose son Hersh Goldberg-Polin was seriously injured before he was taken hostage by Hamas terrorists at the Supernova desert rave, told the rally that the families of those kidnapped “have lived the last 39 days in slow-motion torment.”

“We all have third-degree burns on our souls,” she said.

“But the real souls suffering are those of the hostages and they want to

ask everyone in the world, why? Why is the world accepting that 240 human beings from almost 30 countries have been stolen and buried alive,” she said, referring to the fact that many of the hostages are believed to be held underground in the Hamas terror group’s labyrinth of tunnels underneath the Gaza Strip.

“These children of God range in age from 9 months to 87 years. They are Christians, Muslims, Jews, Buddhists and Hindus,” she said.

Describing a Christian who saved Jews during the Holocaust, she said, “What the world needs to start thinking about today is what will your excuse be?”

“Bring them home now,” Goldberg concluded.

Orna Neutra, mother of hostage Omer Neutra, described her son as “a big guy, six foot two, always with a smile on his face.”

She said the dual US-Israeli citizen

is crazy about sports, and was raised with a love and a passion for both of his homelands.

“From a place of deep pain, we hold strong for you, Omer. We speak in your name, tirelessly... Omer you’re not just my beloved son, you touch so many in deep and profound ways,” she said.

Alana Zeitchik, whose six cousins were taken from Kibbutz Nir Oz, said that for too many in the West, the suffering of families “has become a footnote.”

“To demand the release of the hostages is not an act of politics, nor is it an act of war,” she said.

In a fiery speech, Columbia University student Noa Fay described how over 100 professors have advocated for the destruction of Israel on her campus.

“I am a Black, Native American Jewish American woman and I will not be silenced.... I will continue to



(Photo: Michael Johnson)

shout,” said Fay.

“We are the Jews of the Diaspora, this is how we fight. We fight loudly and we fight peacefully. We are far from helpless, we are far from hopeless,” she said.

However, not all the speakers at the rally were welcomed — progressive groups fumed over the decision to invite controversial evangelical Pastor John Hagee as a speaker, even though no Jewish clergy members were on the speakers’ list.

The Homeland Security Department designated the march a “Level 1” security event, the highest classification in its system and one usually used for the Super Bowl and other major events, two law enforcement officials told The Associated Press.

The designation meant the event required substantial law enforcement assistance from federal agencies, the officials said.

Police stationed snowplows as

temporary roadblocks nearby and a military-style armored vehicle was deployed, while protesters’ bags were searched before being allowed to enter the area.

Many of the demonstrators wore Israeli flags wrapped around their shoulders, flowing behind them, or held small Israeli flags in their hands.

“I hope that it shows solidarity” with Israel, said Jackie Seley of Rockville, Maryland, who came with friends from New York. “And I hope that it raises awareness for the hostages that are currently in danger.”

Sergei Kravchick, 64, said he was “proud” to see the large turnout in Washington

“We of course support Israel... We’re doing exactly what we have to do,” he said.

Mark Moore, 48, a Christian pastor from Chicago, said he considers Israel “the only bastion of freedom” in

the Middle East and that although he wanted peace ultimately, “I’m praying for peace... secured through victory so it does not continue with this endless cycle of violence.”

The demonstration, which was also seen by many as a message of gratitude to Biden for his strong support of Israel in its war against Hamas, came after multiple pro-Palestinian and anti-Israel protests in the US, as well as a sharp spike in antisemitism, particularly on college campuses.

Unable to make it to the rally was a delegation of 900 people organized by the Jewish Federation of Detroit that was left stranded at Washington’s Dulles Airport after their bus drivers refused to take them to a pro-Israel event, Daroff said.

JACOB MAGID is The Times of Israel’s US bureau chief. Article is reprinted with permission.

Even Jew-haters have Free Speech, But...

by ILYA SHAPIRO

Even antisemites have the right to free speech. Since the Hamas massacre of 1,200 people in Israel on October 7, they have been taking full advantage of that right. Especially on college campuses.

Pro-Palestinian groups have harassed and even assaulted Jewish students; protesters have interrupted courses and taken over buildings; Ivy League professors have called Hamas's attack "exhilarating" and "awesome"; students have torn down posters of missing Israeli children; others have chanted—and even projected onto university buildings—slogans, like "from the river to the sea," "globalize the intifada," and "glory to our martyrs."

In response to such activities, universities have suspended or banned student groups like Students for Justice in Palestine (SJP). Alumni have pulled their donations and publicly stated that they won't hire students who signed letters blaming Israel for the massacre. Republican lawmakers have suggested revoking the student visas of foreigners participating in anti-Israel protests.

Those who care deeply about free speech are asking themselves many questions at this urgent moment: What should we make of the calls to punish Hamas apologists on campus? After all, this is America, where you have the right to say even the vilest things. Yes, many of the same students who on October 6 called for harsh punishment for "micro-aggressions" are now chanting for the elimination of the world's only Jewish state. But Americans are entitled to be hypocrites.

Don't these students have the same

right to chant Hamas slogans as the neo-Nazis did to march in 1977 in Skokie, Illinois—a town then inhabited by many Holocaust survivors?

I would put my free speech bona fides up against anyone. I'm also a lawyer and sometime law professor who recognizes that not all speech-related questions can be resolved by invoking the words First Amendment.

Much of what we've witnessed on campuses in recent weeks is not, in fact, speech, but *conduct* designed specifically to harass, intimidate, and terrorize Jews. Other examples involve disruptive speech that can properly be regulated by school rules. Opposing or taking action against such behavior in no way violates the core constitutional principle that the government can't punish you for expressing your beliefs.

The question, as always, is where to draw the line, and who's doing the line-drawing.

Here are some of the most pressing questions those who care about civil liberties and protecting the rights of Jewish students are asking.

What are some examples of protest activities that are rightly considered conduct rather than speech?

In drawing the line between speech and conduct, some cases are easy.

Beating someone up, as has happened at Columbia and Tulane, is assault. Crowding around someone in a threatening manner, like a group of Harvard students—including an editor of the *Harvard Law Review*—did to an Israeli student who filmed their protest, is commonly known as the crime of "menacing."

A pattern of actions designed to frighten and harass someone, like forcing Jewish students into the Cooper Union library while pounding on the doors and windows, is stalking. Defacing someone's property by spray-painting swastikas and slogans, as happened at American University, is vandalism. So is tearing down posters—at least on private property and in most campus settings. And masking at a protest, also a hallmark of events sponsored by the Students for Justice in Palestine organization, is illegal in many states—a remnant of the battle against KKK intimidation.

The proper response to such behavior, regardless of how "expressive" someone may claim it to be, is the same response we'd have to instances of assault, stalking, intimidation, and other crimes in any other context: identify, arrest, and prosecute the perpetrators. And in the campus setting, expel them.

Are genocidal slogans like "globalize the intifada" or "from the river to the sea" protected by the First Amendment?

First, a clear-cut case: the Cornell student who posted death threats online to Jewish students was rightly arrested, because, as the Supreme Court held, the Constitution doesn't protect "those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals."

In addition to such "true threats" (and not simply political hyperbole), the First Amendment does not protect the incitement of violence, which the Supreme Court has defined as speech that is

“directed at inciting or producing imminent lawless action and is likely to incite or produce such action.” The courts have set a high bar on meeting this standard—but it’s surely been reached in some recent cases both on and off-campus.

Take, for example, the pro-Palestine rally in Los Angeles, where, in the course of the event, a 69-year-old man holding an Israeli flag was struck and killed.

Assuming eliminationist or other violent slogans were chanted there, it would be hard to imagine a more direct connection between those chants and actual violence.

But a group of students marching through campus cheering for Hamas is no different than a group of students celebrating the killing of innocent black people. Though we can imagine how different the campus response to the latter would be, from a First Amendment perspective, both are protected.

Wait, but isn’t shouting antisemitic epithets hate speech?

Offensive or “hate” speech is constitutionally protected—including burning a flag or giving a racially charged speech to a restless crowd.

But even undeniably protected speech can be off-limits in certain contexts. If I come to your neighborhood in the middle of the night and use a bull-horn to tell you what I really think of Joe Biden or Donald Trump, I can be arrested for disturbing the peace. The same thing goes for breaching the terms of a parade permit, or not getting a permit at all and blocking traffic.

So, for any particular incident, you have to drill down on the specific facts. Engaging in what someone—even most people—would consider “hate speech” won’t get you in trouble. But doing so outside Jewish students’ dorms at midnight, or following Israeli students around to yell at them, will land you in hot water.

What about the interruption of classes and speakers by protesters? Isn’t this just more speech that’s protected by the First Amendment?

In the campus context, we’ve

learned in the last couple of years—some of us quite personally—that there’s a difference between protest and disruption. Student handbooks typically spell out that it’s generally fine to hold signs, wear t-shirts, give out pamphlets, organize counter-events, and otherwise show displeasure with a speaker. But students aren’t allowed to shut down events, disrupt classes, or otherwise interfere with university programs.

The week before Thanksgiving, Josh Hammer’s speech at the University of Michigan was disrupted by anti-Israel protesters (Hammer is Jewish). Meantime, a student at MIT commandeered a math lecture to protest what he called the “ongoing genocide of Gaza.”

It’s in no way a free speech violation to prohibit students from shouting down professors and speakers. To allow such disruption would be to empower a “heckler’s veto,” which is merely another

moment isn’t to give up on a culture of free speech on campus. It’s to enforce the rules that sustain it in an impartial manner.”

Relatedly, students at Columbia, Harvard, Northwestern, and other schools have taken over buildings, threatening to stay until their oft-nebulous demands are met. This conduct, again, is not protected by the First Amendment. The students should be removed and disciplined—up to and including arrest for trespassing—not fed burritos, as they were at Harvard.

There have been reports at many campuses of professors celebrating Hamas’s massacre. Is this acceptable speech?

Professors have the same free speech rights as anyone else, but HR manuals correctly admonish faculty and administrators not to create hostile educational environments.

Yes, many of the same students who on October 6 called for harsh punishment for “microaggressions” are now chanting for the elimination of the world’s only Jewish state. But Americans are entitled to be hypocrites.

form of censorship. But because of either ideological affinity or administrative weakness—and maybe even a misunderstanding of free speech principles—university officials have been hesitant to discipline students for this sort of behavior. Which is why it continues.

As Yascha Mounk, a liberal fed up with campus illiberalism, explained in a pithy X thread, “part of protecting free speech is to punish students who violate the rules that make free speech possible for everyone else. This includes punishing those who violently disrupt talks—and it also includes punishing those who tear down fliers depicting children kidnapped by Hamas. The answer to this

So the Stanford lecturer who asked Jewish students to leave their belongings and go to the back of the room was rightfully removed from teaching while the school looked into this incident. But Columbia professor Joseph Massad can write, as he did on October 8, that Hamas’s actions were “awesome.” The question of whether someone like that should be hired in the first place, or granted tenure, is different—but he can’t be punished for such “extramural” speech.

Many of the students who participated in the protests at MIT and elsewhere are foreign nationals. What are their free speech rights as noncitizens?

Although foreigners can’t be



Anti-Israel protesters gather outside the White House in 2023. (Photo: Picture Architect / Alamy)

punished for speech any more than citizens, there can be repercussions for affiliating with certain groups or calling for violence. The Immigration and Nationality Act allows the denial or revocation of a visa of “any alien who. . . endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization.”

Although the Biden administration is surely loath to deport foreign students, it’s hard to argue against the idea that at least some of those rallying around hang glider logos to show support for Hamas meet that visa-revocation standard. Indeed, the State Department confirmed to Senator Marco Rubio (R-FL) that it can revoke the visas of Hamas supporters.

But MIT declined to take action against demonstrators who prevented Jewish students from attending class, despite warnings that they were violating university policies, precisely because officials knew that many of the harassers were foreign students subject to deportation. The school’s refusal to do so effectively gives foreigners—but not Americans—the right to harass, intimidate, and vandalize. Such appeasement

of antisemitism opens the university to claims under the Civil Rights Act of 1964, which brings us to the next question.

What if an institution knows that Jewish students are being threatened and does nothing, or creates impotent task forces without addressing immediate threats? Or what if officials take ideological sides (like an administrator at the University of Chicago who marched with SJP protesters) or egg on a mob shouting down a speaker (like Stanford Law’s DEI dean at Judge Kyle Duncan’s event in March)?

This is where Title VI of the Civil Rights Act comes in.

Title VI prohibits any entity that receives federal money (including student loans) from discriminating on the basis of race, color, or national origin, which the Department of Education’s Office for Civil Rights (OCR) understands to include “actual or perceived” ancestry, ethnicity, and religion.

As part of the launch last May of the Biden administration’s National Strategy on Antisemitism, OCR issued guidance to remind K–12 and higher-ed schools of their legal obligation under Title VI to address complaints of discrimination,

including harassment, based on Jewish ancestry. “The Department’s most important tool to fight against antisemitism,” Secretary of Education Miguel Cardona reiterated this month, “is Title VI.”

So the legal landscape is ripe for both administrative complaints and lawsuits alleging that all these hand-wringing academic grandees have failed to address the very real threats to the physical safety of Jewish students. At Cooper Union, a staffer locked Jewish students in the library for their own protection in the face of demonstrators shouting, “Free, free Palestine.” I’m not sure offering Jews a chance to hide in the attic satisfies Title VI.

Apparently the Department of Education feels similarly: it recently announced Title VI investigations into Cooper Union and six other schools, including Columbia, Cornell, and Penn.

Jewish students are also planning lawsuits: three NYU juniors have already sued their university, asserting a variety of federal and state claims, including Title VI and breach of contract (not enforcing NYU’s own discrimination and student-conduct policies).

Is it legal to ban or suspend Students for Justice in Palestine from campus?

SJP is the most prominent anti-Israel—many would say anti-Jewish—organization on college campuses, with hundreds of chapters across the United States and Canada. Immediately following the October 7 attack, its national organization exulted in the atrocities as a “historic win for the Palestinian resistance,” and created a toolkit for its chapters to use on their individual campuses. Since then, SJP has organized countless events at which its members and supporters have celebrated Hamas and called for the elimination of Israel.

Some schools have had enough.

Earlier this month, Brandeis University withdrew recognition of SJP as a student organization. In an Op-Ed in *The Boston Globe*, Ronald Liebowitz, president of Brandeis, wrote:

“Specifically, chants and social media posts calling for violence against Jews or the annihilation of the state of Israel must not be tolerated.”

Such speech is SJP’s specialty. Notwithstanding Brandeis’s robust free speech policy, Liebowitz explained that the school was exercising its right to “restrict expression. . . that constitutes a genuine threat or harassment” or that “is otherwise directly incompatible with the functioning of the university.”

Other private universities followed suit: Columbia and George Washington University both suspended their SJP

they will follow the law.”

Those conditions are key to the legality of any action by a public university against SJP. Although government actors can’t force student groups to renounce a particular ideology or otherwise express views they don’t actually hold, the phrase “material support for terrorism” reflects both state and federal criminal codes and may provide an avenue for other schools to curtail SJP activities. The question comes down to the nature of the ties among Hamas, the national SJP group, and its chapters.

The Supreme Court has ruled that

...the legal landscape is ripe for both administrative complaints and lawsuits alleging that all these hand-wringing academic grandees have failed to address the very real threats to the physical safety of Jewish students.

chapters for violating basic school rules.

Notably, the Florida public university system also initially ordered the deactivation of SJP chapters, at the behest of Governor Ron DeSantis. [Full disclosure: DeSantis recently appointed me to the board of trustees of Florida Polytechnic University, where there’s no SJP chapter.] The system’s chancellor, Ray Rodrigues, citing the National SJP’s alleged ties to Hamas, wrote to university presidents, “It is a felony under Florida law to ‘knowingly provide material support. . . to a designated foreign terrorist organization.’”

He recently walked back the decision to ban the chapters, at least temporarily, after two schools raised concerns about potential personal liability for officials who executed the orders. Rodrigues further announced that he’d be seeking assurances from the chapters that “they reject violence. That they reject they are a part of the Hamas movement. And that

the government may prohibit even non-violent “material support” for terrorism, including “advocacy performed in coordination with, or at the direction of, a foreign terrorist organization.” So if a state can establish that SJP is in effect acting as Hamas’s PR agency on campuses, governors would be in the clear to stop taxpayer support. As with cases of “true threats” and “incitement,” the devil is in the details, so it’s heartening that public officials like Virginia Attorney General Jason Miyares are launching investigations of assorted nonprofit organizations with potential terrorist ties.

Some prominent alumni have suggested that businesses not hire students who have joined statements in favor of Hamas. Isn’t that participating in cancel culture?

A dozen CEOs pledged not to hire the Harvard students who signed an open letter blaming Israel for the attack on

itself. Independent journalists have taken to publicizing the names of students who engage in antisemitic speech and behavior. Law firm Winston & Strawn rescinded its offer to NYU Law’s student body president, who sent a campus-wide anti-Israel statement—and then later was caught on camera tearing down posters of kidnapped Israelis. I don’t think that any of this qualifies as cancel culture, at least if one defines that term as (1) forming a mob (2) to seek to get someone fired or disproportionately punished (3) for statements within the societally permissible range of policy views.

Perhaps some people think it’s permissible—even understandable—to support Hamas. But I can hardly blame a law firm or Fortune 500 company for not wanting to associate with someone who celebrates gang-rape, mutilation, kidnapping, and live incineration, any more than I can blame them for not wanting to hire someone who yells at a federal judge “We hope your daughters get raped,” as Stanford law students did.

“I am a 70-year-old Jewish man, but never in my life have I seen or felt the antisemitism of the last few weeks.” That’s how Erwin Chemersinky, the dean of UC Berkeley School of Law, described recent events on campus. Some of us were less surprised given the anti-Israel, anti-American, and generally anti-Western ideology that has taken root in higher education. Still, the extent and breadth of it has alarmed even the most pessimistic among us.

We shouldn’t weaken speech protections, which have made America not only the freest country in the world, but the most tolerant. But sometimes “speech” isn’t speech. Sometimes it rises to the level of conduct that prevents others from being able to live their lives. Right now, we need people who can discern the difference.

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Defending the Rights of Jewish Students: A Legal Primer

by **LORI LOWENTHAL MARCUS**

The insanity and Jew-hatred that have been on display since October 7 have taught every American Jew that we must fight for our rights with as much energy and resourcefulness as we have fought for the rights of others in the past. In this fight, a central tool is the legal system.

Jewish students on college campuses are being subjected to bullying acts intended to intimidate and harass them because of their actual or imagined support for Israel. Thankfully, there are legal tools available which can and must be used to assert and defend the civil rights of Jewish students and faculty.

This essay will serve as a primer for the use of those legal tools by focusing on one key question: What kind of legal claims can be brought and against whom?

Like all Americans, Jews are entitled to protection from discrimination. The most robust anti-discrimination laws are usually those passed at the state and local level. State human relations commissions and other local bodies are usually more directly responsive to community demands. This means they typically include more protected categories of populations. Protected categories are identifiable groups of people who share a common characteristic which is vulnerable to discrimination. Some of those identifiable groups are given special legal protection, although not all antidiscrimination laws provide protection for all the same categories. Among the categories protected are ethnicity, shared ancestry and national origin — all of which cover Jews. Under

most anti-discrimination laws religion is considered a protected class, but that isn't the case for the federal antidiscrimination law which covers education: Title VI of the Civil Rights Act of 1964. This impediment was a real obstacle until recently, when Jews and Muslims were both recognized as being protected as members of an ethnic group or through shared ancestry.

Also at the Federal level, of course, is the U.S. Constitution. Jewish students are entitled to equal protection under the law. For example, if a university forbids Jewish associations from engaging in a particular behavior, it must forbid that same behavior by any other religious group or face formal complaints. Unless relief is granted, it can be

environment has been created and permitted to be maintained against Jews have successfully invoked this protection. Enforcing the rules against Jews while ignoring violations of the same rules by people calling for the death of Jews is an insidious way to maintain a hostile environment for Jews and for Zionists. That is actionable under Title VI and such a claim can be brought in court by a private litigant such as a student at the affected institution, or by the Office of Civil Rights of the US Department of Education. But there are still other avenues to pursue this claim.

Jewish teachers and administrators can sue for employment discrimination. Every ethnic, gender, religious group in American knows it has the

If an arm of the government — or the recipient of federal funds — favors students who belong to any other religion over that of Jews, that makes a viable First Amendment/Free Exercise of Religion claim.

sued. If an arm of the government — or the recipient of federal funds — favors students who belong to any other religion over that of Jews, that makes a viable First Amendment/Free Exercise of Religion claim.

Jewish students and teachers and professors who claim that a hostile

right to go to court when employers, superiors or colleagues attack them because of their gender, religion, or ethnicity. As Bill Ackman — a prominent philanthropist who has pulled his millions from his Ivy League alma mater — has said, everyone would know the law had been violated if people held a public



Anti-Israel demonstrators gather at Foggy Bottom GWU Metro Station in Washington, DC in November 2023. (Photo: Elvert Barnes /Flickr CC BY-SA 2)

demonstration and cried “Tulsa, Tulsa, Tulsa” — calling for a repeat of the racist riot in that city in 1921 during which up to 300 African Americans were murdered by their own countrymen.

Why then are cries for “Intifada, Intifada, Intifada” met with anything less than the same outrage? And if cries for the murder of Jews are condoned or ignored rather than being publicly damned and compelled to stop, the institutions that tolerate such racism and discrimination are vulnerable to legal action.

One recently unsheathed weapon against Jews, which can create a wrenching experience for those subject to it, is when colleges use academic disciplinary proceedings to punish Jews and advocates for Israel. People who speak up for Israel are being accused of harassing the enemies of the Jewish state simply by stating their positions in public.

Accusing Jewish students of violating rights by speaking the truth is another example of discrimination

that is ripe for legal action. One graduate student I currently represent was charged with the “offense” of telling Hamas supporters who justified the October 7 atrocities as “resistance” that they support baby-killers. To any well-informed reader of news from the Middle East since October 7, this is obviously true. But it was found to violate the university’s rule against “behavior which causes a serious disturbance of the University’s community or infringes upon the rights and well-being of others.” The accusation was made by people who accused my client of supporting “genocide” by the Israeli army and the State of Israel. But the latter statement — obviously false — was not even viewed as problematic.

In another case, a professor I represent is accused of the “crime” of disagreeing with students advocating a ceasefire in Gaza. This too is charged as a form of harassment. If found guilty, my client, a tenured professor, could be

forced out of work.

These are clearly biased applications of university ethics rules. They are, by themselves, a form of discrimination, even if the result of the proceeding is not outright dismissal. That needs to be attacked as such in court.

It is the Jews — not the Jew-hating professors — who need to be talking about academic freedom on American campuses, and about their right to speak about what they believe is true.

Denunciation of Jews for holding Jewish ideas, or for defending the Jewish people and Israel, is also legally indefensible. When a student at Yale submitted an article to *The Yale Daily* accurately describing Hamas’s actions in Southern Israel on October 7, the paper edited out the facts and published the piece with the disclaimer that it had been revised to remove “unsubstantiated” claims that Hamas had raped and murdered Israelis. By accusing the student writer of publishing unsubstantiated

rumors, the paper defamed that writer. *The Yale Daily* issued a correction the next day retracting this baseless charge. Had it not done so, a lawsuit would have been the right response.

Virtually everyone in America implicitly accepts banning certain words and phrases that are hurtful or deemed threatening to certain minority groups. At least as a practical matter if not as a legal certainty, for example, no one has the right to use the N-word in any academic institution. Why then is it considered “free speech” for marchers to intone the eliminationist chant “From the River to the Sea, Palestine Must be Free” or the call for “Jihad” and to “globalize the Intifada” — which effectively mean the murder of Jews?

The Biden Department of Education has recognized that Jews share an ethnic commitment to the land of Israel as the home of the Jewish people. Calling for the death or removal of Jews from “Palestine,” wherever that is and whatever its borders might someday be — is calling for the death of Jews. You can’t get more antisemitic than that.

But here’s the rub: Jews have not yet been conditioned, and perhaps they don’t yet believe in their *kishkes*, that they are entitled to demand the respect and the rights accorded all other American ethnic groups.

I have spoken to numerous Jewish parents and students since October 7, many of whom know they are being victimized unfairly but still recoil at the idea of pressing their civil rights as Jews. I remind them of a time before there were civil rights laws protecting black Americans as an essential part of the American legal system. Then, in the decades before the Civil Rights Act of 1964, brave black American students, and their equally brave lawyers and allies, brought case after case into the courts and demanded, initially without winning but still without surcease, that American courts dispense justice to those demanding it and to which they were entitled as Americans.

The same must be true now for Jews. It is no longer enough to be smug about the strongly worded letter to the editor or the public condemnations or the retreat to hand wringing in chat groups. It is time for Jews to take the legal gloves off and demand respect for their people and security for themselves and their children.

Both sides of the equation have to change — both the law and the Jews. The law must become the same for the Jews as it is for everyone else. And Jewish students, with their families behind them, must now demand that their civil rights be respected just as are those of every other ethnic group. Harassment of Jewish students cannot be tolerated. Indoctrinating Jewish and non-Jewish students that the Jewish state is engaged in genocide is a race libel and no Jewish

ones pounding on the doors of the library for access to the Jewish students at Cooper Union, who were barricaded inside by the school. Cooper Union staff who appear in the video did nothing to dispel the protesters who had permission to march outside, but not inside, the building. Instead, the school chose to barricade the Jews inside, just out of reach, but not out of sight or sound of the throng braying for their heads. Stunningly, the Jews were offered the “opportunity” to hide in the library’s attic. No word on whether they were also offered copies of Anne Frank’s diary to read while they were there.

This outrageous scenario is a vivid portrait of academic administrators acting out of fear of a violent, rule-breaking mob. Cooper Union utterly failed to fulfill its duty to protect its

It is no longer enough to be smug about the strongly worded letter to the editor or the public condemnations or the retreat to hand wringing in chat groups. It is time for Jews to take the legal gloves off...

child or adult student should be forced to study in a school where this defamation is spread.

Denouncing Jews as a category of privileged whites who are oppressors also cannot go unchallenged, just as it can no longer be acceptable for Jews, who lived as a sovereign Jewish nation in the land of Israel for a thousand years, to be denounced as colonializing invaders of their own home.

Here is the hard reality: Unless Jews everywhere are prepared to stop accepting the treatment that has, until now, been meted out by academia, things will only get worse. There will be more wild anti-Israel mobs like the

Jewish students. That must be called out. And it cannot go unpunished. Punishment will only come when legal provisions requiring the Jews’ protection, and their right to equal enforcement of the law, are raised and then enforced in court.

Every Jew who is victimized by this form of hatred must fight back. The law is a crucial weapon in that fight. We must learn to wield it and go boldly into the courts and fight for our students and for our people.

LORI LOWENTHAL MARCUS is Legal Director of The Deborah Project. This article first appeared in The Jewish Journal.

College Campuses as a Strategic Threat to the West

by DAVID BERNSTEIN

By now it's clear to anyone paying attention that many American college campuses have since October 7 become hotbeds of anti-Zionism and antisemitic fervor. One Jewish professor at a small liberal arts college in the Pacific Northwest, an institution you're not hearing about in the news, recently told me that "From the River to the Sea" is among the mildest chants he hears in the raucous daily campus protests beneath his office window. That same professor has been subject to ongoing, fierce harassment from radical students for expressing moderate pro-Israel positions on social media. Jewish students on his campus have faced death threats and intimidation. Some have been escorted to class by campus security to avoid angry mobs. And we are seeing similar anti-Israel activity on numerous other campuses across the country.

My intention in this article is not to recount the horrors of the current moment, but to examine the roots of the problem and to offer a series of recommended long-term interventions. I say long-term because much of the discussion in the mainstream Jewish community revolves around short-term actions that may temporarily ameliorate the mayhem but fail to address root causes and stem the tide of hate and erosion of support for Israel. The problem on campus has been a long time in the making and it will take a long time in the unmaking.

As challenging as it will be to affect such a shift, the stakes couldn't be higher. If future generations of young elites continue to be educated into hostility

toward Israel, we should expect to see a decline in US-Israel ties with increasing pressure to end the special relationship. And if they continue to be educated into antipathy toward what America stands for and its role in the world, we can expect an America that will withdraw from the global scene, eschew the use of power, and abandon the field to hostile powers such as Iran, Russia, and China. It's hard to imagine that seemingly absurd ideological trends in the humanities departments at American universities could wreak such havoc. But quackery in American universities is a long-term threat to global stability.

■ The Roots of Campus Hate

Three trends converge in the emergence of today's campus hate. The first factor is the Soviet anti-Zionist campaign of the late 1960s. Wilson Center scholar Izabella Tabarovsky describes the development of a field called "Zionology" in the late 1960s in the USSR that actively discredited Zionism.

Jewish state. In 1969, a party official, Yuri Ivanov, wrote *Beware: Zionism!* It sold upwards of 800,000 copies in the USSR alone. Tabarovsky explains that the Zionologists' "most important contribution to global anti-Jewish discourse was to make antisemitic conspiracy theories, typically associated with the far right, not only palatable to the Western hard left but politically useful to it." In other words, the Soviets successfully created the template for the anti-Zionist campaign we are seeing on American campuses today.

[Editor's Note: A landmark in the Kremlin's anti-Zionism, anti-Jewish campaign came in 1975 with the United Nations' General Assembly adoption of the infamous "Zionism-is-racism" resolution. Embarrassed by Israel's defeat of their Egyptian and Syrian clients in the 1973 Yom Kippur War, the Soviets inspired and the Arab League promoted this defamation. Though the United States led a successful campaign to repeal the measure, it already had taken root and

It's hard to imagine that seemingly absurd ideological trends in the humanities departments at American universities could wreak such havoc. But quackery in American universities is a long-term threat to global stability.

In the wake of the 1967 Six-Day War, the Soviets were distressed that Israel had handily defeated their Arab allies, and that Soviet Jews, inspired by Israel's victory, increasingly identified with the

continues to echo widely in charges of "racist Israel" and "Israeli apartheid."]

The second factor is the emergence of postmodern and postcolonial studies in American universities.



Baruch College and other CUNY students and their supporters rally and march in New York City as part of the “Day of Rage” called for by Hamas. (Photo: Frances M. Roberts / Alamy)

Postmodernism holds that all of what we consider “knowledge” and attribute to science and free discourse is really the outgrowth of powerful interests encoding their preferred understanding of the world in social discourses so that they can continue to rule over the masses.

In the late 1960s, at the same time the Soviets were delegitimizing Zionism, postmodern scholars with an activist agenda forced their way into higher education and established ethnic studies and other “Studies” departments across the country, which did not adhere to usual standards of scholarly inquiry. Over time a more activist and less scholarly brand of postmodern scholarship emerged and became the basis of today’s radical leftist discourse, which gained further momentum through the writings of the Palestinian-American literary critic Edward Said, the founder of postcolonial thought. Said discredited the Western study of the Middle East and influenced scholars to see Zionism as a colonialist project. These popular academic theories today see the world through a stark oppressed/oppressor binary, and are predisposed to keeping alive anti-Zionism and other such

canards about white, Jewish, and colonial power.

The third factor is the role of Middle Eastern money. In 2019, the Institute for the Study of Global Antisemitism and Policy (ISGAP) first presented research findings to the Department of Justice entitled “Follow the Money.” The research examines illicit funding of United States universities by foreign governments, foundations, and corporations. The research revealed billions in Middle Eastern funding, primarily from Qatar, to US universities that had not been reported to the Department of Education. Such funding has had a substantial impact on fueling antisemitic discourse, identity politics and anti-democratic sentiment within these institutions of higher education.

In other words, the ideological trends described above have been fomented by Qatari financing of American universities. A report issued by the National Association of Scholars, “Hijacked,” describes the problem: “The same leftist hysteria which has consumed the humanities and social sciences since the 1960s has spread to MESC (Middle East Studies Centers)...

Academics have repurposed critical theory to galvanize activism on Middle East issues. For instance, they have recast the Israel–Palestine debate as a fight for “indigenous rights” against the supposed evils of colonialism.”

■ A Long-term Strategy

There is an abundance of short-term responses currently under consideration. Among them are some which might reduce tensions, including exhorting university presidents to actively oppose radical voices and to discipline perpetrators who intimidate or accost Jewish students; enforcing Title VI anti-harassment laws against those who generate a hostile environment; banning Students for Justice in Palestine (SJP) chapters that cross the line and bully Jewish students.

These interventions can help, but none will likely permanently lower the level of animosity from students and professors. Some interventions, like trying to accommodate Jewish concerns in existing campus Diversity, Equity and Inclusion (DEI) efforts, may be downright counterproductive and merely reinforce the ill-bred ideological

conditions that fomented the hostile sentiment in the first place.

Supporters of Israel and Jewish security in America and, indeed, all those concerned about the health of American democracy, need to mount a sustained effort to change the campus culture. Here's what this involves:

■ **End or Transform DEI**

Campus DEI bureaucracies function as an ideological authority, reinforcing political orthodoxies on campus. The National Association of Diversity Officers in Higher Education describes itself as “a leading voice in the fight for social justice” by “creating a framework for diversity officers to advance anti-racism strategies, particularly anti-Black racism, at their respective institutions of

Another approach, proposed by interfaith leader Eboo Patel, is to replace DEI with a less ideological form of diversity built on the traditional American model of pluralism. Either way, as long as the current model of DEI reigns supreme, many universities will be hostile places for Jews and Israel.

■ **Revive the Liberal Campus**

As stated above, university humanities departments have become riven with ideological academic programs that perpetuate notions of power and oppression that cast Jews and Israel as oppressors. It will not be easy to totally unseat these departments but over time we can weaken their influence. Major Jewish donors have begun to withdraw their philanthropy from elite universities often run by

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higher education.” Sprawling bureaucracies in major universities now typically have 45 paid staff members who reinforce the overall illiberal ideological environment. A 2021 study conducted by Jay Greene at the Heritage Foundation reviewed the social media output of campus DEI officers and found that a high percentage had hostile views toward Israel. One can only imagine what such a study would show today.

Bari Weiss, among others, argues that “it is time to end DEI for good. The answer,” she states, “is not for the Jewish community to plead its cause before the intersectional coalition or beg for a higher ranking in the new ladder of victimhood. That is a losing strategy—not just for Jewish dignity, but for the values we hold as Jews and as Americans.”

weak-kneed presidents, such as those at Harvard and University of Pennsylvania. One of the most important things these donors can do is to reinvest their philanthropy in new academic programs that specifically and explicitly elevate free inquiry and freedom of expression. Yale Law School, for example, recently established a new free speech and academic freedom center. Such centers can begin to compete with the politicized “Studies” programs and attract superior faculty and student talent.

Indeed, there seems to be a strong correlation between campuses that stifle free inquiry and promote anti-Israel climates. The free speech organization FIRE, which conducts an annual College Free Speech Rankings, ranked Harvard and University of Pennsylvania,

respectively, last and second to last. Not coincidentally, these schools are among the most hostile environments for Jewish students who support Israel. Restoring freedom of inquiry on college campuses is a long-term, generational challenge, and a necessary condition for improving attitudes toward Jews and Israel.

■ **Cut Middle Eastern Funds**

There is no reason that the US must continue to allow foreign funding of American university programs. In the aftermath of October 7, efforts to expose Qatari funding of American university programs have picked up steam. Hearings have been held on Capitol Hill detailing the failure of universities to disclose sources of funding. Now is the time to redouble such efforts. We should not forget that Saudi Arabia was once the major funder of such anti-American academic programs but, under scrutiny in the post-9/11 atmosphere, largely pulled back. Qatar filled the vacuum.

Like Saudi Arabia before it, Qatar has much at stake in its relationship with the US. Last year, the US designated Qatar a major non-NATO ally, undoubtedly owing in large part to the role the Gulf state played as an intermediary with Iran. Until recently however, the Biden administration has shielded Qatar from scrutiny over its funding of universities. Turning up the heat on the Biden administration to hold Qatar accountable will be critical.

Such a long-term, strategic approach to changing university cultures will not be easy. But unless we are successful in affecting such a change, the environment toward Jews and Israel will only worsen.

DAVID BERNSTEIN is the founder of the Jewish Institute for Liberal Values (JILV.org) and author of *Woke Antisemitism: How a Progressive Ideology Harms Jews*. This article was first published in the Jerusalem Strategic Tribune in November 2023.

Will Colleges Reject Racial Discrimination?

by HANS VON SPAKOVSKY

On June 29, 2023, the US Supreme Court issued the most important decision involving the education of children since it ended racial segregation in schools in 1954's *Brown v. Board of Education*. In *Students for Fair Admissions v. Harvard College*, the Court finally fulfilled its duty to uphold the guarantees of equal protection in the 14th Amendment and the Civil Rights Act of 1965. It did so by throwing out the race-based admission policies of Harvard College and (in a companion case) the University of North Carolina (UNC).

The Court ordered the termination of the morally repugnant racial discrimination practiced by numerous colleges and universities. This fundamentally just decision should be welcomed by families of all races and ethnicities nationwide, particularly those with sons and daughters graduating high school and aspiring to attend college.

The evidence of such discriminatory practices was stark. Harvard and UNC pride themselves on claiming they are the oldest private and public universities in the country. Yet, in the name of “diversity,” both universities have been using race as a determining factor in the admission of many of their students. This has benefitted some students and punished others, such as the Asian-Americans students who sued both universities. These schools had devised and implemented discriminatory policies intended to prevent highly qualified Asian-American and white students from being admitted, while allowing students of other races with

lower qualifications, test scores, and credentials to be admitted.

Why? Because those students were either the “right” or the “wrong” skin color. Unfortunately, this invidious practice had metastasized because of a series of bad decisions by the Supreme Court that culminated in 2003 in *Grutter v. Bollinger*. In *Grutter*, a 5-4 majority held that the “educational benefits” of “diversity” were a compelling interest that justified race-based admissions, a holding that was just as wrong from a constitutional standpoint under the Equal Protection Clause as the *Plessy v. Ferguson* decision was in 1896 that permitted racially segregated “separate but equal” facilities.

To meet the compelling-interest standard, the Court in *Grutter* said that a university had to show that its admissions policy was narrowly tailored to achieve the educational benefits of racial diversity, that race could only be considered a “plus” factor, that universities first had to consider race-neutral alternatives in good faith, and

token acknowledgement over the past two decades to the “narrowly tailored” and “race-neutral alternatives” requirements. They also had no plans to ever end those policies. Instead, they engaged in wholesale and blatant discrimination on the basis of race in their admissions. And the lower courts went along with it until 2023, when the Supreme Court had finally had enough.

Prior to the *Harvard* decision, it might as well have been 1923 and not 2023 when it came to the malevolent practices of school administrators in discriminating against many of their applicants. They were clearly not fulfilling what the Supreme Court originally articulated in the *Brown* decision: that the right to a public education “must be made available to all on equal terms.”

Given the number of amicus briefs filed in the Supreme Court by numerous other public and private colleges supporting the discriminatory policies of Harvard and UNC, it is clear that this type of invidious racial discrimination has been pervasive throughout schools

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diversity-oriented admissions policies should be “limited in time.” Universities such as Harvard and UNC, however, ignored these constraints and gave only

of higher education across the country. And given the appalling, critical reaction of the academic community to the Supreme Court’s decision, it is likely to

continue to be pervasive, just hidden as much as possible by university administrators to avoid legal challenges.

In fact, the outrage and hysteria expressed by the academy, news media, and progressive left is eerily similar to the reaction of white segregationists after *Brown v. Board of Education*. That decision ended the pernicious “separate but equal doctrine” sanctioned by the Supreme Court in 1896 in *Plessy v. Ferguson*, one of the worst decisions ever rendered by the Court. Chief Justice John Roberts, who wrote the majority opinion in *Students for Fair Admissions v. Harvard*, said that decision was part of the “ignoble history” of the Court that helped “deface much of America.”

It was these modern-day, reprehensible, discriminatory admissions policies that President Joe Biden was defending when he attacked the Supreme Court’s decision and claimed it is “not a normal court,” whatever that is supposed to mean. His unapologetic and fervent support for allowing academic institutions to continue to discriminate on the basis of race is not just wrong, it is shameful coming from the president who takes an oath to “preserve, protect and defend the Constitution.”

Apparently, in Biden’s eyes, that does not include the 14th Amendment, which states that no American can be denied “the equal protection of the law” or the Civil Rights Act of 1964 which banned discrimination on the basis of race, color, religion, sex or national origin. Yet, that is exactly what Biden wants universities to do. So, apparently, do the three liberal justices on the Supreme Court, who spent their dissenting opinions trying to explain why an amendment that plainly says everyone has to be treated equally under the law, along with a federal statute banning discrimination, don’t really mean that everyone has to be treated equally under the law and can’t be discriminated against.

Biden’s claim that, with this opinion, the Supreme Court has done “more to unravel basic human rights and basic

decisions than any court in history” is particularly outrageous. It is Biden and university administrators who are trying to unravel basic human rights by saying that educational institutions can, and should, discriminate against students based on their race. That is exactly what Biden was telling them to do when he said that “We cannot let this decision be the last word” and he urged university administrators to continue to “support, retain, and graduate diverse students and classes.”

The diversity justification used by Biden and universities for such discrimination is both a fabrication and

Biden’s claim that, with this opinion, the Supreme Court has done “more to unravel basic human rights and basic decisions than any court in history” is particularly outrageous.

itself racist. They claim that by using race as a determining factor in college admissions, you will achieve diversity of thought and viewpoint. In other words, they define diversity based solely on the racial proportions of their student bodies. But as the chief justice pointed out in the *Harvard* case, this view of diversity is based on the “offensive and demeaning assumption that [students] of a particular race, because of their race, think alike.” In employing this type of racial balancing, school administrators “unavoidably employ race in a negative manner” that involves “racial stereotyping.”

The way these universities tried to disguise their discrimination against the qualified students they didn’t want to admit because of their race or ethnicity, such as high-achieving Asian Americans, was through what they called a “holistic” admissions process. This is a subjective analysis provided by admissions officers of the “character” and “fitness” of student applicants.

Asian American students at Harvard, for example, were routinely given lower scores on their character and fitness despite being just as involved, or more involved, in the type of extracurricular and community activities that gave preferred students such as blacks, Hispanics, and Native Americans, higher character and fitness scores.

All of the university administrators trumpeting this supposed “fair” and “humane” holistic admissions process seem unaware of its odious origin, although for Harvard administrators it was a case of déjà vu. More than 100 years ago, Lawrence Lowell, the president of

Harvard from 1909 to 1938, didn’t like the increasing number of Jewish students who were enrolling at Harvard. He wanted to cap the percentage of Jewish students at 15% so as not to “ruin” the Protestant culture of the university.

Since Lowell knew that setting a quota would trigger opposition and resistance, he instead implemented a new admissions policy that quit relying strictly on academic qualifications and switched to what became known as the Harvard Plan. Today, this is euphemistically referred to as holistic admissions in which potential students are evaluated on their character and fitness.

It was this type of highly subjective analysis that Harvard used to discriminate against Jewish students for decades because they supposedly lacked the character and fitness necessary to matriculate at Harvard. That is exactly the way universities have been using the holistic admissions policy to discriminate against Asian American and white students and



Protesters gather in 1959 against the integration of schools following the landmark Supreme Court decision *Brown vs Board of Education*.

discriminate in favor of black, Hispanic, and other minority students. As Alan Dershowitz has written, the Harvard Plan, which is still in use today, was “born out of one of the most shameful episodes in the history of American higher education” and “has in fact been deliberately manipulated for the specific purpose of perpetuating religious and ethnic discrimination in college admissions.”

Unfortunately, given the fervent support that such discriminatory admissions policies enjoy in the academic community, and the support they will no doubt receive from Joe Biden’s Justice Department, it seems likely that academic institutions will do everything they can to engage in massive resistance to this decision. Before doing so, they might want to recall some more “ignoble history.”

After the *Brown* decision, white segregationist Democratic Senator Harry Byrd of West Virginia orchestrated a coalition of nearly 100 Southern politicians, signing the “Southern Manifesto.” The manifesto was an agreement aimed at “massive resistance” to *Brown* to show “the rest of the country [...] that racial integration is not going to be accepted in

the South.” Another chief executive who was upset over the Supreme Court issuing a decision that ran contrary to his views on race was Alabama’s governor, George Wallace, who said in a campaign speech that he would “resist any illegal federal court order, even to the point of standing at the schoolhouse door in person, if necessary.”

Are those complaining so vociferously about this decision planning to engage in massive resistance? Will they stand at schoolhouse doors? Will the presidents of the universities using these biased admissions policies continue to discriminate, finding a way to disguise what they are doing? Are they going to follow the directive of academics like Harvard law professors Mark Tushnet and Aaron Belkin, who have said the Supreme Court’s decision should be ignored because the ruling is “based on gravely mistaken interpretations of the Constitution that undermine our most fundamental commitments”?

Universities not only have a legal obligation to stop discriminating, but a moral one as well. But apparently, they don’t agree with the admonition that “Distinctions between citizens solely

because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.”

That is a quote from *Hirabayashi v. U.S.*, a corollary to the infamous 1943 *Korematsu v. U.S.* decision that approved the arrest and detention of Japanese Americans in government camps simply because of their ancestry. Yet today, university and school administrators think there is nothing wrong with discriminating against young Asian American students simply because of their ancestry, some of whom who may be descendants of those who were unjustly deprived of their rights and liberties in those camps. In fact, they believe they’re engaging in morally beneficial behavior.

There is no concept of “original sin” in our jurisprudence, and there is no justification whatsoever for students who have worked hard, done well, and never participated in any discriminatory practices that occurred generations in the past to be discriminated against when they are applying to colleges. As the chief justice said in the *Harvard* decision, students should be treated based on their:

...experiences as an individual—not on the basis of race. Many universities have for too long done just the opposite. And in doing so, they have concluded, wrongly, that the touchstone of an individual’s identity is not challenges bested, skills built, or lessons learned but the color of their skin. Our constitutional history does not tolerate that choice.

The American public should not tolerate that choice either.

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Fighting the Hamas Monster on Campus

a conversation with **KENNETH MARCUS**
moderated by **ELLIE COHANIM**

[Editor's Note: This conversation is excerpted from a panel discussion, "Enriching the U.S.-Israel Alliance by Combating Antisemitism," at the Heritage Foundation in Washington, DC on October 23, 2023, even before the full weight of events was felt.]

Kenneth L. Marcus is the founder and chairman of the Louis D. Brandeis Center for Human Rights Under Law. He is also a distinguished senior fellow at the Center for Liberty and Law at George Mason University Law School and formerly Assistant Secretary for Civil Rights at the US Department of Education and has served as Staff Director of the United States Commission on Civil Rights.

Ellie Cohanim is a broadcast journalist who served as Deputy Special Envoy to Monitor and Combat Anti-Semitism at the US Department of State. She had previously been a Special Correspondent and Senior Vice President for Jewish Broadcasting Service (JBS) and an Executive at Yeshiva University, the Jewish Theological Seminary of America, and UJA Federation of New York.

Ellie Cohanim: To begin our conversation allow me to share context: Jews around the world are in a state of shock and horror. On October 7 while Jewish families in Israel celebrated the Simchat Torah holiday, Hamas infiltrated Jewish communities of southern Israel, massacred 1,200 people, wounded nearly 5,000 others, and committed atrocities not seen since the Holocaust. Israel says that 80 percent of the 1,200 murdered that day were tortured first. Hamas kidnapped young women, toddlers, babies, elderly people, and seems to have unleashed the forces of hate across the globe on that day.

Ken, not only did we witness these horrific crimes, these atrocities committed against the Jewish people—but before Israel had even responded, before Israelis had even the opportunity to identify, never mind bury their dead—we saw students across US college campuses come out and protest, and rally, in support of Hamas. What is happening on our college campuses? There is

something called the Marcus Doctrine, which is attributed to you. Can you also tell us about that and how it ties into what we are experiencing today?

Ken Marcus: I have been fighting campus antisemitism for more than 20 years. It gets worse and worse, but never have we experienced anything like the past couple of weeks. It has been surging over the last few years, but this really has been something unlike anything we saw before.

Think about what's happening now. What we just saw, and as you described, was mass torture, murder, rape of civilians, burning people alive, decapitation. The immediate response from college campuses in many places was to support the terrorists. In one case, a professor talking about being "exhilarated." In many cases, student groups arguing that people should "join the resistance," meaning the genocidal attack on Jewish people.

This goes beyond the hostile

environments that we have seen over recent years. What we're experiencing now is a mass phenomenon. Once we see it, we can't unsee it. University presidents and the public now must face the fact that on our college campuses, something monstrous is developing. We have very substantial movements of pro-Hamas, pro-terrorist, pro-genocidal groups at some of the most important universities in the United States.

Right now, there are university presidents arguing about whether they should or should not issue a "statement." Those presidents who either don't issue a statement or want a "both sides" statement are utterly incapable of understanding the moral issues. But even for those who do issue a statement and even a statement with moral clarity, it's still just a statement!

If you are the president of a university today, you are now aware that for all the millions of dollars you have put into "Diversity, Equity, Inclusion" (DEI), you have created the opposite of DEI.

For all that your admissions have done to create a student body that reflects the values you pretend to hold, you have created a student body which is in favor of murder. For all that you say that your curriculum should do more than just provide information or critical thinking, you have curricula that is training pro-terrorist people.

This is beyond “statements.”

We are at a time in which if you are a university president and you have not thought about cleaning house, you shouldn't be there. It's not about—“do you issue a statement.” It's about—do you realize that you are running an institution that is fundamentally and totally wrongheaded in its approach and that is sending this country in the wrong direction? Even a good statement isn't enough.

Yes, we were seeing Jewish students who were being harassed, marginalized, and excluded to the extent that Zionism was an integral part of their identity, but what we're seeing now is university-funded—and in some cases taxpayer-funded...

You asked about what I call the Title VI Policy—and what other people may call the Marcus Doctrine. That is the notion that Title VI of the Civil Rights Act of 1964, which prohibits certain forms of race, color, or national origin discrimination in the public schools, and in colleges and universities, but that doesn't mention religion, nevertheless protects Jews and certain other groups that have ethnic backgrounds as well as religious ones. It is based on the idea that a group that has ethnic or ancestral characteristics should not lose the protections that they would have, if they did not have a shared common faith.

The Biden administration, to its credit, has expanded the use of the

Marcus Doctrine to include not only the Department of Education—whose civil rights agency I headed—and the Department of Justice, but also eight other agencies. So, there are now 10 cabinet level agencies committed to the policy. I'm pleased with this. This is something that's taken some 20 years to establish, but once we have this notion that these federal agencies are going to deal with antisemitism, are they going to deal with antisemitism? Because the signs aren't great, the signs really aren't great. So now they know they have to do something, let's see them do it.

Cohanim: Let's talk now for a moment about Students for Justice in Palestine (SJP). The Louis Brandeis Center was leading an effort recently on an SJP campus program they held on October

12, the so-called “National Day of Resistance.” SJP chapters are known for their anti-Israel propaganda, often with inflammatory and combative rhetoric. Can you tell us what happened with SJP and how do we turn this tide of Jew-hate on US campuses?

Marcus: I'll give you a few examples of what's happening on the campus and why it is that, respectfully, I agree that President [of the University of Florida] Ben Sasse's statement was one of the best, maybe the best, but it's a low bar. I'm not sure that it was good enough for the University of Florida, and it certainly isn't enough for the universities that are seeing much worse levels

of antisemitism. [Editor's Note: Sasse's letter read, in part, “We will protect our students and we will protect speech. This is always true: Our Constitution protects the rights of people to make abject idiots of themselves. I also want to be clear about this: We will protect our Jewish students from violence. If anti-Israel protests come, we will absolutely be ready to act if anyone dares to escalate beyond peaceful protest. Speech is protected—violence and vandalism are not.”]

I've gotten reports of physical attacks on Jewish students in the wake of the call for “resistance.” And when they use the term “resistance,” they're using the Hamas term. They're calling for people to join in a worldwide movement that has reached its culmination—so far—in a pogrom involving torture, rape, and murder. They're calling for people around the world to join in replicating the atrocities that have already happened.

In the wake of that, we're seeing physical attacks on Jewish students. We're seeing vandalism of Jewish institutions. We're seeing students being followed, being taunted, being harassed in various ways. This is happening all over the place and it's often supported by faculty members. Seldom are our university administrators really doing very much if anything about it.

Keep this in mind. If you're thinking about the campus in the same way after October 7 that you did before October 7, you're not thinking about it right. Prior to that, yes, we were seeing environments made toxic by antisemitic and anti-American ideology. Yes, we were seeing Jewish students who were being harassed, marginalized, and excluded to the extent that Zionism was an integral part of their identity, but what we're seeing now is university-funded—and in some cases taxpayer-funded—efforts to advance in a conscious and intentional manner, the program and communications agenda of a US State Department-designated terrorist organization.

To be clear, what I'm describing is



Ralliers demonstrate against Israel. (Photo: Anatolia Ferguson / Alamy Photo)

potentially a felony.

So, if you're a university president who is not sure whether you should or shouldn't make a statement, let me say that on many campuses, it's too late anyhow. Statements are okay in response to statements and people who are simply saying false things. You can then say things that are the truth. If people are saying things that are immoral, you can give a moral example.

But if people are committing assault and vandalism, you can't just make a statement. If *your* university's facilities and resources are being used in a way that intentionally advances the agenda of a terrorist organization, if you aren't sure whether *you* are committing a felony, forget about the statement. You need to take much greater actions even than the best of the university presidents are making.

We need to hear very strong messages from university presidents, from attorneys general, from governors that this can't continue. It's not a question of political disagreement. It's not even just

a question of bigotry or harassment anymore. Now it's also a question of whether our public institutions are being used not only to undermine American foreign policy, but potentially to advance terrorism in a way that is federally criminal.

Cohanim: It is hard for us to believe that we have reached this low at our institutions of "higher" learning. Ken, you spoke a bit about a few steps that the Biden administration has taken to combat antisemitism. Do you think it should be doing more, and what kind of initiatives would you recommend?

Marcus: The Biden administration issued a National Strategy on dealing with antisemitism and should be applauded for its breadth and for public attention it brought to the issue. But in terms of substantive work it is doing, I would say that so far it has lagged behind that of the last few administrations. I would also say that there has been a sense from those speaking with people in the Biden administration that they issued their

National Strategy and were planning to do nothing more until after the election. I hope no one in the administration has been thinking that since October 7. Because while there are some good things in the National Strategy, it wasn't sufficient for October 6, and it surely isn't sufficient for now.

I'll give you a few examples. The Biden administration has continuously promised to issue a formal regulation that would implement the Trump Executive Order on Combating Antisemitism, and yet continually throughout this administration has delayed doing so. The current deadline, self-imposed by the Biden administration, is December of this year. Notably, they've been saying very little bit about it. They haven't even mentioned it in many months, leaving some to think that they're not ever going to do it. At a minimum, they should be doing what they promised.

The US Education Department Office for Civil Rights has issued some materials, but when it comes to the anti-Zionist forms of antisemitism, the

Department of Education hasn't even spoken with the same specificity that we've even seen from the White House—and at a minimum, they should be able to do that. Now, look at all the campuses at which there is so much antisemitism over the last two weeks; all you need to have is Google and you can see substan-

African American, women, Asian, and other workers, but don't have them for Jewish workers. May is Jewish American History Month. Let them recognize that.

Some of them have employee resource groups (ERGs) for African American and Hispanic and other identity groups but have refused to allow their

To the extent that they make accommodations for other workers who have various sorts of needs, they should consider their Israeli American employees who might be called to duty in Israel and might need some accommodations. They should certainly be making the sorts of statements that they make for others, and they should be considering both antisemitism and Jewish identity in the same way that they treat any other ethnic or racial background.

We're seeing vandalism of Jewish institutions. We're seeing students being followed, being taunted, being harassed in various ways ... Seldom are our university administrators really doing very much if anything about it.

Question: I'm a Jewish college student and my friends and I have personally experienced antisemitism, specifically by the organization that you mentioned, Students for Justice in Palestine. How can we ensure that Jewish students feel safe in college campuses expressing both their Jewish identity and their Zionist beliefs?

tial amounts of harassment and "hostile environment," which the Department of Education is obligated to address. The education department shouldn't be waiting to get complaints. There should be a nationwide compliance initiative from the Secretary of Education right now—at a minimum—to address those campuses, where obviously there are problems, because they're all over the blogosphere and the papers.

Jewish workers to create them based on the notion that Jewishness is a religion only. They should be educated on that and provide the same ERG opportunities for Jewish employees as for others.

They should monitor their DEI programs to see whether they're making things worse, because sometimes that is the case. To the extent that they have education programs on various forms of discrimination, they should make sure

Marcus: To the extent that you or your fellow students have been harassed, certainly talk to the Louis D. Brandeis Center. There are a lot of resources that can help you feel safe. We talk to students every day about that. Of course, there are also other institutions on campus that can support you ranging from Hillel to Chabad and Jewish Studies, but

Audience Question: In the context of "corporate woke-ism," I'm curious what you think companies should be saying about this? Is this different than coming out and talking about other issues? What would a good response from corporate America look like?

But even for those who do issue a statement and even a statement with moral clarity, it's still just a statement!

Marcus: Those in the corporate world, especially the human resources world, can look to the Society of Human Resources Managers (SHRM) as a good source of advice. I've shared my thoughts with SHRM and they have those thoughts on their website. There are a number of things they should do to begin with; there are things they already should have been doing. A lot of corporations have months to recognize

that they're including antisemitism, including those forms of antisemitism that we're seeing today—which is to say left-wing as well as right-wing antisemitism. To the extent that they made statements about the Ukraine invasion or other world affairs, they should be making them about the Hamas pogrom as well.

depending on what the issue is, I think the most important thing is that you do not feel alone. If you are facing a problem, there are a lot of organizations here to support you.

Cohanim: Ken Marcus, this has been enlightening. Thank you so much.

A New American Patriotism

by JONATHAN GREENBERG

In the 2017 movie “Spiderman: Homecoming,” Peter Parker and his classmates take a trip to our nation’s capital and visit the Washington Monument. The female lead, played by Zendaya, hangs back as her friends walk toward the structure, prompting her teacher to ask if she’s “taking it all in.” She responds, “Yeah, I just...I don’t really wanna celebrate something that was built by slaves.” Her teacher, helplessly out of touch, begins to re-

spond, “Oh, I’m sure the Washington Monument wasn’t built by...” but his voice trails off as he catches the eye of a security guard who indicates that, yes, in fact the Washington Monument was built by slaves. A throwaway line to make everyone knowingly laugh.

Except it’s not true. At the time of its construction, the Washington Monument was the tallest building in the world. It was a feat of skilled engineering, not of back-breaking labor. Its stones were cut by expert stonemasons. They were hoisted into place by men operating steam engines. The producers of the film could have seized an opportunity to clear up a toxic misconception about our country — that everything we are and do to this day is tainted by the vast tentacles of the slave power — and still gotten a laugh. Instead, they

took an ignorant swipe at America. Fast forward to responses from the American left to the October 7 Hamas attacks against Israeli civilians. Among the protests and chants and intimidation and vandalism and broken communal alliances, one outrage stood out to me as illustrative of the larger problem: the mid-November rediscovery and approval by young American social media users of Osama Bin Laden’s “Letter to America.”

The letter, published in 2002, was likely written not by Bin Laden, but by an American-born lieutenant of his — an expatriate and traitor named Adam Gadahn. Its first half reads like the lit-

tered letter of a freshman sociology major having just read Noam Chomsky would bring to the Thanksgiving table: America is a bad actor in the world. America has

supported anti-Muslim atrocities in Israel and the Palestinian territories, in Somalia, Chechnya, Kashmir, Iraq, and elsewhere. America supports Arab and Muslim dictatorships that oppress, humiliate, and impoverish their people. America’s military adventurism has led it to plant unwelcome bases across the Arab and Muslim world. American civilians are an appropriate target because they vote for the politicians who implement the aforementioned policies.

And TikTok users ate it up. “I will never look at this country the same!” “Everything Bin Laden says here is valid!” “My eyes have been opened.” And on and on it went. American kids finding common cause with Osama Bin Laden.

Last summer, the long-running National Assessment for Educational Progress (NAEP)—referred to as “the nation’s report card”—released the latest civics and history test scores for America’s eighth graders. We have been testing students in history every four years since 1994; in civics since 1998. The 2022 results were awful: 13 percent of American eighth grad-

ers are proficient or above grade level in history. In civics, only 22 percent scored proficient or above. This is the third quadrennial decline in history

It is now inescapable that the root of our problem is decay at the core of American self-confidence.

ers are proficient or above grade level in history. In civics, only 22 percent scored proficient or above. This is the third quadrennial decline in history

scores in a row. But it's the first ever decline in the civics score.

It is now inescapable that the root of our problem is decay at the core of American self-confidence. Nearly ev-

the greatest product ever developed by man: a system of self-government that has resulted in the wealthiest, most powerful, and freest society in human history. Results we can point to.

exceptionally talented storytellers and artists. Many of the passive opponents will become allies as soon as we show them there's money to be made in it; recall the commandeering of hippie culture by corporate America in the late 1960s and early 1970s. Until then, investments need to be made in culture.

But, to start with, we need to reinvigorate and reemphasize teaching US history and civics in American schools. Too few of our fellow citizens know enough about who we are and what we believe to have any confidence when asked to defend it. The claims made by anti-American propagandists may sound wrong to them, but they have no depth of knowledge to back up that feeling.

It is tempting — especially for conservatives, who tend to wrongly believe law can be imposed successfully on culture — to think there is a set of policy solutions that can fix everything. Believing in quick fixes actually undermines the commitment and stamina we need to fight the long battle ahead. In this case, however, there are policies we can pursue that would have immediate

Americans still broadly love and respect the country, even if many are hazy as to why they should and increasingly susceptible to arguments that they should not.

ery other dangerous social and political malady traces back to it. We no longer agree on or believe in or understand our history, our Founding principles, or our mission in the world. For generations now, teaching children to be informed patriots has been confused — sometimes purposefully so — with indoctrination or jingoism. This is no longer simply another issue requiring our attention. It is a five-alarm fire burning our country to the ground. It requires immediate mass mobilization.

The problem is, frankly, enormous. It defies the short attention spans that have come to characterize our political and civil institutions. It requires the kind of broad agreement — even to admit the existence of the problem, let alone its scope! — that proves elusive in virtually every other aspect of American life. And we will be opposed every step of the way by well-organized, well-financed, well-credentialed people committed to their narrative and intent on continuing their long march.

Despite these obstacles, we have two very clear advantages. First, Americans still broadly love and respect the country, even if many are hazy as to why they should and increasingly susceptible to arguments that they should not. We have a limited amount of time to capitalize on the still-open door. Second, we're selling

Much of what has been written in the months since 10/7 has, rightfully, been about the abysmal situation at America's institutions of higher education. And, without a doubt, there is much to be done on campus. But for the overwhelming majority of Americans who don't go to college — as well as those who leave their parents' homes with their civic dispositions and knowledge as mature as they're likely to get — our attention is sorely needed. So

It is tempting — especially for conservatives, who tend to wrongly believe law can be imposed successfully on culture — to think there is a set of policy solutions that can fix everything.

how do we recapture the confidence in America that defined the 20th century?

Patriots on the left and right need to accept that we are now the counter-culture and begin behaving accordingly. We need to create and patronize new engines of culture that celebrate and reinforce what is great about America. And we are opposed — sometimes passionately, sometimes passively — by extraordinarily deep pockets and

benefits. Schools are the low-hanging fruit of this effort precisely because we have a lot of control over what goes on inside them. And while the conservative movement has focused the education policy debate on school choice — a worthy cause, to be sure! — there are a number of other policies we should consider.

Every state has standards for what subject matter is to be taught in what



Washington Crossing the Delaware painted by German-American artist Emanuel Leutze in 1851.

grade. Academic subjects states take seriously — specifically reading and disciplines in the science, technology, engineering, and math (STEM) area — come with state-mandated testing requirements. Very few states test adequately for US history or civics (many states require students to pass a version of the exam given to new American citizens, which is why I use the qualifier “adequately”). State standards, testing, curriculum, and materials are all good ways to signal to classroom teachers what the state expects their students to learn.

But the truth is that, once a child sits down at a desk, the state has very little to say about what goes on at the front of the room. School districts and administrators have more impact. But the real center of gravity is the teacher. The fight for patriotic, content-rich civics and history education is a person-by-person effort to recruit, cultivate, and train expert civics and history teachers. At the policy level, we should concentrate our efforts on creating subject matter expert teachers. Currently, most university schools of education focus their requirements on pedagogy, theory, child development, and

similar coursework. But state legislatures can (and should) require a certain percentage of course hours in subject matter content for education degrees to be useful in gaining initial teacher certification.

So, students who want to be math teachers take math classes, students who want to be science teachers take science classes, and, yes, students who want to teach US history take US history classes. Most teachers are eligible to earn an automatic pay increase by returning to school for a master’s degree. Legislatures should tie that reward to learning that focuses on subject matter. All teachers are required periodically to renew their licenses and to take professional development classes toward that end. A high percentage of these courses should focus on a teacher’s subject matter.

There will still be teachers who prefer the 1619 Project’s “systemic racism” perspective and Howard Zinn’s leftist *A People’s History of the United States* over more appropriate, factual information. There will still be teachers who are highly ideological and resistant to viewpoint diversity. But they

will be the exception to the rule. If we accept, as we should, that teachers are — as a group — professionals who want to be good at their jobs, that they have the best academic interests of their students at heart, that most of them are either our sincere allies or potential allies, and (most importantly) that being a well-informed American necessarily increases the odds of developing a deep love of and respect for our country, then content expert teachers should be the primary goal.

The urgent need for a renaissance in teaching America’s founding principles and history has finally risen to broad public consciousness. President Ronald Reagan, as he so often did, saw this problem coming down the road 35 years ago and warned us about it in his farewell address: “if we forget what we did, we won’t know who we are.”

Our mission is to sell the greatest product ever devised by man. Let’s begin acting like it.

JONATHAN GREENBERG is an ordained Reform rabbi and an advisor to a private family charitable foundation that invests in civic education.

The Case for the Draft

by ELLIOT ACKERMAN

Most Americans are not aware that all men ages 18 to 25 have a legal obligation to register in case of a draft. Although the draft was abolished in 1973, selective service was resumed in 1980, when after the Soviet Union invaded Afghanistan a capability to conscript was again deemed critical to the national defense. The system for registering for selective service is passive, it occurs when you apply for your driver's license or federal student aid. Most American males aren't even aware that they're registered for the draft.

Under the military's current standards, 71 percent of Americans ages 17 to 24 do not meet the physical or mental qualifications for military service. People often assume the draft was compulsory for an entire generation, but this was never the case. Of those killed in Vietnam, the war most inextricably linked to the draft, 69.6 percent were volunteers.

To wage war America has always had to create a social construct to sustain it, from the colonial militias and French aid in the Revolution, to the introduction of the draft and the first-ever income tax to fund the Civil War, to the war bonds and industrial mobilization of the Second World War. In the past, a blend of taxation and conscription meant it was difficult for us to sustain a war beyond several years. Neither citizens nor citizen-soldiers had much patience for commanders, nor commanders-in-chief, who muddled along.

Take, for example, Washington before he famously crossed the Delaware, reading Thomas Paine's *The American Crisis* as a plea to his disbanding army ("These are the times that try men's souls..."). Or Lincoln, whose perceived mismanagement of the Civil War made his defeat in the 1864 presidential election a foregone conclusion (until Atlanta

fell to the Union a few weeks before the vote). The history of American warfare—even the "good" wars—is a history of our leaders desperately trying to preserve the requisite national-will because Americans would not abide a costly, protracted war. This is no longer true.

Today, the way we wage war is ahistorical—and seemingly without end. Never before has America engaged in a protracted conflict with an all-volunteer military that was funded primarily through deficit spending. Of our \$33 trillion national debt, approximately \$6 trillion is a bill for the post-9/11 wars. These became America's longest, with Afghanistan surpassing Vietnam by thirteen years. And it's been by design. In the aftermath of 9/11 there was virtually no public debate about a war tax or a draft. Our leaders responded to those attacks by mobilizing our government and military but when it came to citizens, President George W. Bush said, "I have urged our fellow Americans to go about their lives." And so, the war effort famously moved to the shopping mall.

and Democrat) who came of age during Vietnam, when the draft itself and the indignation it caused mobilized the Boomer generation to end the war, one that otherwise might have festered on.

If after 9/11 we had implemented a draft and a war tax, it seems doubtful that the Millennial generation would've abided two decades of their draft numbers being called, or that their Boomer parents would've abided a higher tax rate to, say, ensure that the Afghan National Army could rely on US troops for a fifth, tenth, or fifteenth fighting season in the Hindu Kush. But deficit spending along with an all-volunteer military granted successive administrations a blank check with which to wage war.

■ Militarized 'Peace'

And wage war they have. Without congressional approval. Without updating the current Authorization for the Use of Military Force (AUMF) which was passed by Congress days after 9/11. Currently, we live in a highly militarized society but one which most of us largely

...our military didn't exist solely to fight and win our wars. Our military was also a representation of us, which counted for quite a lot.

In fairness to Bush, when read as a response to a terrorist attack designed to disrupt American life, his remarks are understandable. However, when read in the context of what would become a two-decades long military adventure, those same remarks seem negligent, even calculated. This is particularly true for a generation of leaders (both Republican

perceive to be "at peace." This is one of the great counter-intuitive realities of the draft. A draft doesn't increase our militarization. It decreases it. A draft places militarism on a leash.

In the run-up to the 2018 midterm elections, 42 percent of Americans didn't know whether or not we were still at war in Afghanistan. There are few debates in

public life that should merit greater attention from its citizens than whether or not to commit its sons and daughters to fight and possibly to die. Imagine the debate surrounding troop levels in Iraq, or Syria, or the Horn of Africa if some of those troops were draftees, or if your own child were eligible for the draft. Imagine if we lived in a society where the commitment of eighteen and nineteen-year-olds to a combat zone generated the same breathless attention as college admissions. Imagine Twitter with a draft going on; who knows—“helicopter parents” combined with Millennial and Gen Z cancel-culture could save us by canceling the next unnecessary war.

After Vietnam, when President Nixon eliminated the draft, the US military was in shambles. It had morale problems. Drug problems. Racial problems. It had lost America’s first war and with the Soviet invasion of Afghanistan and our failed bid to rescue our hostages from Tehran on the horizon, it seemed poised to lose the next one. From the detritus of the post-Vietnam military, a generation of officers—Colin Powell, Norman Schwarzkopf, Anthony Zinni, to name a few—began the decades long work of thoroughly rebuilding and professionalizing its ranks. The most visible result of their toil played out in 1991,

from Afghanistan in 2001 and its rush to Baghdad in 2003.

Today, among many officers, particularly those senior officers who shepherded in that change, the idea of returning draftees to the military seems entirely regressive. Why would you degrade the finest fighting machine the world has ever known? It’s not a logic without merit, but professionalization has had its own drawbacks, ones that are perhaps more insidious to the fabric of a democracy than a draft.

Not long ago, I was speaking on a panel about the integration of women into frontline combat units. The Department of Defense had recently approved its new policy, and I argued that it was the military’s job—particularly that of my own service branch, the Marine Corps, which began implementation at a stubborn pace—to execute and support that policy, regardless of their reservations. A retired Marine colonel in the audience became incensed. He stood, prodding: On average women weren’t as strong as men. Could I deny this? Of course, no. Men and women were often sexually attracted to one another. Could I deny this? Also, no. Then how could I argue for integration when it would so clearly degrade our ability to fight and win wars?

then and there—that everyone knew who would win.

■ *More than One Mission*

The idea that the military exists solely to fight and win our nation’s wars is as juvenile as the colonel challenging the audience to throw down for a battle of the sexes deathmatch. Might makes right is not the policy of the US government, or at least shouldn’t be. If our military doesn’t represent our values, it can threaten to undermine them. The founding fathers understood this. They were suspicious of standing armies. It’s a suspicion we’ve since shrugged off, one only need visit a major sporting event to witness the fetishization of our military.

The concern about degrading our military’s capabilities through a draft is legitimate. However, conscription has only ever been used in this country to augment a core force of volunteers, and often to great effect. Our military, which in World War II fought twin theater wars in the Pacific and Atlantic, was 61.2 percent conscripted. That percentage was 23.9 percent in Vietnam. The question then becomes: could you introduce a certain number of conscripts into the all-volunteer military at a lower rate without a meaningful degradation in its capability? And what would that rate be? Ten percent (130,000 people), five percent, (65,000 people), one percent (13,000 people), and would those numbers be meaningful?

What would be most meaningful might not actually be the number of individuals drafted, but the specter of the draft itself. The idea that citizenship has a cost, that you owe something to society, leads to the question of who owes what?

One of the central criticisms of the Vietnam-era draft was that it drew disproportionately from those of low socioeconomic backgrounds, while the children of the wealthy and influential were able to finagle exceptions. Under rules promoted by then-Defense Secretary Robert McNamara, draft boards across the country were required to call up men

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with scenes of ultra-sleek US battle tanks equipped with hydraulically stabilized cannons zipping across the Kuwaiti desert at 50 miles-per-hour, trouncing the Iraqi military (the world’s fifth largest at the time) in a whopping 100-hour-long ground war. More recently, we saw the high-tech efficiency and lethality of our military in its rapid ouster of the Taliban

I replied that our military didn’t exist solely to fight and win our wars. Our military was also a representation of us, which counted for quite a lot.

The colonel then turned to the crowd and, as if to prove his point, announced that if we took all the women in the room and pitted them against all the men in a “fight to the death”—right

with IQ scores below the minimum standards to offset the student deferments that were offered to those with higher IQs who met standards but had the benefit of being able to afford college. Take for instance Harvard University, from which 19 alumni were killed in Vietnam, compared to Thomas Alva Edison High School in Philadelphia, which was predominately African-American and had the highest death-rate of any high school in the nation, with 64 killed, despite its smaller relative size.

Who gets drafted has always been just as important as whether or not there is a draft. In conflicts like Vietnam and the Civil War, the draft exacerbated social inequalities by providing exemptions for the wealthy and influential. A certain type of draft could, however, become a tool to promote greater equality. It could create greater social cohesion. And, lastly, it could create greater accountability between our policies and our population. In the era of the one-percent, of hyper-partisanship, of identity politics and divisiveness, a reverse-engineered draft could prove a powerful tool to counteract these corrosive forces.

■ **Reverse-Engineered Draft**

Here's what a reverse-engineered draft could look like:

The Department of Defense would annually set a certain number of draftees for induction into the Armed Forces for two-year enlistments, which is half the typical enlistment of a volunteer. This number would be kept small as a percentage of the overall active duty force, let's say five percent, or 65,000 people, which is about the size of the Coast Guard. By keeping the number small we would retain the culture of professionalism born after the troubles of the post-Vietnam military. Upon induction, new service-members are then, typically, assigned military occupational specialties, like medic, or truck driver, or radio operator. However, in the past, another way people gamed the draft was to gain cushy assignments through influence within the

military. In a reverse-engineered draft, inductees would only be eligible for military occupational specialties within the combat arms—infantry, tanks, artillery, and the like. And with the recent integration of women, the gender-divide would no longer be an issue as women would also be eligible not only for the draft but also for frontline service.

And no one could skip this draft unlike previous drafts where through the practice of hiring substitutes during the Civil War, or college deferments during the Vietnam War, the well-heeled adept-

win our nation's wars. But it is also one of our great engines of societal mobility. Those who enlist are taught a trade and if they earn an honorable discharge they're granted tuition for college under the G.I. Bill. From the greatest generation to my own millennial generation, the social result has been transformative. And the military will continue to attract the professionals who wish to serve out a 40-year career, as well as the ambitious citizens who wish to pull themselves up by their bootstraps with a four-year enlistment and G.I. Bill.

A certain type of draft could, however, become a tool to promote greater equality. It could create greater social cohesion. And, lastly, it could create greater accountability between our policies and our population.

ly avoided conscription. This placed the burden of national defense on those with the least resources. And when those wars turned to quagmires, elites in this country—whose children did not often fill the ranks—were less invested in the outcome.

Which comes to a final, essential aspect of the reverse-engineered draft: those whose families fall into the top income-tax bracket would be the only ones eligible. These are the children of the most influential in our country, those whose financial success in business, or tech, or entertainment, have placed them in a position to bundle political contributions among their friends, or have a call returned by a senator or member of the House. These are the helicopter parents, a demographic that does not sit idly by with regards to their children's well-being.

The military does—as the agitated colonel pointed out—exist to fight and

Our military continues to be an engine of societal mobility, but it also needs to return to being what it once was, a societal leveler, in which men and women of diverse backgrounds, at an impressionable age, were forced together in the pursuit of a mission larger than themselves.

Why send our sons and daughter to fight and die in the name of unity? Couldn't they sign up for Habitat for Humanity? Yes, they could, and opportunities to serve outside the military will still be important. However, an argument for mandatory national public service that excludes military service forgets perhaps the most important consequence of a draft, which is that with a draft the barrier to entering new wars would be significantly higher.

ELLIOT ACKERMAN is a former Marine Corps special operations team leader and is a best-selling author.

End Forever Wars by Winning Recurrent Ones

by ERIC ROZENMAN

Elbridge Colby says Americans are tired of “forever wars.” Colby, a deputy assistant secretary of defense in the Trump administration, notes that a plurality when not a majority of Americans have told pollsters they would like to see less US military involvement around the globe.

This attitude, inescapable given the human, economic and social costs of war, rests on a misunderstanding that sees war as an aberration, an eruption of violence disturbing the otherwise normal equilibrium of peace. In truth, war and peace are alternating stages in the endless cycle of human, especially interstate, conflict and cooperation.

Glance at US history, i.e. from the colonial French and Indian War (part of Europe’s Seven Years War, 1756 - 1763) and Revolution through the War of 1812, US-Mexican War, Civil War, Spanish American War, World Wars I and II, Korea, Vietnam, Gulf Wars I and II (1991 and 2003 – 2011, respectively) and Afghanistan (2001 – 2021). Every other generation, if not every generation, will fight its war.

The United States hardly differs from England, France, Russia, China or other nations in history’s alteration of tranquility and belligerency. Where America does differ is that it did not fight, usually, to colonize, to make foreigners Americans. That is, it did not go for empire. US treatment of the Philippines, for example, not to mention post-surrender Japan and Germany, epitomizes this behavior.

What Americans may be tired of are prolonged wars that don’t end in

victory. These are conflicts in which Washington’s elected officials and Defense and State Department leaders, plus their corporate, think tank, and academic consultants mull “exit strategies” rather than how to secure US national interests by actually winning. At the other end of the spectrum from exit strategies are the Civil War and World Wars I and II. The Northern states were heavily committed in the former, nearly the entire country mobilizing in the latter two. The goal was total military defeat of the enemy, and this was achieved in four years or less.

Fortunately for Abraham Lincoln and the Union during the Civil War, Gen. William T. Sherman’s victory in

halting with the enemy in control of half the country. More than 1.7 million American troops cycled through that desolate landscape. Approximately 327,000 remained when the truce took effect dividing the Korean peninsula and people into two separate countries. Approximately 28,500 GIs still are stationed in South Korea to deter a second invasion of the now prosperous, democratic South by the Kim-dynasty-led police state of the communist North.

There also was Vietnam, 1954 – 1975. US forces supporting South Vietnam against the communist North reached 543,000 in 1969. Unavailing military action (Washington and Saigon tacitly agreed to let the Soviet-supported North

...rather than inveigh generally against “endless wars,” a more useful paradigm for Americans—citizens, taxpayers, soldiers, and their leaders—probably would be to recognize the historic norm of recurrent conflict.

Atlanta just before the 1864 election secured the political support to maintain that mobilization. Failure, or its apparent likelihood, energized “peace camps” in the nineteenth and twentieth centuries.

■ *Neo-Isolationist Sentiment*

Inconclusive, apparently “endless wars” include Korea, where active fighting raged from 1950 through 1953,

and its surrogate Viet Cong wage land warfare in the South secure from the same at home) and widespread anti-war protests led President Lyndon Johnson not to seek reelection in 1968. His successor, Richard Nixon, began “Vietnamization” of the war. American withdrawal followed and collapse of the Saigon government—its 800,000-plus military deprived by Congress in 1973 of future US supplies and air cover—came in 1975.

Lesser but nevertheless bloody, expensive, and inconclusive American military commitments were made in Iraq and Afghanistan. In Iraq, American involvement resumed in 2003 with the Second Gulf War and “global war against terrorism.” It peaked at 170,000 troops in 2007 before declining to the present 2,500 who remain to suppress terrorists of the Islamic State while being targeted by Iranian-backed groups. Saddam Hussein overthrown, Washington handed Iraq’s historically fragmented groups a flow chart for democracy. Beset by Tehran-supported militia and politicians and clerics, its disparate ethnic and religious groups at odds, optimistic US plans have gone unimplemented.

US forces landed in Afghanistan in 2001 in pursuit of Osama bin Laden and his al-Qaeda terrorists who carried out the Sept. 11, 2001 attacks that killed nearly 3,000 people in New York, Washington, DC and western Pennsylvania. They also ousted the Taliban government that had harbored al-Qaeda. The total topped 100,000 in 2011, declining to 3,000 in 2021 before the Biden administration’s hasty final withdrawal ensured the Taliban’s rapid return to power. With the medieval mullahs back in Kabul, al-Qaeda and other Islamist terrorists have renewed their own presence, according to news reports.

So, it was not surprising that a 2022 poll by Concerned Veterans of America and You.gov that Colby cited “seemed to indicate a majority of Americans are tired of the wars the US has been involved with in the Middle East and are not eager to get into any new wars. ... In their poll, 44 percent had an unfavorable opinion of how Biden has approached the war in Ukraine. About a third had a favorable opinion.”

On the question, “Do you support or oppose the United States military becoming directly involved in combat in the Russia-Ukraine war?” 47 percent opposed the US taking military action in that

country Just about a quarter of poll participants supported direct US military involvement in the Russia-Ukraine war.” The survey also reported that 40 percent thought America’s global military presence should be reduced, with 31 percent believing it is fine as is. “Only 12 percent wanted to see US military engagement increase around the world.”

■ *Freedom’s Bodyguard*

So, rather than inveigh generally against “endless wars,” a more useful paradigm for Americans—citizens, taxpayers, soldiers, and their leaders—probably would be to recognize the his-

toric norm of recurrent conflict. And once recognized, to come to grips finally with the United States’ place in the world, the nature of their own freedom and prosperity, and the most dangerous threat to that liberty and well-being today. That is, to deal realistically—not always the same as being a foreign policy “realist”—with achieving American national interests.

Public opposition by Generation X and Millennials to endless wars, quite sensible on its face, echoes rejection by many in the preceding Baby Boomer cohort of the supposed role of America as “the world’s policeman.” No doubt Washington stepped into quagmires in attempting to decide peripheral, mostly local conflicts in post-World War II, post-colonial Africa, Asia, and Latin America. But such misguided

or unnecessary involvements—in the Congo in the early 1960s, and the Dominican Republic a few years later, for example—don’t cancel a broader truth: If not the world’s policeman, the United States has been, since 1945, freedom’s bodyguard.

Imagine the world in 1989, when Ronald Reagan’s accurately described evil empire of the Soviet Union and its satellites collapsed, had America not succeeded Great Britain after World War II. Until the Second World War, Britain had led Western countries in maintaining not only freedom of the seas and the free flow of goods, people and ideas

that went with it, but what there was of a rules-based international order. By the end of the war, only the United States could bear that burden.

US-led containment of the Soviet Union and its puppets meant de facto World War III, the 40-year Cold War, with its related hot conflicts in Korea and Vietnam. America maintained a large military and defense-industrial base supported by at times as much as nine percent of the gross domestic product (the current figure is around 3.5 percent, though of a much larger GDP) and a military draft potentially affecting nearly all young adult males (replaced in 1973 by the better trained but smaller and more costly all-volunteer force).

Washington and its network of allies successfully “contained” the Soviet Union and its satellites by economic,



A U.S. Air Force security forces raven in front of a C-17 Globemaster III aircraft at Hamid Karzai International Airport (HKIA) during the final days of the U.S. withdrawal from Afghanistan. (Photo: Master Sgt. Donald R. Allen / U.S. Air Force)

cultural, ideological, and military means. For four decades, the Cold War seemed endless if perhaps safely frozen most of the time. Nevertheless, nuclear Armageddon always loomed in the background—and in the foreground during the 13 days of the Cuban missile crisis in October 1962. But this endless conflict did end, with Soviet collapse. From the rubble of the neo-Russian empire, which justified itself with Marxist-Leninist rhetoric, emerged dozens of independent, often free or semi-free, nations.

Had the United States not led NATO, the North Atlantic Treaty Organization, from 1949 on, the Cold War might have ended differently. The Kremlin might have stood astride not only Eastern but also Western Europe. After all, Moscow already had occupied and fortified East

Germany, Poland, Czechoslovakia, Hungary, Romania and Bulgaria, having previously swallowed Lithuania, Latvia and Estonia. Large communist parties in Italy and France looked to Moscow and communist forces fought a civil war in Greece. The post-World War II forecast was anything but sunny. Post-colonial Africa and Asia seemed up for grabs. Latin America was restive (as always). Liberty's environs might well have diminished to fortress North America had not the United States promulgated and applied the Truman Doctrine and Marshall Plan.

Hence too the formation of NATO, intended, as its first general-secretary, Lord Ismay put it, to “keep the Americans in, the Soviets out, and the Germans down.” It thereby prevented a large,

strong, anti-democratic power, Soviet Russia—functionally a militaristic successor to Kaiser Wilhelm's Germany and Adolf Hitler's Third Reich—from controlling Europe. This was an apparent necessity and, in the US, a national interest, since as historian Brendan Simms has asserted, from the 1500s on whoever dominated Europe could dominate the world. The rise of communist China as a peer rival to the United States and expansion of Asia-Pacific economic growth may have shifted the global center of gravity to Asia. If so, it has not lessened American responsibilities.

So, since 1945 the United States has served not so much as the world's policeman, not as a participant in if not initiator of forever wars, but rather, as freedom's guarantor, the bodyguard

of liberty—its own and often that of its allies. Most successful when deterring war, the United States at times also essentially is obligated to act powerfully and victoriously when deterrence fails.

■ *China's Short Fuse*

Russia's invasion of Ukraine and the unexpectedly difficult war there has weakened it. Iran and North Korea, fundamentally and obsessively hostile to the United States do not yet threaten this country's survival. They do not yet threaten freedom in the world much beyond their borders. But China is something else.

Return to Colby, who says, "We don't have time. It's the assessment of the US intelligence community that Xi Jinping has ordered the Chinese military to be ready for a successful attack on Taiwan by 2027. It's not a prediction, but that's about as much warning as you can expect in the tough world of international politics. So, we don't have time. That's four years away — in defense planning terms, that's yesterday."

To bolster deterrence, Colby advocates Washington shift resources from Ukraine to Taiwan, pointing out that the illusory post-Cold War "peace dividend" and shrinkage of inflation-adjusted military budgets, and consolidation and contraction of the defense-industrial base have undermined US preparedness. Unless the United States gets it act together quickly, Colby warns, war with a peer or near-peer enemy like China might be the first such major conflict the United States has ever lost. Such a defeat would not be suffered by "the world's policeman" alone but by free people everywhere.

The true face of Communist Party-led China is no secret; Beijing can be recognized by its deeds from Tiananmen Square to Hong Kong to Xinjiang Province to island bases in what are legally international waters. And China has its eye on America.

Outgoing Vice Chairman of the Joint Chiefs of Staff, Gen. John Hyten, said in 2021 that the pace at which

China's military is developing capabilities is "stunning" while US development suffers from "brutal bureaucracy." Hyten warned that the hypersonic and nuclear weapons China is building have only partially to do with Taiwan. Rather, they are "meant for the United States of America. ... We have to plan for that, and we have to be ready for that, and that's the position they're putting us in with the weapons they're building."

entertainment, from Tik Tok (a Chinese-produced addiction China's rulers prohibit domestically) and Instagram to Netflix and Twitter. Voters look politically polarized, in part by social and news media. It may be more difficult to rally this United States around its flag.

And implicit analogies with previous wars, including World War II, Vietnam, and Afghanistan, may mislead. None of those were fought on US

America's younger generations tell pollsters that
they think less of patriotism than their predecessors;
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entertainment, from Tik Tok ... and Instagram to
Netflix and Twitter.

Sen. Roger Wicker (R-MS) slammed Biden administration defense budgets this past March: "For the third year in a row, he has requested military spending that does not even keep up with inflation. On the other hand, China has increased its military investment every year for the past 20 years. This month, the Chinese Communist Party announced a 7.2 percent increase in its military budget—about six times the rate of Biden's proposal. That is probably an understatement of China's true spending."

The expansion of social spending inhibits the military renewal needed to deter China, but the nature of US society also has changed, not only from President Harry S. Truman's Korean War budgets but also Reagan's, when the United States essentially outspent and out-modernized its military beyond the Soviet Union's ability to keep pace. America's younger generations tell pollsters that they think less of patriotism than their predecessors; the public seems distracted by omnipresent

soil. Homeland devastation and civilian casualties have been virtually nonexistent in the 20th and 21st centuries. War with China, which might include cyber-attacks on the electric grid and water systems, or manmade chemical and biological warfare à la the Covid-19 Chinese lab leak hypothesis, for example, could produce conditions not seen in this country since Sherman's forces laid waste to large swaths of Georgia and South Carolina.

Forever wars are not the issue. Deterring, or if necessary, winning the next war is. The challenge appears great. Time seems short. Will the United States find the leaders, and followers, to meet it?

ERIC ROZENMAN *is author of From Elvis to Trump, Eyewitness to the Unraveling: Co-Starring Richard Nixon, Andy Warhol, Bill Clinton, the Supremes and Barack Obama! He is communications consultant for the Jewish Policy Center. The opinions expressed above are solely his own.*

“Israel is the Pivot, the Axis, the Litmus, the Trial”

The Israel Test

book by **GEORGE GILDER**

review by **SHOSHANA BRYEN**

The civilized world was appalled by October 7 ... for about 24 hours. Then the “pro-Palestinian” demonstrations began, primarily on northeastern American college campuses and in large Eastern cities – both with rather large populations of Jewish residents. In London, more than 100,000 marchers called for the destruction of the Jewish state. In Paris, tens of thousands blamed Israel for the murder of its own children. In Sydney, liberal Australia, they chanted, “Gas the Jews.” Hundreds of thousands of “protesters” were in full-throated rage over ISRAEL’s policies which, they said, resulted in the murders of its own children and the retaliation that was to come — Israel didn’t strike back until days later.

Two questions arise: How were the demonstrations — complete with those “Gas the Jews” and other disgusting signs — organized even before Israel responded to the attacks? And how did they mobilize so many people so fast?

The answer lies in the slim book, *The Israel Test* by George Gilder. Written in 2009, Gilder explained the intersectional movements that could thread together against Jews. In the movement are feminist radicals, black radicals, white radicals, Muslim radicals, and, oh yes, grounded in the ideology of Communists and Nazis, both radical by definition. None of them have room for Jews.

I admit that while I read *The Israel Test* in 2010, I didn’t read it again until 2023.

Don’t make my mistake.

Gilder, an exuberant proponent of capitalism, starts with capitalism vs statism. Remember here, Nazi ideology is, in fact, socialist, a point Gilder makes early and often. For now, just remember that it is.

Anti-capitalists, like antisemites throughout history, have always been obsessed with the “gaps” everywhere discernible between different groups: gaps of income, power, achievements, and status. Against the background of Palestinian poverty, anti-capitalists and antisemites alike see Israel as primarily a creator not of wealth, but of gaps.

As is the United States — with Jews.

Jews lead all other American groups in per capita income, signifying another gap, presumably rectifiable by the United Nations.

What makes capitalism succeed is not chiefly in structure of incentives, but its use of knowledge and experience. As a knowledge system, capitalism assigns to the entrepreneurs who have already proven their prowess as investors ... the right to shape the future pattern of investments.

Nothing is more destructive to opportunities for the poor than diverting resources from entrepreneurs who know how to use them profitably and





Soviet Jewry rally on Simchat Torah in 1983.

giving them to government to spend politically ... If governments were superior investors, the Soviet bloc would have been an economic triumph rather than an economic and environmental catastrophe. China would have thrived under Mao.

So, that's your setup.

Stalinists and Nazis vs. Capitalist entrepreneurs. Radical Arabs, feminists, Black and Latino activists, eco-warriors, "gap-ologists," and other unhappy people on one side. Jews on the other. To produce the crowds, they only had to message the other groups to stand with the Hamas supporters. Fast.

Now, it isn't ONLY about Jewish people. Jews are the avatar of what Gilder calls the "fondest dream of the twentieth century Left, to reconcile democracy and socialism, to imagine democracy without economic freedom or a system of law and property rights that transcend the vicissitudes of elections."

Modern, high-tech Israel is what happened when Jews shed their early twentieth century socialist ideals, which

were driving Israel into poverty, and then brought in tens of thousands of Russians who were steeped in socialism/communism and despised it for what it failed to do for the people, and created wealth faster than some people thought possible. In this, antisemitic stereotypes pushed to the fore and the claim that it could only have been done by subterfuge emerged as "Israel apartheid." There was no other explanation for Israel's success than that it crushed its own Arab population and the Arabs around it.

With wealth seen as stolen from the exploited poor, the poor in turn win a license to dispossess and kill their oppressors and to disrupt capitalist economies ... But no capitalist system can sustain prosperity amid constant violence. The idea that suicide bombing [today, read massacres and rocket fire] is a tolerable policy that can be extenuated by alleged grievances is preposterous.

At this point, we're finished Chapter One.

And now you know how October 8, 9, 10 and so on happened.

The rest of the book expands on the point — and is absolutely a compelling read and a necessary adjunct to understanding the horrors of October 7 and the war that followed.

Chapter Two is the modern history of the Jewish people, culminating in the thesis that Jews prosper under capitalism.

Chapters Three, Four and Five are a dive into Arab/Palestinian politics from the Nazi era to today and the unwillingness of today's "experts" to acknowledge the roots of today's anti-Israelism. Palestinians are NOT, Gilder writes, looking for a Palestinian state, they are hoping, planning and agitating to ERASE the world's single Jewish State.

Chapter Four explains the economics of being Palestinian in Gaza, Judea and Samaria, and Palestinian Arab across the Arab world. [Side note: Arab citizens of Israel have their own, much different and more prosperous economic track.] There is a natural tie-in to Chapter Five, "The Politics of Hate"

which explains the European hatred of Jews, the popularity of *Mein Kampf* and the fact that when Israel raided Yasser Arafat's camps in Lebanon, Hitler's book was in abundant supply. Gilder notes:

To Hitler ... Jews were anathema, not chiefly because of such exotic figments as their alleged racial inferiority or their demonic Satanism or their perennial Masonic intrigues, but because of a far more common and fashionable complaint still widely voiced at Harvard, Berkeley, and around the globe. Hitler's case against the Jews focuses on their mastery of capitalism.

Referring to Zionism, Hitler wrote, "They have not the slightest intention of building up a Jewish state in Palestine so as to live in it. What they really are aiming at is to establish a central organization for their international swindling and cheating."

What ties these chapters aside from the word "Palestinian," appears here:

This is the Hitler vision of the split between devious individuals (to him, Jewish) who gain power by prevailing in economic rivalry and groups that gain power by blood sacrifice in the perennial and always ultimately violent struggle for survival. It is the division between those who imagine that humans can manipulate nature and create new things under conditions of peace and those who believe that the greatest attainments come from solidarity and sacrifice in war... "He who would live must fight. He who does not wish to fight in this world, where permanent struggle is the law of life, has not the right to exist."

Chapters Six through Nine detail Israel's economic maturation. They work best if you know a lot about computers, physics, the atomic bomb, and algorithms. They are fascinating even if you don't.

Ten is the upcoming generation; Eleven is a case study; Twelve is the growth of the finance industry. As with the chapters on science, it helps to have some expertise knowledge, but it isn't necessary. Thirteen is a putdown of Israel's Peace Now movement — the only chapter that is outdated by events — there are no adherents of "Peace Now" anymore.

Chapter Fourteen is a horror to read now. It begins with Nobel laureate

and its citizenry placed on the notion of peace and the idea that their neighbors could come to value what Israel valued.

[A "did you know?" here: Israel had issued more than 18,000 permits for Gaza Palestinians to work in Israel — for Israeli wages. There was no shortage of willing takers. After 10/7, it was discovered that many of them had made detailed maps and drawings of the villages and kibbutzim, including where the living spaces were. Hamas made use

In the movement are feminist radicals, black radicals, white radicals, Muslim radicals, and, oh yes, grounded in the ideology of Communists and Nazis, both radical by definition. None of them have room for Jews.

Robert Aumann's understanding that by "relentlessly seeking Peace Now, Israel has predictably communicated to the Arabs that terror and aggression work. By repeatedly informing the Arabs that it wants peace more than it wants victory, Israel evinces a short-term strategy that powerfully and consistently rewards bad behavior. As a result, Israel gets neither peace nor victory and the Palestinians get neither economic growth nor political progress."

Auman's only mistake is in capitalizing the P and the N. This was not only a shortcoming of the group Peace Now, but of Israeli governments over time. Until October 7.

Chapters Fifteen and Sixteen follow in the same vein.

Gilder tells his own story in Chapter Eighteen. It is worth reading.

The whole book is, in fact, enormously worth reading. Even the parts that parse a "peace movement" that likely no longer exists, is important to understanding not only the hatred for Israel of the early chapters, but also the value that Israel's various governments

of those drawings. Did you think it was "luck" that they found so many families in their homes but didn't spend much time finding animals in barns?]

And there is, in that, a warning to those in other situations who believe that being nice can make one's enemies nice as well. Iran, Houthi terrorists, China — everyone has a set of priorities, and they may not be ours.

Oh, wait — the test! Chapter Seventeen:

Regardless of flaws — and Israel has fewer flaws than perhaps any other nation — Israel is the pivot, the axis, the litmus, the trial. Are you for civilization or barbarianism, life or death, wealth or envy? Are you an exponent of excellence and accomplishment or of a leveling creed of troglodytic frenzy and hatred?

Well?

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■ *The Last Word ...*

Don't Believe the Numbers

News outlets reported nearly 16,000 deaths in the Hamas-ruled Gaza Strip by December 1, 2023, as Israel attempts to remove the group that slaughtered 1,200 Israelis on October 7, and many innocent Jews in the preceding years.

But according to Lenny Ben-David of the Jerusalem Center for Public Affairs, Hamas' current figures are essentially "fanciful propaganda statistics." That's because after the 2014 war, which Hamas provoked by kidnapping and murdering three Israelis, its health ministry stopped specifying fatalities by age and sex.

Now Hamas lumps all Gazan deaths since October 7 together: all Hamas terrorists; approximately 750 who died of natural causes per CIA calculations; the hundreds supposedly killed by strikes at the al-Ahli Hospital (by the errant Palestinian Islamic Jihad missile) in the Jabalya refugee district (more likely 40 to 50 combined as suggested by photographs); and an unknown number of "collaborators" killed by Hamas or its junior partner, the Iranian-supported PIJ.

Prof. Kobi Michael, a senior researcher at Tel Aviv University, asked how it was that after the first five weeks of

fighting, "neither the Hamas leadership nor the Palestinian Ministry of Health reported a single casualty among Hamas forces." Further, "no one questioned how PMH reported 30,000 Palestinians wounded when the total number of hospital beds in all medical facilities in Gaza, including UNRWA clinics, did not exceed 3,000. So, where exactly are all the 30,000 wounded?"

After October 7 and the IDF's counter-attack, Hamas pledged to attempt more genocidal raids into Israel until the Jewish state and its Jews are destroyed. To eliminate future threats from Gaza and reestablish deterrence against the larger Iranian-backed Hezbollah in Lebanon, the IDF will have to kill thousands more Hamas members. Given the choice the terrorists made to fight among Gaza's civilians, that means many more noncombatant deaths.

Israel's enemies invert the distinction between those sworn to murder Jews and Jews committed to defend themselves. The White House must reassert that responsibility for noncombatant deaths in the Gaza Strip belongs to the Jew haters, not the Jewish state.