



July 17, 2024

The Honorable Merrick B. Garland
Attorney General
Department of Justice
950 Pennsylvania Ave. N.W.
Washington, DC 20530

Dear Attorney General Garland:

We write to you on behalf of Zachor Legal Institute (“Zachor”), a non-profit civil rights legal organization, and StandWithUs Saidoff Legal Department, a division of StandWithUs, an international nonprofit organization dedicated to educating about Israel and combating antisemitism. We write to follow up on previous communications and to request immediate enforcement of 18 U.S.C. §§ 241 and 245 (“KKK Laws”) in response to the deprivation of rights of Jewish and/or Israeli students.

On March 25, 2024, Zachor Legal Institute (“Zachor”) submitted a prosecution request (“March 25 Request”) to the Department of Justice (“DOJ”) on behalf of 29 organizations concerned with antisemitism on American university campuses. That prosecution request can be found at <https://zachorlegal.org/wp-content/uploads/2024/03/ZLI-Coalition-Prosecution-Request-to-AG.pdf>.¹ On June 10, 2024, Zachor sent a second prosecution request to the DOJ, which can be found at <https://zachorlegal.org/wp-content/uploads/2024/06/DOJ-Request-MIT.pdf>, relating specifically to antisemitism at the Massachusetts Institute of Technology (“June 10 Request”, and together with the March 25 Request, the “DOJ Requests”).

The DOJ has apparently taken no action to address the matters identified in the DOJ Requests and the situation on American university campuses and, in fact, areas outside of university campuses has become more violent.²

¹ See Gabe Kaminsky, *Biden DOJ Asked to Prosecute Anti-Israel College Group over Harassment of Jewish Students*, WASH. EXAMINER (Mar. 27, 2024), available at <https://www.washingtonexaminer.com/news/justice/2940857/biden-doj-asked-to-prosecute-anti-israel-college-group-over-harassment-of-jewish-students/>.

² In a single day preceding the date of this letter there were reports of two high profile attacks on Jewish families by antisemitic mobs, one on the east coast and one on the west coast, that are indicative of how campus-initiated antisemitism is spreading off-campus. See, e.g., Susan Edelman and Deidre Bardolf, *NYC Jewish Family Pummeled At Fifth Grade Commencement Shouting ‘Free Palestine’*, NY POST (June 23, 2024), available at <https://nypost.com/2024/06/23/us-news/nyc-jewish-family-pummeled-at-5th-grade-commencement-by-attendees-shouting-free-palestine-mom-says/>; and Nathan Solis, Carlos Lozano and Paul Pringle, *Bass, Newsom Blast Abhorrent Violence Outside L.A. Synagogue During Protest; LAPD Beefs Up Patrols*, LA TIMES (June 23, 2024), available at <https://www.latimes.com/california/story/2024-06-23/pro-palestinian-protesters-and-supporters-of-israel-engage-in-violent-clash-outside-a-west-l-a-synagogue>.

The DOJ Requests outlined how certain university campuses have become “no go” zones for Jewish students in the 2024 academic year as a result of a coordinated campaign by Students for Justice in Palestine (“SJP”) and groups aligned with SJP to deprive Jewish students of their constitutional and federally protected rights. As the March 25 Request explained, “[t]he objectives of SJP’s campaign include preventing American Jews from exercising their First Amendment rights as well as their rights to participate in federally funded programs such as public education. Their tactics include brandishing weapons on campuses, physically attacking Jews and using large crowds to physically prevent Jews from attending classes or using campus facilities. This constitutes an organized deprivation of rights of Jewish Americans.”

While the two DOJ Requests used the events on the campus of the University of California, Los Angeles and the Massachusetts Institute of Technology, respectively, to illustrate the depth of the problem, a lawsuit on behalf of StandWithUs Center for Legal Justice and Jewish students at Columbia University and Barnard College (collectively, “Columbia”) was filed, as amended, in the United States District Court for the Southern District of New York on June 17, 2024 (“Columbia Lawsuit”).³

Because the Columbia Lawsuit provides further details on how groups are escalating their attacks on Jewish and Israeli students and is based, in part, on 42 U.S.C. § 1986, the private analog to the federal criminal laws cited in the March 25 Letter, StandWithUs and Zachor now ask the DOJ to investigate and prosecute those groups cited herein under the KKK Laws.⁴

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³ See <https://swulegaljustice.org/columbia-lawsuit/>.

⁴ Because Columbia is not a public university, the applicability of 18 U.S.C. § 242, which requires action under “color of law,” is likely not applicable to this request, though we defer to the DOJ on whether to prosecute under 18 U.S.C. § 242 specifically.

Background

The DOJ Requests each included an extensive description of the activities of university groups that support the October 7, 2023 Hamas terror attack on Israel (“October 7 Terror Attack”) to deprive Jewish students of rights as well as full overviews of the KKK Laws and how they apply to campus activities in support of the October 7 Terror Attack. We refer to the DOJ Requests and incorporate each of them herein by reference rather than repeating the materials in each request.

Furthermore, while the hypothetical included in the March 25 Request remains relevant and applicable, since this request applies specifically to Columbia and five groups identified below (“Columbia Campus Groups”)— the parties depriving Jewish students at Columbia of their constitutional and federally protected rights—this request will first outline the activities of the Columbia Campus Groups with regard to deprivations of rights of Jewish and Israeli students and then explain how the KKK Laws must be enforced against the Columbia Campus Groups.

Columbia Lawsuit

On February 21, 2024, Students Against Antisemitism, Inc., the StandWithUs Center for Legal Justice and certain Columbia students filed a lawsuit in the Southern District of New York against Columbia over the university’s condoning of antisemitism in violation of the students’ rights under Title VI of the Civil Rights Act and various New York State laws.

On June 17, 2024, this lawsuit was amended (“First Amended Complaint” or “FAC”) to add over thirty new plaintiffs and incorporate a claim under 42 U.S.C. § 1986, for coordinated antisemitic actions which Columbia enabled, and which deprived Jewish and Israeli students of their constitutional and federally protected rights. The Columbia Lawsuit also set forth the manner in which the Columbia Campus Groups violated 42 U.S.C. § 1985(3) but did not name the Columbia Campus Groups as defendants.⁵ The discussion below of the identities and activities of the Columbia Campus Groups is derived from the FAC.

The complaint describes how Columbia turned a blind eye to antisemitic activities on its campus, refused to enforce policies to protect Jewish and Israeli students and faculty, and has thereby created a hostile environment for Jews and Israelis. Indeed, even the President of Columbia has admitted that the actions of the Columbia Campus Groups “...raised serious safety concerns, disrupts campus life, and has created a tense and at times hostile environment for many members of our community.”⁶

⁵ FAC at 228 (“Plaintiffs have not sued the Co-Conspirators but are setting forth the conspiracy and its particulars as the basis for the claim against Columbia brought pursuant to 42 U.S.C. § 1986, which requires an underlying violation of 42 U.S.C. § 1985.”).

⁶ FAC at 107.

Columbia Campus Groups

The Columbia Campus Groups consist of the following entities:

1. SJP Columbia (“SJP-C”) is an antizionist Columbia student group and the Columbia chapter of SJP. SJP-C has been suspended as a student group due to the activities described in the FAC and herein. It is not known at this time whether SJP-C has been reinstated.
2. Columbia/Barnard Jewish Voice for Peace (“JVP-C”) is an antizionist student group at Columbia that often cooperates and collaborates with SJP-C in creating a hostile environment for Jews on the campus of Columbia. Like SJP-C, JVP-C has been suspended as a student group due to the activities described in the FAC and herein. It is not known at this time whether JVP-C has been reinstated.
3. Columbia University Apartheid Divest (“CUAD”) is an organization formed by SJP-C and JVP-C to further their antizionist agenda. While CUAD is not a student group, it operates in coordination with SJP-C and JVP-C and, since the suspensions of SJP-C and JVP-C, has been the vehicle through which the Columbia Campus Groups operate, including organizing, promoting, and executing the unapproved campus encampment where much of the activities aimed at depriving Jewish and Israeli students of their rights on campus occur.
4. Columbia School of Social Work 4 Palestine (“CSSW4P”) is an antizionist graduate school student group that has been integral to the work of the Columbia Student Groups in promoting the deprivation of rights of Jewish students on campus.
5. Faculty and Staff for Justice in Palestine (“FJP”) is an antizionist group comprised of Columbia faculty and staff that supports both SJP-C and JVP-C.

Each of the Columbia Campus Groups works cooperatively to deprive Jewish Columbia students of their rights on campus. The FAC provides additional details on each of the Columbia Campus groups beginning at page 29 thereof.

Columbia Campus Groups’ Actions to Deprive Jewish Students of Constitutional and Federally Protected Rights

While the Columbia Campus Groups are separated by official names, they all act in concert with one another for the specific goal of depriving Jewish and Israeli students and faculty of their rights on campus. It is the case that non-Jewish students and faculty have also been harmed by the actions of the Columbia Campus Groups but by the nature of their unified agenda to interfere with the presence of Israeli and other Jewish students on campus, the Columbia Campus Groups’ actions affected Jewish/Israeli students more than any other campus constituency.⁷

⁷ See the March 25 Request at pp. 5-8 for specific evidence that the focus of campus protests from and after the October 7 Terror Attack has been on Jewish students. As the March 25 Request details, campus protests of this

Like antizionist campus groups elsewhere, the Columbia Campus Groups create a hostile environment on campus for Jewish students and faculty with the goal of shutting down any expression supportive of Israel and Jews and driving Jews off campus entirely. As the FAC documents, the Columbia Campus Groups physically block Jewish students from entering and transiting campus, direct hate speech at Jewish students and physically intimidate, and at times assault, Jewish students who are simply trying to obtain an Ivy League education.

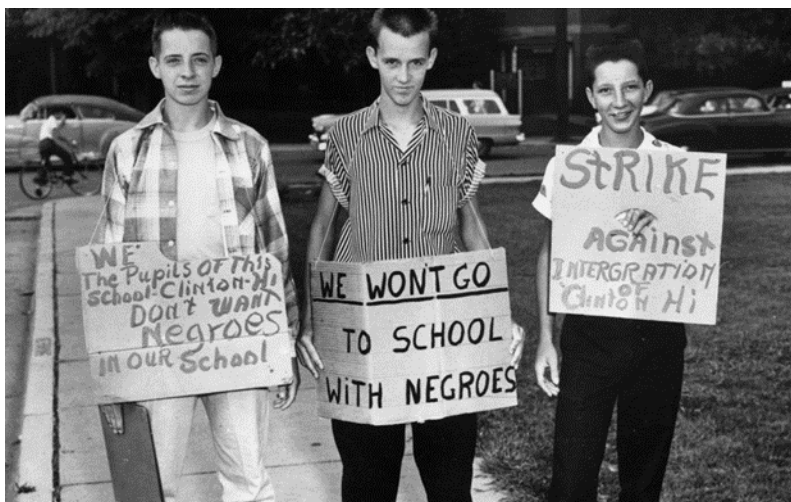
It is hard to differentiate the tactics of the Columbia Student Groups from those of Nazis in the early days of the Holocaust, Hezbollah in Beirut in the 21st century or, of course, the KKK in the American south after Reconstruction.

The images below, from the period when Black Americans were being persecuted by the KKK and affiliates, demonstrate the similarities to what is happening at Columbia and other universities and why the KKK Laws were enacted in the first place.

All one has to do is replace the confederate flags with Hamas flags and change “We Want A White School” to “We Want a School without Jews” or “We Won’t Go To School With Negroes” to “We Won’t Go To School With Zionists.” The intimidation, harassment and deprivations are the same.



nature have been organized and led by SJP and its affiliates. *See also*, the complaint filed in *Maya Parizer, et al., v. AJP Educational Foundation Inc. and Nat'l Students for Justice in Palestine*, Case 1:24-cv-00724 (Eastern District of Virginia, Alexandria Division (May 1, 2024), available at https://www.gtlaw.com/en/-/media/files/news/press-releases/2024/national-jewish-advocacy-center-the-schoen-law-firm-and-the-holtzman-vogel-law-firm-vs.pdf?sc_lang=en&hash=B3D9D0E5C29A86D48411FFC49E7B2142 (alleging and detailing the coordination of various antisemitic campus groups on campuses across the country from and after the October 7 Terror Attack).



These actions constitute a prima facie deprivation of Jewish students' rights to be on campus, engage in speech and assembly, and to participate in federally funded educational programs at Columbia. Under no recognized interpretation of the First Amendment are such deprivations of rights protected.

For example, on October 12, 2023, less than a week after the October 7 Terror Attack and before Israel had started its defensive operations in Gaza, the FAC described the situation on campus:

“...SJP and its supporters roamed campus and spread their hateful messages. Despite the clear language of the Rules of University Conduct—which prohibits conduct that, among other things, “endangers property on a University facility,” “causes a noise that substantially hinders others in their normal academic activities,” “places another in danger of bodily harm,” or disrupts university functions—Public Safety looked on as students climbed on the iconic Alma Mater statue and used megaphones to broadcast their threats. At around 6:00 p.m., the SJP crowd abandoned their supposed “designated area” and began marching around campus. Aryeh was holding a sign with information about the October 7 terrorist attack. As students marched by, they screamed at her that the terrorist attack was “fake news” and that it “never happened.” The mob then marched down Broadway toward the Kraft Center for Jewish Student Life, Columbia’s Hillel building, which was forced to lock its doors as a security precaution and advise students to shelter inside. At 7:20 p.m.—three hours after the event began—Public Safety alerted Hillel that students could leave the building.”⁸

The situation dramatically worsened in the following weeks and months, with the Columbia Campus Groups becoming increasingly violent and far more confrontational in depriving Jewish and Israeli students of their rights on campus.

After an antisemitic rally held by the Columbia Campus Groups on November 9, 2023, where speakers incited the crowd with

⁸ FAC at 48.

“...antisemitic and threatening rhetoric, including student and administrative assistant Adrian Gonzalez, who aggressively yelled, ‘fuck the Jews,’ ‘death to Jews,’ and ‘fuck Israel,’ while trying to instigate fights...’ the ‘...Senior Executive Vice President of Columbia University and Chair, Special Committee on Campus Safety, acknowledged after the rally that it was filled with ‘threatening rhetoric and intimidation.’”⁹

This led to the suspension of SJP-C and JVP-C, but the groups continued to operate on campus and also used CUAD to spread its hateful messaging. It must be noted that the Columbia Campus Groups, which claim they are not antisemitic and only oppose Israel and Zionists, often refer to Jews in place of Israel or Zionists.

Less than a week later, the Columbia Campus Groups targeted individual Jewish students for harassment. As the FAC describes

“On November 15, Within Our Lifetime-United for Palestine (“WOL”)—an extremist, antisemitic group that endorsed the October 7 terror attack on Israel and vocally supported Hamas—organized a rally to protest SJP and JVP’s suspensions just outside of Columbia’s gates where a Public Safety guard booth is located. SJP advertised the rally on its social media outlets. WOL’s mission, much like its affiliates, is to “defend the Palestinian right to resist Zionist settler violence and support Palestinian resistance in all forms. By any means necessary. With no exceptions and no fine print.” Hundreds of students marched past [a Jewish Columbia student’s] dormitory, where many stopped to give [the student] and his roommate the middle finger upon noticing their Israeli flag in their window. On February 2, this happened again, as several hundred students marched past [the student’s] dormitory chanting and holding signs such as “victory to the resistance.” [The student] and his roommate had to take a different exit to get to Friday night services at Hillel to avoid the rally.”¹⁰

By no later than November 16, 2023, the Columbia Campus Groups began physically occupying areas of campus, preventing Jewish students from entering the areas. The FAC details that

“...Columbia Law Coalition for Free Palestine occupied Columbia Law School’s lobby. For nearly three hours, these students violated multiple policies, including by disrupting classes with a megaphone.”¹¹

On November 30, 2023, the Columbia Campus Groups continued their physical attacks on Jewish students. At an event intended to be an open dialogue for both sides of the dispute,

“...CUAD disrupted the event by locking hands to form a ‘Hall of Shame’ with two parallel rows of students lining the stairs to the building to heckle attendees while entering or exiting. Using megaphones, CUAD student members shouted antisemitic chants like “from the River to the Sea. Rather than disperse the crowd, Columbia emailed [a plaintiff] and others that they should use a side door (which the mob later blocked as well). Once the

⁹ *Id.* at 54-55.

¹⁰ *Id.* at 56.

¹¹ *Id.* at 58.

panel started, the CUAD agitators further disrupted the event by loudly banging on the [venue's] doors.”¹²

On December 6, 2023, CSSW4P led the takeover of a university building. In addition to repeatedly harassing Jewish students with support for Hamas' terrorism, CSSW4P operatives

“...jabbed their open umbrellas at [Jewish students], who were attempting to document the takeover. On several occasions, when [a Jewish student] attempted to reposition herself to see the speakers, the students would adjust their umbrellas so her vision remained blocked. [A Jewish student] was jabbed in the face with these umbrellas throughout the takeover. And when she attempted to move closer to listen to a group of students huddled together, she was shoved by a larger student, who was holding a keffiyeh as a barrier to help shield speakers' identities.”¹³

As the violent rhetoric and attacks continued, Jewish students were forced to hide and avoid many areas of campus where the Columbia Campus Groups were active. Moreover, it became impossible for Jewish students to study over the din of antisemitic agitation. For example, on December 11, 2023,

“[A Jewish student] could hear chants from his dormitory room, including, ‘Zionism will fall’ and ‘we don't want Zionists here.’ [The Jewish student] tried to travel to a library, but Columbia had blocked the nearest route. [The Jewish student] was surrounded by marching students, and while attempting to get past them, students commented ‘what is he doing here?’ Throughout the Barnard rally, over one hundred students chanted, ‘Intifada, Intifada, long live the Intifada,’ ‘from the River to the Sea,’ and, in Arabic, ‘from water to water, Palestine is Arab.’ At least one Jewish student was physically assaulted at the rally.

[Another Jewish student] was studying in Milstein Library but the constant chants made it impossible to focus. She left shortly thereafter and found the rally overwhelming and unsettling, especially because she recognized several classmates in attendance. [Yet another Jewish student] was so overwhelmed by the sheer number of people chanting anti-Jewish hate outside Milstein Library, that she immediately started crying and left...

[Still another Jewish student] was in class when the rally started at Barnard, and had trouble focusing because the mob outside was banging drums, banging on classroom windows, and chanting. Her professor continued teaching but she could not hear her over the rally outside.”¹⁴

The intimidation of Jewish students escalated once again in early 2024. At one antisemitic rally held by the Columbia Campus Groups,

“During the rally, Mahdawi [a Columbia student organizer and Hamas supporter] once again espoused violence. Using a megaphone, he glorified martyrdom, claiming that ‘there is nothing-nothing more honorable than dying for a noble cause.’ [A Jewish student] was traveling to his dormitory when he came upon this scene. While maneuvering through the

¹² *Id.* at 59.

¹³ *Id.* at 65-66.

¹⁴ *Id.* at 68-70.

mob around the Low Library steps, Maryam Iqbal, a prominent SJP and CUAD organizer, stopped [the Jewish student] and asked him, ‘why are you here?’ When [the Jewish student] questioned what she meant, Iqbal responded, ‘are you here as a Jew?’ [The Jewish student] again asked Iqbal what she meant, to which Iqbal asked, ‘well do you support Israel?’ When [the Jewish student] answered in the affirmative, Iqbal said, ‘well we’re fighting against you.’ When the mob marched past Butler Library, [another Jewish student] was blocked from entering. When the rally ended, students promised to continue their efforts, chanting, ‘we’ll be back.’”¹⁵

In early February 2023, the Columbia Campus Groups targeted Jewish students in an area adjoining the campus.

“While traveling through the WOL rally, he heard chants of, ‘go back to the gas chambers.’ At one point, the mob began marching down Broadway in front of a Columbia building where a Jewish student wearing a shirt with an Israeli flag was confronted. One agitator saw the student’s shirt and told the group to spread out and block his path before pushing and pinning the student against the wall of the Columbia building while the rest of the crowd surrounded him. After the student broke free, the group chased after him yelling, ‘keep fucking running...’

Students also harassed and intimidated a student holding an Israeli flag, blocking him and blasting sirens in his direction. The students eventually marched around campus, culminating in a blockade at the entrance of Butler Library, where they broke the glass of a library door and promised to continue their efforts, shouting, ‘the more you try to silence us, the louder we will be.’”¹⁶

The number of similar incidents where Jewish students were harassed, intimidated, attacked and prevented from moving about campus and expressing themselves is too many to list in this letter, though they are detailed in the FAC.

On April 17, 2023, a new phase of the Columbia Campus Groups war on Jewish students began: the creation of an unlawful encampment on campus that served a dual purpose—a staging area for the Columbia Campus Groups’ activities and a no-go zone for Jewish students.

“In the early morning hours of April 17, at the direction of CUAD, SJP, and JVP, hundreds of Columbia students descended on the South Lawn in front of Butler Library, and erected roughly sixty tents to establish what they labeled a ‘Gaza Solidarity Encampment.’

The encampment was plastered in signs such as ‘WHOEVER IS IN SOLIDARITY WITH OUR CORPSES BUT NOT OUR ROCKETS IS A HYPOCRITE AND NOT ONE OF US[.] UNTIL VICTORY[.]’; and ‘A MESSAGE TO THE SCUM OF NATIONS AND PIGS OF THE EARTH: PARADISE LIES IN THE SHADOW OF SWORDS. GLORY TO HE WHO MAKES THE OCCUPIER TASTE BITTERNESS.’ Students chanted, ‘say it loud, say it clear, we don’t want no Zionists here.’ Photos of the encampment inundated

¹⁵ *Id.* at 74.

¹⁶ *Id.* at 78-80.

social media, including some with paragliders photoshopped landing on the South Lawn to mimic one of the methods Hamas terrorists used to invade Israel on October 7.”¹⁷

FJP fed fuel to the fire when, as the FAC documents,

“FJP advertised an ‘ALL OUT FOR THE ENCAMPMENT’ rally at 12:00 p.m. at the center of campus, and solicited Venmo payments to Barnard-Columbia Student Abolition Collective, one of the student groups in CUAD.”¹⁸

Jewish students were subjected to intimidation and physical attacks any time they dared approach the encampment, which was often necessary since the encampment was strategically located on an area of campus near dormitories and that students had to transit to get from one class to the next. The encampment was also located in an area that allowed the Columbia Campus Groups to use amplified sound equipment to prevent Jewish students from studying or sleeping in peace. Indeed, the overwhelming numbers of the Columbia Campus Groups at the encampment effectively prevented Jewish students from most campus activities.

“Hundreds of students took turns guarding the encampment with the express purpose of disrupting campus and blocking Jewish and/or Israeli students from accessing campus facilities, including the lawn...

[a Jewish student] left their first class and immediately noticed signs and chants calling for campus to be rid of Zionists, ‘by any means necessary,’ ‘from the River to the Sea,’ and one sign with a Star of David crossed out. They had successive classes in Hamilton Hall, which overlooked the encampment and could hear the encampment throughout both classes....

Throughout the first day of the encampment, Jewish students were harassed on campus and at its gates. As [a Jewish student] was attempting to leave campus, he was surrounded by classmates chanting antisemitic slogans, leaving [the Jewish student] too uncomfortable to return to campus the following week. That evening, [another Jewish student] was walking by Lerner Hall while wearing his kippah, when two individuals with covered faces accosted him, with one calling [the Jewish student] a “fucking Jew.”

Because of this incident, [the Jewish student] removed his kippah.”¹⁹

The situation for Jewish students over the days following the establishment of the encampment continued to deteriorate.

“[A Jewish student], wearing his kippah and tzitzit, and two visibly Jewish friends, including [another Jewish student], were on campus near the encampment when they were confronted and surrounded by a hostile group of approximately ten to fifteen occupiers. **The occupiers initially asked them to sign an ‘anti-Zionist pledge,’ which they claimed was required for entry into the encampment.** An occupier filmed [the other Jewish student] and followed her around. When [the other Jewish student] asked her to stop, the

¹⁷ *Id.* at 88.

¹⁸ *Id.* at 93.

¹⁹ *Id.* at 91-92.

occupier responded she would not until [the other Jewish student] left. The occupier got physically close to [the other Jewish student] and threatened her.”²⁰

Again, FJP supported the unlawful encampment and encouraged the other Columbia Campus Groups to escalate their attacks.

“... FJP members joined the encampment to encourage an ‘academic boycott of all events,’ including classes and commencement, until its demands that Columbia ‘halt all disciplinary proceedings against students,’ comply with CUAD’s divestment proposal, which includes cancelling Columbia’s partnership with Tel Aviv University (“TAU”), and opening of the Tel Aviv Global Center, and reinstate SJP and JVP were met.”²¹

The Columbia Campus Groups sophistication in managing the encampment grew to become something akin to how Hamas and other terror groups control areas they occupy:

“A student from the encampment then shouted out [a Jewish student’s] name and Columbia ID number, before yelling, “we know who you are, we know that you’re a biology Ph.D. student and you’re not welcome on this campus.” When the [Jewish student] was near the encampment on April 25, a student-occupier again shouted out his Columbia ID number. **The occupiers at the encampment maintained a central drive where information on Jewish and/or Israeli students was kept.**”²²

As Columbia refused to act against the Columbia Campus Groups the encampment became the source from which a great deal of the deprivations of Jewish students originated.

“...three Jewish students, including [a Jewish student], walked through campus when they were confronted by a mob of students and other occupiers in the encampment. Student and CUAD organizer Khymani James announced: ‘Attention everyone. Can I get everyone to form a human chain right here please? We have Zionists that have entered the camp.’ As occupiers began emerging from the tents, [the Jewish student] was surrounded. James continued a call and answer: ‘Repeat after me. We have Zionists who have entered the camp. We are going to create a human chain. Where I am standing. So that. They do not pass this point. And infringe upon our privacy. And try to disrupt our community. Please join me in this chain. We are going to slowly walk and take a step forward. So that we can. Start to push them. Out of the camp.’ At James’ instruction, the mob of roughly two hundred students and outside agitators encroached on the Jewish students, physically pushing them back. As [the Jewish student] left, occupiers followed her, and one yelled, ‘yeah, go back to Brooklyn.’”²³

The Columbia Campus Groups’ incitement was such that even outside the encampment Jewish students were targeted for violence and deprivations of rights.

“Just after midnight in the early morning hours of April 30, dozens of students and their supporters, many dressed head to toe in black, broke into Hamilton Hall, a Columbia

²⁰ *Id.* at 97 (emphasis added).

²¹ *Id.* at 98.

²² *Id.* (emphasis added).

²³ *Id.* at 104.

University academic building. They smashed windows and the glass-paneled door, placed a bike lock around the door handles, and barricaded themselves inside the building. Once inside, the students covered security cameras and draped massive banners, including one calling for an ‘INTIFADA’ outside the building, leading to chants of ‘from the River to the Sea, Palestine will be free.’

The occupiers shoved [two Jewish students] as they broke into Hamilton Hall. [One of the Jewish student’s] friend called the NYPD multiple times but was told that Columbia declined to allow the NYPD on campus. Yet Public Safety watched the takeover and refused to act.

Several employees were inside Hamilton Hall when students occupied the building. The employees were forced to fight their way out of the building while being subjected to verbal abuse by aggressive and threatening students, and at least two custodians were physically detained against their will. When the employees asked to leave, the occupiers refused, telling them that the moment was ‘bigger than you....’

Outside Hamilton Hall, hundreds more students and other agitators formed a human chain to protect the occupied building, claiming they would not leave until Columbia met their demands. Those outside also passed supplies to the occupiers inside using a makeshift pulley system. Around 2:00 a.m., students inside hung another banner that said, ‘Free Palestine’ in both English and Arabic. The chants continued through the night.

[The Jewish student] was terrified as she watched agitators throw picnic tables into the building to barricade the doors.

At 8:00 a.m., Columbia University spokesperson Chang issued a statement that Columbia University had alerted its community members to avoid coming to campus if possible.”²⁴

Application of the KKK Laws to the Acts of the Columbia Campus Groups

The March 25 Request, which is incorporated herein by reference, contains a detailed discussion of the elements and applicability of the KKK Laws and those details will not be repeated in this request.

As mentioned above, because Columbia is not a public university, it is likely that there has been no action under color of law, so the discussion of 18 U.S.C. § 242, which requires action under color of law, will not be covered in this request (though we defer to the DOJ in the event it finds a sufficient showing of a nexus to government actors in the matters detailed both in this request as well as the Columbia Lawsuit).

Consequently, this request will provide a general overview of the two provisions of the KKK Laws, 18 U.S.C. §§ 241 and 245, that are most applicable to the Columbia Campus Groups and then explain how the actions of the Columbia Campus Groups constitute violations of those particular KKK Laws.

²⁴ *Id.* at 110-112.

The acts of the Columbia Campus Groups, as summarized in the prior section of this request, are too numerous to set out *in toto* but several examples of specific conduct suffice to show violations of the KKK Laws. For a full discussion of the many specific instances of deprivations of rights, see the FAC at pages 137-200.

The FAC, in its count relating to violations of 42 U.S.C. § 1986 (the private analog to the KKK Laws), sets out the framework for describing the Columbia Campus Groups many violations of 18 U.S.C. §§ 241 and 245. In this regard, the elements of a violation of the KKK Laws are virtually identical to the elements of the deprivation of rights provisions of 42 U.S.C. § 1985(3).

“The [Columbia Campus Groups] plotted, coordinated, and executed a common plan, with an agreement and understanding, to engage in, promote, and incite harassment, threats, violence, and intimidation against Jewish and Israeli members of the Columbia community, including the Individual Plaintiffs and SAA’s and SCLJ’s Jewish and/or Israeli Columbia student members.

This meeting of the minds is evidenced in the close collaboration among the groups, and their co-organization, co-sponsorship, and/or co-promotion of the rallies, demonstrations, and encampments, and the community guidelines described herein. The [Columbia Campus Groups] posted their mission and demands online and reiterated them during negotiations with Columbia such that Columbia had knowledge. The [Columbia Campus Groups] include individual student groups, as well as “collectives” and “coalitions” comprised of varying assortments of conspiring student groups. Additional co-conspirators whose identities are not known committed numerous additional acts in furtherance of the conspiracy to violate plaintiffs’ rights, including those alleged herein.

In furtherance of a conspiracy to violate the rights of Jewish and Israeli Columbia students, including the Individual Plaintiffs and SAA’s and SCLJ’s Jewish and/or Israeli Columbia student members, as set forth in the paragraphs above, the [Columbia Campus Groups] committed numerous overt acts designed to create an environment of intimidation, physical and verbal harassment, and hostility against the Individual Plaintiffs and SAA’s and SCLJ’s Jewish and/or Israeli Columbia student members for the purpose of depriving them of their constitutional rights to the equal protection of the laws and their equal enjoyment of the privileges and immunities of citizens of the United States guaranteed by the Constitution and laws, and to the full and equal benefit of the laws and proceedings for the security of persons, including those under 42 U.S.C. §§ 1981 and 1982, the Thirteenth Amendment right to be free from racial violence, and the right to travel, because of their national origin, race, ethnicity, and/or religion.

The [Columbia Campus Groups], on behalf of themselves and/or the organizations for which they are members, leaders, agents, and/or officers, committed numerous express overt acts in furtherance of this unlawful conspiracy to engage in, promote, and incite racial, religious, and ethnicity-based harassment and physical violence, including, but not limited to, planning, coordinating, and promoting the rallies, demonstrations, and encampments detailed herein, encouraging and organizing followers to attend, coordinating logistical support to attendees, soliciting monetary and other aid, and encouraging attendees to make explicit violent and racially motivated threats, prepare for,

and commit discriminatory and harassing acts while concealing their identities. Those acts include physically removing and threatening to remove from the lawn Jewish and/or Israeli students, and holding demonstrations and occupations which, by express design, deprived Jewish and/or Israeli Columbia students access to their classrooms, dormitories and other Columbia facilities. The illegal activities described herein were undertaken pursuant to an unlawful conspiracy for the express purpose of depriving Jewish and/or Israeli Columbia students of their rights to the equal protection of the laws and their equal enjoyment of the privileges and immunities of citizens of the United States guaranteed by the Constitution, including the right to intrastate travel, because of their national origin, race, ethnicity, and/or religion.

The [Columbia Campus Groups] repeatedly engaged in campaigns of intimidation, threats, and physical violence throughout Columbia's campus. As a result of these conspiratorial acts, Jewish and Israeli Columbia students, including the Individual Plaintiffs, and SAA's and SCLJ's Jewish and/or Israeli Columbia student members, have suffered injuries including deprivation of one or more of their rights or privileges guaranteed by the Constitution and laws, bodily injury, and severe emotional distress.

Specifically, Jewish and Israeli Columbia students, including the Individual Plaintiffs and SAA's and SCLJ's Jewish and/or Israeli Columbia student members, among other things, have faced antisemitic verbal and physical harassment, have had classes and other educational opportunities disrupted, have been blocked from entering campus facilities, and have been prevented from moving about freely on campus."²⁵

18 U.S.C. § 241

In any prosecution under 18 U.S.C. §241, the following elements must be established:

- (1) That a conspiracy involving two or more people existed;
- (2) That the object of the conspiracy was to injure, oppress, threaten, or intimidate a person in the free exercise or enjoyment of a right protected by the Constitution or laws of the United States; and
- (3) That the defendants knowingly and voluntarily joined the conspiracy with an understanding of its purpose and unlawful nature.

As an example of a violation of 18 U.S.C. § 241 by the Columbia Campus Groups, the operations and effects of their mob-activity and, in particular, the encampment, provide an excellent synopsis.

Jewish Student 1:

“When she went to campus, she had to adjust her route so that she would avoid walking by mobs with antisemitic chants and signs—a task which proved incredibly difficult when

²⁵ *Id.* at 226-228.

Columbia limited access to specific gates. She could hear chants from her classrooms which made it difficult to focus. She was similarly unable to concentrate in the library because students were often handing out antisemitic fliers. The same happened in her residence hall, where students would place fliers under her door ... [she] has avoided certain classes because she does not feel comfortable being visibly Jewish in them, has concealed her Star of David necklace since October 7, and has avoided speaking Hebrew on campus. Because her room overlooked Broadway, [she] could not sleep once the encampment started as she heard chants throughout the night. **After being accosted on campus during the encampment, she left New York for nearly ten days and once she returned to New York, never set foot on campus.**²⁶

Jewish Student 2:

“In or around the first week of November 2023, [he] was **physically assaulted** near the Alma Mater statue in the center of Columbia’s campus. [he] was wearing his backpack with a pin stating “Israel Always and Forever” when a man wearing a keffiyeh over his face grabbed the pin, pulled [he] to the ground by his backpack, and said, standing over him, ‘fuck you Zionist.’ When he got home, [he] immediately removed the pin from his backpack and never wore it on campus again.

[He] applied to Columbia University specifically intending to join the Bio Mechanics graduate program as Columbia University is one of the few universities offering the program. When he arrived, he was told that the professor who taught the program was on

sabbatical for an entire year. [he] switched to an entrepreneurship program rather than drop out. In or around mid-October 2023, [he] was offered a Ph.D. position with a basis in Bio Mechanics, which would allow him to pursue his desired degree. He initially accepted the position and began working on the degree. Yet [he] ultimately forewent the opportunity because **he could not stay at Columbia another six years due to the antisemitism he has experienced.**

During the encampment at the end of the semester, [he] still had final projects to complete, including one in the Biomedical Engineering lab. **But because the encampment forced the closure of the entire campus, [he] was denied access to his lab. [he] went to the gate for four days straight and each day he was told he could not enter, all while other students were allowed entry.** [he] was told to email Public Safety for access to campus. On May 1 and 2, 2024, [he] emailed and called Public Safety, who told him to go to the gates and that he would be allowed on campus. Yet when he went to the gates, he was still denied entry. He continued to call Public Safety and received inconsistent responses about his access to campus, with some officers telling him there was nothing they could do and that even if he were allowed on campus, no one was on campus who could open the lab. On May 3, [he] emailed the chair of the Biomedical Engineering Department requesting access to campus. The chair forwarded [his] email to the dean of the Engineering School,

²⁶ *Id.* at 146 (emphasis added).

who eventually granted access to campus on May 4, 2024. [he] **was denied access to campus** from May 1 to May 4.”²⁷

Jewish Student 3:

“She also sustained an injury to her knee when she was assaulted by a student during the encampment. The leg was unable to support her weight for weeks and caused immense pain.

[She] is an observant Jew who has been asked by faculty multiple times to compromise her religious practices [to appease the Columbia Campus Groups].”²⁸

Jewish Student 4:

“On or around the beginning of April 2024, [he] was walking to class when he encountered a mob of students just outside the campus gates. As he needed to get to class, he continued walking through the mob. Three individuals yelled, ‘get out kike’ at him. [He] reported the incident to Public Safety, but did not receive a response. [He] was wearing his Star of David necklace that day, but from that point on, he hid his Star of David while walking around campus if there was a rally. Frightened by the encounter, he continued to avoid coming to campus whenever possible, took longer routes to class to avoid the mob, and even missed classes because of the mob’s presence.

On April 18, 2024, [he] encountered the encampment for the first time. He was shocked by what he saw: a student wearing a green headband resembling ones worn by Hamas terrorists and another holding a Hamas flag. They were chanting, ‘burn Tel Aviv to the ground’ and ‘Intifada.’ On or around this time, he was pushed several times, and was told, ‘Zionist get out’ and ‘get the fuck out of here’ and some of his friends were told, ‘go back to Poland.’

... He spent most of his sophomore year in his apartment avoiding campus. He also stopped speaking Hebrew, as he would typically do with friends and family, while on campus.”²⁹

Jewish Student 5:

“Throughout fall 2023 and spring 2024 semesters, [her] time studying in the library and her classes were interrupted by agitators chanting on Columbia’s campus. She also struggled to sleep at night, which made studying and going to class even more exhausting and unbearable. She was often forced to adjust her routes to, from, and on campus to avoid rallies. But avoiding the agitators off campus was no easier as outside agitators had also taken over the sidewalks surrounding campus. **After the encampment was erected, she avoided campus. For the first time in her life, [she] concealed her Jewish identity,**

²⁷ *Id.* at 181-182 (emphasis added).

²⁸ *Id.* at 174.

²⁹ *Id.* at 164-165.

often covering up clothing identifying her as Jewish and hiding her Star of David necklace.”³⁰

The FAC provides a comprehensive review of incidents where the students, Jewish faculty and staff at Columbia have suffered other deprivations of rights. Perhaps the most egregious deprivations were those relating to religious observance. On many occasions, as a result of the threats and use of force by the Columbia Campus Groups Jewish students were forced hide their religious garb (such as head coverings) and even break Jewish religious rules.³¹

The deprivations of rights were not an unintentional byproduct of the Columbia Campus Groups exercising their rights to peacefully assemble and protest; they were the goal of the Columbia Campus Groups’ acts.

In intentionally preventing Jewish students and Columbia faculty/staff from exercising their rights to assemble, speak and avail themselves of the educational opportunities at Columbia, the actions of the Columbia Campus Groups constitute a conspiracy to injure, oppress, threaten, and intimidate Jewish students and Columbia staff and faculty³² in the free exercise or enjoyment of rights protected by the First, Thirteenth, and Fourteenth Amendments to the Constitution, Titles VI and VII of the Civil Rights Act, and numerous other laws of the United States.

Of particular note here is the widespread deprivation of Jewish students’ rights to observe their religious practices, from wearing religious garb to attending religious services to even being on campus as an identifiable Jew.

Again, because the Columbia Campus Groups are so similar and, are in fact, affiliated with SJP, we refer to the March 25 Request at pages 21-23 for a detailed legal analysis of the specific application of 18 U.S.C. § 241 to the facts presented herein.

18 U.S.C. § 245

The relevant provisions of 18 U.S.C. § 245 in the context of the deprivation of rights by the Columbia Campus Groups are 18 U.S.C. §§ (b)(1)(E) (the use or threat of force to intimidate or interfere with a person’s right to participate in a federally funded program) and 18 U.S.C. § 245 (b)(2)(C) (interference with a person’s employment by a private employer on the basis of the person’s race, color, religion or national origin).

In any prosecution under 18 U.S.C. § 245, the following elements must be established:

- (1) That the person used force or the threat of force;

³⁰ *Id.* at 153 (emphasis added).

³¹ *See, e.g.*, the FAC relating to plaintiff Doe at pages 149-150, where the Jewish student was forced to break Jewish sabbath rules to get onto campus, had to abandon his dorm room and not use the campus library due to threats and was threatened with calls of “fucking Jew,” “kike,” and “Zionist pig,” from the encampment.

³² Without question, non-Jewish students suffered similar deprivations, though the focus of the Columbia Campus Groups was Jewish and Israeli students.

- (2) That the person willfully injured, intimidated, or interfered with the victim, or attempted to do so;
- (3) That the person acted because of the victim's race, color, or national origin for 18 U.S.C. § 245 (b)(2)(C) prosecutions;
- (4) That the person acted because the victim was enjoying the goods, services or facilities of a place or activity referenced in the statute; and, if a felony is charged,
- (5) That bodily injury resulted. This is only for felony charges. For other charges, no bodily injury is required.

As a threshold matter, 18 U.S.C. § 245 requires a showing that there was a threat or use of force in the course of the deprivation of rights. Force is defined as “power, violence, compulsion, or restraint exerted upon or against a person or thing.” *United States v. McDermott*, 29 F.3d 404, 409 (8th Cir. 1994).

As the FAC documents, the Columbia Campus Groups rely on large numbers of participants to physically occupy spaces and intimidate Jewish students from exercising their rights.³³ In the case of the Columbia Campus Groups, they used force as well as the threat of force in depriving Jewish and Israeli students and faculty/staff of their rights.

This is a classic case of the use or threat of force and it’s not only prevalent on the Columbia campus, but also happening on universities across the country.

The FAC documents that the acts of the Columbia Campus Groups were intentional and willful and designed to prevent Jewish and Israeli students from accessing areas of campus, attending classes, gathering on campus, and speaking on campus. With regard to Jewish and Israeli Columbia faculty and staff, the acts of the Columbia Campus Groups were also intentional, willful and designed to compel the individuals from performing their job duties.

In the cases of affected faculty/staff, the Columbia Campus Groups specifically targeted Jews as well as Israelis, satisfying 18 U.S.C. § 245’s requirement that the deprivation of rights relating to private employment be based on the affected person’s religion or national origin.

While Columbia is a private university, it receives federal funding.

Thus, the actions of the Columbia Campus Groups to deprive (i) Jewish students of their right to participate in the federally funded educational opportunities at Columbia and (ii) Jewish and Israeli faculty and staff of their rights to employment each constitute clear violations of 18 U.S.C. § 245.

In terms of whether the charges against the various members and affiliates of the Columbia Campus Groups should be misdemeanor or felony charges, each case will dictate the decision.

³³ See, e.g., FAC at 111-115.

It must be noted, however, the when the DOJ makes this determination, the standard for ascertaining whether “bodily injury” has resulted is “... any injury to the body, no matter how minor or temporary, including pure physical pain.” *Hudson v. McMillian*, 503 U.S. 1, 5 (1992); *see also United States v. Perkins*, 132 F.3d 1324, 1326 (10th Cir. 1997) (holding that an injury that is painful or obvious, or is of a type for which medical attention ordinarily would be sought, is “significant” bodily injury); and *United States v. Myers*, 972 F.2d 1566, 1572 (11th Cir. 1992) (approving instruction defining bodily injury as “any injury to the body, no matter how temporary” including “physical pain as well as any burn or abrasion”).

Given the extreme and pervasive nature of the Columbia Campus Groups’ deprivations of rights the DOJ must ensure that where felony charges are legally permissible, the weight of the overall harm requires that they be brought.

Conclusion

Since the date of the respective DOJ Requests referenced above, there has been no publicly announced action by the DOJ to enforce the same laws that have been used recently to prosecute those, for example, who have interfered with the operations of abortion clinics.

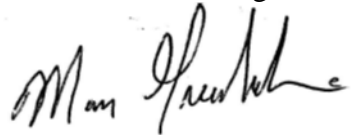
For example, on January 30, 2024, the Department of Justice announced the successful prosecution of individuals blocking access to abortion clinics. That prosecution included charges against protesters who prevented individuals from using the services of the abortion clinic in violation of Section 241 of the Deprivation of Rights Laws.³⁴

The threats posed by the Columbia Campus Groups are far greater than obstruction of access to abortion clinics, yet the DOJ does nothing to protect Columbia’s Jewish and Israeli students, faculty and staff, notwithstanding exhaustive evidence that the Columbia Campus Groups are depriving individuals and groups of constitutional and federally protected rights.

History has shown the results of government inaction in the face of rampant antisemitism. We are now living in a historical moment where the DOJ can take decisive action, using existing laws, to protect one of the most vulnerable groups in the country. It is critical that the DOJ act now and enforce the KKK Laws against the Columbia Campus Groups, particularly before the new fall 2024 semester begins and Columbia Campus Groups act upon their promise to escalate their unlawful actions over the fall semester.

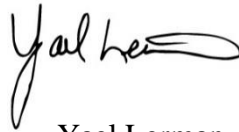
³⁴ See <https://www.justice.gov/opa/pr/six-defendants-convicted-federal-civil-rights-conspiracy-and-freedom-access-clinic-entrances>. The defendants were convicted of violations of 18 U.S.C. § 241 as well as the FACE Act, 18 U.S.C. Section 248(a)(1) *et seq.*

On behalf of Zachor Legal Institute,

A handwritten signature in black ink, appearing to read "Marc Greendorfer". The signature is fluid and cursive, with the first name "Marc" being more prominent.

Marc Greendorfer
President
Marc@ZachorLegal.org

On behalf of the StandWithUs Saidoff Legal Department,

A handwritten signature in black ink, appearing to read "Yael Lerman". The signature is cursive and includes a large, sweeping flourish at the end.

Yael Lerman
Director