

November 4<sup>th</sup>, 2023

Dear President Gay,

I am writing this letter to you regretfully. Never did I think I would have to write a letter to the president of my alma mater about the impact of her actions and inactions on the health and safety of its student body in order to help catalyze necessary change. For the past four weeks since the horrors of October 7<sup>th</sup>, I have been in dialogue with members of the corporation board, other alumni, as well as students and faculty sharing and comparing our concerns about the growing number of antisemitic incidents on campus, as we wait for you and the University to act. Four weeks after the barbaric terrorist acts of October 7<sup>th</sup>, I have lost confidence that you and the University will do what is required.

Last Wednesday, I spent seven hours on campus meeting with Jewish, Israeli, and non-Jewish students and faculty at the Law School, at HBS and in a 90-minute town hall in Aldrich 112 with 230 Jewish college students (coincidentally, one for each hostage held by Hamas), research staff, and faculty from the University at large, organized by Harvard Chabad. Over the course of the day, it became clear that the situation at Harvard is dire and getting worse, much worse than I had realized.

Jewish students are being bullied, physically intimidated, spat on, and in several widely-disseminated videos of one such incident, physically assaulted. Student Slack message boards are replete with antisemitic statements, memes, and images. On-campus protesters on the Widener Library steps and elsewhere shout “Intifada! Intifada! Intifada! From the River to the Sea, Palestine Shall Be Free!” as they knowingly call for violent insurrection and use eliminationist language seeking the destruction of the State of Israel and the Jewish people.

When you explained in your October 12<sup>th</sup> video address that Harvard “embraces a commitment to free expression,” you sent a clear message that the eliminationist and antisemitic statements of the protesters are permissible on campus. Putting aside the legal limitations on free speech that include restrictions on fighting words and true threats, “where speakers direct a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death,” if Harvard indeed had a strong track record of protecting free speech, many would have taken your support for free speech more seriously. Unfortunately, Harvard has not embraced a serious commitment to free speech, particularly so in recent years.

In The Foundation for Individual Rights and Expression (FIRE) Annual College Free Speech Rankings, Harvard has consistently finished in the bottom quartile in each of the past four years, with its ranking deteriorating each year. On September 23<sup>rd</sup>, just two weeks prior to October 7<sup>th</sup>, FIRE announced that Harvard achieved its lowest free speech ranking ever for the 2023 academic year, ranking last out of 254 universities, with a rating of 0.00, the only university with an “abysmal” speech climate. See: <https://www.thefire.org/news/harvard-gets-worst-score-ever-fires-college-free-speech-rankings> for the results of the survey where FIRE cites multiple examples of incidents on the Harvard campus where students and faculty were denied their First Amendment rights. Therefore, when you cite Harvard’s “commitment to free expression,” in supporting the protesters, it rings false and hypocritical to the university at large and the Jewish community in particular.

Many Jewish students have also recently become afraid to express their concerns. Many have also felt the need to remove their mezuzahs, yarmulkes, Stars of David, and other overt evidence of their religion and heritage on campus and in Cambridge to avoid being exposed to discrimination, bullying or worse.

I am incredibly saddened to say that Harvard has also become a place where Jewish students are concerned about the threat of physical violence (which likely has a corresponding impact on their mental health) while among other insults, they are forced to sit next to classmates who openly and comfortably post, under their actual names, antisemitic statements and imagery on the student-wide Slack message system with no consequences for their actions.

And it is not just the Jewish students and faculty that are up in arms. While on campus, I heard a constant refrain from non-Jewish members of the Harvard community:

Why are Claudine and the administration doing nothing about this?

### **Harvard's Office of Equity, Diversity, Inclusion and Belonging**

I have heard from many members of the Harvard community that Harvard's Office of Equity, Diversity, Inclusion and Belonging ("OEDIB") is an important contributing factor to the problem. I was surprised to learn from students and faculty that the OEDIB does not support Jewish, Asian and non-LGBTQIA White students. I had never read the OEDIB DEI statement until today when I wrote this letter. The DEI statement makes clear that Harvard's conception of diversity, equity, inclusion and belonging does not include Jews (at least those that are not in one of the other welcomed DEI groups). According to Harvard's DEI statement:

We actively seek and welcome people of color, women, persons with disabilities, people who identify as LGBTQIA, and those who are at the intersections of these identities, from across the spectrum of disciplines and methods to join us.

In other words, Jews and others who are not on the above list are not welcome to join. When antisemitism is widely prevalent on campus, and the DEI office – which “views diversity, equity, inclusion and belonging as the pathway to achieving inclusive excellence and fostering a campus culture where everyone can thrive” – does not welcome Jewish students, we have a serious problem. It is abundantly clear that the campus culture that is being fostered at Harvard today is not one where everyone is included, feels a sense of belonging, welcomes diversity, or is a place where “everyone can thrive.”

### **Equity on Campus**

The issue of equity, or the lack thereof, was another issue about which I heard constant complaints, i.e., the so-called “double standard.” One member of the faculty rhetorically asked:

What would Claudine do if 34 Harvard student organizations put out a statement on May 25<sup>th</sup>, 2020 that ‘George Floyd had it coming,’ noting that you have yet to condemn the student organization letter which holds Israel “solely responsible” for the heinous and barbaric acts of a terrorist organization.

Other faculty, alumni and students asked other rhetorical questions including:

How would Harvard respond if a trans student attempted to walk by an anti-LGBTQIA demonstration on the HBS campus and was subject to the same abuse that the Jewish HBS student experienced at the Free Palestine demonstration on October 18<sup>th</sup>?

How would you respond to a Harvard white supremacist protest where students shouted “Tulsa! Tulsa! Tulsa! From the Atlantic to the Pacific, America should be free of Black people.”

Would Harvard even permit the above demonstrations to take place on campus?

Despite the outburst of antisemitic activities and protests on campus, the first initiative that Harvard took to protect students was the establishment on October 24<sup>th</sup> of a task force to “support students experiencing doxxing, harassment, and online security issues following backlash against students allegedly affiliated with a statement that held Israel ‘entirely responsible’ for violence in the Israel-Hamas conflict.” The creation of this task force sent a very strong message that the University was not just ignoring the antisemitic incidents and threats to Jewish student safety on campus, but rather it was taking sides in the conflict by only supporting students who held Israel responsible for Hamas’ vile acts.

In summary, your failure to condemn the barbaric acts of October 7<sup>th</sup> opened the door for a wave of anti-Israel attacks on campus that have led to a growing number of antisemitic protests and actions. Your subsequent two statements about October 7<sup>th</sup> to the university attempting to address the failings of your first letter were not taken seriously as many perceived those statements as being driven by pressure from the alumni community rather than reflecting a sincere and authentic understanding of the issues, and real empathy for Israel and the Jewish community.

The failure of your communications to the public and the University coupled with the fact that the first tangible action by the University was to protect those who blamed Israel has created a belief among the Jewish and Israeli community at Harvard that they are not deemed welcome nor worthy of protection by the University.

#### **“Narrow Casting”**

Finally, your announcement on Friday October 27<sup>th</sup> about launching a task force to address antisemitism and your statement that “Antisemitism has no place at Harvard” was welcomed by members of the Jewish community in attendance, but students who participated in my Thursday town hall were either unaware of that announcement or alternatively questioned your commitment to address antisemitism.

At my town hall, it was noted that your antisemitism speech was made only to Jewish students and parents at a Hillel Shabbat dinner, and a transcript of your remarks was only given to and published in the Forward, a niche Jewish publication with a tiny subscriber base. Two members of the Harvard faculty described this as “narrow casting” to an affinity group rather than you making a serious public commitment to address antisemitism. One research fellow stated, and many in the room agreed, that they would only believe that you were committed to stamp out antisemitism at Harvard if you stood up in front of the entire Harvard community and made that commitment, and you then implemented tangible and decisive actions consistent with that commitment.

While the members of the Jewish community I met with at Harvard were happy to hear from an alum who was willing to listen, many students questioned why you have not sat down with students so that you can hear their concerns first-hand.

#### **Antisemitism at Harvard Prior to October 7th**

In the transcript of your speech published in the Forward, you said about antisemitism at Harvard: “For years, this university has done too little to confront its continuing presence. No longer.”

Your remarks imply that antisemitism has been a serious issue at Harvard that has gone unaddressed for years. I have been an active alum for 35 years having attended the college and HBS, taught numerous classes on campus each year, have participated in many fireside chats with large student audiences, mentor current students and recent graduates on a regular basis, and have been a member of the Dean’s Advisory Board at the business school for many years. During this period, I have neither experienced nor have I become aware of any antisemitic incidents at Harvard until beginning four weeks ago.

When I asked my daughter today about her experience with antisemitism at Harvard (she graduated in 2020), she described antisemitism when she was at Harvard as “non-existent.” While I am sure it is possible if not likely that there have been some antisemitic incidents at Harvard over the last 35 years, the reality is that Harvard has been an extremely comfortable place to be Jewish and/or Israeli, up until the last four weeks.

In truth, the outburst at antisemitism at Harvard is a recent one and is largely due to your actions and inactions and that of the administration and the University at large in failing to appropriately address blatant antisemitism on campus.

### **How Can You Solve the Problem?**

What I find particularly upsetting about recent events on campus is that the problem is not so difficult to address. I do not believe that antisemitism is widespread among the student body and faculty at Harvard. Rather, I believe that a small minority of students, faculty, and staff are antisemitic and the administration’s inaction in confronting the problem head on have emboldened this antisemitic subset of the community to escalate their antisemitic actions because there have been no consequences for doing so.

Actions speak much louder than words. Members of the Harvard community have heard some words, but experienced no actions of substance to address antisemitism on campus. I would therefore recommend the following steps which I believe will dramatically reduce if not eliminate antisemitic acts at Harvard immediately.

First, the students involved in harassing and allegedly physically assaulting the HBS student on October 18<sup>th</sup> should be immediately suspended. I understand that the University is waiting for the outcome of a police department review of the situation to take action, but this makes no sense. It is clear from the multiple videos available of the incident that the conduct of the protesters involved does not meet the standards for student conduct outlined in the Harvard College Student Handbook, in particular Harvard’s anti-bullying policies outlined in the Report & Recommendation from the Anti-Bullying Working Group adopted on September 1, 2023. <https://communitymisconductpolicies.harvard.edu/reports-and-draft-policies> These standards alone are enough to invoke Disciplinary Probation until such time as the police department investigation is completed. Harvard student disciplinary actions should not be outsourced to the police department.

Taking decisive action now will put all Harvard students, faculty and staff on notice that the University takes violations of Harvard’s code of conduct seriously, and will bring great comfort to the Jewish community at Harvard that appropriate actions to reduce threats to their safety are being implemented.

Second, the protesters who have been chanting Intifada and other eliminationist statements should be subject to disciplinary action. There are multiple videos available of the various protests that would enable the University to identify the individuals involved who can then be referred to the Administrative Board where appropriate disciplinary action can be determined and acted upon.

Third, the University should review the student Slack message boards to identify those students who have made antisemitic statements or shared antisemitic imagery. These students should also be referred to the Administration Board for appropriate disciplinary action.

Fourth, the University should publicly reach out to students in an effort to obtain other examples of antisemitic acts that should also be carefully investigated, and for which appropriate disciplinary steps should be taken.

Because Harvard students are notoriously focused on their job and career prospects post-graduation, disciplinary actions by the administration for failure to meet the University's standards for appropriate conduct that become part of a student's permanent record should serve as an effective deterrent to overt antisemitic acts on campus. No law firm, corporation or graduate program will hire or admit an antisemitic or racist student. I note that the recent letter to the deans of law schools around the country signed by many of the top law firms in the U.S. has, I am told, already begun to have an effect in reducing antisemitic acts at the Law School.

Fifth, the University should form a task force to review the appropriateness of the activities of the OEDIB and whether its practice of excluding certain minority communities on campus, including Asian and Jewish students, is appropriate, which in fact may be contributing to discrimination against these groups on campus.

Sixth, the results of the antisemitism task force should be made public as promptly as possible so that we can better understand the sources of antisemitism at Harvard. Harvard's admissions practices should be reassessed to ascertain why the university is admitting racist students, and should consider revisions to the application process to enable the University to better screen the character of candidates for admission.

Seventh, as Harvard president, you should make clear that Harvard supports free speech on campus, but that certain kinds of hate speech as well as fighting words and incitement to violence are not consistent with Harvard's values or considered appropriate conduct for members of the Harvard community. In connection with your commitment to free speech, Harvard should form a task force to understand the constraints on free speech at Harvard that have led to it ranking last on FIRE's annual college survey, so the issues that have led to Harvard's last-place ranking can be addressed.

### **Violations of Title VI of the Civil Rights Act of 1964**

On September 28, 2023, the Biden Administration issued a clarifying release stating that Title VI of the Civil Rights Act of 1964 prohibits certain forms of antisemitism, Islamophobia and related discrimination as part of its National Strategy to Counter Antisemitism released in May 2023

<https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf> Title VI of the Civil Rights Act requires universities to provide all students, including students who are or are perceived to be Jewish, a school environment free from discrimination. The consequences for a university's failure to meet the requirements of Title VI include the cancellation of federal funding.

Harvard has failed in recent weeks to meet its Title VI obligations which threatens a major source of the University's funding. When coupled with numerous Jewish and non-Jewish alumni that have publicly and privately shared these same concerns, important sources of Harvard's revenues are at risk. While the University should not need a financial incentive to eliminate discrimination on campus, Harvard's recent failure to create a safe and non-discriminatory environment for Jewish students threatens the University's funding for research, scholarships, and more.

### **Your Historic Opportunity**

You have been president of Harvard, one of the most important institutions in the world, for four months at one of the most challenging times in its history. As Harvard's leader, your words and actions are followed closely. As a result, the steps you take to address antisemitism at Harvard will be recognized around the world, and can contribute greatly as an example to other institutions seeking to eliminate antisemitism in all of its forms.

History has taught us that when the sparks and initial flames of antisemitism emerge, we must promptly put out the flames before a conflagration begins. It is therefore critically important you act with alacrity in addressing these issues. I encourage you to act boldly and promptly to eliminate this scourge at Harvard.

I also call upon you to complete the commitment you made at inauguration when you stated that “Knowledge is our purpose. We serve that purpose best when we commit to open inquiry and freedom of expression as foundational values of the academic community.” Harvard must create an environment where free speech is encouraged and accepted. At the same time, the Harvard community at large must understand the difference between speech protected by the First Amendment and speech that incites violence or seeks the elimination of any group. Such speech does not advance knowledge nor does it belong on campus regardless of whether or not it is protected by the First Amendment.

Successfully addressing antisemitism at Harvard and creating an environment with true freedom of expression will become a critically important part of your legacy as the Harvard community works together to address these challenges at a difficult time in world history.

I would be delighted to help in any way that I can to enable you to succeed in this mission and as Harvard’s president. Please let me know what more I can do to help.

Sincerely,

William A. Ackman  
A.B. 1988, MBA 1992

cc: The Harvard Corporation Board;  
Penny Pritzker, Chairman